

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

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS ON BEHALF OF THE NORTH LITTLE ROCK WASTEWATER TREATMENT COMMITTEE AGAINST PROPERTY LOCATED AT 4021 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.**

WHEREAS, the City of North Little Rock, Arkansas (“City”), on behalf of the North Little Rock Wastewater Treatment Committee, requires a temporary and permanent sewer easement upon certain property located at 4021 East Broadway, North Little Rock, Arkansas, more particularly described herein, to be used to construct, maintain, and operate sanitary sewer facilities; and

WHEREAS, the City may be required to avail itself of the powers of condemnation and eminent domain in order to obtain the above-mentioned property.

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

SECTION 1: That the City requires certain property rights, as described in this resolution, to be used to construct, maintain, and operate sanitary sewer facilities within the City.

SECTION 2: That the City has attempted to negotiate in good faith to acquire the needed property rights but the owner has failed to respond to all attempts by the City to communicate with him.

SECTION 3: That the City Attorney is hereby authorized to initiate condemnation proceedings against certain property located at 4021 East Broadway in the City of North Little Rock, and more particularly described as follows:

A 15 FOOT SEWER EASEMENT LYING WITHIN LOT G, ROSE CITY OIL MILL ADDITION, CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY LOT CORNER OF SAID LOT G LYING ON THE NORTHERLY RIGHT OF WAY OF EAST BROADWAY; THENCE NORTH 05°11'03" EAST ALONG THE WEST LINE OF SAID LOT G FOR 15.00 FEET; THENCE SOUTH 84° 48' 57" EAST FOR 137.80 FEET; THENCE SOUTH 05° 11' 03" WEST FOR 15.00 FEET TO SAID NORTHERLY RIGHT OF WAY; THENCE NORTH 84° 48' 57" WEST FOR 137.80 FEET ALONG THE NORTHERLY RIGHT OF WAY TO THE POINT OF BEGINNING; CONTAINING 2,067 SQUARE FEET OR 0.047 ACRES, MORE OR LESS. (see map attached hereto as Exhibit A).

SECTION 4: That the City Attorney is hereby authorized to correct minor errors that may be present in the legal descriptions found in Section 3 in order to cause the legal description to substantially conform to the map attached hereto as Exhibit A.

SECTION 5: That the City hereby finds that the fair market value of the property located at 4021 East Broadway is \$10,350.00 (See Arkansas Appraisal Associates' cover letter attached hereto as Exhibit B) and authorizes deposit of these amounts into the registry of the court. Alternatively, if possession may be transferred extra-judicially, the City hereby authorizes payment to the owner in the amount of \$10,350.00 for a temporary and permanent sewer easement upon the property located at 4021 East Broadway. Payment shall be paid from 2024 Electric Department Fund (Economic Development – 923.10).

SECTION 6: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_

Mayor Terry C. Hartwick

SPONSOR:

ATTEST:

Terry C. Hartwick  
Mayor Terry C. Hartwick *by AT*

\_\_\_\_\_

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED	<u>11:05</u>	A.M.	___	P.M.
By	<u>A. Fields</u>			
DATE	<u>2-6-24</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>S. Usery</u>			



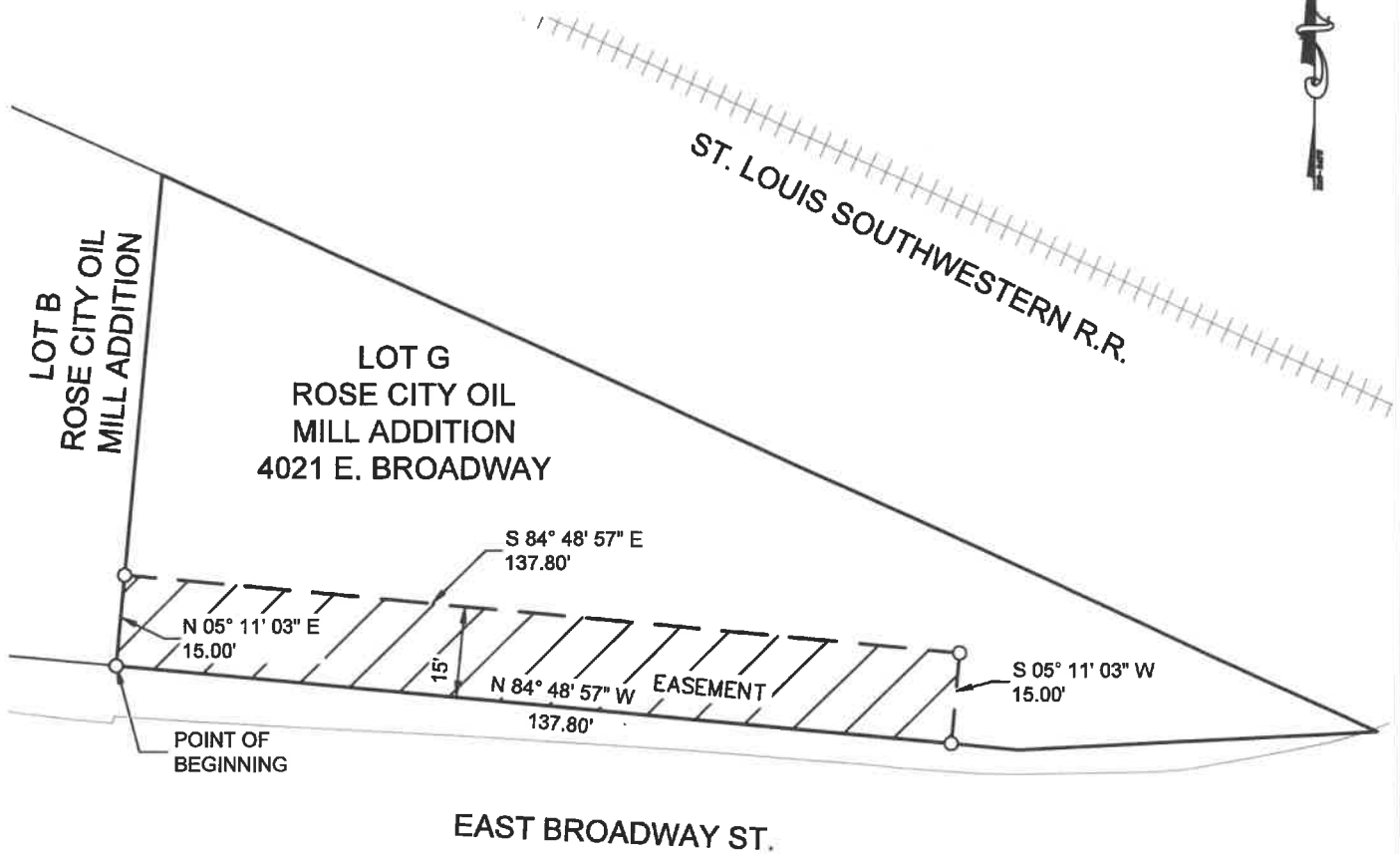
MEMBER NATIONAL SOCIETY  
PROFESSIONAL ENGINEERS

THOMAS ENGINEERING COMPANY

3810 LOOKOUT ROAD  
NORTH LITTLE ROCK, ARKANSAS 72116  
TELE. No. 501-753-4463 FAX. 501-753-8814

CIVIL ENGINEERS—LAND SURVEYORS  
LAND PLANNING & DEVELOPMENT  
RESIDENTIAL—COMMERCIAL—INDUSTRIAL

EXHIBIT B



LEGAL DESCRIPTION

A 15 FOOT SEWER EASEMENT LYING WITHIN LOT G, ROSE CITY OIL MILL ADDITION, CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY LOT CORNER OF SAID LOT G LYING ON THE NORTHERLY RIGHT-OF-WAY OF EAST BROADWAY;  
 THENCE N 05° 11' 03" E ALONG THE WEST LINE OF SAID LOT G FOR 15.00 FEET;  
 THENCE S 84° 48' 57" E FOR 137.80 FEET;  
 THENCE S 05° 11' 03" W FOR 15.00 FEET TO SAID NORTHERLY RIGHT OF WAY;  
 THENCE N 84° 48' 57" W FOR 137.80 FEET ALONG SAID NORTHERLY RIGHT OF WAY TO THE POINT OF BEGINNING;  
 CONTAINING 2,067 SQUARE FEET OR 0.047 ACRES, MORE OR LESS.

DATE: 7/12/23  
SCALE: 1" = 30'



# Arkansas Appraisal Associates

1309 South Broadway, Little Rock, Arkansas 72202  
Office (501) 223-2010 Fax (501) 228-9985

Dwight Pattison  
Brett Sullivan  
Mike Cantrell  
Luke Sanders

John Duce  
Braden Chadick  
Stephanie Barrick

November 20, 2023

City of North Little Rock  
c/o Colleen Bailey  
300 Main Street  
North Little Rock, Arkansas 72114

<b>Subject Property:</b>	<b>Lot G, Rose City Oil Mill Addition</b>
<b>Tract:</b>	<b>4021 E. Broadway, North Little Rock AR</b>
<b>Whole Property:</b>	<b>17,530 SF</b>
<b>Sewer Easement Area:</b>	<b>2,067 SF</b>
<b>Temporary Const. Esmnt</b>	<b>0 SF</b>
<b>Remainder:</b>	<b>17,530 SF</b>

Dear Colleen Bailey,

In accordance with your request, we have inspected the above referenced property to estimate the market value of the whole property before the acquisition and to estimate the market value of the remaining property after the acquisition, as of October 30, 2023.

The appraisers contacted the owner, Ahmed Allowey by email or by telephone. The site was inspected on October 30, 2023 by Luke Sanders and No representative was present at the inspection.

The following report has been prepared, to the best of my knowledge and ability, in conformity with Uniform Standards of Professional Appraisal Practice, 2022 - 2023 Edition. Your attention is directed to the "*Limiting and Contingent Conditions*" and the "*Certification of the Appraiser*" sections, and to the remarks contained in the "*Highest and Best Use Analysis*," sections of this report. The limiting conditions are incorporated herein for all purposes. All data gathered during my research is obtained from sources believed to be reliable. I certify that I have no present or contemplated interest in the property, and that the fee for providing this study is in no way dependent or contingent upon the value conclusion.

<sup>1</sup> In this report, we will estimate the market value of the vacant land before and after the acquisition of the Permanent Sewer Easement by the sales comparison approach.

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<sup>1</sup> Fee Simple Title refers to the "Bundle of Rights" and indicates that the subject property has all rights held by full ownership, i.e., the right to enter / exit, sell, use, lease, or give away the property and / or the right to refuse any of the "Bundle of Rights."



Based upon the investigation and analyses undertaken, it is my opinion that the Market Value of the proposed acquisitions due the property owner, Ahmed Alloway as of October 30, 2023, is:

<b>Estimated Value / Before:</b>	<b>\$87,650.00</b>
<b>Estimated Value / After:</b>	<b>\$77,300.00</b>
<b>Acquisition Value:</b>	<b>\$10,350.00</b>
<b>Additional Compensation:</b>	
<b>Temporary Easements: Rent</b>	<b>\$0.00</b>
<b>ESTIMATED TOTAL COMPENSATION:</b>	<b>\$10,350.00</b>

Respectfully submitted,



Dwight Pattison  
State Cert. Gen. Real Estate Appraiser  
AR Lic No. CG0200



Luke Sanders  
State Registered Apprentice Appraiser  
AR Lic. No. RA3640

There is a hypothetical condition that the proposed improvements have been completed per construction plans described herein and contained in the Addenda section of this report.