

RESOLUTION NO. _____

A RESOLUTION APPROVING CONDEMNATION OF CERTAIN PROPERTIES LOCATED BETWEEN NATURAL TRAIL ROAD AND WHITE OAK BAYOU BY THE NORTH LITTLE ROCK WASTEWATER UTILITY; AND FOR OTHER PURPOSES.

WHEREAS, the North Little Rock Wastewater Utility (“NLRWWU”) requires acquisition of certain properties located between Natural Trail Road and White Oak Bayou in the City of North Little Rock, Arkansas (the “City”), being more particularly described in Exhibits “A” and “B” attached hereto and incorporated by reference, for a public purpose beneficial to the citizens of North Little Rock; and

WHEREAS, NLRWWU needs to acquire certain parcels of property next to and east of its Faulkner Lake Treatment Plant to be used for constructing certain sewer pipelines, manholes, devices, and other devices necessary for the transportation of sewage; and

WHEREAS, Ark. Code Ann. § 14-235-210 authorizes a municipality to condemn any land, rights, easements, and other real or personal property for the construction, extension, improvements, and/or additions of municipal wastewater works; and

WHEREAS, on or about September 26, 2017, NLRWWU initiated condemnation proceedings against the properties on behalf of and in the name of the City, described as *City of North Little Rock on Behalf of the North Little Rock Wastewater Treatment Committee v. Jenice Mayberry, et al.*, 60CV-17-5382, and *City of North Little Rock on Behalf of the North Little Rock Wastewater Treatment Committee v. Unknown Heirs of Mitchell Jackson, et al.*, 60CV-17-5385; and

WHEREAS, it is in the best interests of the City’s residents to condemn the subject properties for construction of wastewater facilities and improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the North Little Rock City Council hereby ratifies and approves condemnation proceedings described as *City of North Little Rock on Behalf of the North Little Rock Wastewater Treatment Committee v. Jenice Mayberry, et al.*, 60CV-17-5382, and *City of North Little Rock on Behalf of the North Little Rock Wastewater Treatment Committee v. Unknown Heirs of Mitchell Jackson, et al.*, 60CV-17-5385, against properties located between Natural Trail Road and White Oak Bayou and being further described as follows:

A tract of land located in the East 40.00' of the North 365.27', more or less of the SW ¼, NE ¼, Section 2, Township 2 North, Range 13 West, Pulaski County Arkansas, containing 0.33 acres (14,250.80 sq. ft.) more or less; and

The East 40.00; of the NW ¼, NE ¼, Section 2, Township 2, Range 13 West, Pulaski County, lying South of Count Massie Road, Pulaski County, Arkansas, containing 0.44 acres (19,230.80 sq. ft.) more or less.

SECTION 2: That NLRWWU has sufficient funds for purchase of the herein-described properties.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:

Mayor Joe A. Smith

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/dm

FILED <u>11:15</u> A.M. _____ P.M.
By <u>City Atty Jason Carter</u>
DATE <u>10-2-17</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>K. Thomas</u>



MARLAR ENGINEERING CO., INC.
Consulting Civil Engineers & Land Surveyors

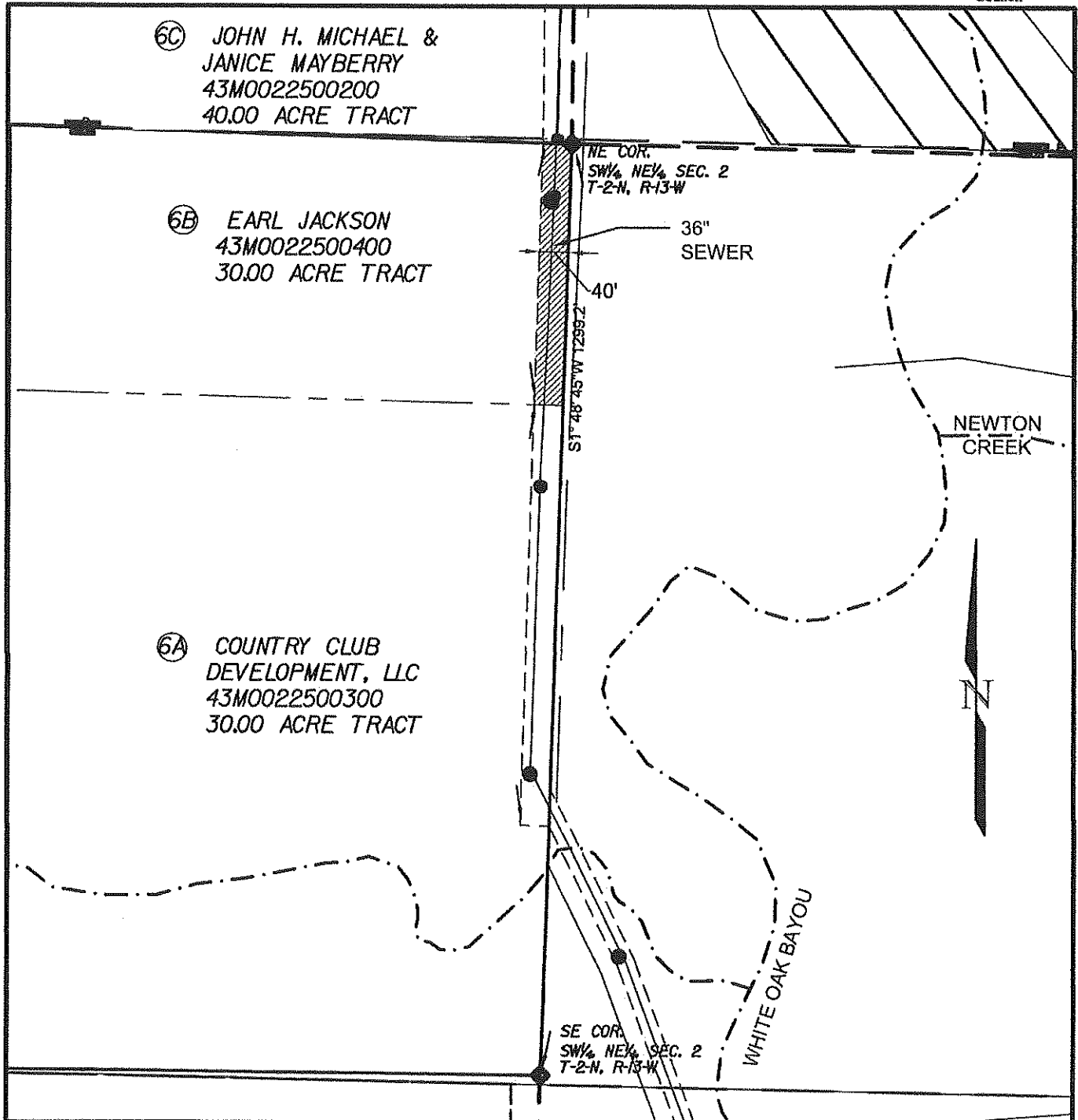
5318 JOHN F. KENNEDY BOULEVARD
NORTH LITTLE ROCK, ARKANSAS 72116

PHONE (501) 753-1987

FAX (501) 753-1993

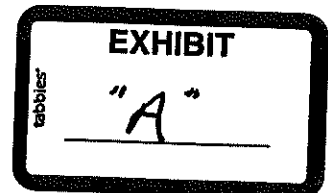
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ELECTRONIC FILED
Pulaski County Clerk
Larry Crane
2017
Engineering Council



North Little Rock Wastewater Utility Pulaski County, Arkansas

Owner of Record: EARL JACKSON
 Owner Address: 10119 CRYSTAL HILL ROAD, NORTH LITTLE ROCK, AR 72113
 Property Address: COUNTS MASSIE RD
 Legal Description:
 43M0022500400



The East 40.00' of the North 365.27', more or less of the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 2, Township 2 North, Range 13 West, Pulaski County, Arkansas, containing 0.33 acres (14,250.80 sqft) more or less.



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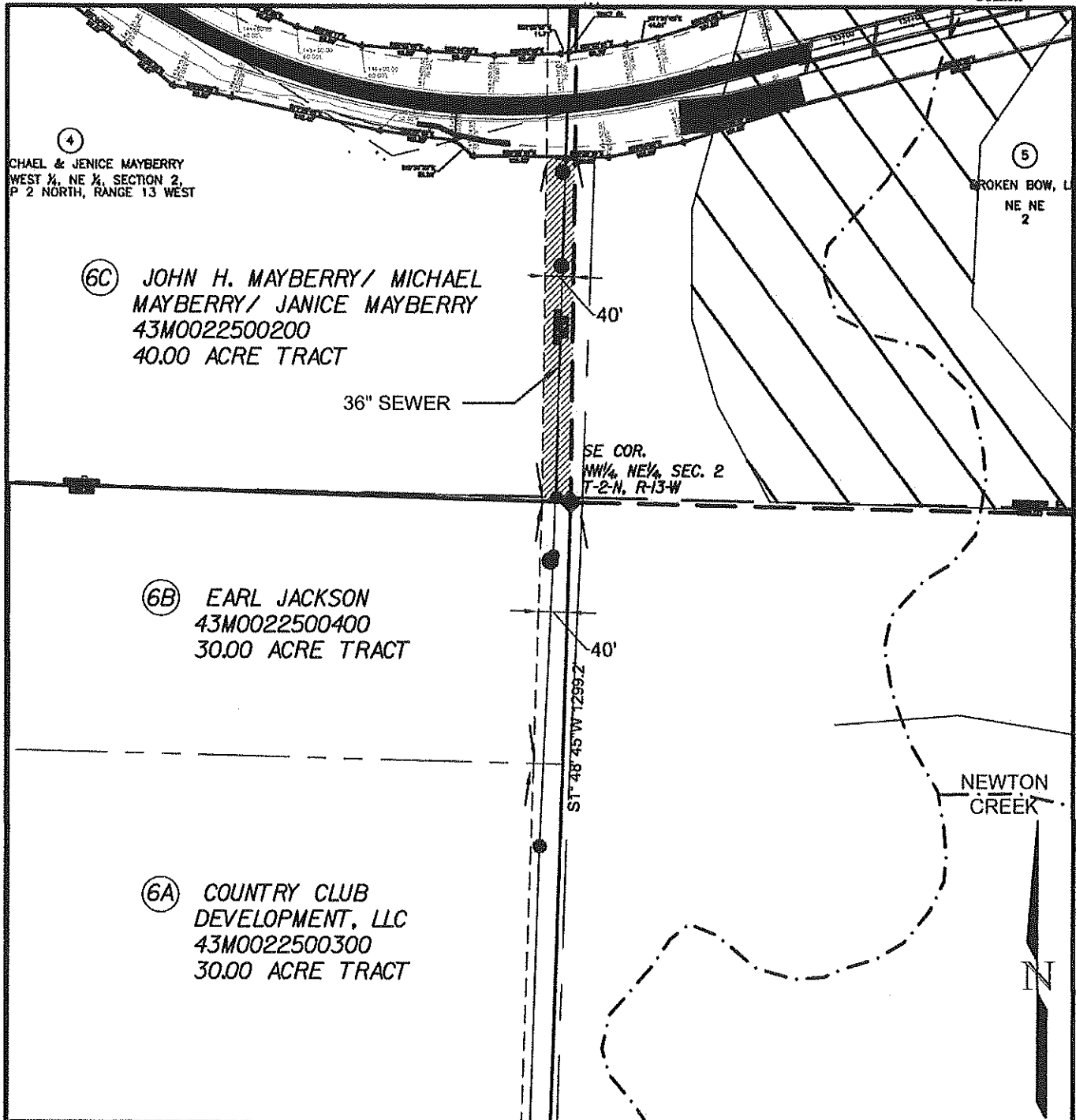
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ELECTRONICALLY FILED
Pulaski County Clerk
Larry Crane
2017-06-28

Engineering Council



North Little Rock Wasterwater Utility Pulaski County, Arkansas

Owner of Record: JOHN H. MAYBERRY / MICHAEL MAYBERRY / JENICE MAYBERRY

Owner Address: 6210 S. GREENWOOD AVENUE, CHICAGO, IL 60637

Property Address: COUNTS MASSIE ROAD

Legal Description:

43M0022500200

The East 40.00' of the NW 1/4, NE 1/4, Section 2, Township 2 North, Range 13 West, Pulaski County, Arkansas, lying South of Count Massie Road, Pulaski County, Arkansas, containing 0.44 acres (19,230.80 sqft) more or less.

EXHIBIT

"B"

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