



City of Conway, Arkansas
Resolution No. R-09-10

A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEDURES; CONDEMNING CERTAIN REAL PROPERTY FOR RIGHT OF WAY FOR STREET IMPROVEMENTS; REPEALING CONFLICTING ORDINANCES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Ark. Code Ann. § 18-15-301 authorizes municipal corporations to exercise the right and power of eminent domain to enter upon and take and condemn private property for lawful public purposes; and

WHEREAS, it is necessary, in order to construct the Salem Road Railroad Overpass in the City of Conway, to acquire exclusive right of way, easement, and title across, through and over certain lands situated in the county of Faulkner, State of Arkansas, located on the south side of the Union Pacific Railroad and east of Salem Road (also known as the Tiffany Industries property); and

WHEREAS, the City has been unable, despite attempts, to obtain fee simple title from the landowner for the property necessary for such improvements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1. That the City of Conway hereby authorizes the exercise of its power of eminent domain pursuant to state law and condemns, for purposes of constructing the Salem Road Railroad Overpass in the City of Conway, the following lands situated in the County of Faulkner, State of Arkansas:

LEGAL DESCRIPTION

Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, T-6-N, R-14-W and Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T-5-N, R-14-W, all in Faulkner County, Arkansas more particularly described as follows:

Commencing at the Southeast corner Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 35; thence North 88°36'38" West along the South line of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, a distance of 1055.38 feet to the POINT OF BEGINNING on the proposed right of way line of Salem Road; South 04°57'06" West along said proposed right of way line, a distance of 34.52 feet; thence North 89°37'57" West, along said proposed right of way line, a distance of 6.06 feet to the point on the existing right of way line of Salem Road; thence North 00°08'13" West, along said right of way line, a distance of 918.59 feet; to a point on the Southerly right of way line of the Union Pacific Railroad (100' R/W); thence South 64°21'09" East along said right of way line, a distance of 298.90 feet to a point on the said proposed right of way line; thence South 32°48'45" West along said proposed right of way line, a distance of 273.09 feet; thence South 26°11'11" West

along said proposed right of way line, a distance of 140.79 feet; thence South 07°50'08" West along said proposed right of way line, a distance of 224.82 feet; thence South 04°57'06" West along said proposed right of way line, a distance of 211.63 feet to the POINT OF BEGINNING containing 1.99 acres, more or less.

SECTION 2. That the City Attorney and City Engineer are hereby authorized to take appropriate action to secure the necessary real property, right-of-way, and public easements.

SECTION 3. That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 4. That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway.

PASSED this 10th day of March, 2009.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer