

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Beebe

A Bill

SENATE BILL 305

For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE THE ARKANSAS SOIL AND WATER
10 CONSERVATION COMMISSION TO SELL AND CONVEY TO THE FAMILY
11 OF ITS PREVIOUS OWNER A PORTION OF SURPLUS LANDS LOCATED
12 IN WHITE COUNTY, ARKANSAS NO LONGER NEEDED FOR WATER
13 DEVELOPMENT PURPOSES; AND FOR OTHER PURPOSES."

Subtitle

15 "TO AUTHORIZE THE ARKANSAS SOIL AND
16 WATER CONSERVATION COMMISSION TO SELL
17 AND CONVEY SURPLUS LANDS IN WHITE
18 COUNTY, ARKANSAS."

21 WHEREAS, on March 12, 1981, for a price of six hundred and fifty dollars
22 (\$650) per acre, Richard Vernon Powell transferred to the Mid-Arkansas
23 Regional Water Distribution District a one hundred-seventy (170) acre parcel
24 of land in White County, Arkansas which was to be used as the site of a
25 reservoir; and

27 WHEREAS, a "Joint Venture Agreement" between Mid-Arkansas Regional Water
28 Distribution District and the Arkansas Soil and Water Conservation Commission
29 provided:

30 In the event said project (the reservoir) should not be constructed or
31 should otherwise fail, the lands provided hereby should be sold or otherwise
32 disposed of by the Commission in order to return the States investment in the
33 project to the Water Development Fund;

35 WHEREAS, in 1986, the Mid-Arkansas Regional Water Distribution District ceased
36 to exist and the reservoir project was never developed; and

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3 WHEREAS, if the Arkansas Soil and Water Conservation Commission has no need
4 for the tract, it would be in the best interest of fairness and equity to
5 return the unused land to the family who sold the land to the Mid-Arkansas
6 Regional Water Distribution District;

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8 NOW THEREFORE,

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

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11 SECTION 1. Notwithstanding the provisions of Arkansas Code § 22-6-601,
12 the Arkansas Soil and Water Conservation Commission is hereby authorized, if
13 the Commission determines the property to be surplus, to convey to Betty Jean
14 Hayes and Richard V. Powell as the heir of Richard Vernon Powell, for a price
15 not less than six hundred and fifty dollars (\$650.00) per acre plus interest
16 at six percent (6%) compounded semi-annually from March 12, 1981, land
17 formerly owned by Mr. Powell in White County, Arkansas more particularly
18 described as:

19 The SE1/4 NW1/4, the S1/4 NE1/4 NW1/4, the W1/2 S1/4 NW1/4 NE1/4, the
20 SW1/4 NE1/4, the N1/2 NW1/2 SE1/4, the E3/4 S1/2 NW1/4 SE1/4, E3/4 SE1/4, and
21 the N1/4 NE1/4 SE1/4, all in Section 16, Township 6 North, Range 9 West, in
22 White County, Arkansas, containing one hundred and seventy (170) acres, more
23 or less, subject to reservations, easements and restrictions of record.

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25 SECTION 2. All provisions of this act of a general and permanent nature
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 3. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

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