

ORDINANCE NO. 04-16-2009

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO TAKE SUCH ACTIONS AS ARE REQUIRED AND NECESSARY TO ACQUIRE BY EMINENT DOMAIN TEMPORARY AND PERMANENT EASEMENTS OVER, UNDER AND ACROSS A PORTION (AS SPECIFICALLY DESCRIBED BELOW) OF THE REAL PROPERTY OF MAHYAR CONGIRLU PURSUANT TO ACA §§ 18-15-301 et seq, 18-15-401 et seq FOR THE PURPOSE OF WATERWORKS IMPROVEMENTS AND OTHER LAWFUL PURPOSES AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the Elkins' Water and Sewer Committee and City Council have been engaged in a project to lay new waterlines to and in the City in anticipation of improvements to Hwy. 16 and to replace a deteriorating existing waterline;

WHEREAS, the citizens of Elkins' have elected to levy a one-cent sales tax, issue bonds and move forward vigorously with the proposed waterline project;

WHEREAS, the engineer working for the City is prepared to advertise for bids on the beginning phase of this waterline project;

WHEREAS, only a small portion of the land needed for the waterline has not been acquired and such acquisition needs to be completed prior to advertising for bids.

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

Section 1: The City Attorney is hereby authorized and directed to take all actions and steps necessary to acquire temporary and permanent easements over, under and across the property described at Exhibit A hereto including, but not limited to, the filing of a condemnation proceeding against Mahyar Congirlu in the Circuit Court of Washington County, Arkansas.

Section 2: That at the request of said City Attorney the authorized representatives of the Elkins' Water and Sewer Committee and other appropriate City Officials shall issue a check drawn on an Elkins' Water and Sewer Department account payable to the Circuit Court Clerk of Washington County, Arkansas, in the amount of \$26,833.00 which the City Council finds and determines to be the reasonable value of temporary and permanent easements over, under and across the property described at Exhibit A; further said officials shall issue checks as requested by the City Attorney for filing, service of pleadings and related court costs.

Section 3: The City Attorney, upon filing a condemnation action against the landowner shall deposit with the Court Clerk said check to compensate said owner for the property taken.

Section 4: A description of the permanent easement and the temporary construction easement are attached hereto as Exhibit B.

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

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

Section 7: The relocation and replacement of the existing waterline in and to the City of Elkins 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 16th day of April, 2009.

  
JACK LADYMAN, Mayor

ATTEST:

  
SUNNY LEDFORD, Record-Treasurer