RESOLUTION NO. __________________

A RESOLUTION AUTHORIZING USE OF EMINENT DOMAIN ON THE WEST BASELINE ROAD IMPROVEMENT PROJECT; AND FOR OTHER PURPOSES

WHEREAS, attempts to acquire right-of-way, permanent Construction Easements, and temporary Construction Easements necessary for the construction of the West Baseline Road Improvement Project has been unsuccessful in spite of attempts by staff to negotiate the purchase of easements at or above fair market value, and,

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 West Baseline Road Improvement Project as shown on the plans for right-of-way acquisition.

Section 2. Funding for these projects are available from the 3/8-Cent Capital Improvement Sales and Compensating Use Tax as authorized by Resolution No. 14,310, Special Project Activity TS0B128 (West Baseline).

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ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.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: September 4, 2018

ATTEST: APPROVED:

___________________________________  __________________________________
Susan Langley, City Clerk    Mark Stodola, Mayor
APPROVED AS TO LEGAL FORM:

Thomas M. Carpenter, City Attorney