

**RESOLUTION NO. 2016 \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS TO COMPLETE SETTLEMENT IN COLLINS V. CITY OF BRYANT CASE AND AUTHORIZE THE EXPENDITURE OF FUNDS DESCRIBED HEREIN.**

**WHEREAS**, Edward and Quinn Collins v. City of Bryant, Saline County Case No. 63CV-13-83-3 is currently on appeal with the Arkansas Court of Appeals; and,

**WHEREAS**, the City of Bryant and Collins have reached an agreement on the terms and conditions to enter into a full and complete settlement and compromise for the pending case; and,

**WHEREAS**, the City of Bryant and Collins agree that the City of Bryant will pay the Collins \$4,076.50 within 30 days of this Resolution for a permanent Storm Drainage Easement along with a temporary construction easement across their property more particularly described by such legal documents to be prepared and filed with the County Recorder's Office, but generally encompassing 2,789 square feet for the Permanent Storm Drainage Easement and 617 square feet for the Temporary Construction Easement; and

**WHEREAS**, the City of Bryant will perform maintenance on the existing drainage ditch within 60 days of the Council's passing of this Resolution, which cleaning work shall include clearing the ditch of vegetation, re-securing and stabilizing the surrounding chain link safety fence until the ditch construction to replace the ditch with underground culverts and covering such with sod; and

**WHEREAS**, the cleaning will include the back end of the property to provide a channel from the back of the property to the entrance of the underground culvert; and

**WHEREAS**, when the underground culverts are placed to replace the currently open ditch, both the newly installed culvert and the existing underground drainage piping will be constructed with a headwall for both drainage pipes; and

**WHEREAS**, if it is deemed necessary to water the sod following installation of the underground culvert as described herein, the Collins will not be charged a water or sewer rate above the average for the last three years of the same months when such watering is occurring, thus if the project is completed in June of 2017, the Collins will not have to pay water and sewer rates higher than their last three years average for water and sewer for the months of July and August; and

**WHEREAS**, The City Council of the City of Bryant authorizes the Mayor or her designee to put the underground culvert construction project out to bid as soon as deemed necessary for completion of the construction project no later than August 31, 2017; and

**WHEREAS**, this Resolution acts as an authorization for the expenditure of such funds for the purchase of the easements described herein and acts as a budget adjustment with such payment being made from 080-0140-5816 (fixed assets – infrastructure) account line.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRYANT, ARKANSAS THAT:**

**Section 1.** The City of Bryant’s Mayor is hereby authorized and directed to execute all appropriate agreements. Documents, and contracts necessary to effectuate the settlement agreement approved hereby and is hereby authorized to expend \$4,076.50 to purchase the Permanent Storm Drainage Easement and Temporary Construct Easements and to put out to bid as soon as deemed necessary to complete the construction work before August 31, 2017.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

**APPROVED:**

\_\_\_\_\_  
Jill Dabbs, Mayor

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Sue Ashcraft, City Clerk

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Richard Chris Madison, Staff Attorney