

ORDINANCE NO. 6396

**AN ORDINANCE AUTHORIZING EMINENT DOMAIN CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF CERTAIN REAL PROPERTY (ID# 9177) LOCATED ON MARION ANDERSON ROAD OWNED BY GAIL PARKERSON; AND FOR OTHER PURPOSES.**

**WHEREAS**, certain utility easement(s) across Parcel ID# 9177 located Marion Anderson Road, Garland County, Arkansas are needed for the installation and maintenance of a water main in conjunction with the Lake Ouachita Water Supply Project – Raw Water Transmission Main Contract 5; and

**WHEREAS**, offers to purchase such easement(s) have not been accepted; and

**WHEREAS**, A.C.A. §14-234-215 and A.C.A. §18-15-301 *et seq.* provide that a municipality shall have the right of eminent domain over any lands or property for the operation of the municipal waterworks system authorized by law.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Hot Springs, Arkansas;

**SECTION 1:** It is hereby determined that certain utility easement(s) across Parcel ID# 9177 located Marion Anderson Road, Garland County, Arkansas are needed for the installation and maintenance of a water main in conjunction with the Lake Ouachita Water Supply Project – Raw Water Transmission Main Contract 5. Said project being for the purposes set forth in A.C.A. §14-234-215 and A.C.A. §18-15-301 *et seq.*

**SECTION 2:** The appropriate city officials of the City of Hot Springs, Arkansas, are hereby authorized to exercise the right of eminent domain to obtain by condemnation the following described utility easements across Parcel ID#9177:

30' wide temporary construction easement with a length of 20'; and

20' wide permanent easement with a length of 20'

**SECTION 3:** The City Attorney is hereby authorized and directed to initiate eminent domain proceedings, and to deposit in the registry of the Garland County Circuit Court the appraised value of the easement(s) required, said appraised amount being \$30.00; or such amounts as may be designated by order of the court for the purpose of making the compensation and paying damages when the amount thereof has been assessed by the court, said amount to be ultimately paid to the property owner.

PASSED: September 21, 2021

APPROVED: [Signature]  
PAT McCABE, MAYOR

ATTEST: [Signature]  
HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM: [Signature]  
BRIAN W. ALBRIGHT, CITY ATTORNEY

**ACKNOWLEDGMENT**

STATE OF ARKANSAS  
COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this 21<sup>ST</sup> day of September, 2021.

[Signature]  
NOTARY PUBLIC

My Commission Expires: 11-04-2029

LEIGH LEAVERTON  
Notary Public-Arkansas  
Garland County  
My Commission Expires 11-04-2029  
Commission # 12709265