

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

A Bill

HOUSE BILL

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:

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

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

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 26 with this Act are hereby repealed.

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

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

1 act are declared to be severable.

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

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

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