

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Willems**

**A Bill ACT 39 OF 1991**  
**HOUSE BILL 1071**

**For An Act To Be Entitled**

8 "AN ACT TO RELEASE THE CITY OF BOONEVILLE FROM THE  
9 RESTRICTIONS PLACED ON THE USE OF A PORTION OF THE LANDS  
10 HERETOFORE TRANSFERRED TO THE CITY OF BOONEVILLE BY THE  
11 ARKANSAS TUBERCULOSIS SANATORIUM BOARD TO BE USED FOR  
12 AIRPORT PURPOSES, TO PERMIT THE USE OF THAT PORTION OF  
13 LANDS ON WHICH THE RESTRICTIONS ARE RELEASED FOR A SITE  
14 FOR A NATIONAL GUARD ARMORY; AND FOR OTHER PURPOSES."

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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. The General Assembly recognizes that a few years ago the  
19 Arkansas Tuberculosis Sanatorium Board was authorized by law to convey certain  
20 lands to the city of Booneville to be used exclusively for airport purposes;  
21 that in the deed of conveyance of such lands to the city of Booneville there  
22 was a restriction which provided that the lands, if ever used for purposes  
23 other than airport purposes, would revert to the State of Arkansas; that a  
24 small tract of the land so transferred is especially suitable as a site for a  
25 National Guard armory and that that portion of the lands is not needed by the  
26 city of Booneville for an airport; that a portion of such lands can be used as  
27 the site for a National Guard armory only if the State releases the  
28 restrictions contained in the deed by which lands were transferred to the city  
29 of Booneville.

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31 SECTION 2. The city of Booneville is hereby authorized to use or permit  
32 the use of the following described lands as a site for a National Guard armory  
33 and related buildings:

34 Part of the NW/4 NW/4 of Section 34, Township 6 North, Range 27 West,  
35 and more specifically described as:

36 Commencing at the Northwest Corner of the E/2 of the NE/4 NE/4 of

1 Section 33, Township 6 North, Range 27 West which is marked by a fence corner;  
2 thence run South 0 degrees 26 minutes 27 seconds West along a fence line on  
3 the West line of the said E/2 of the NE/4 of the NE/4 a distance of 1,271.67  
4 feet to a set iron pin on the North Right of Way line of State Highway No. 10;  
5 thence East along said North Right of Way Line a distance of 726 feet to a set  
6 metal fence post the same being the point of beginning; thence run North 0  
7 degrees 26 minutes 27 seconds East a distance of 300 feet to a set metal fence  
8 post; thence run East parallel to the North Right of Way Line of Arkansas  
9 State Highway No. 10 a distance of 150 feet; thence run South 0 degrees 26  
10 minutes 27 seconds West a distance of 300 feet and to the North Right of Way  
11 Line of Highway No. 10; thence run West with the North Right of Way Line of  
12 the highway a distance of 150 feet to the point of beginning.

13         The conditions and restrictions contained in the deed by which such  
14 lands were transferred to the city of Booneville by the State of Arkansas,  
15 which provide that such lands shall always be used for airport purposes only  
16 and which provide for a reversion of the title to the lands to the State of  
17 Arkansas if the lands are ever used for any other purpose, are hereby released  
18 with respect to the five acres more or less specifically described  
19 hereinabove. The provision of this Act shall be self executing with respect  
20 to the release of such restrictions regarding the use of said five acres more  
21 or less and no further or additional action need be taken by any agency or  
22 board of the State of Arkansas to effect such release.

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24         SECTION 3. Act 170 of 1985 and all laws and parts of laws in conflict  
25 with this Act are hereby repealed.

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27         SECTION 4. All provisions of this act of a general and permanent nature  
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
29 Revision Commission shall incorporate the same in the Code.

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31         SECTION 5. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

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SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 7. EMERGENCY. It is hereby found and determined by the General Assembly of the State of Arkansas that the restriction contained in the deed by which the State of Arkansas transferred several acres to the city of Booneville to be used only as an airport makes it impossible for the city of Booneville to permit the use of a portion of such land for the construction of a National Guard armory and related buildings; that it is in the best interest of the city of Booneville, the State of Arkansas and the Arkansas National Guard that such restrictions be released by the State of Arkansas at the earliest possible date in order that the National Guard armory and related buildings can be constructed on such lands. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: 2-7-91

