

EASEMENT FOR DRAINAGE

KNOW ALL PERSONS BY THESE PRESENTS:

For good and valuable consideration, the receipt of which is hereby acknowledged, Mall at Turtle Creek, LLC, a Delaware limited liability company, by its Co-Manager (“Grantor”) does grant, sale, and convey to the City of Jonesboro, Arkansas and its successors and assigns (“Grantee”) an Easement and right of entry over and across the following described land located in Craighead County, Arkansas, to wit:

SEE EXHIBIT A ATTACHED AND MADE A PART OF THIS EASEMENT.

This Easement is for the purpose of permitting the Grantee and its agents, contractors and employees a right of ingress and egress, maintain, clean, clear and repair Turtle Creek ditch as described in Exhibit A.

Grantee agrees to maintain, clear, clean, and repair this Easement at its sole cost and expense.

Grantee agrees to indemnify and hold Grantor harmless from any claim, loss of life, injury to person, damage to property or cause of action arising out of the construction, maintenance, repair, or use of this Easement by the Grantee, its agents, employees, or the general public. The term indemnification shall include any monetary obligation which Grantor pays or is obligated to pay and shall include all litigation costs, discovery costs, court costs, witness fees, and reasonable attorney’s fees.

This Easement and covenant shall run with the ownership of the land described and shall bind not only the parties to this Agreement but their successors and assigns.

Grantor warrants that it has title to the property and that it has authority to convey the property to the Grantee subject to all existing liens, encumbrances, easements, restrictions, covenants, right-of-ways and other exceptions of record.

This document is executed on this 21st day of April, 2011.

MALL AT TURTLE CREEK, LLC

David E. Hocker
David E. Hocker, Co-Manager

ACKNOWLEDGMENT

STATE OF KENTUCKY

COUNTY OF DAVIESS

On this day before me personally appeared David E. Hocker to me well known who acknowledged himself to be the Co-Manager of Mall at Turtle Creek, LLC, a Delaware limited liability company, and stated that he, as such Co-Manager, being authorized to do so, has executed this instrument for the purposes set forth, by signing the name of the limited liability company by himself as Co-Manager.

Witness my hand and seal on this 21 day of April, 2011.

M.B. Wilson
Notary Public, Kentucky-at-Large
ID # 437293

My commission expires:
2/22/2015