

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 2229

5 By: Representative Dale
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For An Act To Be Entitled

8 AN ACT CONCERNING ROUTE-OF-EASEMENT ISSUES IN
9 CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.
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Subtitle

11 CONCERNING ROUTE-OF-EASEMENT ISSUES IN
12 CONDEMNATION PROCEEDINGS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 18-15-1303 is amended to read as follows:
20 18-15-1303. Procedure for condemnation.

21 In the event ~~any~~ a company fails, upon application to individuals,
22 railroads, or turnpike companies, to secure the right-of-way by consent,
23 contract, or agreement, then the ~~corporation shall have the right to~~ company
24 may proceed to procure the condemnation of the property, lands, rights,
25 privileges, and easements in the manner provided by law for taking private
26 property for right-of-way for railroads as provided by §§ 18-15-1201 – 18-15-
27 1207, including the procedure for providing notice by publication and by
28 certified mail in § 18-15-1202~~r~~, subject to the following conditions:

29 (1) In any instance in which a route of easement proposed by a
30 company specified under § 18-15-1301(a) is objected to by the owner of the
31 lands, the circuit court, before the initiation of any proceedings under §
32 18-15-1202 or § 18-15-1206, shall determine whether:

33 (A) The proposed route of easement should be accepted in
34 light of the objections raised by the owner of the lands; and

35 (B) Another proposed route of easement should be
36 instituted for condemnation purposes; and



1 (2) When the route of easement is at issue, a full consideration
2 should be given to all other access available to the company, including
3 without limitation the cost of construction for alternative routes, safety,
4 obstructions, impact on agricultural and silvicultural productivity, and
5 other economic and noneconomic factors.

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