

CITY OF BRYANT
RESOLUTION No. 2011 - 6

**A RESOLUTION AUTHORIZING THE
MAYOR TO ACCEPT PERMANENT AND TEMPORARY EASEMENTS
FOR PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS**

WHEREAS, the City of Bryant, Arkansas desires to accept the property described as follows for constructing, altering, extending, relocating, maintaining, and using public storm drainage facilities:

A Permanent Easement consisting of the West 50 feet of that part of the West Half of the Northeast Quarter of Section 21, Township 1 South, Range 14 West, Saline County, Arkansas lying Southerly of the Sunset Gardens Subdivision and being more particularly described as follows: Beginning at the SW corner of said West Half of the Northeast Quarter; Thence N02°59'17"E, along the West line of said West Half of the Northeast Quarter, for 295.87 feet to the Southerly line of the Sunset Gardens Subdivision; Thence N80°23'07"E, along said Southerly line, for 51.24 feet; Thence S02°59'17"W, parallel with said West line of said West Half of the Northeast Quarter, for 305.16 feet to the South line of said West Half of the Northeast Quarter; Thence N89°10'37"W, along said South line, for 50 feet to the Point of Beginning, containing in this Permanent Easement 15,025 square feet (0.345 acre, more or less).

TOGETHER WITH:

A 15 foot wide Temporary Construction Easement being coincident with the Easterly line of the aforesaid Permanent Easement and containing in this Temporary Construction Easement 4,598 square feet (0.106 acre, more or less). Said Temporary Construction Easement to exist temporarily for a period of time for the construction of the storm drainage facilities.


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

Section 1. The Mayor and City Clerk are hereby authorized by the City Council for the City of Bryant, Arkansas to accept the permanent and temporary easements described above, and as more fully described in Exhibit 1 hereto.

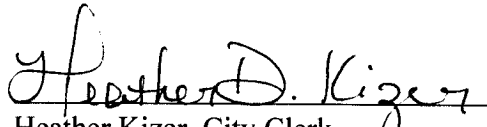
Section 2. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the resolution.

Section 3. All resolutions and other matters in conflict with this resolution are hereby repealed to the extent of any consistency.

PASSED AND APPROVED this 27th day of February, 2011.



Mayor Jill Dabbs

ATTEST:


Heather Kizer, City Clerk

STORM DRAINAGE EASEMENT

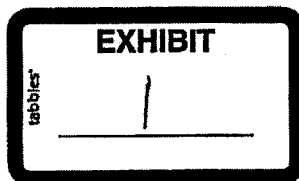
THIS CONVEYANCE is made on this 22 day of November, 2010, by and between PAUL T. ZOELLNER AND BERTHA M. ZOELLNER, their heirs, executors, administrators, and assigns, all of which are hereinafter collectively referred to as Grantor, and CITY OF BRYANT, ARKANSAS, a Municipal Corporation of the State of Arkansas, its successors, administrators, and assigns, all of which are hereinafter collectively referred to as Grantee.

IN CONSIDERATION of the sum of One Dollar and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee a perpetual easement for the purposes of constructing, altering, extending, relocating, maintaining, and using public storm drainage facilities, including, but not limited to, storm sewers, drainage channels, tributary connections, and other appurtenances thereto in any part of said Storm Drainage Easement, over, under and through the following described real estate lying and situated in the County of Saline, State of Arkansas, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY
THIS REFERENCE**

THIS STORM DRAINAGE EASEMENT is executed, delivered, and granted upon the following conditions and considerations:

1. Grantor understands and agrees the storm drainage facilities authorized hereunder shall be, in every respect, managed by Grantee as a public improvement as if laid in one of the dedicated streets of the City of Bryant, Arkansas. Grantor and Grantee further agree this Easement shall be subject to regulation and management by the City of Bryant, Arkansas and the right of the City, in its sole discretion, to demand the future relocation of any utility to be constructed and maintained in the future within this Easement, with the cost of such relocation to be paid by the utility.
2. The rights granted herein shall not be construed to interfere with or restrict Grantor from the use of the described real estate with respect to the construction and maintenance of property improvements within this Easement so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said storm drainage facilities.
3. Grantee, its employees and agents, shall have the right of ingress and egress at all times to enter upon the described real estate for the purposes herein described, using such reasonable route across Grantor's remaining real estate as Grantor may designate.
4. Grantor hereby waives and releases Grantee, its employees and agents, from any and all claims for damage, known and unknown, foreseen and unforeseen, arising by reason of the use of the described real estate for the purposes herein described; provided, Grantee shall restore any disturbed property to Grantor to a neat and presentable condition. All such restoration shall be completed as soon as reasonably practicable.



5. This Easement is not a waiver of a claim for damage to or use of any property not restored promptly to Grantor, nor a waiver of any claim for personal injury made in accordance with the Arkansas Tort Law.

6. This Easement shall apply to all interests in the described real estate, now owned or hereafter acquired or assigned by Grantor or Grantee; this covenant to run with the land.

IN WITNESS WHEREOF, Grantor has signed this conveyance on the day and year first above written.

Paul Zoellner
PAUL T. ZOELLNER

Bertha M. Zoellner
BERTHA M. ZOELLNER

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
)ss.
COUNTY OF SALINE)

THIS INSTRUMENT was acknowledged before me on this 22nd day of November, 2010, by Paul T. Zoellner and Bertha M. Zoellner.

Tina L. Davis
Notary Public

October 15, 2012
My Appointment Expires

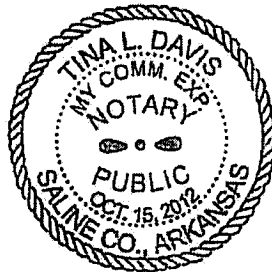


EXHIBIT "A"

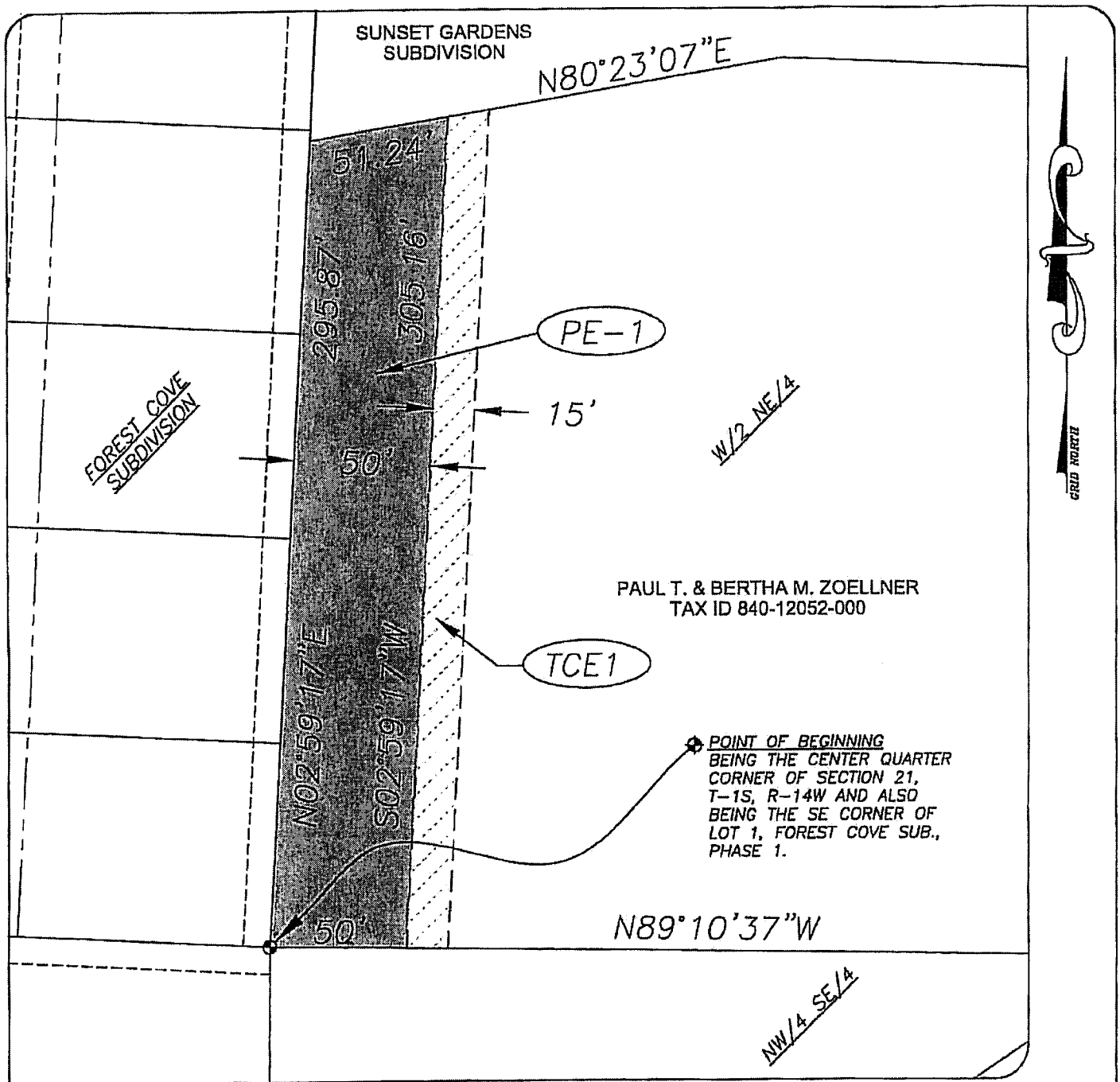
PARCEL NUMBER(S): PT. W/2 NE/4, SECTION 21, T-1S, R-14W (TAX ID 840-12052-000)
SITUS ADDRESS: 4909 Highway 5 North, Bryant AR 72022-7002
OWNER: Paul T. Zoellner
Bertha M. Zoellner

EASEMENT DESCRIPTION:

Permanent Easement and Temporary Construction Easement for:
Part of the West Half of the Northeast Quarter of Section 21, Township 1 South, Range 14 West, Saline County, Arkansas
Paul T. Zoellner and Bertha M. Zoellner (Tax ID 840-12052-000)

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PE-1 & TCE1

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STORM DRAINAGE EASEMENT EXHIBIT

Forest Drive Channel Improvements
Section 21, Township 1 South, Range 14 West
City of Bryant, Saline County, Arkansas

Drawn by DBR
November 15, 2010

