

RESOLUTION No. 2011 - 14

**A RESOLUTION AUTHORIZING THE
MAYOR TO ACCEPT AN EASEMENT ALONG AND ADJACENT TO THE RIGHT-
OF-WAY LINE LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE
SOUTHWEST QUARTER (SW 1/4) OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE
14 WEST, SALINE COUNTY, ARKANSAS.**

WHEREAS, the City of Bryant, Arkansas desires to accept the permanent easement described as follows for laying, constructing, operating, repairing, replacing, testing, inspecting and maintaining the water & sewer lines and related or unrelated appurtenances:

An Easement along and adjacent to the Right-of-way line located in the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 21, Township 1 South, Range 14 West, Saline County, Arkansas. The proposed water & sewer line route is shown on the attached Exhibit A. The real property is more fully described in Deed Book 2005 Page 57539 of the Saline County, Arkansas Circuit Clerk's records.

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 easement 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.

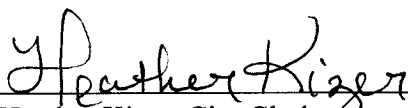
Section 3. All resolutions and other matters in conflict with this resolution are hereby repealed to the extent of any consistency.

PASSED AND APPROVED this 28 day of April, 2011.

ATTEST:



Mayor Jill Dabbs



Heather Kizer, City Clerk

Bryant Water and Wastewater Department
Bryant, Arkansas
Water & Sewer Pipeline Easement
1114-02

KNOW ALL MEN BY THESE PRESENTS:

That **Chester Investments LLC**, (hereinafter "GRANTOR"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid by the **Bryant Water and Wastewater Department, Bryant, Arkansas** (hereinafter "GRANTEE"), the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto GRANTEE and its successors and assigns a permanent easement with boundaries being located parallel with and adjacent to the Right-of-way Line as deeded in that total width shall be **Twenty feet** on the Northern side of the Right-of-way line, which Easement is for the purpose of laying, constructing, operating, repairing, replacing, testing, inspecting and maintaining the water & sewer lines and related or unrelated appurtenances over and upon the following described land, Also, a temporary construction easement adjacent and parallel to the permanent easement and total width shall be 10 feet, for the purposes of permitting the GRANTEE to remove timber and obstructions, make excavations, store excavated materials, tools, supplies, equipment and provide working space in the construction of the said water and sewer lines described above, lying in **Saline County, Arkansas**:

An Easement along and adjacent to the Right-of-way line located in the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 21, Township 1 South, Range 14 West, Saline County, Arkansas. The proposed water & sewer line route is shown on the attached Exhibit A. The real property is more fully described in Deed Book 2005 Page 57539 of the Saline County, Arkansas Circuit Clerk's records.

Related thereto, GRANTORS and their heirs, successors and/or assigns do hereby covenant and agree to permit and allow GRANTEE and its successors and assigns reasonable ingress and egress access rights to and across that portion of the Real Property as shall be reasonably designated by GRANTORS and their heirs, successors and/or assigns for the purpose of constructing, operating and maintaining the water and sewerline and related or unrelated appurtenances, it being understood that this covenant shall run with and bind the Real Property.

TO HAVE AND TO HOLD the same unto GRANTEE and unto GRANTEE'S successors and assigns, as the case may be, forever.

The GRANTORS do hereby covenant with the GRANTEE that they are lawfully seized and possessed of the Real Property above described and that they have a good and lawful right to convey the same or any part thereof.

GRANTORS, and each of them, do, for the consideration stated above, hereby release and relinquish unto GRANTEE any and all rights of dower, curtesy and homestead in and to said land which GRANTORS might have that are inconsistent with the easement herein above granted, but only to the extent necessary to permit the reasonable enjoyment of said easement.

WITNESS our hands and seals this ____ day of _____ 2011.

Grantor

Grantor

STATE OF ARKANSAS

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COUNTY OF _____)ss

ACKNOWLEDGMENT

On this day personally appeared before the undersigned, a Notary Public within and for the county and state aforesaid, duly qualified, commissioned and acting, the person who has executed the document to which this acknowledgment is attached, to me well known as the person executing the foregoing instrument, and stated that he/she had executed the same for the consideration and purposes therein mentioned and set forth.

SUBSCRIBED AND SWORN to and before me, a Notary Public, on this ____ day of _____, 2011

My Commission Expires: _____

Notary Public

(SEAL)

