



City of Jonesboro

Signature Copy

Resolution: R-EN-089-2020

2020R-016576

FILED

JONESBORO DISTRICT

CRAIGHEAD COUNTY, ARKANSAS

CANDACE EDWARDS, CLERK & RECORDER

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FEE: 70.00

PAGES: 12

TRAMAIN MCDONALD

File Number: RES-20:093

Enactment Number: R-EN-089-2020

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO GRANT EASEMENTS - UTILITY AND INGRESS/ EGRESS TO CITY WATER AND LIGHT PLANT OF JONESBORO, ARKANSAS

WHEREAS, the City of Jonesboro, Arkansas desires to grant Easements for utility and ingress/egress to City Water and Light of Jonesboro, Arkansas for the purpose of constructing underground utility lines, underground communication lines, roads and railway crossings and to convey a right of ingress and egress for the purpose aforesaid over and across land as described in the attached Easement Agreement

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

Section 1. The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to grant easements for utility and ingress/egress described in the attached Easement Agreement to City Water and Light of Jonesboro, Arkansas.

PASSED AND APPROVED THIS 21ST DAY OF JULY 2020.



Type of Instrument: Utility and Ingress/Egress Easement Agreement
Grantee: City Water and Light Plant
of the City of Jonesboro, Arkansas
Grantor: City of Jonesboro, Arkansas

After Recording, Return To:
City Water & Light Plant
of the City of Jonesboro
PO Box 1289
Jonesboro, AR 72403

EASEMENT AGREEMENT

WHEREAS, the CITY OF JONESBORO, ARKANSAS ("GRANTOR"), by its Mayor and City Council represents and warrants to the CITY WATER & LIGHT PLANT OF THE CITY OF JONESBORO, ARKANSAS, a consolidated municipal utility improvement district, ("GRANTEE") that it is the owner of the real property described in Exhibit "A" attached hereto and incorporated herein by reference located in Craighead County, Arkansas (the "GRANTOR'S PROPERTY");

WHEREAS, GRANTEE is the owner of the adjacent real property described in Exhibit "B" attached hereto and incorporated herein by reference which is also located in Craighead County, Arkansas ("GRANTEE'S PROPERTY"),

WHEREAS, in conjunction with the ownership, development, construction, and operation of GRANTEE'S PROPERTY, GRANTEE desires to obtain certain easements under, over and across GRANTOR'S PROPERTY in order to construct underground utility lines, underground communication lines, roads and railway crossings thereon (collectively "GRANTEE'S FACILITIES") and for ingress and egress to GRANTEE'S PROPERTY AND SUCH GRANTEE'S FACILITIES, all as shown more particularly in Exhibit "C" attached hereto and incorporated herein by reference;

WHEREAS, GRANTEE has agreed to pay GRANTOR the compensation described herein for damage to the GRANTOR'S PROPERTY caused by the installation of GRANTEE'S FACILITIES as well for the permanent utility and ingress and egress easements described herein.

FOR GOOD AND VALUABLE CONSIDERATION, IT IS THEREFORE AGREED BETWEEN GRANTEE AND GRANTOR AS FOLLOWS:

1. In consideration of the easements described herein, GRANTEE does hereby agree to pay to GRANTOR the sum of Ten and no/100 (\$10.00) Dollars, the receipt and sufficiency of which is hereby acknowledged.
2. In consideration hereof, GRANTOR hereby grants and conveys to GRANTEE, its successors and assigns, the permanent easements in, over, under and upon GRANTOR'S PROPERTY in the Easement Areas described and depicted on Exhibit "C" attached hereto and incorporated by reference (collectively, the "Easement Areas") for the purposes of allowing GRANTEE'S ingress and egress to GRANTEE'S PROPERTY and GRANTEE'S FACILITIES and for the purposes

of GRANTEE constructing, operating, maintaining, repairing, inspecting, cleaning, replacing, modifying and removing GRANTEE'S FACILITIES within the Easement Areas. GRANTEE shall have the right, privilege and authority to clear and keep clear the Easement Areas and to remove all timber and obstructions that may interfere with the construction, operation, maintenance, repair, replacement, modification and removal of said GRANTEE'S FACILITIES.

3. As additional consideration for this Agreement, GRANTEE and GRANTOR also agree to the following terms and conditions:
 - a. GRANTEE shall restore the Easement Areas to a condition substantially similar to the condition existing prior to construction of GRANTEE'S FACILITIES so that there shall not be any significant permanent mounds, ridges, sinks or trenches resulting from the construction.
 - b. GRANTEE shall submit a plan for the railroad track crossings to GRANTOR for GRANTOR'S approval prior to constructing the crossings. GRANTEE shall construct the crossings as detailed on GRANTOR-approved plans and shall notify GRANTOR at least thirty (30) days prior to commencement of construction of the crossings.
 - c. GRANTEE shall pay for any and all damage, whether during construction or in the future, to GRANTOR'S improvements on the GRANTOR'S PROPERTY, which may arise from the exercise of the GRANTEE'S rights granted herein.
 - d. GRANTOR hereby reserves the right to use said Easement Areas in any manner that will not prevent or interfere with the exercise by GRANTEE of its rights hereunder provided, however, that GRANTOR shall not construct, or permit to be constructed, any improvements within the Easement Areas without the prior written consent of the GRANTEE.
 - e. GRANTEE shall have the right from time to time to cut trees, undergrowth and other obstructions within the Easement Areas that, in its judgment, may injure, endanger or interfere with the exercise by GRANTEE of the rights, privileges and easement herein granted.
 - f. The rights herein granted may be assigned in whole or in part and the terms, conditions and provision hereof shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns, of the parties hereto.
4. GRANTEE agrees to indemnify, defend and hold GRANTOR and its respective officers, directors, shareholders, partners, members, managers, affiliates, employees, representatives, agents, invitees, successors and assigns harmless from and against any and all claims, actions, causes of action, demands, damages, costs, liabilities, losses, judgments, expenses or cost of any kind or nature whatsoever (including reasonable attorneys fees) by reason of property damage, death or injury to persons arising from or relating to GRANTEE'S, GRANTEE'S agents' and contractors' construction, operation, maintenance, repair, inspection, cleaning, replacing, modifying and removing said GRANTEE'S FACILITIES on the GRANTOR'S PROPERTY or GRANTEE'S ingress and egress as described herein.
5. At all times during the term of this easement, GRANTEE shall maintain in full force and effect with a company or companies reasonably acceptable to

GRANTOR, general liability insurance against third party liability with limits of liability thereunder of not less than \$1,000,000.00 per occurrence with a \$2,000,000 aggregate for both personal injury and property damage.

It is mutually agreed and understood that this agreement, as written, covers all the agreements and stipulations between said parties, and no representations or statement, oral or written, have been made modifying, adding to, or changing the terms hereof.

Executed this 23rd day of July, 2020.

EXHIBIT A

GRANTOR'S PROPERTY

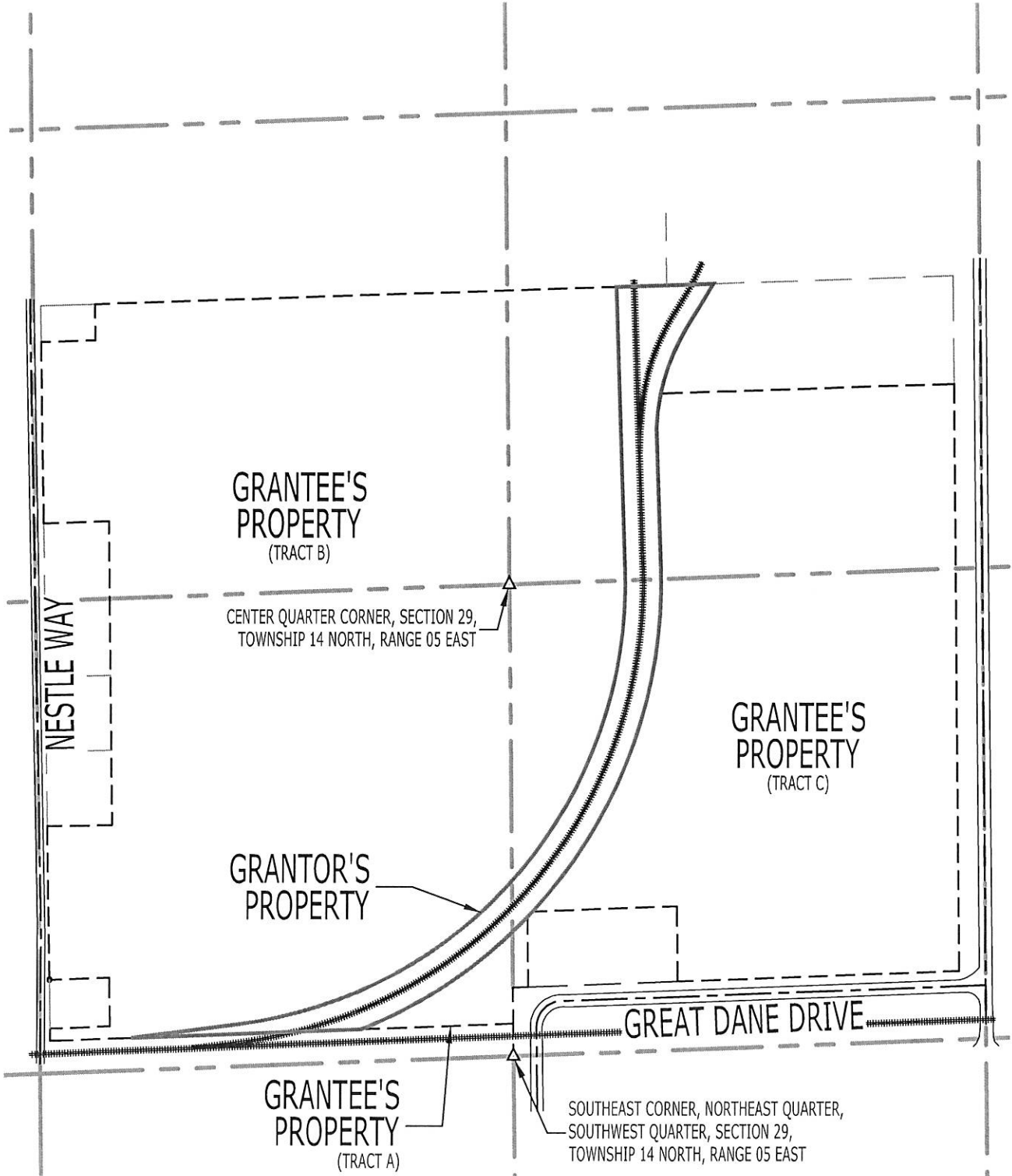


EXHIBIT A

GRANTOR'S PROPERTY

LEGAL DESCRIPTION:

PART OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 00°45'21" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29, 90.03 FEET THENCE SOUTH 87°50'30" WEST, LEAVING SAID EAST LINE, 422.99 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 87°50'30" WEST, 641.15 FEET; THENCE NORTH 82°46'42" EAST, 302.28 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 84°46'13", A RADIUS OF 1224.80 FEET, 1812.12 FEET TO A POINT THAT BEARS NORTH 40°23'35" EAST, 1651.30 FEET FROM THE LAST SAID POINT; THENCE NORTH 01°59'31" WEST, 788.89 FEET; THENCE NORTH 88°04'27" EAST, 270.36 FEET; THENCE SOUTH 31°10'34" WEST, 142.28 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 29°00'35", A RADIUS OF 577.15 FEET, 292.22 FEET TO A POINT THAT BEARS SOUTH 16°40'19" WEST, 289.11 FEET FROM THE LAST SAID POINT; THENCE SOUTH 01°59'31" EAST, 395.56 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 70°03'46", A RADIUS OF 1324.80 FEET, 1620.00 FEET TO A POINT THAT BEARS SOUTH 33°02'19" WEST, 1520.93 FEET AND BEING THE POINT OF BEGINNING PROPER, CONTAINING 6.46 ACRES (281,545 SQ. FT.), MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

EXHIBIT B

GRANTEE'S PROPERTY

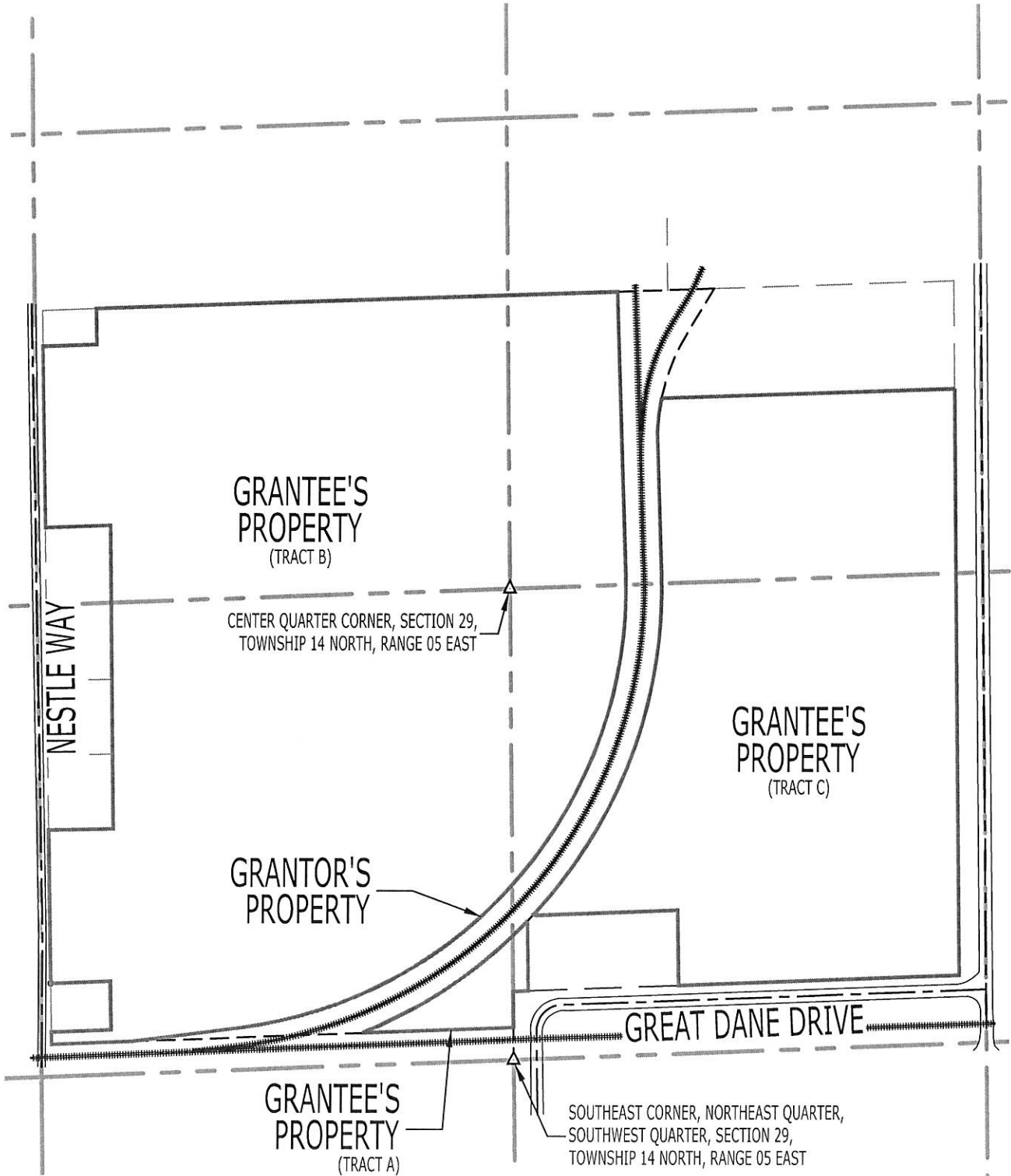


EXHIBIT B

GRANTEE'S PROPERTY

LEGAL DESCRIPTION:

TRACT A:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 00°45'21" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29, 90.03 FEET TO THE POINT OF BEGINNING PROPER; THENCE SOUTH 87°50'30" WEST, LEAVING SAID EAST LINE, 422.99 FEET TO A POINT ON A CURVE TO THE LEFT, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF AN EXISTING RAILROAD SPUR; THENCE NORTHEASTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 24°14'49", A RADIUS OF 1324.80 FEET, 560.64 FEET TO A POINT THAT BEARS NORTH 55°56'47" EAST, 556.47 FEET FROM THE LAST SAID POINT; THENCE SOUTH 00°45'21" EAST, LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, 194.07 FEET; THENCE SOUTH 87°50'29" WEST, 42.26 FEET TO THE EAST LINE OF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 00°45'21" EAST, 100.04 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 1.22 ACRES (53,184 SQ. FT.), MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

TRACT B:

PART OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 00°45'21" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29, 90.03 FEET THENCE SOUTH 87°50'30" WEST, LEAVING SAID EAST LINE, 1064.14 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 87°50'30" WEST, 223.47 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF NESTLE WAY; THENCE NORTH 01°02'55" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 33.98 FEET; THENCE NORTH 87°43'55" EAST, LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, 165.59 FEET; THENCE NORTH 01°01'53" WEST, 134.96 FEET; THENCE SOUTH 87°45'21" WEST, 165.63 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF NESTLE WAY; THENCE NORTH 01°02'55" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 425.88 FEET; THENCE NORTH 89°02'18" EAST, LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, 178.94 FEET; THENCE NORTH 00°50'48" WEST, 843.01 FEET; THENCE SOUTH 88°09'55" WEST, 180.41 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF NESTLE WAY; THENCE NORTH 01°09'31" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 503.79 FEET; THENCE NORTH 88°04'30" EAST, LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, 150.00 FEET; THENCE NORTH 01°13'40" WEST, 100.00 FEET; THENCE NORTH 88°04'27" EAST, 1453.85 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AN EXISTING RAILROAD SPUR; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 01°59'31" EAST, 788.89 FEET TO A POINT ON A CURVE TO THE RIGHT; SOUTHWESTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 84°46'13", A RADIUS OF 1224.80 FEET, 1812.12 FEET TO A POINT THAT BEARS SOUTH 40°23'35" WEST, 1651.30 FEET FROM THE LAST SAID POINT; SOUTH 82°46'42" WEST, 302.28 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 63.39 ACRES (2,761,272 SQ. FT.), MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

EXHIBIT B

GRANTEE'S PROPERTY

LEGAL DESCRIPTION:

TRACT C:

PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 00°45'21" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29, 190.07 FEET; THENCE NORTH 87°50'29" EAST, LEAVING SAID EAST LINE, 459.68 FEET TO THE POINT OF BEGINNING PROPER; THENCE NORTH 00°45'21" WEST, 208.77 FEET; THENCE SOUTH 87°50'29" WEST, 402.81 FEET TO A POINT ON A CURVE TO THE LEFT, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF AN EXISTING RAILROAD SPUR; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: NORTHEASTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 44°54'31", A RADIUS OF 1342.80 FEET, 1038.38 FEET TO A POINT THAT BEARS NORTH 20°27'41" EAST, 1012.00 FEET FROM THE LAST SAID POINT; NORTH 01°59'31" WEST, 395.56 FEET TO A POINT ON A CURVE TO THE RIGHT; NORTHEASTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 09°23'17", A RADIUS OF 577.15 FEET, 94.57 FEET TO A POINT THAT BEARS NORTH 06°51'40" EAST, 94.46 FEET FROM THE LAST SAID POINT; THENCE NORTH 88°03'47" EAST, LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, 818.62 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF GREAT DANE DRIVE; THENCE SOUTH 00°42'46" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 1629.07 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GREAT DANE DRIVE; THENCE SOUTH 87°50'29" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 785.00 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 33.00 ACRES (1,437,324 SQ. FT.), MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

EXHIBIT C
EASEMENTS

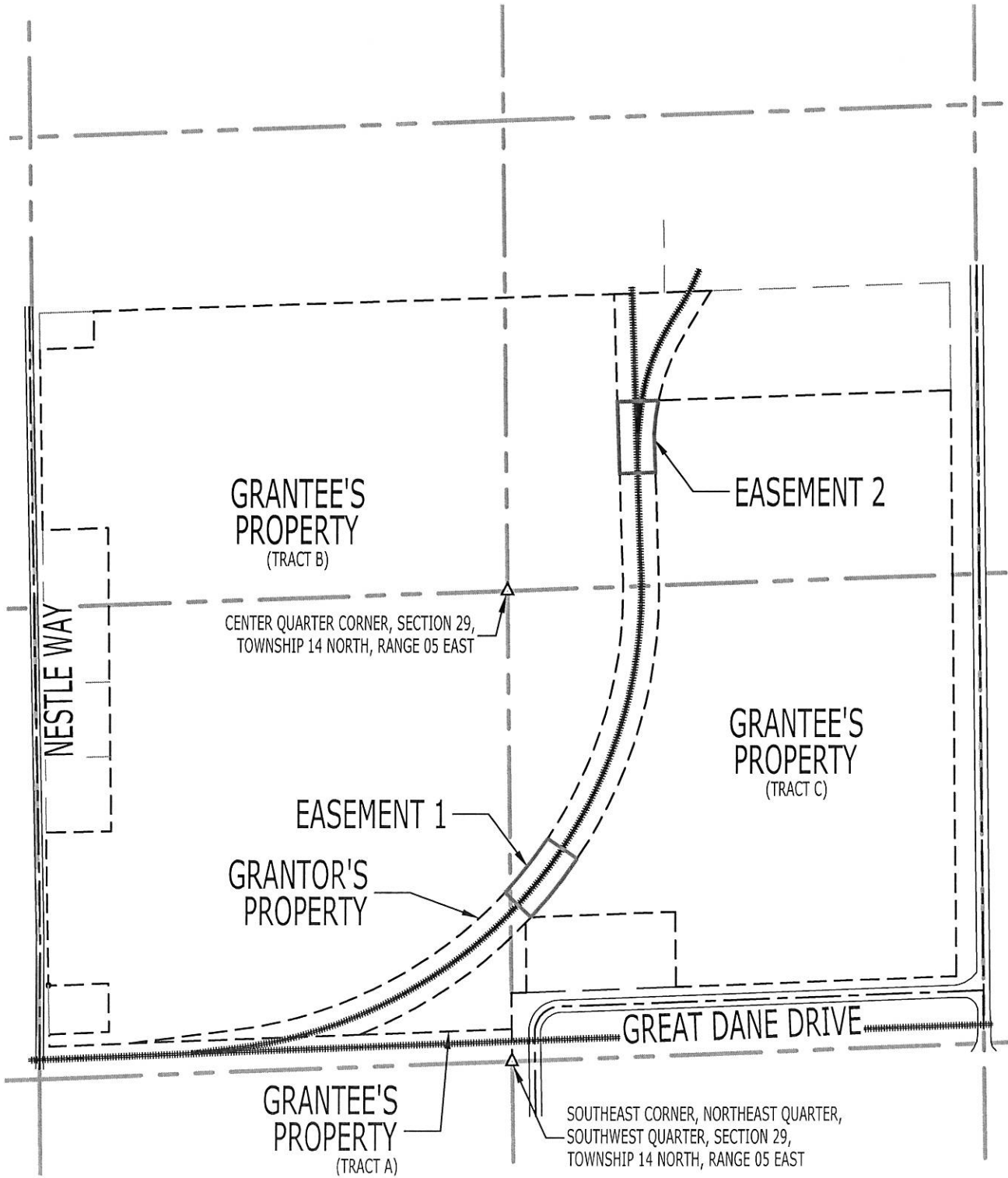


EXHIBIT C

EASEMENTS

LEGAL DESCRIPTION:

EASEMENT 1:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 00°45'21" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29, 90.03 FEET THENCE SOUTH 87°50'30" WEST, LEAVING SAID EAST LINE, 422.99 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 25°09'15", A RADIUS OF 1324.80 FEET, 581.62 FEET TO A POINT THAT BEARS NORTH 55°29'34" EAST, 576.96 FEET FROM THE LAST SAID POINT AND BEING THE POINT OF BEGINNING PROPER; THENCE NORTH 47°05'03" WEST, 100.00 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 08°59'20", A RADIUS OF 1224.80 FEET, 192.16 FEET TO A POINT THAT BEARS NORTH 38°25'16" EAST, 191.96 FEET FROM THE LAST SAID POINT; THENCE SOUTH 56°04'24" EAST, 100.00 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 08°59'20", A RADIUS OF 1324.80 FEET, 207.84 FEET TO A POINT THAT BEARS SOUTH 38°25'16" WEST, 207.63 FEET FROM THE LAST SAID POINT AND BEING THE POINT OF BEGINNING PROPER, CONTAINING 0.46 ACRES (20,000 SQ. FT.), MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

EASEMENT 2:

PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 05 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 00°45'21" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29, 90.03 FEET THENCE SOUTH 87°50'30" WEST, LEAVING SAID EAST LINE, 422.99 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 70°03'46", A RADIUS OF 1324.80 FEET, 1620.00 FEET TO A POINT THAT BEARS NORTH 33°02'19" EAST, 1520.93 FEET FROM THE LAST SAID POINT; THENCE NORTH 01°59'31" WEST, 288.91 FEET TO THE POINT OF BEGINNING PROPER; THENCE SOUTH 88°03'47" WEST, 100.00 FEET; THENCE NORTH 01°59'31" WEST, 200.00 FEET; THENCE NORTH 88°03'47" EAST, 114.54 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG SAID CURVE WITH A CENTRAL ANGLE OF 09°23'17", RADIUS OF 577.15 FEET, 94.57 FEET TO A POINT THAT BEARS SOUTH 06°51'40" WEST, 94.46 FEET FROM THE LAST SAID POINT; THENCE SOUTH 01°59'31" EAST, 106.65 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.47 ACRES (20,557 SQ. FT.), MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.