

Lawsuit filed against Humane Society

City officials hoping ownership of shelter, land it sits on can be settled in court

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A lawsuit has been filed in which the City of Forrest City is seeking to be declared the owner of the humane shelter, and the land on which it sits.

The city council agreed recently to pursue legal means to settle the issue.

The lawsuit, which names the Forrest City Humane Society as defendant, claims breach of contract, promissory estoppel (a legal term referring to a promise

made and broken) and unjust enrichment.

The Humane Society holds that since a lease was never signed, the land and building belongs to the Humane Society. It also claims that dogs are not being cared for properly at the shelter. The group's president has also stated that ownership is not the group's real issue, which is better care for the animals.

The suit states that the FCAHS urged Forrest City to construct an animal shelter on property owned by the FCAHS located

outside the city limits. The suit also claims that according to a joint agreement, the land would belong to the Humane Society and the building belong to the city, and that the Humane Society promised to deed the property to Forrest City if the property were ever annexed.

The suit further states that an ordinance was adopted containing that agreement and signed by then-Mayor Larry Bryant, but goes on to say that to the best knowledge of the city, a lease agreement "was never

actually signed by either party." The property was annexed in 2008.

The suit claims that the Humane Society breached the contract by refusing to deed the property to Forrest City. It claims promissory estoppel because of its claim that "Forrest City was induced by promises made by the FCAHS when it obligated taxpayer money (over \$196,000) to build such facility." It claims unjust enrichment, stating that the Humane Society is claiming ownership of a facility built with

taxpayer money for which the Humane Society has not paid. Janie Hicks, president of the FCAHS, said the Humane Society is still hoping that something can be worked out.

"The Humane Society does not have the financial means or resources to own this land or building. We don't want it," she said. "This isn't about who is right and who is wrong. It's about what is right and what is wrong. What we're asking the city to do is maintain the building and feed

See LAWSUIT on Page 2

LAWSUIT

(Continued from Page 1)

and water the dogs. That has been the problem all along. We're not wanting anything extraordinary. We just want the city shelter to have reasonably clean conditions, we want the dogs to have adequate food and water, and we want the building maintained."

She said conditions have improved recently at the shelter. "And we are happy about that. But also we know that was because of the press coverage, and that is starting to wane a little bit. We are going to continue to keep the public informed of what is going on, whether good or bad."

This morning, Mayor Gordon McCoy stated that since the matter is going into litigation, he would rather not comment.

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