

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

17th DIVISION

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CENTRAL ARKANSAS WATER

PLAINTIFF

V.

CASE NO. CV 2005 011939

COURT CLERK

DELTIC TIMBER CORPORATION

DEFENDANT

COMPLAINT IN CONDEMNATION

Comes now the Plaintiff, Central Arkansas Water ("CAW"), by and through its attorneys, McMath Woods P A and Eichenbaum, Liles & Heister, P.A., and for its Application and Complaint in Condemnation and for an Order for immediate entry and possession, states:

1. CAW is a consolidated water association serving customers throughout Pulaski County and central Arkansas created and existing under the Consolidated Waterworks Authorization Act, Ark. Code Ann § 20-301, *et seq.*

2. Defendant, Deltic Timber Corporation ("Deltic"), is a Delaware corporation duly registered to transact business in the State of Arkansas and is the owner in fee of the real property described below, all of which is located in Pulaski County, Arkansas. The agent for service of process is The Corporation Company, 425 West Capitol Avenue, Suite 1700, Little Rock, Arkansas 72201

3. CAW is acquiring the real property described below for the purpose of permitting CAW to maintain the property in a natural state so as to safeguard and protect the water quality of Lake Maumelle, the principal source of drinking water owned and management by CAW. This purpose of protecting critical areas in the Lake Maumelle watershed is within CAW's statutory responsibilities vesting it with the ownership, management and improvement of its waterworks system of which Lake Maumelle is a significant part. This taking is for a bona fide public purpose

and public use as to which CAW can exercise the power of eminent domain pursuant to Ark Code Ann. §§ 25-20-309, 18-15-301, *et seq.* and 18-15-401, *et seq.*

4 Jurisdiction and venue is proper in this Court pursuant to Ark. Code Ann. §§ 18-15-303 and 18-15-403

5 In order to protect this public water supply as set forth above, these lands, lying within the watershed of Lake Maumelle, are necessary for the operation and management of the waterworks system of the City of Little Rock and useful for waterworks purposes and must be acquired by CAW As a necessary betterment and improvement to the waterworks system, CAW must acquire the following described real property, to wit:

A tract of land located in the NE  $\frac{1}{4}$ , of Section 6, Township 2 North, Range 14 West; **and** the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  of Section 31 and the W  $\frac{1}{2}$ , NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  and the S  $\frac{1}{2}$ , SW  $\frac{1}{4}$  and the W  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of Section 32; all in Township 3 North, Range 14 West; **and** the SE  $\frac{1}{4}$ , and the SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  and the S  $\frac{1}{2}$ , NE  $\frac{1}{4}$  of Section 36, Township 3 North, Range 15 West, Pulaski County, Arkansas, being more particularly described as follows

**Beginning** at the northwest corner of the S  $\frac{1}{2}$ , NE  $\frac{1}{4}$  of said Section 36; thence easterly along the center line of said NE  $\frac{1}{4}$  and the north line of the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of said Section 31 for a distance of 4,008 feet to the northeast corner of said SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ ; thence southerly along the east line of said SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  for a distance of 1,351 feet to the north line of the SW  $\frac{1}{4}$  of said Section 31; thence easterly along the center line of the SE  $\frac{1}{4}$  of Section 31 and the center line of Section 32 for a distance of 4,678 feet to the northeast corner of the W  $\frac{1}{2}$ , NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  of said Section 32; thence southerly along the east line of said W  $\frac{1}{2}$ , NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  of Section 32 for a distance of 1,308 feet to the center line of the SW  $\frac{1}{4}$  of said Section 32; thence easterly along the center line of said SW  $\frac{1}{4}$  and the north line of the W  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of said Section 32 for a distance of 2604 feet to the northeast corner of the W  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of Section 32; thence southerly along the center line of said SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of Section 32 for a distance of 1,316 feet to the south line of said Section 32; thence westerly along said south line of said Section 32 and the south line of said Section 31 for a distance of 3,915 feet to the northeast corner of said Section 6; thence southerly along the east line of said Section 6 for a distance of approximately 465 feet to the edge of the Lake Maumelle drainage basin; thence along the northerly

line of the Lake Maumelle drainage basin the following approximated bearings and distances: N52°08'55"W, 57.24 feet, N70°39'19"W, 69.27 feet, N53°17'33" W, 71.95 feet, N70°48'40" W, 59.85 feet, N01°54'40" W, 96.24 feet, N10°31'08" W, 63.75 feet, N73°35'39" W, 57.45 feet, N87°06'17" W, 77.92 feet, N76°59'32" W, 54.35 feet, N81°42'15" W, 109.92 feet, N69°48'56" W, 86.91 feet, N87°40'50" W, 102.11 feet, N57°54'22" W, 76.96 feet, N28°01'43" W, 95.11 feet, N47°17'22" W, 146.76 feet, S82°33'37" W, 57.60 feet, S74°54'28" W, 117.53 feet, S81°19'52" W, 136.59 feet, S87°15'28" W, 56.29 feet, N72°11'32" W, 65.59 feet, N80°40'28" W, 50.16 feet, S74°47'46" W, 89.39 feet, S76°53'21" W, 111.56 feet, N85°39'53" W, 61.21 feet, N81°23'31" W, 77.35 feet, N39°13'43" W, 129.31 feet, N70°18'54" W, 122.99 feet, N48°09'03" W, 199.60 feet, S84°22'44" W, 220.23 feet, N61°13'14" W, 229.23 feet, N72°06'43" W, 55.55 feet, N89°37'34" W, 144.80 feet, N07°52'27" W, 51.46 feet, N62°43'53" W, 249.32 feet, N57°36'48" W, 252.14 feet, N62°06'44" W, 78.02 feet, N82°49'43" W, 101.85 feet, S61°26'54" W, 53.92 feet, S89°28'19" W, 133.80 feet, N82°11'24" W, 150.64 feet, N67°22'37" W, 56.98 feet, N58°54'16" W, 73.03 feet, N71°51'45" W, 65.42 feet, N78°40'02" W, 93.01 feet, N80°29'55" W, 127.38 feet, N86°37'16" W, 109.43 feet, S89°58'42" W, 53.10 feet, N82°55'22" W, 68.50 feet, S88°58'59" W, 44.52 feet, N86°39'47" W, 67.17 feet, N84°28'06" W, 53.19 feet, S87°59'18" W, 90.28 feet, N82°35'05" W, 91.21 feet, N89°58'04" W, 53.25 feet, N79°22'02" W, 53.11 feet, S79°40'35" W, 51.95 feet, N81°32'10" W, 86.35 feet, S81°36'11" W, 49.64 feet, N84°20'19" W, 69.74 feet, S72°39'40" W, 67.51 feet, S85°35'45" W, 90.51 feet, S83°12'27" W, 51.07 feet, N56°56'39" W, 44.00 feet, N73°09'42" W, 154.26 feet, N65°12'10" W, 159.26 feet, S66°32'07" W, 54.82 feet, S77°38'42" W, 62.91 feet, S63°15'48" W, 141.79 feet, S89°40'14" W, 62.59 feet, S76°41'16" W, 56.23 feet, N78°08'35" W, 53.75 feet, S88°56'39" W, 88.34 feet, N85°42'32" W, 94.97 feet, N75°39'33" W, 92.40 feet, S68°13'10" W, 52.78 feet, S45°52'10" W, 124.24 feet, S54°13'01" W, 88.71 feet, S51°13'59" W, 139.57 feet, S62°39'37" W, 223.29 feet, S57°46'32" W, 234.23 feet, S71°37'48" W, 175.29 feet, S48°38'15" W, 55.76 feet, S44°12'15" W, 75.36 feet, S35°38'28" W, 180.93 feet, N87°29'W, 259 feet; thence departing the approximate edge of the Lake Maumelle drainage basin N11°44'W, 81.6 feet; thence N13°48'W, 864 feet; thence N01°57'W, 392 feet to the center line of said SW ¼ of Section 36; thence easterly along the north line of the SE ¼, SW ¼, Section 36 for a distance of 365 feet to the northeast corner of the said SE ¼, SW ¼; thence northerly along the center line of Section 36 for a distance of 2,626 feet to the **Point of Beginning**;

and containing 665.5 acres (28,990,000 S.F.), more or less.

all of which is owned by Deltic.

6. To immediately insure that these lands are protected, CAW needs immediate possession of the property and therefore requests that the Court enter an Order authorizing CAW to

take possession of the property pursuant to Ark Code Ann. § 18-15-409 and confirming possession in CAW.

7. CAW has determined fair market value of the real property to be taken plus any damages (if any) to remaining property owned by Deltic not taken is Three Million Eight Hundred Thirty Thousand Dollars (\$3,830,000.00) and said sum has been deposited in the Registry of the Circuit Court for the purpose of making just compensation including paying any damages that may be due.

8. This deposit satisfies the provisions of Ark. Code Ann. § 18-15-409 authorizing CAW to take immediate possession of the subject property.

WHEREFORE, premises considered, Plaintiff, Central Arkansas Water, prays that this Court enter an Order permitting it to enter and immediate possession of the property described herein, approving and adjudicating the condemnation of the property described herein for the purposes set forth above, providing that the property so condemned shall hereafter be deemed permanently held by CAW and otherwise providing for final hearing of this action to determine if any further payment or compensation may be due Deltic and for all other relief to which CAW is otherwise entitled

Respectfully submitted,

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