

RESOLUTION NO. 74-2

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

That the Mayor and Clerk-Treasurer of the City of Conway, Arkansas, are hereby authorized and directed to execute, for and on behalf of the City, that certain land lease agreement between the City and the United States of America (Corps of Engineers) for the establishment of a site for telemetering gauge and appurtenances, a copy of such lease being as follows:

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS

LEASE NO. DA ..... CIV. ENG ..... **SOUTHWESTERN** DIVISION  
..... **LITTLE ROCK** DISTRICT

LAND LEASE  
BETWEEN

**CITY OF CONWAY, ARKANSAS**

AND  
THE UNITED STATES OF AMERICA

1. *THIS LEASE, made and entered into this* **1st** *day of* **July**  
*in the year one thousand nine hundred and* **seventy-four** *by and between*

**City of Conway, Arkansas,**

*whose address is* **Conway, Arkansas,**

*and whose interest in the property hereinafter described is that of* **owner,**  
*for* **its** ~~successors, assigns, and assigns~~

~~successors, assigns, and assigns~~, *successors, and assigns, hereinafter called Lessor, and* **THE UNITED STATES OF AMERICA, hereinafter called the Government:**

**WITNESSETH:** *The parties hereto for the consideration hereinafter mentioned covenant and agree as follows:*

2. *The Lessor hereby leases to the Government the following described premises, viz:*

**(See description marked Exhibit "A" attached hereto and made a part hereof)**

*to be used for the following purpose:* **Site for telemetering gage and opportunities.**

facts upon which the Secretary of the Army or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this lease is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Lessor as it could pursue in the event of a breach of the lease by the Lessor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary of the Army or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Lessor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this lease.

11. Paragraphs 1, 3 and 4 were amended and paragraph 11 was added prior to execution.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

~~Superseded~~  
ATTEST:

CITY OF CONWAY, ARKANSAS, a Municipal Corporation

*Adrian Penn*  
City Clerk

*Walt Dunaway* (SEAL)  
Mayor Lessor.

THE UNITED STATES OF AMERICA,

By \_\_\_\_\_

(IF LESSOR IS A CORPORATION, THE FOLLOWING CERTIFICATE SHALL BE EXECUTED BY THE SECRETARY OR ASSISTANT SECRETARY.)

I, **City Clerk** **Secretary of the municipal**  
certify that I am the **City Clerk** **Secretary of the corporation**  
named as Lessor in the attached lease; that **Mayor** **who signed said**  
lease on behalf of the Lessor, was then **Mayor** **of said corporation;**  
said lease was duly signed for and in behalf of said corporation by authority of its governing  
body, and is within the scope of its corporate powers.

*Adrian Penn* (CORPORATE SEAL)  
City Clerk

Cadron Creek Gage Site at  
Gleason, Arkansas  
Acres: 0.16

Site Area

A strip of right-of-way 40 feet in length and 40 feet in width, situated in the County of Conway, State of Arkansas, being a part of the SE $\frac{1}{4}$  of Fractional Section 31, Township 6 North, Range 14 West of the Fifth Principal Meridian, the centerline being more particularly described as follows:

Beginning at a point which is south 54° 30' east 115 feet from BM-B, Dam Axis, said point being approximately 715 feet east and approximately 35 feet south of the northwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Fractional Section 31; thence north 48° 30' east 40 feet along said centerline of the rock weir to the point of termination and containing 0.04 acre, more or less.

Bubble Tube Right-of-Way Easement - Downstream

A strip of right-of-way 310 feet in length and 10 feet in width, situated in the County of Conway, State of Arkansas, being a part of the SE $\frac{1}{4}$  of Fractional Section 31, Township 6 North, Range 14 West of the Fifth Principal Meridian, the centerline being more particularly described as follows:

Beginning at a point which is south 54° 30' east 115 feet; thence north 48° 30' east 20 feet from BM-B, Dam Axis, said point being approximately 715 feet east and approximately 35 feet south of the northwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Fractional Section 31; thence south 79° 30' west 277 feet to a point; thence south 60° 00' west 40 feet to the point of termination and containing 0.07 acre, more or less.

(cont'd)

EXHIBIT "A"

Bubble Tube Right-of-Way Easement - Upstream

A strip of right-of-way 223 feet in length and 10 feet in width, situated in the County of Conway, State of Arkansas, being a part of the SE $\frac{1}{4}$  of Fractional Section 31, Township 6 North, Range 14 West of the Fifth Principal Meridian, the centerline being more particularly described as follows:

Beginning at a point which is south 54° 30' east 115 feet; thence north 48° 30' east 20 feet from BM-B, Dam Axis, said point being approximately 715 feet east and approximately 35 feet south of the northwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Fractional Section 31; thence south 21° 00' east 173 feet to a point; thence south 58° 30' west 50 feet to the point of termination and containing 0.05 acre, more or less.



NORTH  
ARROW

PT. "Y"

BUBBLE TUBE EASEMENT  
UPSTREAM

PT. "B"

PT. "A"

APPROX. WATERS EDGE

PT. "C"

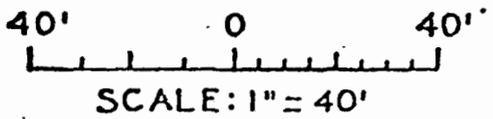
GAGE SITE

STONE-FILL  
WING DIKE

BUBBLE TUBE EASEMENT  
DOWNSTREAM

BM-B  
DAM AXIS

EASEMENT FOR CADRON  
CREEK GAGE SITE AT  
GLEASON, ARKANSAS



PT. "D"

PT. "E"

EXHIBIT "A-2"

PASSED: July 9, 1974

APPROVED: Walter Danaway  
Mayor

ATTEST: Doris Nunn  
Clerk-Treasurer

C E R T I F I C A T E

STATE OF ARKANSAS  
COUNTY OF PAULKNER  
CITY OF CONWAY

I, Doris Nunn, the duly elected, qualified, and acting Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the above and foregoing is a true and correct copy of a certain RESOLUTION duly passed and adopted by the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 9th day of July, 1974, and same is duly recorded in the minutes of the meetings of said Council.

WITNESS my hand and the seal of the City of Conway, Arkansas this 10th day of July, 1974.

Doris Nunn  
Doris Nunn, Clerk-Treasurer