ORDINANCE NO. _____

AN ORDINANCE DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY OF BRYANT, ARKANSAS, TO BE SURPLUS PROPERTY; AUTHORIZING THE SALE OF SAID PROPERTY LOCATED ON SOUTH ELM STREET TO SALINE COUNTY CONTRACTORS AND RENTAL PROPERTY, LLC; WAIVING COMPETITIVE BIDDING; PROVIDING FOR DEED RESTRICTIONS; AND FOR OTHER PURPOSES.

WHEREAS, The City of Bryant owns certain real property located on South Elm Street in Bryant, Saline County, Arkansas (the "Property"); and

WHEREAS, The Property is no longer needed for municipal purposes, and the City Council finds it to be surplus municipal property; and

WHEREAS, The Property has been appraised by a licensed Arkansas Certified General Appraiser at a fair market value of Thirty-Five Thousand Dollars ($35,000.00); and

WHEREAS, Saline County Contractors and Rental Property, LLC, whose Owner/Chief Executive Officer is Morgan Garner, owns adjoining and surrounding property and intends to incorporate the Property into a planned residential subdivision; and

WHEREAS, As part of the proposed development, Saline County Contractors and Rental Property, LLC has agreed to construct required half-street improvements adjacent to the Property, at an estimated cost between Seventeen Thousand Dollars ($17,000.00) and Thirty-Five Thousand Dollars ($35,000.00), which improvements will benefit the public and the City of Bryant; and

WHEREAS, The City Council finds that if the Property were sold to another private purchaser through competitive bidding, the purchaser would not necessarily be obligated to construct the required half-street improvements, thereby reducing the public benefit derived from the sale; and

WHEREAS, The City Council finds that the combination of the purchase price and the required public infrastructure improvements constitutes adequate consideration for the conveyance of the Property; and

WHEREAS, the City Council finds that the proceeds from the sale of the Property should be dedicated to the City of Bryant Stormwater Department Fund to assist in the funding of stormwater infrastructure, maintenance, and related public improvements benefiting the citizens of Bryant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS:

SECTION 1.

The City Council hereby finds and declares that the real property owned by the City of Bryant located on South Elm Street, Bryant, Arkansas, and legally described in Exhibit "A" attached hereto, is surplus property and is no longer needed for municipal purposes.

SECTION 2.

The City Council hereby authorizes the sale of the Property to Saline County Contractors and Rental Property, LLC, for the purchase price of Twenty-Five Thousand Dollars ($25,000.00), subject to the terms and conditions set forth herein.

The Property shall be conveyed by Special Warranty Deed or Quitclaim Deed, as determined by the City Attorney.

SECTION 3.

The Property shall be conveyed AS IS, WHERE IS, without any warranties, express or implied, including but not limited to warranties of condition, suitability for development, zoning, access, utilities, environmental condition, or fitness for any particular purpose.

SECTION 4.

The City Council hereby waives competitive bidding for the sale of the Property.

The City Council specifically finds that waiver of competitive bidding is in the best interest of the City because:

1. Saline County Contractors and Rental Property, LLC owns the adjoining and surrounding property;
2. The Property will become an integrated part of a larger residential subdivision;
3. The purchaser has committed to construct public half-street improvements benefiting the citizens of Bryant at an estimated value between $17,000.00 and $35,000.00;
4. A purchaser through competitive bidding would not necessarily be obligated to construct such public infrastructure improvements;
5. The City receives greater overall consideration and public benefit through the negotiated sale than could reasonably be expected through competitive bidding.

SECTION 5.

The deed conveying the Property shall contain the following restriction, covenant, and condition:

Street Improvement Covenant

As a material inducement for the City of Bryant to sell the Property for less than its appraised value and to waive competitive bidding, Grantee, its successors and assigns, agrees to construct, at its sole expense, all required half-street improvements adjacent to the Property as required by the City of Bryant's subdivision regulations, engineering standards, and development requirements.

Such improvements shall include all street, curb, gutter, drainage, and related public improvements required by the City's approved engineering plans.

The required improvements shall be completed prior to final plat approval of the subdivision or within such time as approved by the City Engineer as part of an approved development agreement.

In the event Grantee fails to complete the required improvements, the City shall have the right to pursue any remedy available at law or in equity, including specific performance, injunctive relief, damages, or recovery of the difference between the appraised value of the Property and the purchase price, together with any other remedies provided by law.

This covenant shall run with the land and shall bind Grantee and its successors and assigns until the City certifies completion of the required improvements.

SECTION 6.

Nothing contained herein shall exempt the purchaser from compliance with any applicable City ordinances or state law.

The purchaser shall be solely responsible for obtaining all approvals required for development of the Property, including but not limited to:

- rezoning;
- subdivision approval;
- variances;
- waivers;
- sidewalk waivers;
- grading permits;
- drainage approval;
- utility approvals;
- construction permits; and
- any other approvals required by City ordinance or state law.

Approval of this sale does not constitute approval of any future development application.

SECTION 7.

The Mayor and City Clerk are authorized and directed to execute all documents necessary to complete the sale, including but not limited to:

- Purchase Agreement;
- Closing Statement;
- Deed;
- Restrictive Covenants;
- Affidavits; and
- all other documents necessary to consummate the transaction.

The City Attorney is authorized to approve the final form of all closing documents.

SECTION 8.

If any provision of this Ordinance is declared invalid, such declaration shall not affect the remaining provisions.

SECTION 9.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 10. Emergency Clause.

The City Council finds that the prompt sale of this surplus property will facilitate economic development, construction of public infrastructure improvements, expansion of the City's tax base, and orderly residential development. Therefore, an emergency is declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage and publication.

PASSED AND APPROVED this _____ day of _____, 2026.

Attest:

_____
Chris Treat, Mayor

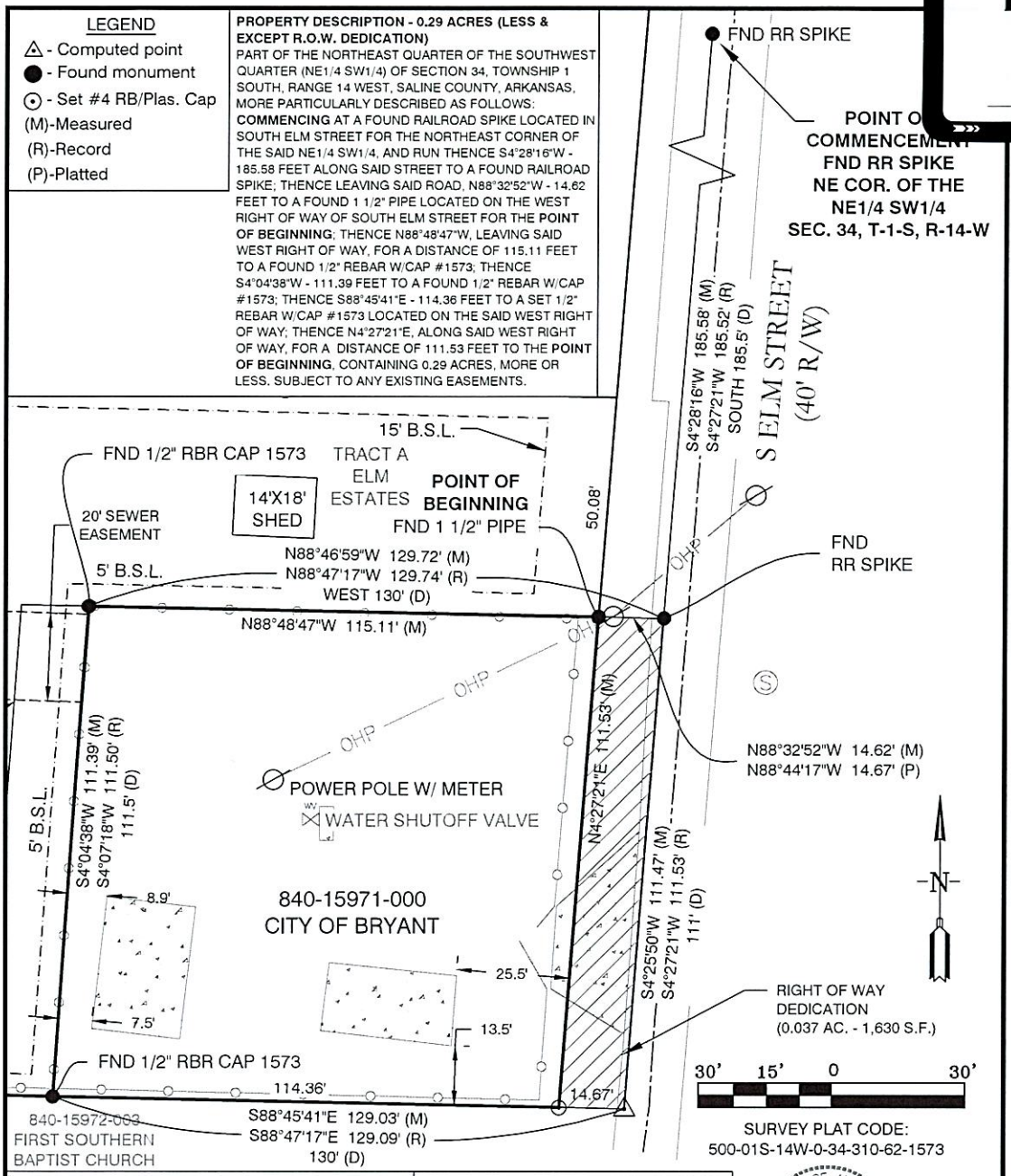
_____
Mark Smith, City Clerk

EXHIBIT A

LEGEND
- △ - Computed point
- ● - Found monument
- ⊙ - Set #4 RB/Plas. Cap
- (M)-Measured
- (R)-Record
- (P)-Platted

PROPERTY DESCRIPTION - 0.29 ACRES (LESS & EXCEPT R.O.W. DEDICATION)

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 SW1/4) OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: **COMMENCING** AT A FOUND RAILROAD SPIKE LOCATED IN SOUTH ELM STREET FOR THE NORTHEAST CORNER OF THE SAID NE1/4 SW1/4, AND RUN THENCE S4°28'16"W - 185.58 FEET ALONG SAID STREET TO A FOUND RAILROAD SPIKE; THENCE LEAVING SAID ROAD, N88°32'52"W - 14.62 FEET TO A FOUND 1 1/2" PIPE LOCATED ON THE WEST RIGHT OF WAY OF SOUTH ELM STREET FOR THE **POINT OF BEGINNING**; THENCE N88°48'47"W, LEAVING SAID WEST RIGHT OF WAY, FOR A DISTANCE OF 115.11 FEET TO A FOUND 1/2" REBAR W/CAP #1573; THENCE S4°04'38"W - 111.39 FEET TO A FOUND 1/2" REBAR W/CAP #1573; THENCE S88°45'41"E - 114.36 FEET TO A SET 1/2" REBAR W/CAP #1573 LOCATED ON THE SAID WEST RIGHT OF WAY; THENCE N4°27'21"E, ALONG SAID WEST RIGHT OF WAY, FOR A DISTANCE OF 111.53 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.29 ACRES, MORE OR LESS. SUBJECT TO ANY EXISTING EASEMENTS.



SURVEY PLAT CODE:
500-01S-14W-0-34-310-62-1573

DOCUMENTS USED FOR THE PREPARATION OF THIS SURVEY:	PROPERTY DESCRIPTION:
• WD BK 2021 PG 21901 COLE TO SALINE COUNTY CONTRACTING AND RENTAL PROPERTIES, LLC • WD BK 2002 PG 049527 MARY B. COLE REV. TRUST	• SEE ABOVE

CERTIFICATIONS:

BY AFFIXING MY SEAL AND SIGNATURE, I GEORGE P. WOODEN, PS NO.1573, HEREBY CERTIFY THAT THIS DRAWING CORRECTLY DEPICTS A SURVEY COMPILED UNDER MY SUPERVISION ON MAY 7, 2026.

THIS SURVEY WAS BASED ON LEGAL DESCRIPTIONS AND TITLE WORK FURNISHED BY OTHERS AND DOES NOT REPRESENT A TITLE SEARCH.

THIS PROPERTY IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN. THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN ZONE "X" OF THE F.E.M.A. MAP PANEL 05125C0380E EFFECTIVE DATE JUNE 5, 2020.

BASIS OF BEARINGS:

BEARINGS ARE BASED UPON NORTH AMERICAN DATUM 1983, ARKANSAS SOUTH ZONE, US SURVEY FEET, GRID COORDINATES. COORDINATES WERE ESTABLISHED USING GPS AND WERE PROCESSED USING THE NATIONAL GEODETIC SURVEY'S "ONLINE POSITIONING USER SERVICE" (OPUS).

CERTIFICATE OF AUTHORIZATION GarNat Engineering, LLC No. 2174 ARKANSAS

REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF ARKANSAS NO. 1573 SIGNATURE GEORGE P. WOODEN

5-14-26

GNE Designing our client's success

GarNat Engineering, LLC

P.O. Box 116
Benton, AR 72018
Ph (501) 408-4650

3825 Mt Carmel Rd
Bryant, AR 72022
garnatengineering@gmail.com

CONTENTS: BOUNDARY SURVEY SOUTH ELM STREET CITY OF BRYANT SALINE COUNTY, ARKANSAS 72022

FOR USE & BENEFIT OF: CITY OF BRYANT

PROJECT NO: 26059

DATE: MAY 14, 2026