

SUPREME COURT OF ARKANSAS

Dotson v. City of Lowell, 375 Ark. 89

289 S.W.3d 55 (2008) · No. No. 08-240 · Decided November 13, 2008

SUMMARY

The Arkansas Supreme Court affirmed the dismissal of Ray Dotson's counterclaim and the order requiring him to return a stagecoach to the City of Lowell. The court held that Arkansas Code section 16-55-213(a) repealed by implication the general venue provision in section 16-60-116(a), making venue proper in Benton County. It further held that the alleged agreement permitting Dotson's private use of the stagecoach was invalid because it lacked authorization by a city council resolution as required by Arkansas Code section 14-54-302(c).

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Robert L. Brown, Justice
JURISDICTION	Arkansas
DECIDED	November 13, 2008
DOCKET	No. 08-240
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dotson appealed from an order of the Benton County Circuit Court dismissing his amended counterclaim and granting the City of Lowell's petition for replevin of a stagecoach.
STANDARD OF REVIEW	Statutory-construction issues are reviewed de novo. The opinion also applied the rule that an appellate court may affirm when the circuit court reached the right result for a different reason.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Ray Dotson, d/b/a Ozark Mountain Carriages and d/b/a Ozark Carriages v. City of Lowell, a municipal corporation

TOPICS

- venue
- statutory interpretation
- replevin
- municipal law
- contracts

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether venue was proper in Benton County under Arkansas Code Annotated section 16-55-213(a), notwithstanding the general venue provision in section 16-60-116(a).
2. Whether Dotson's alleged Memorandum of Understanding with the former mayor was legally valid and could support his counterclaims when no city council resolution authorized his private use of the municipal property.

HOLDINGS

1. Section 16-55-213(a) repealed by implication section 16-60-116(a) because the statutes established irreconcilable general venue schemes, and venue was therefore proper in Benton County.
2. The absence of a city council resolution authorizing Dotson's private use of the stagecoach was fatal to the validity and viability of the alleged Memorandum of Understanding; the counterclaim was properly dismissed and the replevin order was affirmed.

KEY QUOTATIONS

"We hold that the absence of the city council's resolution is fatal to the validity and viability of the alleged Memorandum of Understanding." (60-61)

"Both points are evidence of the General Assembly's intent to adopt a new general venue scheme as a substitute for section 16-60-116(a)." (59-60)

FACTUAL BACKGROUND

The City of Lowell purchased a stagecoach from Dotson for \$16,500 and later paid \$10,000 toward its refurbishment. After the refurbished stagecoach remained with Dotson, the City demanded its return. Dotson relied on a purported Memorandum of Understanding with the former mayor granting him private use of the stagecoach in exchange for assistance with procuring, refurbishing, and storing it. No city council resolution authorizing that private use was alleged or shown.

PROCEDURAL HISTORY

The City filed a complaint and petition for replevin seeking return of the stagecoach. The circuit court denied Dotson's venue challenge, dismissed his counterclaim for breach of contract and unjust enrichment, and ordered him to return the stagecoach. The Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- McMickle v. Griffin, 369 Ark. 318, 254 S.W.3d 729 (2007)

- Quinney v. Pittman, 320 Ark. 177, 895 S.W.2d 538 (1995)
- Griffin, 369 Ark. at 325, 254 S.W.3d at 737
- Great Lakes Chem. Corp. v. Bruner, 368 Ark. 74, 243 S.W.3d 285 (2006)
- Uilkie v. State, 309 Ark. 48, 827 S.W.2d 131 (1992)
- Wright v. Centerpoint Energy Resources Corp., 372 Ark. 330, 276 S.W.3d 253 (2008)
- Chandler v. Bd. of Trs. of Teacher Ret. Sys., 236 Ark. 256, 365 S.W.2d 447 (1963)
- Herman Wilson Lumber Co. v. Hughes, 245 Ark. 168, 431 S.W.2d 487 (1968)
- Alphin v. Alphin, 364 Ark. 332, 219 S.W.3d 160 (2005)
- Ghegan & Ghegan, Inc. v. Barclay, 345 Ark. 514, 49 S.W.3d 652 (2001)
- Day v. City of Malvern, 195 Ark. 804, 114 S.W.2d 459 (1938)

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