

RESOLUTION 2014-23

A RESOLUTION APPROVING THE GRANTING OF A RIGHT OF WAY PERMIT IN FAVOR OF THE SEARCY BOARD OF PUBLIC UTILITIES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID RIGHT OF WAY PERMIT AND FOR OTHER PURPOSES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEARCY, ARKANSAS, TO-WIT:

Whereas, the City of Searcy, Arkansas, has been presented with a request from the Searcy Board of Public Utilities to grant the water system a right of way permit over and across a tract of land owned by the city located on By-pass Road, and

Whereas, the need for the right of way permit stems from the requirement by the Arkansas State Highway and Transportation Department for the Searcy Board of Public Utilities to move its present water line due to the connector route which is soon to be constructed from Arkansas State Highway 67-167 to Arkansas State Highway 16, and

Whereas, the Searcy Board of Public Utilities needs said right of way permit so it can relocate its water line in anticipation of said connector route construction.

NOW THEREFORE, the City Council of the City of Searcy, Arkansas hereby adopts this Resolution as follows, to-wit:

Section 1. That the Searcy City Council approves the granting of such a right of way permit in favor of the Searcy Board of Public Utilities.

Section 2. That the Searcy City Council authorizes and directs the Mayor and City Clerk to execute the requested Right of Way Permit.

ADOPTED AND APPROVED on this 9th day of December, 2014

CITY OF SEARCY, ARKANSAS

/s/ David Morris, Mayor

ATTEST:

/s/ Jerry Morris, City
Clerk

RIGHT-OF-WAY PERMIT

KNOW ALL BY THESE PRESENTS:

That the City of Searcy, Arkansas, hereinafter called GRANTOR, whether one or more, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION (\$10.00 & OVC), cash in hand paid by SEARCY BOARD OF PUBLIC UTILITIES of Searcy, White County, Arkansas, hereinafter called GRANTEE, the receipt of which is hereby acknowledged, do hereby grant, sell and convey to GRANTEE its successors and assigns, the right-of-way and the right, from time to time, to lay, construct, replace, maintain, repair, operate, and remove a water main for the purpose of carrying water along with the right to install other equipment necessary for the proper operation or protection of said water main over, across and under the permanent and temporary easement areas and lands designated as Easement # 15C being situated in White County, Arkansas, as more particularly described and set forth in the attached plat with the legal description for said right of way contained therein being incorporated herein word for word and line for line as though set forth herein word for word and line for line.

TO HAVE AND TO HOLD the same unto the GRANTEE, its successors and assigns forever, together with the right of ingress and egress for the purposes aforesaid.

This Instrument Prepared By
LIGHTLE, RANEY, STREIT & STREIT, LLP
Attorneys At Law
211 West Arch
Searcy, Arkansas 72143

GRANTOR shall have the right to fully use and enjoy the above described premises provided such use shall not interfere with all the rights herein granted. GRANTEE hereby covenants and agrees that in the exercise of rights herein granted it will, as nearly as possible, restore said lands to the same condition as found by it, and that it will bury said main to a sufficient depth as will not interfere with ordinary use of said lands.

IN WITNESS WHEREOF, the parties hereunto set their hands on this day of December, 2014.

City of Searcy, Arkansas

By _____
Mayor David Morris

ATTEST:

Jerry Morris, Recorder

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WHITE

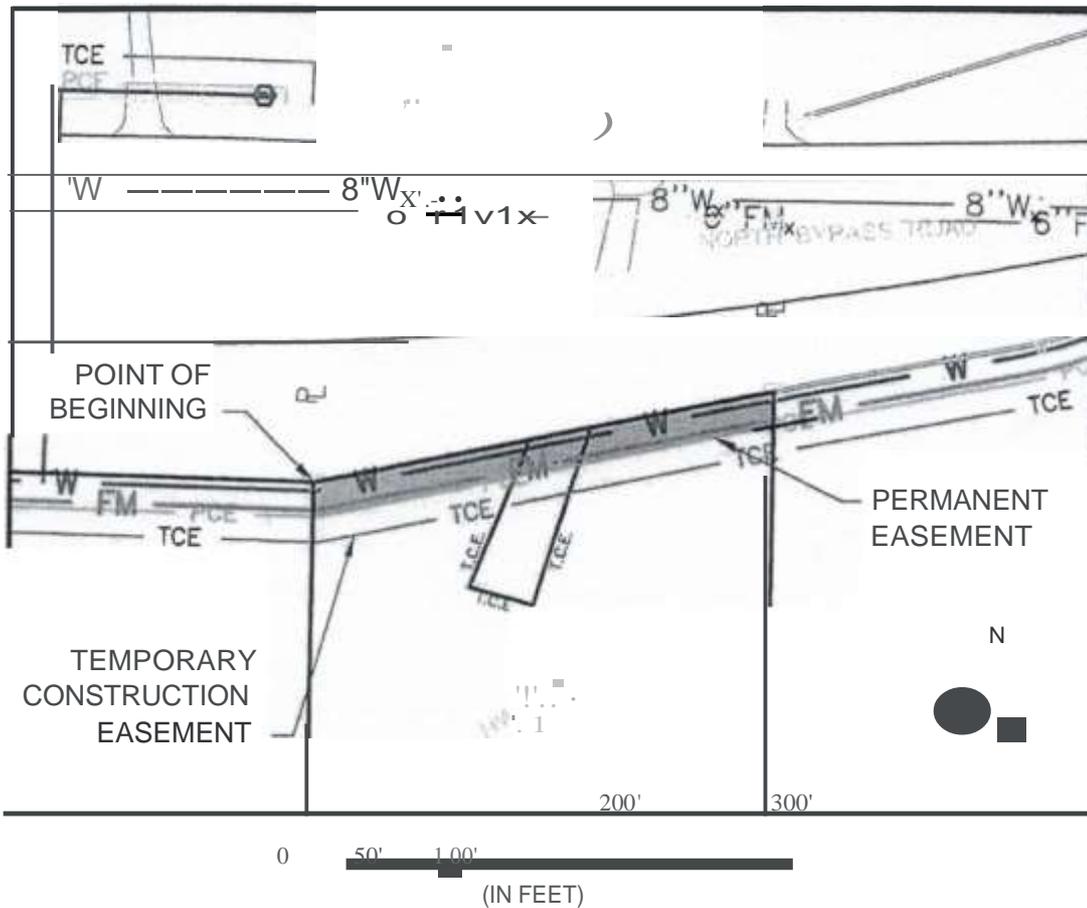
On this day personally appeared before me, David Morris and Jerry Morris, the Mayor and Recorder of the City of Searcy, Arkansas, satisfactorily proven to me to be the persons whose names are subscribed to the within instrument and acknowledged that they having been authorized to do so had executed the same for the purposes and considerations therein contained.

WITNESS my hand and official seal this ____ day of December, 2014.

NOTARYPUBLIC

My Commission Expires:

(SEAL)



City of Searcy, Arkansas

Easement 15C

Permanent Easement

A tract of land for a Permanent Easement in the Northwest 1/4 of the Northeast 1/4 of Section 2, Township 7 North, Range 7 West in White County Arkansas, more particularly described as follows:

Commencing at the Northwest corner of said Section 2; thence along the north line S 88degrees15'28" E 743.82 feet; thence leaving north line thence S 0degrees36'39" W 195.75 feet to the south line of new right-of-way said point being the POINT OF BEGINNING; thence N 79degrees08'33" E 275.78 feet; thence S 0degrees36'24" W 20.41 feet; thence S 79degrees36 08'34" W 273.96 feet; thence N 88degrees07'48" W 1.79 feet; thence N 0degrees36'39" E 20.00 feet to the POINT OF BEGINNING, containing 0.126 acres (5488.56 S.F) more or less.

Temporary Construction Easement

Also a temporary construction easement, 15 feet in width, parallel and adjacent to the South side of the above described permanent easement, containing 0.095 acres (4138.20 S.F.) more or less.