RESOLUTION NO. _________________

A RESOLUTION AUTHORIZING USE OF EMINENT DOMAIN
ON THE ASHER AVENUE IMPROVEMENT PROJECT; AND
FOR OTHER PURPOSES

WHEREAS, attempts to acquire some right-of-way, Permanent Construction Easements, and Temporary Construction Easements necessary for the construction of the Asher Avenue Improvement Project, No. 13-B-1A, have been unsuccessful due to a lack of response from the owner or potential title problems; and

WHEREAS, staff has successfully acquired, contracted, or are in negotiations with twenty eight (28) landowners and will continue attempts to contact and negotiate acquisitions with the nine (9) landowners that have been un-responsive without the use of eminent domain.

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 project as shown on the plans for right-of-way acquisition for the Asher Avenue Improvement Project.

SECTION 2. Funding for this project is available from 2013 Capital Improvement Bonds for Streets and Drainage as authorized by Resolution No. 13,699.

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ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.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: March 17, 2015

ATTEST:                      APPROVED:

_________________________________  ________________________________
Susan Langley, City Clerk        Mark Stodola, Mayor
APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney