

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING SETTLEMENT IN THE CONDEMNATION CASE OF NORTH LITTLE ROCK VS. JOHN L. PRIDE, ET AL; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES.**

WHEREAS, pursuant to Resolution No. 7656 adopted June 14, 2010, the City of North Little Rock (“the City”) declared its willingness and intent to participate in the implementation, construction and maintenance of the McCain Overpass Project, utilizing Federal 80-20% matching aid funds through MetroPlan, being Arkansas Highway and Transportation Department (“AHTD”) Job No. 061294; and

WHEREAS, Resolution No. 8144 was adopted by City Council on September 10, 2012, appropriating the City’s 20% matching share of costs for right-of-way acquisitions and utility adjustments in the McCain Project, and thereafter the City, through AHTD, began the process of acquiring rights-of-way from owners of property at or near the McCain Project site; and

WHEREAS, after good faith negotiations with the owners of property located at or near 5208 Fairfax Drive were unsuccessful, the City, with agreement from AHTD, filed condemnation proceedings in Pulaski County Circuit Court, being Case No. 60CV-15-45, and the total sum of \$106,100.00 was deposited into the registry of the Court by AHTD from funds made available for that purpose and consistent with state law; and

WHEREAS, through further negotiations, a tentative settlement has been reached, and the Office of the City Attorney recommends, and the parties have tentatively agreed, that the sum of \$170,000 constitutes fair compensation for the owners of the subject property and proper management of legal risk for the City.

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

SECTION 1: That settlement of the case in Pulaski County Circuit Court in the matter of City of North Little Rock vs. John L. Pride, Ruth L. Pride, Phillip Parsons, Shirley L. Parsons, Billy Mantooth, Lucy C. Mantooth, Ken Wiesner and Jill Wiesner, Case Number 60CV-15-45, is hereby approved.

SECTION 2: That the total sum of \$106,100.00 has previously been deposited into the registry of the Court to be used toward the purchase of said property, and the additional amount of \$63,900.00 (bringing the total to be paid for the property to \$170,000.00) will be appropriated from funds previously set aside with AHTD for this purpose.

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

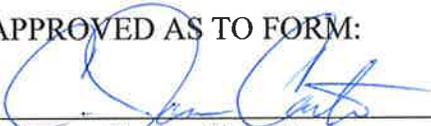
SPONSOR:

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/b

FILED	<u>11:22</u>	A.M.	_____	P.M.
By	<u>City Atty Carter</u>			
DATE	<u>5-17-16</u>			
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>				
RECEIVED BY	<u>A. Mansbach</u>			