



# City of Fayetteville, Arkansas

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

## Legislation Text

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**File #:** 2024-1684

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### **Easement Condemnation - I-49 & MLK Utility Relocations**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY FAYETTEVILLE STUDENT HOUSING DST NEEDED FOR THE UTILITY RELOCATIONS ASSOCIATED WITH ARDOT PROJECT 040846 I-49 MLK INTERCHANGE

**WHEREAS**, the City of Fayetteville has been unable to negotiate the acquisition of a water/sewer easement located at 1319 S. Hollywood Avenue needed to complete utility relocations associated with ARDOT Project 040846 I-49 MLK Interchange; 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 at 1319 S. Hollywood Ave. owned by Fayetteville Student Housing DST, that is needed for utility relocations associated with ARDOT Project 040846 I-49 MLK Interchange, and to pay into the registry of the Circuit Court just compensation in the amount of \$21,406.18.



**MEETING OF FEBRUARY 6, 2024**

**TO:** Mayor Jordan and City Council  
**THRU:** Susan Norton, Chief of Staff  
**FROM:** Tim Nyander, Utilities Director  
**DATE:**  
**SUBJECT:** Easement Condemnation - I-49 & MLK Utility Relocations

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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 for a water/sewer easement across lands owned by Fayetteville Student Housing DST necessary for the Utility Relocations associated with ARDOT Project 040846 I-49 MLK Interchange.

**BACKGROUND:**

ARDOT has requested utility relocations to prepare for the widening of Martin Luther King, Jr. Blvd. (Highway-62) from S. Leflar Way to S. Sang Ave. including reconstruction of the interstate overpass and creation of a new overpass at 15th Street.

ARDOT will phase the project, to begin in just the vicinity of 15th Street. The water and sanitary sewer relocations for this first phase are estimated to cost approximately \$5,308,725.00, subject to public bidding, inclusive of engineering fees and easement acquisitions. The relocations are estimated to be 100% reimbursable to the City of Fayetteville by ARDOT.

**DISCUSSION:**

Several easements were necessary for the City's utility relocations. ArDOT contracted with O.R. Colan Associates for easement acquisition services and acquired easements directly for the City's project since the project is 100% reimbursable and ArDOT desired to expedite the project as much as possible. One easement, however, must obtain approval from the property owner's lender, which is estimated to be a lengthy process. Therefore a "friendly" condemnation is requested by all parties so the City's project can move ahead on schedule.

**BUDGET/STAFF IMPACT:**

The payment for land acquisition will be made from the Water & Sewer Relocations account. The agenda item staff review form indicates \$21,406.18 as the cost of this request. It should be noted that this is an estimate, based on the appraised value of the property, and that the final cost is subject to negotiation with the property owners or court order. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed for the property so the city will be able take immediate possession of the easement.

**ATTACHMENTS:** SRF (#3), Appraisal Letter and Summary (#4), Final Offer Letter (#5), Water Sewer

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Mailing address:

113 W. Mountain Street  
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[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

Easement (#6)

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