

R-17- 196

RESOLUTION NO. _____

A RESOLUTION APPROVING CONVEYANCE OF CERTAIN PROPERTY LOCATED IN THE COUNTRY CLUB OF ARKANSAS DEVELOPMENT IN EXCHANGE FOR GRANTING OF UTILITY EASEMENT FOR THE NORTH LITTLE ROCK WASTEWATER UTILITY; AND FOR OTHER PURPOSES.

WHEREAS, Pursuant to Resolution No. 9299, adopted October 9, 2017, the City of North Little Rock ("City") approved condemnation of certain properties located in or near the Country Club of Arkansas development by the North Little Rock Wastewater Utility ("NLRWWU"); and

WHEREAS, two condemnation proceedings were filed by NLRWWU, and one property owner, Country Club Development, LLC ("Country Club") settled prior to a condemnation proceeding being filed; and

WHEREAS, pursuant to settlement agreement between the parties, Country Club believed that NLRWWU desired a fee simple interest and executed a quitclaim deed which was filed of record with the Pulaski County Circuit Clerk; and

WHEREAS, NLRWWU only desired an easement, and since the deed was recorded, there is a need to undo the deed with the City quitclaiming the property back to Country Club and Country Club granting an easement to NLRWWU in exchange; and

WHEREAS, pursuant to authority granted by Ark. Code Ann. § 14-54-302, the City needs to deliver a Quitclaim Deed to Country Club for the property previously granted to NLRWWU for the construction, extension and improvements of wastewater facilities in exchange for Country Club granting an easement to NLRWWU for said utility facilities.

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

SECTION 1: That the City of North Little Rock will quitclaim certain property previously granted by Country Club Development, LLC to North Little Rock Wastewater Utility pursuant to settlement reached prior to filing of condemnation in exchange for the granting of an easement on the subject property to NLRWWU by Country Club Development, LLC.

SECTION 2: That the City Attorney will review and approve all transfer documents prior to execution and recording thereof.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

Joe A. Smith
Mayor Joe A. Smith *by AF*

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	<u>11:55</u> A.M.	_____ P.M.
By	<u>A. Fields</u>	
DATE	<u>11-21-17</u>	
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas		
RECEIVED BY	<u>Slattery</u>	