

1 RESOLUTION NO. _____

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3 A RESOLUTION AUTHORIZING USE OF EMINENT DOMAIN ON THE
4 YARBERRY LANE IMPROVEMENT PROJECT; AND FOR OTHER
5 PURPOSES
6

7 WHEREAS, attempts to acquire some right-of-way, permanent construction easements, and
8 temporary construction easements necessary for the construction of the Yarberry Lane Improvement
9 Project, No. 13-7-057, have been unsuccessful due to title problems or lack of response from the owner;
10 and

11 WHEREAS, staff has successfully acquired through eighteen (18) of twenty (20) parcels and will
12 continue to acquire the necessary property and easements without the use of eminent domain.

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

15 SECTION 1. The City Manager and City Attorney are hereby authorized to use eminent domain to
16 complete acquisition of right-of-way, temporary construction easements and permanent construction
17 easements necessary for construction of the project as shown on the plans for right-of-way acquisition.

18 SECTION 2. Funding for this project is available from 3/8-Cent Capital Improvement and
19 Compensating Use Tax Funds as authorized by Resolution No. 13,699.

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

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26 with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

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

28 ADOPTED: February 17, 2015

29 ATTEST:

APPROVED:

31 _____
32 Susan Langley, City Clerk

Mark Stodola, Mayor

33 APPROVED AS TO LEGAL FORM:

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35 _____
36 Thomas M. Carpenter, City Attorney