

RESOLUTION NO. 26-07

APPROVING THE GRANT OF AN EASEMENT TO THE BEAVERFORK VOLUNTEER FIRE DEPARTMENT, INC., FROM THE CITY OF CONWAY, ARKANSAS, FOR THE PURPOSE OF DEVELOPING A WATER SYSTEM.

WHEREAS, the Beaverfork Volunteer Fire Department, Inc. is developing a water supply system to serve customers outside the City of Conway, Arkansas; and,

WHEREAS, the Beaverfork Volunteer Fire Department, Inc. has requested the grant of an easement across the following described real property owned by the City of Conway, Arkansas, lying in Faulkner County, Arkansas, to wit:

The Northeast Quarter of the Southwest Quarter and the South one half of the Southeast Quarter of the Northwest Quarter, all in section twenty-four (24), and containing sixty (60) acres, more or less.

A part of the Southwest Quarter of the Northwest Quarter of section twenty-four (24), described as follows: Beginning at the Southwest corner of said Southwest Quarter of the Northwest Quarter of said section twenty four (24) and run thence North eighty-nine (89) degrees seven (7) minutes East along the South line of said Southwest Quarter of the Northwest Quarter a distance of fifty-nine (59) feet to the point of beginning; thence North seventy-one (71) degrees fifteen (15) minutes East parallel to and fifty (50) feet at right angles from the location line of the relocated State Highway No. 25 a distance of seven hundred sixty-six and six tenths (766.6) feet; thence North twenty-seven (27) degrees fifty-eight (58) minutes East roughly parallel with the toe of the slope of the dam embankment a distance of four hundred ten and two tenths (410.2) feet; thence East one hundred sixty (160) feet to the East line of said Southwest Quarter of the Northwest Quarter of section twenty-four (24); thence South along the east line of said Southwest Quarter of the Northwest Quarter a distance of four hundred nineteen and seven tenths (419.7) feet to the Southeast corner of said Southwest Quarter of the Northwest Quarter of section twenty-four (24) thence south eighty-nine (89) degrees seven (7) minutes West along the South line of said Southwest Quarter of the Northwest Quarter a distance of one

thousand eighty-five and three tenths (1085.3) feet to the location line of station seventy-eight plus thirty-three (78 + 33); thence continuing eighty-nine (89) degrees seven (7) minutes West a distance of one hundred sixty-three (163) feet to the point of beginning, containing six and twenty four hundredths (6.24) acres, more or less;

All that part of the East one fourth of the South one half of the Southwest Quarter of the Northwest Quarter of section twenty-four (24), which lies North of the hereinabove described portion thereof, containing about one and one half acres, more or less; and

All that part of the North one half of the Southeast Quarter of the Northwest Quarter of Section twenty-four (24) described as follows: Beginning at the Northwest corner of the South one half of the Southeast Quarter of the Northwest Quarter of section twenty-four (24) and run thence East along the North line of said South one half of the Southeast Quarter of the Northwest Quarter of section twenty-four (24) a distance of five hundred forty (540) feet to the point of beginning: Run thence North seventy (70) degrees twenty (20) minutes East a distance of three hundred twenty-two (322) feet; thence east a distance of eighty-two (82) feet; thence South fifty-seven (57) degrees eighteen (18) minutes East a distance of two hundred three (203) feet to the North line of said South one half of the Southeast Quarter of the Northwest Quarter of section twenty-four (24); thence West a distance of five hundred fifty five (555) feet to the point of beginning, containing eighty hundredths (.80) acre, more or less.

All of the above described lands being situated in Township Six (6) North, Range Fourteen (14) West, and containing in the aggregate sixty-eight and fifty hundredths (68.50) acres, more or less; and,

WHEREAS, the Beaverfork Volunteer Fire Department, Inc. has prepared an easement and presented it to the City Council of Conway, Arkansas, for its approval (a copy of which easement is attached to this Resolution); and,

WHEREAS, this matter has been reviewed by city engineer Ronnie Hall and Conway Corporation's general manager, William M. Hegeman, and they have made the following recommendations, which Beaverfork

Volunteer Fire Department, Inc. has agreed to: (a) Beaverfork Volunteer Fire Department, Inc. will, at its expense, relocate or adjust the waterline if additional construction, alterations, repairs, maintenance of the dam, bridge, spillway, roadway embankment or other future improvements on the city's property conflict with said waterline; (b) Beaverfork Volunteer Fire Department, Inc. will implement "all thread" tie rods to prevent joint separation on the waterline's vertical runs adjacent to the spillway structure; and (c) Beaverfork Volunteer Fire Department, Inc. will span from abutment to abutment plus one (1) foot on each end with a continuous sixteen inch diameter welded steel casing and enclose each end with a steel plate to capture dead air space, so that the eight inch D.I. water carrier will then roll vertical with a minimal amount above grade, and that portion of the ninety degree bends remaining above grade will be insulated if required after testing has been completed; and,

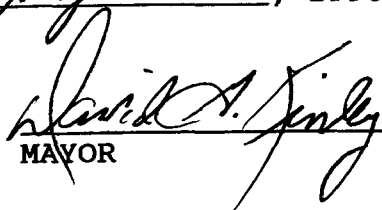
WHEREAS, the Mayor of the City of Conway, Arkansas, and the City Council, find that the grant of an easement to the Beaverfork Volunteer Fire Department, Inc. would not be detrimental to the City of Conway, Arkansas, and would be in the public interest of all citizens of Faulkner County, Arkansas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, IN SESSION PROPERLY CONVENED AT WHICH A QUORUM WAS PRESENT, AS FOLLOWS:

SECTION 1: That the Mayor and City Clerk of Conway, Arkansas, should be, and hereby are, authorized to execute an easement, a copy of which is attached to this Resolution, granting a certain

right-of-way to Beaverfork Volunteer Fire Department, Inc.

PASSED this 14th day of May, 1996.



MAYOR

ATTEST:



CITY CLERK

WATER PIPELINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That David Kinley, Mayor of the City of Conway, Arkansas, and Martha Hartwick, City Clerk of the City of Conway, Arkansas, duly authorized so to act by proper resolution of the City Council of Conway, Arkansas, dated May 14, 1996 (hereinafter "GRANTOR"), for and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid by the Arkansas Soil and Water Conservation Commission (hereinafter "GRANTEE"), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto GRANTEE and its successors and assigns, permanent and temporary easements with boundaries being located parallel with and adjacent to GRANTEE'S water pipeline and distribution system and related components (the "water system"), as and when constructed subsequent to the date hereof, said permanent easement having a width of ten (10) feet and said temporary easement for laying and construction having a width of twenty (20) feet, with both such easements being situated within twenty (20) feet of the nearest right of way boundary of that county road known as Beaverfork Road, or State Highway number 25, whichever may be applicable; which easements are for the purposes of laying, constructing, operating, repairing, replacing, testing, inspecting and maintaining the water system and related and unrelated water system pipelines over and upon the following described land lying in Faulkner County, Arkansas:

The Northeast Quarter of the Southwest Quarter and the South one half of the Southeast Quarter of the Northwest Quarter, all in section twenty-four (24), and containing

sixty (60) acres, more or less.

A part of the Southwest Quarter of the Northwest Quarter of section twenty-four (24), described as follows: Beginning at the Southwest corner of said Southwest Quarter of the Northwest Quarter of said section twenty four (24) and run thence North eighty-nine (89) degrees seven (7) minutes East along the South line of said Southwest Quarter of the Northwest Quarter a distance of fifty-nine (59) feet to the point of beginning; thence North seventy-one (71) degrees fifteen (15) minutes East parallel to and fifty (50) feet at right angles from the location line of the relocated State Highway No. 25 a distance of seven hundred sixty-six and six tenths (766.6) feet; thence North twenty-seven (27) degrees fifty-eight (58) minutes East roughly parallel with the toe of the slope of the dam embankment a distance of four hundred ten and two tenths (410.2) feet; thence East one hundred sixty (160) feet to the East line of said Southwest Quarter of the Northwest Quarter of section twenty-four (24); thence South along the east line of said Southwest Quarter of the Northwest Quarter a distance of four hundred nineteen and seven tenths (419.7) feet to the Southeast corner of said Southwest Quarter of the Northwest Quarter of section twenty-four (24) thence south eighty-nine (89) degrees seven (7) minutes West along the South line of said Southwest Quarter of the Northwest Quarter a distance of one thousand eighty-five and three tenths (1085.3) feet to the location line of station seventy-eight plus thirty-three (78 + 33); thence continuing eighty-nine (89) degrees seven (7) minutes West a distance of one hundred sixty-three (163) feet to the point of beginning, containing six and twenty four hundredths (6.24) acres, more or less;

All that part of the East one fourth of the South one half of the Southwest Quarter of the Northwest Quarter of section twenty-four (24), which lies North of the hereinabove described portion thereof, containing about one and one half acres, more or less; and

All that part of the North one half of the Southeast Quarter of the Northwest Quarter of Section twenty-four (24) described as follows: Beginning at the Northwest corner of the South one half of the Southeast Quarter of the Northwest Quarter of section twenty-four (24) and run thence East along the North line of said South one half of the Southeast Quarter of the Northwest Quarter of section twenty-four (24) a distance of five hundred forty (540) feet to the point of beginning: Run thence North seventy (70) degrees twenty (20) minutes East a distance of three hundred twenty-two (322) feet; thence east a distance of eighty-two (82) feet; thence South fifty-

seven (57) degrees eighteen (18) minutes East a distance of two hundred three (203) feet to the North line of said South one half of the Southeast Quarter of the Northwest Quarter of section twenty-four (24); thence West a distance of five hundred fifty five (555) feet to the point of beginning, containing eighty hundredths (.80) acre, more or less.

Related thereto, GRANTOR and its successors and assigns does 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 GRANTOR and its successors and assigns for the purpose of constructing, operating and maintaining the water system and related or unrelated water system pipelines, it being understood that this covenant shall run with and bind the real property.

As partial consideration for this easement, Beaverfork Volunteer Fire Department, Inc., does hereby covenant and agree that it will, at its expense, relocate or adjust the water pipeline if additional construction, alterations, repairs, maintenance of the dam, bridge, spillway, roadway embankment or other future improvements on the GRANTOR'S property conflict with said water pipeline.

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

The GRANTOR does hereby covenant with the GRANTEE that it is lawfully seized and possessed of the real estate above described and that it has a good and lawful right to convey the same or any part thereof.

In witness whereof, the name of the GRANTOR is hereunto

affixed by its Mayor and its seal affixed by its City Clerk this
14th day of May, 1996.

City of Conway, Arkansas

BY: David A. Jeney
MAYOR

BY: Martha Hartwick
CITY CLERK

ATTEST:

Martha Hartwick
SEAL