

WHEREAS, in conveying title to the Cities of Gassville and Cotter, Arkansas, to lands upon which the Sewer Treatment Plant is situated on the left bank of White River in Baxter County, Arkansas, description of which is attached hereto and made a part hereof as though set forth at length herein, Roy Finley and Beulah Finley retained an easement or right-of-way, 30 feet in width, along the North boundary line of said lands, for themselves and others for the purpose of ingress and egress for lands owned by them and lands owned by others to the East of the lands conveyed to said Cities;

WHEREAS, when building the Sewer Treatment Plant, said plant was so erected that it covered a part of the aforesaid easement or right-of-way so that same cannot be used;

WHEREAS, Roy Finley and Beulah Finley have informed the City that they will release the aforesaid easement or right-of-way retained by them in exchange for an easement or right-of-way across these lands at another location; and

WHEREAS, the Cities have ascertained that, because of possible future expansion of the Sewer Treatment Plant and the possibility of frequent damage around the Sewer Treatment Plant, the most feasible easement or right-of-way would be the installation of a bridge, the Cities already owning a bridge suitable for this purpose, across the creek near its intersection with White River and running thence near the high water mark of White River along lines already staked to the East along the East boundary line of lands of the Cities and then North to the lands owned by Roy Finley and Beulah Finley to the East of the Cities' lands;

NOW, THEREFORE, BE IT RESOLVED, that the City of Cotter, Arkansas, on its part, hereby accepts the offer of Roy Finley and Beulah Finley to exchange easement or right-of-way across the lands owned by the Cities of Cotter and Gassville, Arkansas, as follows:

1. Roy Finley and Beulah Finley will release to said Cities the easement or right-of-way retained by them across the North line

of lands deeded by them to the City for the purpose of Sewer Treatment Plant;

2. In exchange for said release the/^{Cities}~~City~~ of Cotter and Gassville, Arkansas, will execute a perpetual easement or right-of-way to Roy Rinley and Beulah Finley and to the Public for the purpose of ingress and egress to the lands lying East of the Sewer Treatment Plant owned by the Cities, the Cities to erect a bridge across the creek near its intersection with White River and the easement or right-of-way to run as staked near the high water mark of White River to the East boundary line of said lands to the Northeast corner thereof where entrance is effected to the lands owned by Roy Finley and Beulah Finley, all to be done at the expense of the Cities.

3. The Mayor and Recorder of Cotter, Arkansas are hereby authorized to execute such easement or right-of-way and to exchange same for a release from Roy Finley and Beulah Finley of the present easement across the North line owned by said City.

4. This Resolution will become effective upon the passing of a similar Resolution by the City of Gassville, Arkansas.

DATED AUGUST 20, 1980.

CITY RECORDER

APPROVED:



ACTING MAYOR