

ORDINANCE NO. 2017-24

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN LANDS BY EMINENT DOMAIN ALONG HIGHWAY 5 ALSO KNOWN AS OLD STAGECOACH ROAD AS MORE SPECIFICALLY DESCRIBED HEREIN FOR THE PURPOSES OF EXPANDING WATER AND WASTEWATER INFRASTRUCTURE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Bryant and its Water and Wastewater Department determined that the expansion of Water/Wastewater infrastructure is necessary for the health and safety of the citizens of the City of Bryant; and

WHEREAS, it is necessary for the City of Bryant to acquire an easement across certain lands located along Highway 5 also known as Old Stagecoach Road as more particularly described in the attached Exhibit "A" for the purpose of connecting publicly dedicated water and wastewater easements to expand and connect water and wastewater infrastructure; and

WHEREAS, the City of Bryant retained Lance Penfield to negotiate on behalf of the City, for acquisition of the water and wastewater easement as described herein below;

WHEREAS, Mr. Penfield has indicated that it is not possible to acquire the necessary easement through negotiation and purchase; and

WHEREAS, the City Council of the City of Bryant desires to authorize the use of eminent domain on the heretofore described property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS:

SECTION 1: The City shall acquire the necessary water and wastewater easement by exercise of its power of eminent domain in the following described lands, to-wit:

SEE EXHIBIT "A" TO THIS ORDINANCE WHICH IS INCORPORATED NOW BY REFERENCE AS IF STATED WORD FOR WORD FOR AND A TEMPORARY CONSTRUCTION EASEMENT

SECTION 2: The Mayor is authorized and directed to pay into the registry of the Saline County Circuit Court the reasonable value of said lands and such other sums as may be finally determined by the Circuit Court to be just compensation to the owner[s] of the described lands for the easement taken by eminent domain taking authorized by this Ordinance.

SECTION 3: It is hereby found and determined that the immediate passage of this Ordinance is necessary for the immediate preservation of public health, safety and welfare; and in as much as other construction on the project has commenced or will commence in the immediate near future; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this the 29<sup>th</sup> day of August, 2017.



Jill Dabbs, Mayor



Sue Ashcraft, City Clerk

**EXHIBIT "A"**

Titled Owner:  
WG DST 4  
P.O. Box 1159  
Deerfield IL 60015

Registered Agent:  
Corporation Service Company  
300 Spring Building, Ste. 900  
300 S. Spring Street  
Little Rock, AR 72201

LEGAL DESCRIPTION OF UTILITY EASEMENT

ALL THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE 1/4 OF NE 1/4 OF SECTION 21; THENCE NORTH 89 DEGREES 17 MINUTES 32 SECONDS WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 79.98 FEET; THENCE NORTH 01 DEGREES 27 MINUTES 33 SECONDS WEST A DISTANCE OF 121.61 FEET; THENCE NORTH 14 DEGREES 57 MINUTES 03 SECONDS WEST A DISTANCE OF 65.78 FEET; THENCE NORTH 15 DEGREES 38 MINUTES 23 SECONDS WEST A DISTANCE OF 588.94 FEET; THENCE NORTH 88 DEGREES 00 MINUTES 13 SECONDS WEST A DISTANCE OF 10.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY NO. 183; THENCE NORTH 88 DEGREES 00 MINUTES 13 SECONDS WEST A DISTANCE OF 288.92 FEET TO THE SOUTHWEST CORNER OF PROPERTY CONVEYED TO A-Z INVESTMENTS, LLC IN WARRANTY DEED FILED FOR RECORD AS SALINE COUNTY DOCUMENT NO. 02-070447, THENCE NORTH 15 DEGREES 51 MINUTES 41 SECONDS WEST 383.16 FEET TO THE POINT OF BEGINNING; THENCE BEARING S48°11'15"W A DISTANCE OF 16.96'; THENCE BEARING S60°8'48"W A DISTANCE OF 221.79'; THENCE BEARING S60°9'12"W A DISTANCE OF 94.10'; THENCE BEARING S52°40'31"W A DISTANCE OF 63.69'; THENCE BEARING N32°58'00"W A DISTANCE OF 15.04'; THENCE BEARING N52°40'30"E A DISTANCE OF 48.87' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY NO. 5; THENCE SOUTHWESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE N62°48'02"E A DISTANCE OF 14.17'; THENCE BEARING N51°51'32"E A DISTANCE OF 17.76'; THENCE LEAVING SAID RIGHT-OF-WAY LINE OF ARKANSAS STATE

HIGHWAY NO. 5 N60°09'12"E A DISTANCE OF 77.89'; THENCE BEARING N60°8'48"E A DISTANCE OF 220.21'; THENCE BEARING N48°11'15"E A DISTANCE OF 22.69'; THENCE BEARING S15°51'41"E A DISTANCE OF 16.68; TO THE POINT OF BEGINNING. CONTAINING 5,945.13 SQUARE FEET OR 0.1360 ACRES, MORE OR LESS.