

WOMACK, LANDIS, PHELPS, McNEILL & McDANIEL

A Professional Association
Attorneys at Law
Century Center
301 West Washington
P. O. Box 3077
Jonesboro, Arkansas 72403

Tom D. Womack
David Landis
John V. Phelps
Paul McNeill
Lucinda McDaniel
Richard Lusby
Jeffrey W. Puryear
Mark Mayfield
D. Chris Gardner
Jeffrey L. Singleton
J. Rogers McNeil

Telephone (870) 932-0900
Facsimile (870) 932-2553

October 19, 2000

Phillip Crego, Esq.
City Attorney
410 West Washington
Jonesboro, AR 72401

Re: Dr. Michael Mackey -
City Ordinance No. 3170

Dear Phillip:

To our knowledge, there have been no developments toward a resolution of the referenced matter since the meeting Dr. Mackey and I had with you, Jeff Hawkins, and Brian Wadley early in the year. Following that meeting, the City did reject the settlement proposal submitted by Dr. Mackey.

Our client has now authorized us to proceed with litigation against the City. The suit will seek to invalidate the City Council's action in approving the referenced ordinance, which was adopted on October 18, 1999. As you are aware, this action was taken at the request of parties named Ward and Hill, who are the owners of Lot 4 of Block B and Lot 1 of Block C of McDaniel's Fourth Addition, respectively. The procedure followed in submitting the Petition to Vacate Streets did not include notice to Dr. Mackey as an owner of abutting property to the street in question, and he did not receive any specific notification of the requested action by the Council. Under Ark. Code Ann. §14-301-110(b), all owners of property abutting any public property proposed to be abandoned must be involved in a petition for abandonment, and the City Clerk has the responsibility to advise all affected property owners, an action which clearly did not occur in this case.

Since being informed of the abandonment effort, Dr. Mackey has at all times objected to same and to the impact that the street abandonment has on the value of his property.

Phillip Crego, Esq.

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The action of the City has created an impediment which, unless rescinded, results in very substantial monetary damages to our client since, according to real estate professionals who have been consulted, the marketability of the property in question is greatly restricted because of the closure of a primary access to the property. Recovery of all damages incurred will be sought in the legal action anticipated.

While we do not fault the City Council because, frankly, we believe it acted without full and proper disclosure of the circumstances, we do herewith demand that the Council act promptly to rescind City Ordinance No. 3170. Otherwise, we are proceeding with preparation of the necessary complaint to seek redress for our client as to the City's actions in this matter.

We are asking Mayor Brodell to alert the Councilmen that without corrective action, Dr. Mackey will be pursuing available legal remedies.

Very truly yours,

WOMACK, LANDIS, PHELPS,
McNEILL & McDANIEL

Original Signed
Tommy Womack

Tommy Womack

TW/sc

cc: Hon. Hubert Brodell