



**MEETING OF OCTOBER 17, 2023**

**TO:** Mayor Jordan and City Council

**THRU:** Chris Brown, Public Works Director  
Susan Norton, Chief of Staff

**FROM:** Matt Casey, Engineering Design Manager

**DATE:**

**SUBJECT:** **Approval of a Resolution authorizing the City Attorney to seek condemnation and an order of possession of certain land owned by Parti Investments, LLC necessary for the Highway 71B Corridor Project.**

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**RECOMMENDATION:**

Staff recommends City Council approval of a Resolution authorizing the City Attorney to seek condemnation and an order of possession of certain land owned by Parti Investments, LLC necessary for the Highway 71B Corridor Project.

**BACKGROUND:**

The School Avenue and College Avenue Corridors serve as the major north-south route through the central part of the City and are major commercial and retail destination. Maintaining and improving the corridors will allow them to continue to serve mobility needs, and to continue to develop/redevelop as commercial corridors.

Improvements to these corridors will include striping, widening and/or narrowing of the roadway, utility relocation (including burial of overhead utilities), sidewalk/trail installation, accommodations for transit systems, elimination or reconfiguration of driveways, additional traffic signals, medians, plazas, art installations, lighting, wayfinding, protected intersections, parking, and other corridor improvements identified in the design process.

In December of 2021, the City Council approved a design contract with Garver, LLC for the detailed design of this project. The design is complete and the project is planned to be bid after the land acquisition is complete.

**DISCUSSION:**

Right of way and easement acquisition began for this project in July of 2023. Staff has been successful in acquiring all but a few of the properties for this project. The owner of this property at 1150 N. College Avenue has refused to sign right-of-way and easement documents. This is one of the last of the 13 properties to be acquired for this portion of the project. Staff will continue to negotiate with this property owner to avoid condemnation if possible. However, it is imperative that the right of way be acquired in a timely manner so as not to delay the construction. The City is acquiring 2,101 square feet (.05 acres) of utility easement and 200 square feet (.000 acres) of right of way from this property.

**BUDGET/STAFF IMPACT:**

The corridor improvements are funded by the 2019 Transportation Bond Program. The agenda item staff

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Mailing address:

113 W. Mountain Street  
Fayetteville, AR 72701

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review form indicates \$10,878.75 as the cost of this request. It should be noted that this is an estimate, based on the appraised values of other properties on this project, and that the final cost is subject to negotiation with the property owners or by court order. An appraisal for this property has been ordered. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed for each property.

**ATTACHMENTS:** SRF (#3), 1150 N College Vicinity Map (#4), Parti Investments (Adam Day) Documents and Exhibits (#5), Parti Investments (Adam Day) Case History (#6)

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# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Legislation Text

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**File #:** 2023-1141

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**Approval of a Resolution authorizing the City Attorney to seek condemnation and an order of possession of certain land owned by Parti Investments, LLC necessary for the Highway 71B Corridor Project.**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY PARTI INVESTMENTS, LLC NEEDED FOR THE HIGHWAY 71B CORRIDOR PROJECT

**WHEREAS**, the City of Fayetteville and Parti Investments, LLC have been unable to agree upon a fair price for approximately 0.05 acres of utility easement and 200 square feet of right-of-way needed to complete the Highway 71B Corridor Project; and

**WHEREAS**, the City of Fayetteville needs to gain possession of this needed property promptly to begin work on this public improvement and to not delay construction of the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near the Highway 71B Corridor Project and owned by Parti Investments, LLC, that is needed for a utility easement and right-of-way for the Project, and to pay into the registry of the Circuit Court just compensation in the amount of \$10,878.75.

**HWY 71B CORRIDOR  
1150 N. COLLEGE AVE**

SYCAMORE

Gregory Park



WOOLSEY AVE.

N COLLEGE AVE

LAWSON

HOLLY

VETERAN'S  
ADMINISTRATION  
HOSPITAL

ABSHIER DR

**PROJECT  
LOCATION**

OAKWOOD

UAMS

WASHINGTON

WANETTAH

NORTH STREET

PIKE

HIGHLAND

POLLARD

BAXTER LN



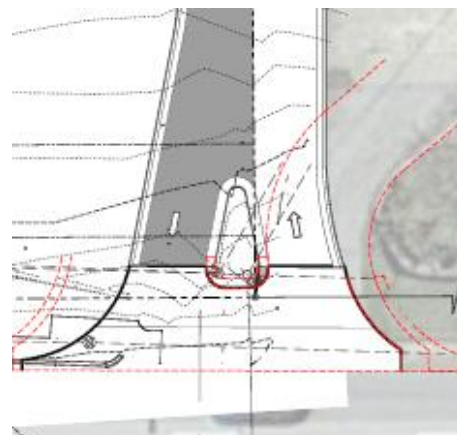
## Case History

Parti Investments, LLC

Adam Day

Re: 1150/1156 N. College Avenue (Old Hiway Inn property)

- 7/14/2023 Offer letter mailed and emailed to Adam Day (466-1620 [adam@amr-architects.com](mailto:adam@amr-architects.com)). We offered \$3,000.00 for 200 square feet of right of way acquisition (fee simple) and \$7,878.75.00 for a 2,101 square foot general utility easement (25%), for a total of \$10,878.75. The valuation was based on an appraisal of the Midas property (\$15.00 sq ft) at College and Sunbridge (as part of the Sunbridge drainage project) and several recent sales comps.
- 7/21/2023 Received email from Adam. He was concerned about the GUE being proposed as he was wanting to create a shared driveway with his neighbor to the South (Harold McKinney).
- 7/26/2023 Emailed Adam explaining the GUE was for a proposed fire hydrant
- 7/27/2023 Received email from Adam asking us to move the hydrant from his property. Britin emailed Adam regarding our meeting with McKinney stating that he would be open to the possibility of sharing a driveway but only if it did not interfere with his landscaping in any way. She requested drawings of the proposed driveway so they could be reviewed.
- 8/2/2023 Received email from Adam regarding information requested by McKinney concerning shared driveway. Britin responded
- 8/4/2023 Emailed Zach @ Garver asking if utilities can be moved further north. He stated he was meeting with SWEPCO the next day and would discuss the situation with them. He was also going to reach out to McClelland to see if the hydrant could be moved.
- 8/10/2023 Received email from Zach that the only place to move the utility poles would be to the middle of McKinney's landscaping. Also, SWEPCO asked that the proposed TCE be converted to a GUE to cover their powerlines.
- 8/22/2023 Received email from Britin stating that they had submitted a grading permit through Planning, but that it mainly focused on the east side of the property.
- 8/23/2023 Britin emailed Adam explaining that the only place to move the power pole at the SW corner of the property would be within McKinney's landscaping so that plan was not going to work. Adam responded asking if they pole could stay where it currently exists and the driveway be split around it and come together behind it. See sketch. He also asked about landscaping details, adding a native stone veneer to the retaining wall, adding a new water meter for the Café Rue Orleans building, and additional information on the bus stop. He also asked that the right of way be a sidewalk with tree wells vs. a strip of grass and street trees.



8/29/2023 Attended meeting with Zach and Matt Casey regarding project, including converting the TCE to a GUE. Received email from Zach concerning the questions raised by Adam in 8/23 email

8/31/2023 Received revised documents from Zach. Responded to Adam's 8/23 email.

9/6/2023 Emailed Zach regarding discrepancy in the legal description.

9/8/2023 Received revised documents from Zach

9/12/2023 Prepared notification/revised letter and emailed to Chris B for approval/changes.

9/18/2023 Received revised letter from Chris

9/20/2023 Mailed and emailed notification/condemnation letter to Adam informing him that this tract was being sent to Council on October 17<sup>th</sup> for resolution for condemnation.

9/26/2023 Left voicemail for Adam