

AGREEMENT

FILED
DATE 10/18/00
DONNA K. JACKSON
CITY CLERK

This Agreement is entered into on this date by and between Mary M. Craft Living Trust, hereinafter referred to as "party of the first part", and the City of Jonesboro, Arkansas, MATA department, hereinafter referred to as the "party of the second part".

WITNESSETH:

That whereas the party of the first part is the owner of certain property situated at 1329 S. Madison Ave, in the city of Jonesboro, Craighead County, Arkansas, Parcel number 1; and

That whereas the party of the second part is in the process of improving Nettleton Avenue along the southernmost line of the aforesaid property, and seeks to have a permanent easement and temporary construction easements across said property for the purpose of widening and improving Nettleton Avenue.

NOW, THEREFORE, in consideration for the party of the first part's granting of permanent and temporary construction easements across the aforesaid property, the party of the second part hereby agrees to perform as follows:

1. To pay the party of the first part the lump sum of \$8,595.00 prior to the commencement of construction or entry upon said lands.
2. To construct a retaining wall made of "Allen Blocks" or their equivalent, having the look of sculptured rock, which retaining wall shall be of such design and construction so as to rise to a single height in elevation along it's top surface throughout its full length and construction, such that the top of the entire wall shall run level along a single horizontal plane, and shall not be "stepped" or run level along more than one single horizontal plane, nor shall it "run along" or "run with" the slope of the land or in any wise be constructed in such a manner that the top of the wall throughout it's entire length is other than lying along a single horizontal plane.
3. That the afore-described retaining wall will turn the corner along the property line beside Madison Avenue and continue to the steps of front entrance to the property.
4. That the afore described retaining wall will turn the corner along the westernmost end of the property and continue to the back side of the right-of-way easement granted hereby and in conjunction herewith.
5. To remove and replace two complete sets of steps and walkways from the Nettleton Avenue entrances to the property.
6. To construct from Nettleton Avenue along the west end of the property, a concrete driveway extending onto and from Nettleton Avenue to the backside of the right-of-way easement granted hereby and in conjunction herewith.
7. Remove the evergreen shrubbery from the property along said easement.

This agreement is executed on this 15 day of August, 2000.

By: Mary M. Craft
Mary M. Craft, Grantor
Party of the First Part

By: D. Scott
MATA Director
Party of the second part

MISC BOOK 43 PAGE 585
DATE 10/18/00
RECORDED OFFICIAL SEAL
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY
ANN HUBBARD
CLERK
COMMISSION EXPIRES 02-14-2010
Deborah Weaver, D.C.
RECEIPT# 72471

#1

Right-of-Way

Whereas, Mary M. Craft Living Trust, is the owner of land in Craighead County, Arkansas described below, and the City of Jonesboro, a municipal corporation of the State of Arkansas, is the owner of adjoining land;

Whereas, Mary M. Craft Living Trust, and city have agreed upon a right-of-way for construction and maintenance of a street across the land of Mary M. Craft Living Trust, in favor of city and in favor of the land of city.

Now, Therefore, be it agreed between Mary M. Craft Living Trust, and city on 15TH day of AUGUST, ~~1999~~ 2000 *ml*

1. Mary M. Craft Living Trust, in consideration of the agreement hereinafter made by city, grants to city a right-of-way for construction and maintenance of a street over the land Mary M. Craft Living Trust, in City of Jonesboro, Craighead County, Arkansas, or particularly described as follows:

DESCRIPTION OF PERMANENT RIGHT-OF-WAY

PART OF LOT 3 IN BLOCK 49 OF NILSON'S SUBDIVISION OF LOTS 37, 38, 39, 40, 41, 49, 50 AND 51 OF KNIGHT'S SECOND ADDITION TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, AS RECORDED IN DEED BOOK #9, PAGE #376 IN THE OFFICE OF THE CIRCUIT COURT CLERK AND EX-OFFICIO RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 3 IN BLOCK 49 OF NILSON'S SUBDIVISION OF LOTS 37, 38, 39, 40, 41, 49, 50 AND 51 OF KNIGHT'S SECOND ADDITION TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, THENCE SOUTH 88°57'32" WEST ALONG THE SOUTH LINE OF LOT 3, AFORESAID, 238.50 FEET TO THE SOUTHWEST CORNER OF LOT 3, AFORESAID; THENCE NORTH 0°16'24" EAST ALONG THE EAST LINE OF LOT 3, AFORESAID, 11.19 FEET; THENCE SOUTH 89°43'36" EAST 35.77 FEET; THENCE NORTH 89°46'15" EAST 202.76 FEET TO THE EAST LINE OF LOT 3 AFORESAID; THENCE SOUTH 0°54'18" WEST ALONG SAID EAST LINE 7.51 FEET TO THE POINT OF BEGINNING, CONTAINING 0.051 ACRES, (2198.371 SQUARE FEET).

DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT TRACT "A"

PART OF LOT 3 IN BLOCK 49 OF NILSON'S SUBDIVISION OF LOTS 37, 38, 39, 40, 41, 49, 50 AND 51 OF KNIGHT'S SECOND ADDITION TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, AS RECORDED IN DEED BOOK #9, PAGE #376 IN THE OFFICE OF THE CIRCUIT COURT CLERK AND EX-OFFICIO RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 3 IN BLOCK 49 OF NILSON'S SUBDIVISION OF LOTS 37, 38, 39, 40, 41, 49, 50 AND 51 OF KNIGHT'S SECOND ADDITION TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, THENCE NORTH 0°16'24" EAST ALONG THE WEST LINE OF LOT 3 AFORESAID 11.19 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE NORTH 0°16'24" EAST ALONG SAID WEST LINE 6.23 FEET; THENCE SOUTH 21°48'05" EAST 6.72 FEET; THENCE NORTH 89°43'36" WEST 2.53 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 7.871 SQUARE FEET.

DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT TRACT "B"

PART OF LOT 3 IN BLOCK 49 OF NILSON'S SUBDIVISION OF LOTS 37, 38, 39, 40, 41, 49, 50

AND 51 OF KNIGHT'S SECOND ADDITION TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, AS RECORDED IN DEED BOOK #9, PAGE #376 IN THE OFFICE OF THE CIRCUIT COURT CLERK AND EX-OFFICIO RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 3 IN BLOCK 49 OF NILSON'S SUBDIVISION OF LOTS 37, 38, 39, 40, 41, 49, 50 AND 51 OF KNIGHT'S SECOND ADDITION TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, THENCE NORTH $0^{\circ}54'18''$ EAST ALONG THE EAST LINE OF LOT 3 AFORESAID 7.51 FEET TO THE POINT OF BEGINNING PROPER; THENCE SOUTH $89^{\circ}46'15''$ WEST 4.03 FEET; THENCE NORTH $8^{\circ}26'47''$ EAST 23.97 FEET; THENCE EAST 0.89 FEET TO THE EAST LINE OF LOT 3 AFORESAID; THENCE SOUTH $0^{\circ}54'18''$ WEST ALONG SAID EAST LINE 23.69 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.001 ACRES, (58.233 SQUARE FEET).

2. Mary M. Craft Living Trust, warrants the right-of-way against anyone claiming it or in any manner preventing free and unobstructed use of it by city.

3. City, in consideration of the grant of right-of-way aforesaid, agrees to construct, maintain and improve the property through the use as is set forth herein.

4. This agreement shall inure to and bind the heirs, executors, administrators, successors and assigns of the parties and shall constitute a covenant running with the land of Louie J. Mary M. Craft Living Trust.

Mary M. Craft
Mary M. Craft Living Trust

STATE OF ARKANSAS
COUNTY OF Craighead

ACKNOWLEDGEMENT

On this day before me, the undersigned officier, personally appeared Mary M. Craft Living Trust, to me well known to be the person whose name is subscribed to the foregoing instrument and acknowledged that she had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 15TH day of AUGUST, ~~1999~~ 2000
JH12

OFFICIAL SEAL
J. HARRY HARDWICK
NOTARY PUBLIC-ARKANSAS
CRAIGHEAD COUNTY
MY COMMISSION EXPIRES: 02-14-2010
J. Harry Hardwick
NOTARY PUBLIC

DEED BOOK 595 PAGE 198 - 200
DATE 08/18/2000
TIME 09:39:32 AM
RECORDED IN,
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY
ANN HUDSON
CIRCUIT CLERK
Shanna Vickers D.C.
RECEIPT# 50438