

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
_____ DIVISION

LITTLE ROCK TECHNOLOGY PARK AUTHORITY

PLAINTIFF

v. Case No. _____

**415 MAIN GROUP, LLC;
SIMMONS FIRST NATIONAL BANK;
MAYS, BYRD & ASSOCIATES, P.A.;
RICHARD L. MAYS, P.A.;
RICHARD L. MAYS;
ARKIE BYRD;
RICHARD L. MAYS JR., PLLC;
RICHARD L. MAYS, JR.;
TIFFANY MAYS O'GUINN, PLLC;
TIFFANY MAYS A/K/A TIFFANY MAYS O'GUINN;
DEBRA BUCKNER, IN HER OFFICIAL CAPACITY
AS PULASKI COUNTY COLLECTOR;
METROCENTRE IMPROVEMENT DISTRICT NO. 1;
CERTAIN LAND BEING THE SOUTH
ONE-HALF OF LOT 4, BLOCK 5,
ORIGINAL CITY OF LITTLE ROCK,
PULASKI COUNTY, ARKANSAS, and
ANY PERSONS OR ENTITIES CLAIMING
AN INTEREST THEREIN**

DEFENDANTS

COMPLAINT IN EMINENT DOMAIN

Little Rock Technology Park Authority f/k/a Central Arkansas Technology Park Authority (the "Authority"), by its attorneys, for its Complaint in Eminent Domain, states:

PARTY, JURISDICTION AND VENUE ALLEGATIONS

1. Pursuant to Ark. Code Ann. §§ 14-144-103(14) and 202(a)(1)(A), a research park authority created under Ark. Code Ann. § 14-144-101 *et seq.* is defined as a

public corporation created to provide facilities and support for businesses engaged in research and development in pursuit of economic development opportunities.

2. The Authority is a public corporation created under the Research Park Authority Act, Ark. Code Ann. § 14-144-101 *et seq.*, to provide facilities and support for businesses engaged in research and development in pursuit of economic development opportunities.

3. The agreement, by which the terms and conditions of the Authority's operation were established, was filed with the Arkansas Secretary of State on May 6, 2014.

4. Pursuant to Ark. Code Ann. § 14-144-202(a), the Authority constitutes a public corporation that can sue and be sued.

5. Defendant 415 Main Group, LLC ("415") is an Arkansas limited liability company doing business in Pulaski County, Arkansas.

6. 415 is the owner of record of the following described real property:

The South ½ of Lot 4, Block 5, original City of Little Rock, Pulaski County, Arkansas

("the Property").

7. Defendant Simmons First National Bank is a financial institution doing business in Pulaski County, Arkansas, that, upon information and belief, holds a mortgage interest in the Property.

8. Defendant Mays, Byrd & Associates, P.A. is an Arkansas corporation that, upon information and belief, occupies and may claim an interest in the Property.

9. Defendant Richard L. Mays, P.A., is an Arkansas professional association that, upon information and belief, occupies and may claim an interest in the Property.

10. Defendant Richard L. Mays is a licensed Arkansas attorney who, upon information and belief, occupies and may claim an interest in the Property.

11. Defendant Arkie Byrd is a licensed Arkansas attorney who, upon information and belief, occupies and may claim an interest in the Property.

12. Defendant Richard L. Mays Jr., PLLC is an Arkansas professional limited liability company that, upon information and belief, occupies and may claim an interest in the Property.

13. Defendant Richard L. Mays, Jr. is a licensed Arkansas attorney who, upon information and belief, occupies and may claim an interest in the Property.

14. Defendant Tiffany Mays O'Guinn, PLLC is an Arkansas professional limited liability company that, upon information and belief, occupies and may claim an interest in the Property.

15. Defendant Tiffany Mays a/k/a Tiffany Mays O'Guinn is a licensed Arkansas attorney who, upon information and belief, occupies and may claim an interest in the Property.

16. Defendant Debra Buckner is the duly elected or appointed Collector of Pulaski County who claims an interest in the Property to the extent of any unpaid or future-due taxes associated with the Property.

17. Defendant Metrocentre Improvement District No. 1 of the City of Little Rock is a duly created improvement district that may claim an interest in the Property to the extent of any unpaid or future-due special improvement taxes.

18. The Court has subject matter jurisdiction pursuant to Ark. Code Ann. §§ 16-13-201 and 14-144-206(b)(1).

19. Venue is proper in this Court as the property interest sought to be condemned is located in this County and the Defendants are transacting business in Pulaski County generally and specifically in connection with the Property.

FACTUAL ALLEGATIONS

20. Pursuant to Ark. Code Ann. §§ 14-144-204(a) and 205(a), the Authority is empowered to, among other things:

“acquire lands and hold title to the lands acquired in its own name;”

“acquire, own, use, and dispose of property in the exercise of its powers and the performance of its duties under [Ark. Code Ann. § 14-144-101 *et seq.*];”

“acquire, equip, construct, maintain, and operate a research park and appurtenant facilities or properties;”

“acquire, equip, construct, maintain, and operate research and related types of facilities, including education, training, office and support facilities, located at or near a research park for the purpose of securing and developing new businesses with a research orientation;”

“plan, establish, develop, construct, enlarge, improve, maintain, equip, operate and regulate a research park and auxiliary services and facilities . . . ;”

“do all things necessary or appropriate to carry out the powers and duties expressly granted or imposed under [Ark. Code Ann. § 14-144-101 *et seq.*];” and

“acquire any property necessary to carry out the purposes of [Ark. Code Ann. § 14-144-101 *et seq.*] by exercising the power of eminent domain.”

21. The Authority is acquiring improved and unimproved parcels of real estate along and near Main Street in downtown Little Rock for the purpose of constructing thereon and housing therein a research park and auxiliary facilities (collectively, “the Tech Park”).

22. A visual depiction of the location of the Tech Park is shaded in yellow **Exhibit 1** attached hereto.

23. The purpose for which the Authority is taking the Property is for its use as the Authority’s office and support facilities, auxiliary facilities for the Tech Park, or both, as permitted by Ark. Code Ann. § 14-144-204(a)(11) and (15). A visual depiction of the plans for the Property is seen in red shading in that attached hereto as **Exhibit 2**.

24. The Property is needed by the Authority for its office and support facilities, auxiliary facilities for the Tech Park, or both and, as such, the Authority seeks that fee ownership in the Property be vested in it.

25. According to Ark. Code Ann. § 14-144-202(b), the Authority’s exercise of the powers under Ark. Code Ann. § 14-144-101 *et seq.* are public and governmental functions that are exercised for a public purpose and for public necessity.

26. According to Ark. Code Ann. §§ 14-144-202(b), 14-144-209(a) and 14-144-311(c), the Authority’s post-condemnation use of the Property for the Authority’s

office and support facilities, auxiliary facilities for the Tech Park, or both, is a public use, a public purpose, and a matter of public necessity for which private property may be taken with just compensation.

27. To date and despite efforts on the part of the Authority, the Property that is the subject of this condemnation action has been unable to be acquired by a negotiated agreement between the Authority and 415.

28. 415's representative has communicated to the Authority that 415 does not believe the Authority has the legal right or authority to condemn the Property.

29. It is necessary for the Authority to acquire immediate possession of the Property for the purpose of constructing the Authority's office and support facilities, auxiliary facilities for the Tech Park, or both, and because the determination of questions in controversy in this proceeding will delay the progress of said construction, the Authority desires to deposit into the registry of the Court the sum of \$845,000.00 (or an amount determined by the Court) so that the Authority, its agents and contractor can be awarded immediate possession of the Property and the right to enter the Property and proceed with the Authority's work of construction prior to the assessment of compensation pursuant to Ark. Code Ann. §§ 14-144-206(d)(2), 14-144-207, 14-144-209(b) and 18-15-303(b). To this end, the Authority will file contemporaneously herewith a declaration of taking.

30. At least 10 days' written notice of the time and place that this Petition will be heard was given to 415 by way of a November 2, 2015, letter addressed to 415 that was hand-delivered to 415's registered agent, Donna Johnson, on November 3, 2015.

WHEREFORE, the Authority prays that this Court will enter an order that:

- a. designates the amount of money to be deposited by the Authority and the place of deposit for payment to Defendants or other persons as the Court may determine their interests;
- b. provides, upon making said deposit, that the Authority, its agents, and contractors are awarded the right to immediate possession of the Property and the right to enter the Property and proceed with the Authority's work of construction prior to the assessment of compensation;
- c. determines the amount of compensation to which the Defendants may be entitled in the manner provided by law and that, upon the payment by the Authority to said Defendants as ordered by this Court or upon the deposit by the Authority as set forth above, confirms title of the Property in fee simple absolute in the Authority; and
- d. awards the Authority all other just and proper relief to which it is entitled.

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By: /s/ John Keeling Baker
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