RESOLUTION NO. _________________

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO USE EMINENT DOMAIN TO COMPEL ACQUISITION OF RIGHT-OF-WAY AND TEMPORARY & PERMANENT CONSTRUCTION EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE KANIS ROAD IMPROVEMENT PROJECT;
AND FOR OTHER PURPOSES

WHEREAS, attempts to acquire some of the right-of-way, Temporary Construction Easements and Permanent Construction Easements necessary for the construction of the Kanis Road Improvement Project (Shackleford Road to Gamble Road), has been unsuccessful in spite of attempts by staff and the contract acquisition firm to negotiate the purchases at or above fair market value.

WHEREAS, staff has successfully acquired other parcels necessary to complete the project and will continue to acquire the necessary property and easements without the use of eminent domain wherever possible.

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

Section 1. The City Manager and City Attorney are hereby authorized to use eminent domain to complete acquisition of right-of-way, Temporary Construction Easements and Permanent Construction Easements necessary for construction of the Kanis Road as shown on the plans for right-of-way acquisition, Project No. 13-B6a and No. 13-B5d.

Section 2. Funding for this project is available from the 2013 Capital Improvement Bonds for Streets and Drainage and the 3/8-Cent Capital Improvement Sales and Compensating Use Tax as authorized by Resolution No. 13,699 as amended by Resolution No. 14,269.

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resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

Section 5. This resolution will be in full force and effect from and after the date of its adoption.

ADOPTED: February 7, 2017