

**CITY OF BRYANT**  
**RESOLUTION No. 2011 - 12**

**A RESOLUTION AUTHORIZING THE  
MAYOR TO ACCEPT PERPETUAL EASEMENTS  
FOR LOT 162 OF FOREST COVE SUBDIVISION, PHASE 2 AND OTHER PROPERTY**

**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, including but not limited to storm sewers, drainage channels, tributary connections, and other appurtenances thereto:

**SEE EXHIBIT 1 ATTACHED HERETO AND  
INCORPORATED HEREIN BY REFERENCE**

**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 easements described above, and as more fully described in Exhibit 1 hereto.

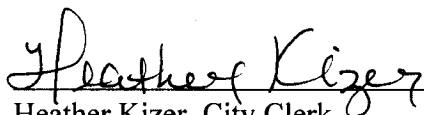
**Section 2.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force 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**Section 3.** All resolutions and other matters in conflict with this resolution are hereby repealed to the extent of any consistency.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 28 day of April, 2011.

ATTEST:

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

  
\_\_\_\_\_  
Heather Kizer, City Clerk

**STORM DRAINAGE EASEMENT**

THIS CONVEYANCE is made on this 27<sup>th</sup> day of March, 2009, by and between CHRISTIAN M. BAKER, ET AL., 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.





**EXHIBIT "A"**

PARCEL NUMBER(S): Lot 162 of Forest Cove Subdivision, Phase 2  
SITUS ADDRESS: 1717 Augusta Cove  
OWNER: Christian M. Baker  
Et al.

**EASEMENT DESCRIPTION:**

Permanent Easement and Temporary Construction Easement for:  
Lot 162 of Forest Cove Subdivision, Phase 2  
Christian M. Baker, et al (Book 2004, Page 87429)

That portion of Lot 162, Forest Cove Subdivision, Phase 2, City of Bryant, Saline County, Arkansas per Amended plat filed in Deed Book 396 at page 632 of the Records of the Saline County Circuit Clerk and being more particularly described as follows: Commencing at the NE corner of said Lot 162, Forest Cove Subdivision, Phase 2; Thence N43°44'21"W, along the Northerly line of said Lot 162, for 16.86 feet; Thence S19°03'41"W, parallel with the Easterly Lot line of said Lot 162, for 11.24 feet to the intersection of the Westerly line of the platted 15 foot wide easement and the Southerly line of the platted 10 foot wide easement and the Point of Beginning of the Additional Permanent Easement; Thence N43°44'21"W, along said Southerly line of the platted 10 foot wide easement, for 159.22 feet to a point on the Easterly line of the platted 10 foot wide front line easement per note 1 of said subdivision plat being on a 90 foot radius, non-tangent, curve concave to the Northeast, having a chord bearing and distance of S15°26'10"E, 16.74 feet; Thence along said curve and Easterly line of said front line easement, for 16.76 feet to a point on a 60 foot radius curve to the right having a chord bearing and distance of S17°57'29"E, 5.89 feet; Thence along said curve and continuing along said Easterly line of the front line easement for 5.89 feet; Thence S47°30'00"E for 42.00 feet; Thence S36°00'00"E for 64.00 feet; Thence S18°20'00"E for 61.90 feet to the Westerly line of the said platted 15 foot wide easement; Thence N19°03'41"E, along said Westerly line, for 48.25 feet to the Point of Beginning, containing in this Additional Permanent Easement 2,441 square feet (0.056 acre, more or less)

**TOGETHER WITH:**

A Temporary Construction Easement being more particularly described as follows: Commencing at the NE corner of said Lot 162, Forest Cove Subdivision, Phase 2; Thence N43°44'21"W, along the Northerly line of said Lot 162, for 16.86 feet; Thence S19°03'41"W, parallel with the Easterly Lot line of said Lot 162, for 59.49 feet; Thence N18°20'00"W for 61.90 feet; Thence N36°00'00"W for 38.92 feet to the Point of Beginning of the Temporary Construction Easement; Thence N47°30'00"W for 59.79 feet to a point on the Easterly line of the platted 10 foot wide front line easement per note 1 of said subdivision plat being on a 60 foot radius, non-tangent, curve concave to the Southeast, having a chord bearing and distance of N11°07'04"W, 8.43 feet; Thence along said curve and Easterly line of said front line easement, for 8.44 feet; Thence

S47°30'00"E for 42.00 feet; Thence S36°00'00"E for 25.08 feet to the Point of Beginning and containing in this Temporary Construction Easement 253 square feet (0.005 acre, more or less).

Plat notes referenced:

Forest Cove Subdivision, Phase 2, City of Bryant, Saline County, Arkansas per AMENDED plat filed in Deed Book 396 at page 632 of the Records of the Saline County Circuit Clerk on December 6<sup>th</sup>, 1994 clearly and distinctly contains the following subdivision notes:

1. All lots have a 10' easement along front lot line and a 5' easement along rear lot line unless otherwise shown.
2. Basis of Bearing is True North as determined by solar observation.

The plat graphically shows:

3. A 10' easement along the Northerly lot lines of Lots 71 and 162.
4. A 20' easement along the back lot line of Lot 71.
5. A 15' easement along the back lot line of Lot 162.
6. The bearing of the back lot line of Lot 162 is S18°44'17"W

Basis of Bearings for the Easement Descriptions above: Grid North, Arkansas Coordinate System 1983, South Zone, as determined by GPS observations at existing corner monuments. The bearing of the back lot line of Lot 162 is S19°03'41"W.



**DRAINAGE EASEMENT  
EXHIBIT**

Forest Cove Subdivision, Phase 2  
City of Bryant  
Saline County, Arkansas



BASEMAP SOURCE  
A.D.S. Aerial Photograph (2008);  
Record Subdivision Plats;  
and Monuments found in the field.

By: **JBB**  
Scale: 1" = 60'  
Date: 20FEB09  
File: EASEMENT.dwg  
Project No. 4208-026