

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

**SPECIAL
FAYETTEVILLE CITY COUNCIL MEETING
FEBRUARY 23, 1999**

A special meeting of the Fayetteville City Council will be held on February 23, 1999 at 4:30 p.m. in the City Administration Building, Room 326, 113 West Mountain Street, Fayetteville, Arkansas.

The following item will be discussed:

1. **RUTH ANN MORRIS:** Decision on acceptance of a settlement offer for Ruth Morris condemnation lawsuit.

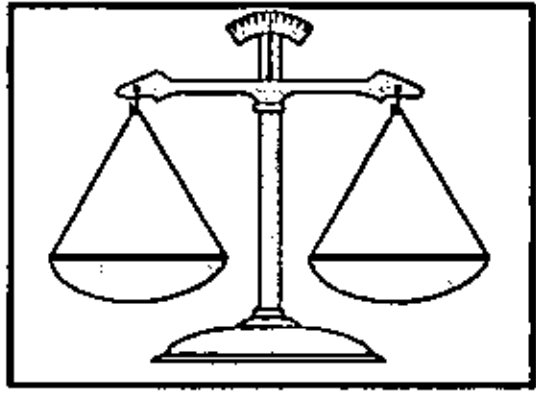
This will be the only item presented to the council. The meeting will be followed by the City Council's agenda session.

CITY COUNCIL FEBRUARY 23, 1999

4:30 pm.

ROLL					
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	A - late				
DAVIS					
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA	✓				
Ruth Ann Morris		moved to agenda without offer of \$60,000			
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA					
	8-0-0.				
SANTOS					
YOUNG					
RUSSELL					
REYNOLDS					
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
MAYOR HANNA					

adj. 4:47.



F A Y E T T E V I L L E
CITY ATTORNEY DEPARTMENT

Jerry E. Rose
LaGayle D. McCarty
Clarice Buffalohead-Pearman
575-8313

DEPARTMENTAL CORRESPONDENCE

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TO: Fayetteville City Council

FROM: LaGayle D. McCarty, Asst. City Attorney *LM*

DATE: February 19, 1999

RE: Settlement Offer  
City v. Ruth Morris  
No. CIV 98-1126

The above referenced matter is scheduled for trial on Wednesday, February 24, 1999. Settlement negotiations are continuing with Mr. David Horne, attorney for Ms. Morris. It is anticipated that Mr. Horne will make a final offer of settlement prior to trial. The settlement offer will be presented to you at the special council meeting.

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1. **RUTH ANN MORRIS:** Decision on acceptance of a settlement offer for Ruth Morris condemnation lawsuit.

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*approval offer of \$60,000*  
*motion*  
*[Signature]*

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**RUTH ANN MORRIS**

Mayor Hanna opened for discussion the decision on the acceptance of a settlement offer for the Ruth Morris condemnation lawsuit. He explained the case was scheduled to go to court tomorrow and a decision needed to be made this afternoon.

Mr. Rose stated the city needed this property because they were constructing a water pump station. The property was located within the growth area and was not within the city limits. The property was 45 acres near Hwy 265. The city needed one and half acres of land. They had started construction on the pump station. The council had approved the condemnation in October of 1997. The city had been in discussion with Ms. Morris for the purchase of the property. Unfortunately, they were unable to come to an agreement. He presented a photo of the pump station.

Mr. Rose explained there was a \$60,000 offer on the table for discussion. Tom Reed, an appraiser, had appraised the property, plus the damage to the remaining property. There was \$28,500 appraised value. Ms. Morris's appraiser, Kerry Shults, appraised the property and damages at \$54,000. In addition a realtor would be testifying that the property and damages were closer to \$100,000 to \$110,000. Ed Connell, city land agent, had negotiated for over a year for the property. The last offer from the city had been \$55,600. The city was ready to go to trial, if they did not want to accept the offer. He added this was a jury trial and the jury would decide what the settlement would be for.

Alderman Trumbo thought the offer was high based on the appraisal reflected, but Ms. Morris had not wanted to sell the property and it was going to trial. He thought it would be a good neighbor gesture to take the settlement offer and not to go to court.

Mr. Rose explained the city was between a rock and a hard place. They wanted to give just compensation to the people they condemn land from. On the other hand they did not want to squander or waste tax money to purchase the property.

Mayor Hanna explained the property which had been condemned was at the entrance to the property. This took up a large portion of the entrance to the property.

Alderman Trumbo noted the city had constructed a nice building.

In response to questions from Alderman Davis, Mr. Rose explained the jury would not see the

settlement negotiations. They would, however, hear the appraised value.

Mr. Hunt, Ms. Morris's attorney, explained the power pole had been there forever. The only place for an entry was where a power pole was located. He thought the power company might move the pole. With it there was not an entry into the property. He thought the offer of \$60,000 was reasonable, because the element of damage was the limited access. Every person who drives into the property would have to drive by the station, which degraded the value of the property.

**Alderman Austin moved to approve the settlement offer of \$60,000. Alderman Trumbo seconded the motion.**

Alderman Reynolds stated he was in agreement with the settlement, however, he did not believe the city should be responsible for moving the power pole.

Mr. Horn stated he would agree to that, because he had assurance from the power company that they would move the pole.

Alderman Trumbo added the pump station was helping everyone in the area's water pressure.

**Upon roll call the motion carried unanimously.**

The meeting adjourned at 4:47 p.m.