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PULASKI CO, AR FEE \$50.00

Prepared by:

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10816 Crestdale Lane

Little Rock, AR 72212-3626



**PLAT AND BILL OF ASSURANCE**

**BEAR DEN ESTATES**

**LOTS 1 THROUGH 44, BLOCK 1  
TRACTS A, B, C, D, E, F, G and H**

**BEAR DEN DEVELOPMENT COMPANY, LLC**

**TO**

**THE PUBLIC**

**KNOW ALL PERSONS BY THESE PRESENTS:**

That Bear Den Development Company, LLC, hereinafter called "Developer," is the owner of the following property:

See Exhibit A attached hereto and made a part hereof for all purposes

WHEREAS, is deemed desirable that all of the above described property be subdivided into building lots, common areas, tracts, and streets as shown on the Plat filed in conjunction with this Bill of Assurance;

WHEREAS, the aforementioned property is part of the real property which is subject to a Declaration of Covenants and Restrictions filed on January 14, 2022, in the Office of the Circuit Clerk and Recorder of Pulaski County as Instrument No.

20222003762 ("the Declaration of Covenants and Restrictions") which establishes a community with a common plan of development, common facilities and amenities known as **BEAR DEN ESTATES**; and

WHEREAS, it is deemed desirable that all of the above described property be subdivided, held, owned and conveyed subject to the covenants and restrictions contained in the Declaration of Covenants and Restrictions and subject also to the easements, reservations and restrictions shown on the Plat which is filed in conjunction herewith, and subject also to the protective covenants contained in this Bill of Assurance in order to enhance and maintain the value of such property;

NOW, THEREFORE, Developer has caused the property to be surveyed by Jared Pavatt, Arkansas Registered Professional Land Surveyor No. 1526 , and a Final Plat made thereof which is identified by the title, BEAR DEN ESTATES, LOTS 1-44, BLOCK 1, & TRACTS A through H, dated January 21, 2022, and said Plat bears the signature of the said surveyor and Developer, and is of record in the Office of the Circuit Clerk and Recorder of Pulaski County in Plat Book 2022, at page 5877, and Developer does hereby make this Bill of Assurance applicable to such property.

Developer does hereby certify that it has laid off, platted and subdivided, and does hereby lay off, plat and subdivide said real estate as **BEAR DEN ESTATES**, an addition to the City of Little Rock, Pulaski County, Arkansas, and each and every deed of conveyance for any lot or tract in said Addition describing the same by the number or numbers as shown on said Plat shall always be deemed a sufficient legal description thereof. Developer hereby dedicates to the public forever an easement of way on and over the streets as shown on said Plat to be used as public streets.

In addition to said streets, there are shown on said Plat certain easements, including easements for drainage and utilities. Developer hereby donates and dedicates such drainage and utility easements to and for the use of public utilities, the same being, without limiting the generality of the foregoing, electrical power, cable television, internet communication, natural gas, telephone, sanitary sewer, stormwater, and potable water, with the right hereby granted to the persons, firms or corporations engaged in the supplying of such utility services to use and occupy such easements and to have free ingress and egress thereon for the installation, maintenance, repair and replacement of such utility services. Any and all other easements and reservations shown on the Plat, such as easements and

reservations for entry facilities, signs, landscaping, ingress and egress, fencing, and the like, are also hereby dedicated and donated and for the use of the Developer, Bear Den Estates Community Association, Inc., and its members.

The filing of the Plat and Bill of Assurance for record in the Office of the Circuit Clerk and Recorder of Pulaski County, Arkansas, shall be valid and complete delivery and dedication of the streets and easements shown on said Plat, and the streets in said BEAR DEN ESTATES shall be known by the names designated on said Plat. Said land herein platted and any interest therein shall be held, owned and conveyed subject to and in conformity with the covenants of the Declaration of Covenants and Restrictions establishing Bear Den Estates. In addition, the following covenants and restricts shall also apply, subject to being amended or cancelled as hereinafter provided, and shall be and remain in full force and effect until December 31, 2046, unless extended as provided therein.

1. **LOT AREA AND WIDTH.** No residence shall be erected, altered or permitted to remain on any lot covered by this Bill of Assurance and shown on the Plat referenced herein if the area of the lot is less than 6,000 square feet or if the width thereof at the front building line is less than sixty-five feet (65'). No lot shall be subdivided without written consent of the Developer and of the Little Rock Planning Commission first had and obtained.
2. **LAND USE AND BUILDING TYPE.** Said land herein platted as lots shall be held, owned and used only for residential building sites. No structure shall be erected, altered, placed or permitted to remain on such residential building sites other than a detached single family dwelling, a private garage for the storage of passenger cars owned or used by residents, and other buildings clearly incidental and related to residential use of the premises and approved by the Architectural Control Committee for Bear Den Estates. No such building site shall be used for commercial purposes. Such restrictions shall not prohibit the temporary maintenance of model homes and sales offices by Developer or other professional builders with approval of the Developer, or the platting of tracts for other lawful purposes by Developer. An office located in a residence shall be allowed, subject to all municipal ordinances, but no visible advertising of any home office shall be permitted on any lot or in

Bear Den Estates, and no public parking for any office use shall be permitted on streets in Bear Den Estates

3. **MINIMUM AND MAXIMUM PRINCIPAL DWELLING SIZE.** No principal residential structure shall be constructed or permitted to remain on any of the lots platted hereby unless the main floor area thereof, exclusive of porches, patios, carports, garages and breezeways shall be at least two thousand four hundred (2,400) square feet for a single-level home and two thousand six hundred (2,600) square feet for a two-story home.

The term "main floor area" as used in this paragraph shall include living, dining and sleeping areas which may be on different levels.

4. **ARCHITECTURAL CONTROL.** All proposed construction and styles of residences in Bear Den Estates must be first submitted for consideration by the Architectural Control Committee of Bear Den Estates, all as more fully set forth in the Declaration of Covenants and Restrictions. The residences on the lots herein described shall be of similar size and compatible architectural style so as to create a neighborhood with common and complementary architectural elements.

5. **BUILDING LOCATION.** No building shall be constructed on any lot nearer to the street than twenty-five feet (25') as shown by the building line and setback lines shown on said plat, except for buildings on corner lots which may be constructed in accordance with Little Rock City ordinances applicable thereto. No residential structure shall be located nearer to an interior lot line than ten percent (10%) of the average width of the single family lot, provided that such side yard need not exceed eight feet (8') in width. For purposes of this restriction, eaves, steps and open porches shall not be considered a part of the dwelling. No residential structure shall be nearer than twenty-five feet (25') to the rear lot line as shown on the Plat filed in conjunction herewith.

6. **COMMON AREAS, TRACTS.** There may be shown on the Plat filed in conjunction with this Bill of Assurance certain areas known as Tracts. These areas or Tracts are reserved for the exclusive use and enjoyment of

the owners of property in Bear Den Estates unless otherwise expressly noted on the Plat. Such uses may include, but are not limited to, green spaces, greenbelts, water detention structures, open spaces, play fields, playgrounds, natural buffers, trails, paths, entry features, signs, landscaped areas, and other amenities. No construction of any kind, no storage of materials, no ingress and egress, and no disturbance of any kind shall take place on such areas without the express written permission of Developer, all as more fully set forth in the Declaration of Covenants and Restrictions or as noted on the Plat. Unless specific easements for access, ingress and egress are shown on the recorded plat for a particular lot or lots, no common areas may be used for access, ingress, egress, parking, storage of materials, dumping of debris, ashes, or other materials. Any activity which is deemed by the Board of Directors of Bear Den Estates Community Association, Inc. to be inconsistent with this paragraph or the Declaration of Covenants and Restrictions shall not be allowed or permitted.

7. **MAINTENANCE OF COMMON AREAS.** All common areas in Bear Den Estates and improvements thereon, including tracts, easement areas, islands, medians, entry features and tracts of land set aside and reserved for drainage, buffer, park and aesthetic purposes shall be maintained by Bear Den Estates Community Association, Inc. at its cost, regardless of the ownership thereof. All such areas shall be dedicated and donated by the Developer to the association at such time as Developer deems in Bear Den Estates unless otherwise noted on the relevant plat for such common areas.
8. **PROPERTY LINES AND BOUNDARIES.** Iron pins have been set on all lot corners and points of curve, and all curve data shown on said Plat referenced herein is centerline curve data. In the event of minor discrepancies or distances as disclosed by the established pins, the original pins as set on the property shall control.

9. **MAILBOXES.** All United States Postal Service mail and package deliveries to the lots platted hereby and described herein will be made to a common mailbox and package kiosk located as set forth on the Plat. No mailboxes or other package delivery receptacles are allowed to be located on the lots platted as Bear Den Estates.
10. **PUBLIC UTILITIES.** All dwellings and other structures erected upon any lot shall be served by all public utilities, including public sewer. No water wells are allowed on lots platted in Bear Den Estates.
11. **ENFORCEMENT.** In the event of any attempt to violate any of the covenants and restrictions contained herein, it shall be lawful for Bear Den Estates Community Association, Inc., any appropriate governmental authority, the Developer, or any person or persons owning a lot or lots in Bear Den Estates to initiate compliance action and procedures pursuant to the terms of the Declaration of Covenants and Restrictions, or to pursue any other lawful remedy.
12. **AMENDMENT.** This Bill of Assurance may be cancelled, amended or extended in accordance with the terms set forth in the Declaration of Covenants and Restrictions. No amendment shall be effective unless and until duly enacted pursuant to the terms of the Declaration of Covenants and Restrictions and properly filed of record in the Office of the Circuit Clerk and Recorder for Pulaski County, Arkansas.
13. **SEVERABILITY.** The invalidation of any one of these covenants or restrictions by any court of competent jurisdiction or otherwise shall in no way affect any of the other provisions, which shall be independent and which shall remain in full force and effect.

*(this space intentionally blank; signatures and  
acknowledgment on following page)*

Executed this 24<sup>th</sup> day of January, 2022.

**BEAR DEN DEVELOPMENT COMPANY, LLC**

By: *Bradford Gaines*  
Name: Bradford Gaines  
Title: Manager

ATTEST: *[Signature]*

**ACKNOWLEDGMENT**

**STATE OF ARKANSAS**

**COUNTY OF PULASKI**

On this 24 day of January, 2022, before me, a Notary Public, duly commissioned, qualified and acting within and for the county and state aforesaid, appeared in person Bradford Gaines and Andrew Wiechern to me well known, who stated that they were the Manager and secretary of Bear Den Development Company, LLC, an Arkansas limited liability company, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on behalf of said limited liability company, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year aforesaid.

*Tanya M. Diotte*  
Notary Public

My commission expires: August 14, 2022



## EXHIBIT "A"

### **BLOCK 1 LEGAL DESCRIPTION**

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BEING A PART OF THE SE1/4, SECTION 22, T-2-N, R-14-W, PULASKI COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF THE SAID SE1/4; THENCE S 87°41'34" E 534.02 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 02°18'26" E 174.73 FEET; THENCE S 87°43'49" E 67.65 FEET; THENCE N 02°38'12" E 162.51 FEET; THENCE S 88°40'59" E 359.38 FEET; THENCE N 35°26'04" E 190.47 FEET; THENCE N 57°10'14" W 122.08 FEET; THENCE N 40°37'03" W 132.38 FEET; THENCE N 20°59'30" W 127.76 FEET; THENCE N 83°46'28" E 171.10 FEET; THENCE N 83°46'28" E 50.07 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 128.63 FEET, WITH A RADIUS OF 125.00 FEET, WITH A CHORD BEARING OF S 32°04'55" E, WITH A CHORD LENGTH OF 123.03 FEET.; THENCE S 61°33'42" E 60.77 FEET; THENCE S 61°33'27" E 124.68; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 187.29 FEET, WITH A RADIUS OF 475.00 FEET, WITH A CHORD BEARING OF S 49°54'35" E, WITH A CHORD LENGTH OF 186.07 FEET.; THENCE N 51°49'30" E 142.22 FEET; THENCE S 49°39'41" E 278.29 FEET; THENCE N 88°13'19" E 237.97 FEET; THENCE S 79°19'02" E 137.36 FEET; THENCE S 64°56'21" E 325.95 FEET; THENCE N 70°11'55" E 114.64 FEET; THENCE S 87°41'34" E 106.73 FEET; THENCE S 01°36'50" W 349.80 FEET; THENCE N 87°41'34" W 2106.29 FEET; TO THE POINT OF BEGINNING, HAVING AN AREA OF 22.44 ACRES, MORE OR LESS.