RESOLUTION NO. ________

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A TRANSFER AGREEMENT FOR OWNERSHIP OF RIGHT-OF-WAY FROM THE ARKANSAS STATE HIGHWAY COMMISSION FOR KANIS ROAD, SHACKLEFORD ROAD AND MARKHAM STREET; AND FOR OTHER PURPOSES

WHEREAS, the City has reviewed ownership of the right-of-way for Kanis Road, Shackleford Road and Markham Street, and determined that the Arkansas State Highway Commission owns the right-of-way; and,

WHEREAS, the Arkansas State Highway Commission has passed a Minute Order 2018-111 authorizing the transfer of ownership of right-of-way of the above-named roadways to the City of Little Rock.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. The City Manager is hereby authorized to enter into a Transfer Agreement with the Arkansas State Highway Commission for the rights-of-way for the areas shown on the maps attached hereto as Exhibit A for Kanis Road, Markham Street and Shackleford Road; a copy of the Minute Order 2018-111 has also been attached as Exhibit B.

Section 2. Upon passage and receipt of this resolution, the Arkansas State Highway Commission will commence the transfer process of the right-of-way to the City of Little Rock.

Section 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the resolution.

Section 4. Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

ADOPTED: February 5, 2019

ATTEST: 

APPROVED:

____________________________________  ____________________________________
Susan Langley, City Clerk    Frank Scott Jr., Mayor

[Page 1 of 9]
APPROVED AS TO LEGAL FORM:

____________________________________
Thomas M. Carpenter, City Attorney

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Exhibit B

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District:  Six
County:  Pulaski
Category:  Miscellaneous

WHEREAS, in the vicinity of Interstate 430, the Arkansas State Highway Commission (Commission) acquired properties for highway right of way for Job No. 6861-Sec. 3, more commonly known as “Colonel Glenn Rd. – Markham St.” in Pulaski County, Arkansas; and

WHEREAS, the City of Little Rock, Arkansas (City) has requested that portions of said right of way be transferred to it pursuant to Ark. Code Ann. § 27-65-109, for the purpose of drainage and construction of auxiliary facilities, adjacent to the existing interstate; and

WHEREAS, the City’s request is more specifically described as follows:

Areas shown in red and depicted on pages A1, A2, A3, and A4 as Exhibit “A” attached hereto.

NOW THEREFORE, upon receipt of a proper resolution from the City, the Director is authorized to enter into a transfer agreement for the above-described properties pursuant to Minute Order 2012-008, conditioned upon the City’s continued maintenance of the property interests herein transferred for said highway purposes, and provided that in the event the City fails to use and maintain the properties described herein, or abandons same, the transfer agreement shall, upon 30 days notice, be terminated, and the transferred property shall revert back to the Commission.

Approved:  

Chairman

Vice-Chairman

Member

Member

Member

Submitted By:  

Assistant Chief Engineer

Approved:  

Minute Order No. 2013 111

Date Passed  NOV 14 2018

Form 19-456
Rev. 1/13/2016
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