

RESOLUTION NO. 16-75

A RESOLUTION AUTHORIZING AND DIRECTING THE INSTITUTION OF CONDEMNATION PROCEEDINGS AGAINST THE MISSOURI PACIFIC RAILROAD COMPANY ON CERTAIN LANDS OWNED BY SAID COMPANY AND THE CONFIRMATION OF TITLE TO LANDS BEING PURCHASED BY THE CITIES OF COTTER AND GASSVILLE, ARKANSAS, FOR SITE OF SEWAGE TREATMENT PLANT

WHEREAS, the City of Cotter, Arkansas, together with the City of Gassville, Arkansas, proposes to construct a sewer system, the monies therefor to be provided by a grant from Environmental Protection Agency and loan from Farmers Home Administration;

WHEREAS, the cities are purchasing from Roy Finley and Beulah Finley lands which are situated East of and adjacent to Reddick Creek and which lie between the Missouri Pacific Railroad Company's South right-of-way line on the North and the left bank of White River on the South, title to which said lands should be confirmed for the reason that when survey was made, part of said lands were by accretion, i.e. by alluvion, and survey of the lands gives a description by metes and bounds of the lands being purchased and said lands should be confirmed in said description, these being lands upon which the sewage treatment plant will be situated;

WHEREAS, there is a triangular piece of land in the Northwest corner of the aforesaid lands being purchased for site of sewage treatment plant which is owned by the Missouri Pacific Railroad Company, the ownership of which, by the cities, is necessary for the use of lands for said plant; and

WHEREAS, the Missouri Pacific Railroad Company owns other lands in the City of Cotter on which it is necessary that the cities have a strip of land 60 feet in width upon which to lay sewer and water lines and 3-phase power line.

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

SECTION I: That the City Counsel of the City of Cotter, Arkansas, be, and she hereby is, authorized and directed to institute, on behalf of the City of Cotter, Arkansas, suit for confirmation of title to the lands being purchased from Roy Finley and Beulah Finley for the location of the sewage treatment plant, John Mahaffey and Associates, Inc. to furnish her with description as surveyed by them.

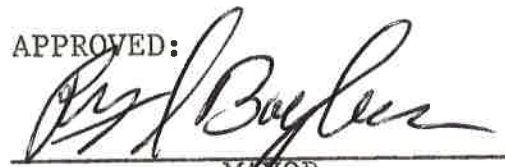
SECTION II: That the City Counsel of the City of Cotter, Arkansas, be, and she hereby is, authorized and directed to commence condemnation proceedings against Missouri Pacific Railroad Company, condemning the triangular piece of land owned by said company in the Northwest corner of the lands upon which the sewage treatment plant is to be located and condemning the strip of land, 60 feet in width, upon which to lay sewer and water lines and 3-phase power line, John Mahaffey and Associates, Inc. to furnish to her the description of the lands to be condemned.

SECTION III: That the mayor and recorder of the City of Cotter, Arkansas, be, and they hereby are, authorized and directed to execute all papers and documents, which may be necessary to institute such confirmation and condemnation suits and to pay from the funds of the City of Cotter such amounts as are necessary in the furtherance of said suits.

SECTION IV: The mayor, recorder and City Counsel are authorized and directed to act in conjunction with officials of the City of Gassville and their council ^{as} as may be required to further the purpose of this resolution.

PASSED at a regular session of the City Council of the City of Cotter, Arkansas, held November 5, 1975.

APPROVED:


MAYOR

ATTEST:


RECORDER