

**AGENDA**  
**ARKANSAS STATE UNIVERSITY**  
**BOARD OF TRUSTEES**  
**Friday, January 7, 2011**  
**11:00 a.m.**  
**ASU System Office - Teleconference**

I. Call to Order

Mr. Howard L. Slinkard, Chair

\*II. Agenda

- Proposed ASU-System Resolutions
  - Resolution approving ASU System to grant a drainage easement.
  - Resolution approving ASU System to purchase a home in Little Rock, Arkansas.

\*III. Adjournment

\*Action Items

**Arkansas State University  
Board of Trustees  
January 7, 2011**

The Arkansas State University Board of Trustees met by conference call on Friday, January 7, 2011. The call originated from the ASU System conference room in Jonesboro. Mr. Howard Slinkard, chair of the Board of Trustees, called the meeting to order at 11:00 a.m. A roll call confirmed that Mr. Howard Slinkard, chair; Mr. Ron Rhodes, vice chair; Mr. Mike Gibson, secretary; and Mrs. Florine Milligan were present by telephone; with Mr. Dan Pierce present in the conference room.

**ASU System Resolutions:**

- Resolution 11-01 approving ASU System to grant a drainage easement on Lot 4 of Mallard Point Homesites located at 2254 Mallard Point Road, Mountain Home, Baxter County, Arkansas and directing the interim president to execute the drainage easement.

Dr. Robert Potts, interim president of the ASU System, explained that the owner of the adjoining property built the drainage basin and buried pipe without obtaining an easement first. A survey showed that the drainage basin and pipe encroached a few feet onto the property owned by the university; however, the easement benefits both properties. It was announced and copies of the proposed easement were given out before the auction to sell the property began on December 20, 2010, so the purchaser had full knowledge that the easement would be executed and recorded before the sale closed.

- Resolution 11-02 approving ASU System to purchase a home in Little Rock, Arkansas, in which the ASU System President will be required to reside.

Because the board is requiring the new system president to reside in Little Rock after he takes office for the benefit of the university system, a home must be purchased there. A portion of the funds received from the sale of the Mallard Point property will be used to buy a house.

Upon motion by Mrs. Milligan, second by Mr. Gibson, Resolutions 11-01 and 11-02 were approved.

AYES: Slinkard, Rhodes, Gibson, Pierce, Milligan

NAYS: None

Mr. Slinkard said in regard to the sale of the Mallard Point property, Mr. Tim Walker of Walker Auction Service donated his time and expertise to conduct the auction, which resulted in the property being sold at above appraised value. On behalf of the board, Mr. Slinkard publicly expressed the board's appreciation for his generous services.

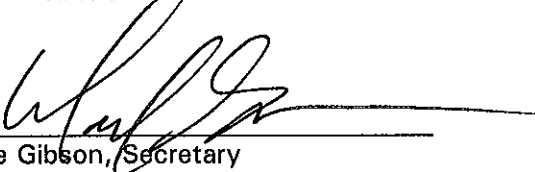
The board thanked Mr. Rhodes for providing his expertise in facilitating and coordinating the sale. Mr. Rhodes credited Tim Walker and Larry Black of Larry Black and Associates, Inc. for their support of ASU-Mountain Home and the ASU System. Dr. Potts said the commission they waived would have been \$126,000. Dr. Ed Coulter, chancellor of ASU-Mountain Home, also was commended for his efforts in obtaining their services.

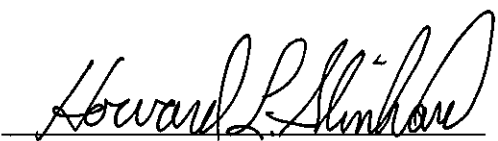
Lucinda McDaniel, legal counsel for the ASU System, said closing on the property is on-schedule with a deadline of January 20. They have tentatively scheduled to close on January 19.

Upon motion by Mr. Rhodes, second by Mr. Pierce, the meeting adjourned at 11:09 a.m.

AYES: Slinkard, Rhodes, Gibson, Pierce, Milligan

NAYS: None

  
Mike Gibson, Secretary

  
Howard L. Slinkard, Chair

**EXECUTIVE SUMMARY**

Contact: Robert L. Potts (870) 933-7900

**ACTION ITEM:** ASU System requests approval to grant a drainage easement.


**ISSUE:** The adjoining owner to Lot 4 of the Mallard Point Homesites has installed a drainage system which benefits but encroaches upon ASU System property. ASU System needs to grant a drainage easement to allow the improvement to remain in place.

**BACKGROUND:**

- ASU System has sold lots 3 and 4 in the Mallard Point Homesites located in Mountain Home, Baxter County, Arkansas.
- Before the sale, a survey made apparent that an adjoining owner had installed a drainage system which encroached on Lot 4 of the ASU System property. The drainage system benefits the ASU System property by turning water into underground pipes which makes a waste area on lot 4 available for use.
- In return for the improvement to the ASU System property and in order to continue to receive the value of the drainage system, ASU System must grant a drainage easement. Bidders on the property were made aware of the proposed drainage easement and considered that easement in their purchase price.
- The drainage easement is attached to this resolution and will be executed by the interim president.

**RECOMMENDATION/RESOLUTION:**

Be it resolved that the ASU System is approved to grant a drainage easement on Lot 4 of Mallard Point Homesites located at 2254 Mallard Point Road, Mountain Home, Baxter County, Arkansas and the interim president is directed to execute the drainage easement.

  
Mike Gibson, Secretary

  
Howard L. Slinkard, Chair

## **DRAINAGE EASEMENT**

STATE OF ARKANSAS  
COUNTY OF BAXTER

KNOW ALL MEN BY THESE PRESENTS

THAT for and in consideration of One Dollar (\$1.00) and Other Good and Valuable Consideration, receipt of which is hereby acknowledged, the undersigned, State of Arkansas Trustee for Arkansas State University (Grantor) hereby GRANTS, BARGAINS, SELLS, AND CONVEYS unto Rebecca R. Mooney, (Grantee), her successors, heirs, and assigns forever, a drainage easement to construct, lay, remove, relay, repair, maintain, inspect, and operate drainage pipes, retaining wall, inlet box, and necessary appurtenances thereto with right of ingress and egress to and from the same, on, over, across and under the following described real estate (Premises), situated in Baxter County, Arkansas, to-wit:

### **EASEMENT DESCRIPTION**

Part of Lot 4 of Mallard Point Homesite Area, Baxter, County, Arkansas, described as follows:

Beginning at the corner common to Lots 4, 5, & the right of way of Mallard Drive go along the lot line common to Lots 4 & 5 N12°16'01"W 195.02' to the Point of Beginning; then continue along said lot line N12°16'01"W 94.75'; then leaving the lot line common to Lots 4 & 5 go S77°43'59"W 4.00'; then go S12°16'01"E 94.75', then go N77°43'59"E 4.00' to the Point of Beginning.

Easement is four (4) feet in width being ninety-four and seventy-five hundredths (94.75) feet in length as depicted in Exhibit A to this Drainage Easement.

Further consideration for this easement shall be as follows:

The Grantor is to fully use, enjoy, and occupy the said Premises except for the purposes of the drainage easement hereinbefore granted to the said Grantee, which hereby agrees to restore and maintain the ground surface as near the original condition as practical.

The Grantor agrees not to erect any buildings or structures within the boundaries of said easement or to take any action which would obstruct the flow of drainage to be controlled by this easement.

TO HAVE AND TO HOLD the same unto said Grantee and to her successors and assigns forever or until said easement is finally abandoned.

IN WITNESS WHEREOF, I have hereunto set my hand on this 7 day of January, 2011.

State of Arkansas Trustee for Arkansas State University

By: *Robert L. Potts*  
Robert L. Potts, Interim President

**ACKNOWLEDGMENT**

STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

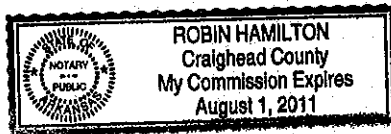
On this day personally appeared before me ROBERT L. POTTS, the undersigned officer, of the State of Arkansas known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

WITNESS my hand and seal on this 7 day of January, 2011.

*Robin Hamilton*  
Notary Public

My Commission Expires:

8-1-2011



**EXECUTIVE SUMMARY**

Contact: Robert L. Potts (870) 933-7900

**ACTION ITEM:** ASU System requests approval to purchase a home in Little Rock, Arkansas, for use by the ASU System President.

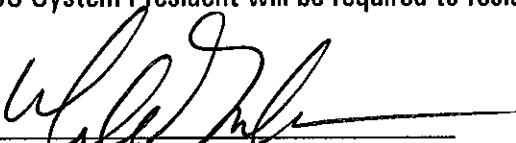
**ISSUE:** The ASU System President will have his primary office in Little Rock, Arkansas, and requires housing in Little Rock.

**BACKGROUND:**

- The ASU System President will maintain his primary office in Little Rock, Arkansas.
- As a condition of employment, the president is required to live in housing owned by the ASU System.
- ASU System needs to purchase a home in Little Rock, Arkansas, suitable to accommodate the educational, business, and service duties of the ASU System President.
- Funding for the purchase will come from the sale of property in Mountain Home, Arkansas. The ASU System will not be required to borrow any monies to purchase the home.

**RECOMMENDATION/RESOLUTION:**

Be it resolved that the ASU System is approved to purchase a home in Little Rock, Arkansas, in which the ASU System President will be required to reside.

  
Mike Gibson, Secretary

  
Howard L. Slinkard, Chair