

RESOLUTION NO. 2026-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TONTITOWN, ARKANSAS, TO ENGAGE THE LAW FIRM OF HARRINGTON, MILLER, NEIHOUSE & KIEKLAK FOR THE LIMITED PURPOSE OF PROVIDING LEGAL SERVICES RELATED TO THE ACQUISITION AND CONDEMNATION OF RIGHT-OF-WAY AND UTILITY EASEMENTS NECESSARY FOR THE COMPLETION OF THE FLETCHER ROAD PROJECT; AND OTHER PURPOSES.

WHEREAS, the City of Tontitown, Arkansas, has determined that the acquisition of certain right-of-way interests is necessary for the construction and completion of the Fletcher Road Project; and

WHEREAS, the City is undertaking the Fletcher Road Project for the public purposes of constructing, improving, widening, maintaining, and providing public access, drainage, utilities, and related roadway infrastructure along Fletcher Road; and

WHEREAS, completion of the Fletcher Road Project may require the acquisition of permanent right-of-way, permanent or temporary utility and drainage easements, temporary construction easements, and other specifically identified property interests necessary for the public improvement;

WHEREAS, the City desires to continue good-faith efforts to acquire the necessary property interests through voluntary negotiation and to obtain specialized legal assistance in connection with those efforts and any condemnation proceedings subsequently authorized by the City Council;

WHEREAS, in the event voluntary acquisition cannot be achieved, the City may be required to exercise its authority of eminent domain and pursue condemnation proceedings to acquire the necessary property interests for public purpose; and

WHEREAS, the Tontitown City Council finds it to be in the best interests of the City to retain specialized legal counsel experienced in condemnation and eminent domain matters to represent the City in connection with such proceedings.

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

SECTION 1.

The Mayor is hereby authorized and directed to engage the law firm of Harrington, Miller, Neihouse & Kieklak to serve as special legal counsel for the City for the sole and limited purpose of providing legal services related to the acquisition and, if necessary,

condemnation of right-of-way and other property interests required for the Fletcher Project.

SECTION 2.

The scope of representation shall be limited to matters directly associated with the acquisition, negotiation, appraisal review, eminent domain proceedings, condemnation actions, settlement negotiations, and related court proceedings necessary to obtain the right-of-way required for the Fletcher Project.

Special counsel shall coordinate the representation with the City Attorney and shall provide the City Attorney with copies of material correspondence, pleadings, settlement demands, appraisals, and other significant case materials, subject to applicable privileges and litigation considerations.

SECTION 3.

The Mayor is authorized to negotiate and execute an engagement agreement with Harrington, Miller, Neihouse & Kieklak on behalf of the City, subject to the availability of appropriate funds and compliance with applicable laws and regulations. Nothing in this Resolution shall be construed as authorizing the filing of a condemnation action against any particular property owner or parcel. Any condemnation action shall require further authorization by the City Council identifying the property interest to be acquired and finding that the acquisition is necessary for a public use, unless such authorization is separately granted by the City Council.

SECTION 4.

The Mayor is authorized and directed to take such actions as may be necessary to carry out the intent and purposes of this Resolution.

Special counsel and the Mayor may conduct settlement negotiations, but no settlement involving the acquisition of property, payment of compensation, or other material obligation of the City shall become binding without approval by the City Council, except to the extent authority for a particular settlement has been expressly delegated by the Council.

SECTION 5.

The Mayor, City Attorney, City Engineer, and other appropriate City officials are authorized to take reasonable administrative actions necessary to implement the engagement authorized by this Resolution, but such authority does not include filing a condemnation action or approving a final settlement without the authorization required by this Resolution.

PASSED AND APPROVED on this ____ day of September 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.