

ORDINANCE NO. 2012- 08

AN ORDINANCE AUTHORIZING AND DIRECTING THE SPRINGDALE CITY ATTORNEY'S OFFICE TO TAKE SUCH ACTIONS AS ARE REQUIRED AND NECESSARY TO ACQUIRE BY EMINENT DOMAIN THE REQUIRED RIGHTS OF WAY AND EASEMENTS AND/OR FEE SIMPLE TITLE TO THE PROPERTY KNOWN AS TRACTS 19,20, 25, AND 26 PURSUANT TO ACA §§ 18-15-201 et seq FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF PUBLIC ROADWAY AND OTHER LAWFUL PURPOSES AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the City of Johnson and the City of Springdale have agreed to cooperate in the construction of a roadway beginning on the East side of I-540 at exit 69 and proceeding thence eastwardly and northward into Springdale to the South side of Don Tyson Parkway, known as AHTD Project #040272.

WHEREAS, the engineers working on the Project have performed survey work, made detailed plans, prepared bid specifications and are proceeding to the commencement of construction in the very near future.

WHEREAS, land and/or permanent easements will be required of property owners in this area to accommodate the roadway.

WHEREAS, necessary parcels of land lie in both the City of Springdale in the City of Johnson.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF JOHNSON, ARKANSAS,
That:

Section 1: Because the Springdale City Attorney's Office will commence and prosecute an action on behalf of the City of Springdale in this matter, it is expedient and less burdensome on all parties and the Court, if the Johnson City Council authorizes the Springdale City Attorney's Office to represent the City of Johnson with the City of Springdale in a single proceeding.

Section 2: Jeff Harper, Springdale City Attorney's Office who has been working on AHTD project 040272, is hereby authorized and directed to take all actions and steps necessary to acquire legal title in fee and/or any necessary rights of way, temporary construction easements, or permanent easements over, under and across the property known as Tracts 19, 20, 25, and 26, but not limited to, the filing of a condemnation proceeding against the property owners in the Circuit Court of Washington County, Arkansas.

Section 3: That at the request of the Springdale City Attorney's Office as confirmed by Daniel Wright, the Recorder-Treasurer shall issue a check drawn on the City general fund account payable as requested, for expenses of the City of Johnson in relation to this condemnation proceeding.

Section 4: The Springdale City Attorney's Office, upon filing a condemnation action against the landowner shall deposit with the Court Clerk authorized funds to compensate said owner for the property taken.

Section 5: The Springdale City Attorney's Office shall fully comply with all requirements of the applicable laws governing condemnation proceedings throughout this process.

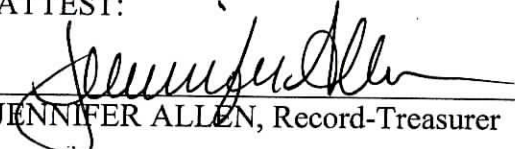
Section 6: All ordinances or parts of ordinances in the Johnson Municipal Code in conflict with the above and foregoing are hereby expressly repealed to the extent of such conflict only.


Section 7: The construction of AHTD Project #040272 in this area of Johnson is of vital concern to all residents and the health, safety and welfare of the citizens demands that the project proceed with responsible haste, therefore an emergency is hereby declared and this ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this 22nd day of May, 2012.


BUDDY CURRY, Mayor

ATTEST:


JENNIFER ALLEN, Record-Treasurer

I CERTIFY THIS IS A TRUE AND
CORRECT COPY OF THIS ORIGINAL DOCUMENT
DATED THIS 22 DAY OF May
2012.

RECORDER / TREASURER