

RESOLUTION NO. 2026-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION AUTHORIZING NEGOTIATIONS WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION CONCERNING THE PROPOSED CONVEYANCE OF THE RIGHT-OF-WAY ASSOCIATED WITH THE HIGHWAY 112 WIDENING PROJECT; PRESERVING THE CITY'S UTILITY-RELOCATION RIGHTS; AND FOR OTHER PURPOSES.

WHEREAS, the Arkansas Department of Transportation ("ARDOT") is undertaking the Highway 112 Widening Project, identified as ARDOT Job No. 012305, which requires the acquisition of right-of-way from property owned by the City of Tontitown located at 1280 North Barrington Road and used for the City's Barrington Lift Station; and

WHEREAS, the proposed acquisition is identified as Tract 48 and consists of approximately 0.23 acre from a larger parcel containing approximately 0.37 acre, subject to confirmation by the final legal description and right-of-way plans; and

WHEREAS, appraisal reports have been prepared for the proposed right-of-way acquisition to assist in determining the value of the property interest to be acquired; and

WHEREAS, the proposed acquisition may affect the location, operation, maintenance, expansion, and continued use of the Barrington Lift Station and associated wastewater facilities; and

WHEREAS, any compensation for the right-of-way and affected improvements must be negotiated separately from ARDOT's obligations concerning the relocation, protection, replacement, restoration, and continued operation of affected utility facilities; and

WHEREAS, the City Council finds it to be in the best interest of the City to authorize negotiations with ARDOT regarding the proposed sale of the necessary right-of-way for the Highway 112 Widening Project.

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

Section 1. Authorization to Negotiate.

The Mayor, with the assistance of the Public Works Director and the City Attorney and subject to policy direction provided by the Tontitown Water & Sewer Committee, is authorized to negotiate with ARDOT concerning the proposed conveyance of the right-of-way interest identified as Tract 48, ARDOT Job No. 012305. This authority includes the submission and receipt of non-binding offers and counteroffers concerning compensation and other proposed transaction terms.

Section 2. Matters to Be Addressed in Negotiations.

The negotiations shall address, as applicable:

- (a) the precise property interest and acreage proposed to be acquired;
- (b) the final legal description and right-of-way plans;
- (c) compensation for the land, affected improvements, and any diminution in value of the remainder;
- (d) access, construction sequencing, and maintenance of uninterrupted wastewater service;
- (e) protection and restoration of the City's remaining property; and
- (f) preservation of all City rights concerning affected utility facilities.

Section 3. Preservation of Utility-Relocation Rights.

Negotiations concerning compensation for the right-of-way shall be separate from negotiations concerning the relocation, protection, replacement, restoration, engineering, temporary operation, and continued service of the Barrington Lift Station and associated utility facilities. No offer, counteroffer, or proposed agreement may waive, release, offset, satisfy, or otherwise impair any City right or claim concerning those utility-related matters.

Section 4. Nonbinding Nature of Negotiations.

The authority granted by this Resolution is limited to negotiations and the development of proposed terms for future presentation to the City Council. No City official, employee, committee, or commission is authorized by this Resolution to accept a final offer, enter into a binding agreement, grant an option, execute a deed or easement, waive a City claim, or otherwise commit or obligate the City to any conveyance.

Section 5. Subsequent City Council Approval Required.

Any proposed purchase agreement, deed, easement, right-of-way conveyance, release, or other binding instrument shall be presented to the City Council for approval by a subsequent written resolution. The subsequent resolution shall identify the final compensation, legal description, property interest conveyed, and material terms of the transaction.

Section 6. Reports to the City Council.

The Mayor and/or Public Works Director shall report the material results of the negotiations and present any recommended terms to the City Council. Nothing in this Section authorizes deliberation or collective decision-making outside a properly noticed public meeting.

Section 7. Limitation of Authority and No Waiver of Other Legal Requirements.

Nothing contained in this Resolution shall be construed as authorizing the sale or conveyance of any real property. Any proposed purchase agreement, deed, easement, or other conveyance of the right-of-way shall be subject to the approval of the City Council by subsequent action. Nothing in

this Resolution waives or supersedes any requirement imposed by Arkansas law, the City's ordinances, the recorded title documents, or any applicable bond, loan, grant, permit, or regulatory obligation affecting the Water and Sewer system.

Section 8. Effective Date.

This Resolution shall take effect immediately upon its passage and approval and shall remain effective until the City Council approves or rejects a final transaction or otherwise withdraws the negotiating authority granted herein.

PASSED AND APPROVED on this _____ day of August 2026.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

SPONSORSHIP AND LEGISLATIVE HISTORY

Sponsor (Initiated By): _____

Motion to Introduce Made By: _____

Seconded By: _____

Adopted / Passed: _____

Vote: Ayes ____ Nays ____ Abstain ____ Absent ____

This requirement is in addition to, and does not supersede, any authentication, attestations, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.