



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Agenda Public Works Council Committee

Tuesday, June 4, 2013

5:00 PM

Huntington Building

1. Call To Order

2. Approval of minutes

MIN-13:038 Minutes for the Public Works Committee meeting on May 7, 2013

Attachments: [Minutes](#)

3. New Business

Resolutions To Be Introduced

RES-13:069 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM GREG NALL AND STEPHANIE NALL FOR STREET IMPROVEMENTS AND MAINTENANCE

Sponsors: Engineering

Attachments: [Dedication Deed.pdf](#)

RES-13:070 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM EAVES CONSTRUCTION, L.L.C. FOR STREET IMPROVEMENTS AND MAINTENANCE

Sponsors: Engineering

Attachments: [Dedication Deed.pdf](#)

RES-13:071 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM VIVETTA REVA BRADY FOR STREET IMPROVEMENTS AND MAINTENANCE

Sponsors: Engineering

Attachments: [Dedication Deed.pdf](#)

RES-13:077 A RESOLUTION TO SET PUBLIC HEARING REGARDING AN ABANDONMENT OF PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141.

Sponsors: Engineering and Planning

Attachments: [Petition](#)
[UtilityLetters](#)
[PLATS-Abandonment](#)
[Centerpoint Letter](#)
[Adjacent owners consent](#)

RES-13:081 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR NETTLETON PUBLIC SCHOOLS INTERMEDIATE SCHOOL MINOR PLAT, A COMMERCIAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
[Plat](#)

4. Pending Items

5. Other Business

6. Public Comments

7. Adjournment



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-13:038 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 5/8/2013 **In control:** Public Works Council Committee
On agenda: **Final action:**
Title: Minutes for the Public Works Committee meeting on May 7, 2013
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

title
Minutes for the Public Works Committee meeting on May 7, 2013



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes - Draft Public Works Council Committee

Tuesday, May 7, 2013

5:00 PM

Huntington Building

1. Call To Order

Mayor Perrin was also in attendance.

Present 6 - Gene Vance;Chris Moore;John Street;Mitch Johnson;Darrel Dover and Charles Coleman

2. Approval of minutes

MIN-13:031 Minutes for the Public Works Committee meeting on April 2, 2013

Attachments: [Minutes](#)

A motion was made by Councilman Gene Vance, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Darrel Dover and Charles Coleman

3. New Business

Ordinances To Be Introduced

ORD-13:018 AN ORDINANCE TO AMEND SECTION 117-33 OF CHAPTER 117 OF THE JONESBORO CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS FOR THE PURPOSE OF CLARIFICATION ON THE PERMIT REQUIREMENTS AS IT RELATES TO REQUIREMENTS FOR TEMPORARY CERTIFICATES OF OCCUPANCY

Sponsors: Planning and Inspections

Attachments: [CertificateofOccupancy_Ordinance Mark Up Copy](#)

Chief Building Inspector Terry Adams explained this ordinance will allow the City to have more leverage to authorize a temporary Certificate of Occupancy for 6 months for the bigger projects within the City as long as the owners have the Life Safety rules in place. He added the temporary Certificate of Occupancy will only be issued on emergency cases. He further explained the owner will have to sign a form stating that once the temporary certificate time frame is up and if they are not in compliance they will have to vacate the property without the City being required to go through the City Attorney's Office.

Mr. Adams stated this rule has always been in place, but the City made it in

compliance with the Arkansas Fire Prevention Code.

Councilman Moore asked if this would apply to apartment complexes. Mr. Adams answered the multiple family buildings are normally issued individual permits, which allows for a full Certificate of Occupancy to be issued on each building. He noted they will still be required to give Engineering letters for their landscaping projects.

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, that this matter be Recommended to Council . The motion PASSED by a unanimous vote

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Darrel Dover and Charles Coleman

Resolutions To Be Introduced

RES-13:063 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR TREAD STONE INVESTMENTS, LLC. REPLAT OF PART OF LOTS 1 - 4, BLOCK "B" OF SIGLERS COLLEGE ADDITION, A (COMMERCIAL DEVELOPMENT)

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
[Tread Stone Inv Replat.pdf](#)

Chairman Street noted this is a standard maintenance agreement.

A motion was made by Councilman Darrel Dover, seconded by Councilman Chris Moore, that this matter be Recommended to Council . The motion PASSED by a unanimous vote

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Darrel Dover and Charles Coleman

RES-13:065 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH ALL SCAPES IRRIGATION & LAWN CARE, LLC FOR THE TURTLE CREEK RETAINING WALL REPAIR PROJECT

Sponsors: Engineering

Attachments: [Contract Documents 2013 24.pdf](#)

Mayor Perrin stated the low bid was \$84,500, but he contacted the owner and told him that the City only budgeted \$80,000 and the owner agreed to this amount.

Discussion was held concerning what will be done with this project.

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, that this matter be Recommended to Council . The motion PASSED by a unanimous vote

Aye: 6 - Gene Vance;Chris Moore;John Street;Mitch Johnson;Darrel Dover and Charles Coleman

RES-13:067 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A CONTRACT TO PURCHASE PROPERTY FROM RAY AND REGINA NABORS

Sponsors: Mayor's Office

Attachments: [Real Estate Contract Landfill Property](#)

Chairman Street explained this property is located at the old landfill and the City had previously acquired an easement for this property to install flares at the landfill.

Mayor Perrin stated by buying this property it will allow the City to fence in all of the property at the landfill.

Chairman Street noted this resolution needs to be placed on tonight's Council agenda.

A motion was made by Councilman Gene Vance, seconded by Councilman Chris Moore, that this matter be Recommended to Council . The motion PASSED by a unanimous vote

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Darrel Dover and Charles Coleman

RES-13:066

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR MCKNIGHT FALLS REPLAT, A COMMERCIAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
[McKnight Falls Replat.pdf](#)

Chairman Street stated this is a standard agreement.

A motion was made by Councilman Mitch Johnson, seconded by Councilman Chris Moore, that this matter be Recommended to Council . The motion PASSED by a unanimous vote

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Darrel Dover and Charles Coleman

RES-13:072

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR SUMO PLANNED DEVELOPMENT ADDITION, A COMMERCIAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
[Plat.pdf](#)

Councilman Dover motioned, seconded by Councilman Moore, that this be placed on tonight's Public Works agenda. All voted aye.

A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, that this matter be Recommended to Council . The motion PASSED by a unanimous vote

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Darrel Dover and Charles Coleman

4. Pending Items

5. Other Business

6. Public Comments

7. Adjournment

A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Darrel Dover and Charles Coleman



Legislation Details (With Text)

File #: RES-13:069 **Version:** 1 **Name:** Right of way acceptance from Greg & Stephanie Nall
Type: Resolution **Status:** To Be Introduced
File created: 5/6/2013 **In control:** Public Works Council Committee
On agenda: **Final action:**
Title: A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM GREG NALL AND STEPHANIE NALL FOR STREET IMPROVEMENTS AND MAINTENANCE
Sponsors: Engineering
Indexes: Right-of-way
Code sections:
Attachments: [Dedication Deed.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM GREG NALL AND STEPHANIE NALL FOR STREET IMPROVEMENTS AND MAINTENANCE

Body

WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described right-of-way for street improvements and maintenance:

CLINTON SCHOOL ROAD RIGHT-OF-WAY

The West 40' of the North Half of the Northeast Quarter of Section 1, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas, less and except the 2.34 acre tract described in Deed Book 454 Page 173.

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

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the right-of-way described above.

Return recorded document to:
CITY OF JONESBORO
515 WEST WASHINGTON
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS:

That Greg Nall & Stephanie Nall, hereinafter referred to as Grantor (whether one or more), does hereby dedicate, grant and convey unto the Public, and that the CITY OF JONESBORO, a Municipal Corporation of the State of Arkansas, hereinafter referred to as Grantee, does hereby accept on behalf of the public, for use as a public right-of-way the following described real property in Craighead County, State of Arkansas, to-wit:

CLINTON SCHOOL ROAD RIGHT-OF-WAY

The West 40' of the North Half of the Northeast Quarter of Section 1, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas, less and except the 2.34 acre tract described in Deed Book 454 Page 173.

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises, together with all rights and appurtenances thereto, unto said Grantee, its successors and assigns forever. It is understood and agreed that Grantee shall use said real property in the construction, improvement, reconstruction and maintenance of a public street and other public purposes.

Grantor promises that at the delivery of this deed lawfully seized of the interest hereby conveyed, that the same is free and clear of and from all and every lien and encumbrance whatsoever, subject only to easements, covenants and restrictions now of record, and that Grantor will forever warrant and defend the same unto Grantee against any lawful claim. Grantor hereby waives and releases Grantee from any and all claims for damages or compensation arising from the use of the real property conveyed by this deed for the purposes herein described.

IN WITNESS WHEREOF, the parties have executed this document this 6th day of May, 2013.

Signature Greg Nall

Print Greg Nall

Signature Stephanie Nall

Print Stephanie Nall

ACKNOWLEDGMENT

STATE OF ARKANSAS

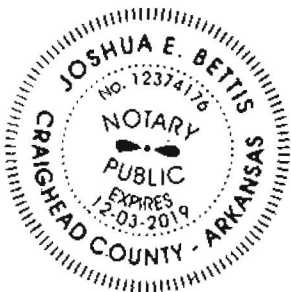
COUNTY OF CRAIGHEAD

BE IT REMEMBERED that on this day before the undersigned, a Notary Public, duly commissioned, qualified and acting within and for the said county and state, that Greg Nall & Stephanie Nall appeared in person and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 6th day of May, 2013.

My commission expires: 12/03/2019

[Signature]
Notary Public (Signature)





Legislation Details (With Text)

File #:	RES-13:070	Version:	1	Name:	Right of way from Eaves Construction
Type:	Resolution	Status:		Status:	To Be Introduced
File created:	5/7/2013	In control:		In control:	Public Works Council Committee
On agenda:		Final action:		Final action:	
Title:	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM EAVES CONSTRUCTION, L.L.C. FOR STREET IMPROVEMENTS AND MAINTENANCE				
Sponsors:	Engineering				
Indexes:	Right-of-way				
Code sections:					
Attachments:	Dedication Deed.pdf				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM EAVES CONSTRUCTION, L.L.C. FOR STREET IMPROVEMENTS AND MAINTENANCE

Body

WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described right-of-way for street improvements and Maintenance:

CLINTON SCHOOL ROAD RIGHT-OF-WAY

The East 40' of the Northwest Quarter of Section 1, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas.

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

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the right-of-way described above.

Return recorded document to:
CITY OF JONESBORO
515 WEST WASHINGTON
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS:

That Eaves Construction, L.L.C., hereinafter referred to as Grantor (whether one or more), does hereby dedicate, grant and convey unto the Public, and that the **CITY OF JONESBORO**, a Municipal Corporation of the State of Arkansas, hereinafter referred to as Grantee, does hereby accept on behalf of the public, for use as a public right-of-way the following described real property in Craighead County, State of Arkansas, to-wit:

CLINTON SCHOOL ROAD RIGHT-OF-WAY

The East 40' of the Northwest Quarter of Section 1, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas.

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises, together with all rights and appurtenances thereto, unto said Grantee, its successors and assigns forever. It is understood and agreed that Grantee shall use said real property in the construction, improvement, reconstruction and maintenance of a public street and other public purposes.

Grantor promises that at the delivery of this deed lawfully seized of the interest hereby conveyed, that the same is free and clear of and from all and every lien and encumbrance whatsoever, subject only to easements, covenants and restrictions now of record, and that Grantor will forever warrant and defend the same unto Grantee against any lawful claim. Grantor hereby waives and releases Grantee from any and all claims for damages or compensation arising from the use of the real property conveyed by this deed for the purposes herein described.

IN WITNESS WHEREOF, the parties have executed this 30th day of October, 2012.

By: Eaves Construction, L.L.C.

Signature

Eric Eaves

Print

ERIC EAVES

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF CRAIGHEAD

BE IT REMEMBERED that on this day before the undersigned, a Notary Public, duly commissioned, qualified and acting within and for the said county and state, that Eric Eaves appeared in person and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 30th day of October, 2012.

My commission expires: 4-7-15

Judy Sull
Notary Public (Signature)





Legislation Details (With Text)

File #:	RES-13:071	Version:	1	Name:	Right of way from Vivetta Brady
Type:	Resolution	Status:		Status:	To Be Introduced
File created:	5/7/2013	In control:		In control:	Public Works Council Committee
On agenda:		Final action:		Final action:	
Title:	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM VIVETTA REVA BRADY FOR STREET IMPROVEMENTS AND MAINTENANCE				
Sponsors:	Engineering				
Indexes:	Right-of-way				
Code sections:					
Attachments:	Dedication Deed.pdf				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM VIVETTA REVA BRADY FOR STREET IMPROVEMENTS AND MAINTENANCE

Body

WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described right-of-way for street improvements and maintenance:

CLINTON SCHOOL ROAD RIGHT-OF-WAY

The West 40' of the 2.34 acre tract described in Deed Book 454 Page 173, a part of the Northwest Quarter of the Northeast Quarter of Section 1, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas.

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

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the right-of-way described above.

Return recorded document to:
CITY OF JONESBORO
515 WEST WASHINGTON
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS:

That Vivetta Reva Brady, hereinafter referred to as Grantor (whether one or more), does hereby dedicate, grant and convey unto the Public, and that the CITY OF JONESBORO, a Municipal Corporation of the State of Arkansas, hereinafter referred to as Grantee, does hereby accept on behalf of the public, for use as a public right-of-way the following described real property in Craighead County, State of Arkansas, to-wit:

CLINTON SCHOOL ROAD RIGHT-OF-WAY

The West 40' of the 2.34 acre tract described in Deed Book 454 Page 173, a part of the Northwest Quarter of the Northeast Quarter of Section 1, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas.

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises, together with all rights and appurtenances thereto, unto said Grantee, its successors and assigns forever. It is understood and agreed that Grantee shall use said real property in the construction, improvement, reconstruction and maintenance of a public street and other public purposes.

Grantor promises that at the delivery of this deed lawfully seized of the interest hereby conveyed, that the same is free and clear of and from all and every lien and encumbrance whatsoever, subject only to easements, covenants and restrictions now of record, and that Grantor will forever warrant and defend the same unto Grantee against any lawful claim. Grantor hereby waives and releases Grantee from any and all claims for damages or compensation arising from the use of the real property conveyed by this deed for the purposes herein described.

IN WITNESS WHEREOF, the parties have executed this document this 26 day of April, 2013.

Signature _____

Signature Vivetta Reva Brady

Print _____

Print Vivetta Reva Brady

ACKNOWLEDGMENT

STATE OF ARKANSAS

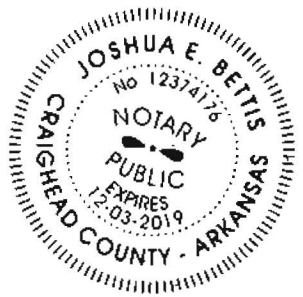
COUNTY OF CRAIGHEAD

BE IT REMEMBERED that on this day before the undersigned, a Notary Public, duly commissioned, qualified and acting within and for the said county and state, that Vivetta Reva Brady appeared in person and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 26 day of April, 2013.

My commission expires: 12/03/2019

[Signature]
Notary Public (Signature)



AFFIDAVIT

I, VIVETTA REVA BRADY, state upon oath as follows:

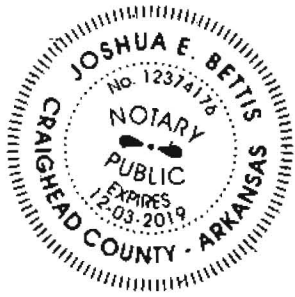
- 1) That I am the surviving widow of Michael William Brady. We were married on January 28, 1963.
- 2) Michael William Brady died on May 22, 2009.
- 3) Survivors, in addition to me are Kevin Brady, our son and Angela Brady, our daughter.

FURTHER, AFFIANT SAYETH NOT.

Vivetta Reva Brady
VIVETTA REVA BRADY

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 26 DAY OF April, 2013.

[Signature]
NOTARY PUBLIC
12/03/2019
My Commission Expires



Return recorded document to:

CITY OF JONESBORO
515 WEST WASHINGTON
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That **Kevin Brady & Renee Brady**, Grantors, for and consideration of the sum of Ten Dollars (\$10.00), in hand paid by **City of Jonesboro, Arkansas**, Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, convey, sell and quitclaim unto the Grantee and unto its successors and assigns forever, all the Grantors' right, title, interest and claim in and to the following described property lying in the City of Jonesboro, Craighead County, Arkansas:

CLINTON SCHOOL ROAD RIGHT-OF-WAY

The West 40' of the 2.34 acre tract described in Deed Book 454 Page 173, a part of the Northwest Quarter of the Northeast Quarter of Section 1, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas.

TO HAVE AND TO HOLD the same unto the City of Jonesboro, Arkansas, Grantee, and unto its successors and assigns forever, with all appurtenances thereunto belonging.

IN WITNESS WHEREOF, the parties have executed this document this 30th day of April, 2013.

Signature



Print

Kevin Brady

Signature



Print

Renee Brady

ACKNOWLEDGMENT

STATE OF ARKANSAS

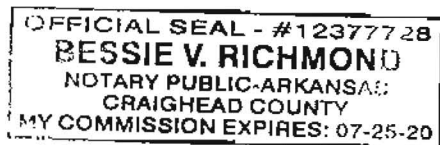
COUNTY OF CRAIGHEAD

BE IT REMEMBERED that on this day before the undersigned, a Notary Public, duly commissioned, qualified and acting within and for the said county and state, that Kevin Brady & Renee Brady appeared in person and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 30th day of Apr, 2013.

My commission expires: 7-25-20

Bessie V. Richmond
Notary Public (Signature)



Return recorded document to:

CITY OF JONESBORO
515 WEST WASHINGTON
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That **Angela Brady**, Grantors, for and consideration of the sum of Ten Dollars (\$10.00), in hand paid by **City of Jonesboro, Arkansas**, Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, convey, sell and quitclaim unto the Grantee and unto its successors and assigns forever, all the Grantors' right, title, interest and claim in and to the following described property lying in the City of Jonesboro, Craighead County, Arkansas:

CLINTON SCHOOL ROAD RIGHT-OF-WAY

The West 40' of the 2.34 acre tract described in Deed Book 454 Page 173, a part of the Northwest Quarter of the Northeast Quarter of Section 1, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas.

TO HAVE AND TO HOLD the same unto the City of Jonesboro, Arkansas, Grantee, and unto its successors and assigns forever, with all appurtenances thereunto belonging.

IN WITNESS WHEREOF, the parties have executed this document this 1 day of May, 2013.

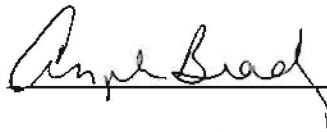
Signature



Print

Jimmy Farley

Signature



Print

Angela Brady

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF CRAIGHEAD

BE IT REMEMBERED that on this day before the undersigned, a Notary Public, duly commissioned, qualified and acting within and for the said county and state, that Angela Brady appeared in person and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 1 day of May, 2013.

My commission expires: 8-17-16

Jimmy Farley
Notary Public (Signature)





Legislation Details (With Text)

File #:	RES-13:077	Version:	1	Name:	Set a public hearing for an abandonment on Avenir Place
Type:	Resolution	Status:		Status:	To Be Introduced
File created:	5/15/2013	In control:		In control:	Public Works Council Committee
On agenda:		Final action:		Final action:	
Title:	A RESOLUTION TO SET PUBLIC HEARING REGARDING AN ABANDONMENT OF PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141.				
Sponsors:	Engineering, Planning				
Indexes:	Abandonment, Public hearing				
Code sections:					
Attachments:	Petition UtilityLetters PLATS-Abandonment Centerpoint Letter Adjacent owners consent				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

A RESOLUTION TO SET PUBLIC HEARING REGARDING AN ABANDONMENT OF PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141.

Body

WHEREAS, the adjoining property owners have filed a Petition with the City Clerk of the City of Jonesboro, Arkansas requesting that;

THAT PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF AVENIR PLACE; THENCE SOUTH 88°56'56" WEST, ALONG SAID LINE, 106.10 FEET, TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 88°56'56" WEST 80.16 FEET, TO A POINT ON A CURVE TO THE RIGHT; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE, RADIUS 50.00 FEET, A DISTANCE OF 93.00 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.026 ACRES OR 1126.85 SQUARE FEET; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS

OF RECORD.

Be vacated and abandoned; and

WHEREAS, the Petition has been presented to the City Council of the City of Jonesboro, Arkansas; AND

WHEREAS, Arkansas Code Annotated 14-301-110 requires two weeks public notice before the above right of way can be vacated and abandoned;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jonesboro, Arkansas that the City Clerk is directed to publish a notice advising the public of the request by the adjoining property owners to vacate and abandon the undeveloped street mentioned above and this matter will be heard before the City Council on _____ at _____ o'clock, p.m., at the Huntington Building, located at 900 W. Monroe, Jonesboro, Arkansas.

TO: Honorable Harold Perrin, Mayor, and Members of the City Council of the City of Jonesboro, Arkansas

PETITION TO ABANDON THAT PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141.

We / I the undersigned, being the owner/s of all property adjoining to the following described Right of way located in the City of Jonesboro, Arkansas, described as follows:

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF AVENIR PLACE; THENCE SOUTH 88°56'56" WEST, ALONG SAID LINE, 106.10 FEET, TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 88°56'56" WEST 80.16 FEET, TO A POINT ON A CURVE TO THE RIGHT; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE, RADIUS 50.00 FEET, A DISTANCE OF 93.00 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.026 ACRES OR 1126.85 SQUARE FEET; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD

Herewith file and present this petition to the City Council of the City of Jonesboro, Arkansas to have all of the above described Right of way legally abandoned.

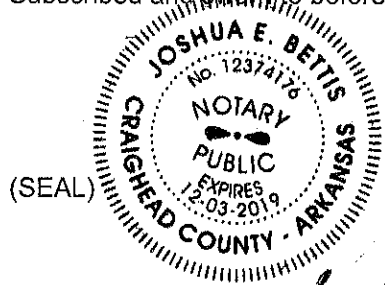
DATED this 28th day of August 2012.

PROPERTY OWNER ADDRESS

R.D.& D Investments LLC 1115 Windover Road, Jonesboro, AR 72401

[Handwritten signatures]

Subscribed and sworn to before me this 28th day of August, 2012



[Handwritten signature]
NOTARY

Expiration date: 12/03/19



Owned by the Citizens of Jonesboro

August 8, 2012

City of Jonesboro
P.O. Box 1845
Jonesboro, AR 72403
Attn: Donna Jackson, City Clerk

Re: Right of Way Abandonment
Avenir Place Cul-de-Sac

Dear Donna:

City Water and Light has no objection with the abandonment of the Right-of-Way more particularly described as:

Beginning at the Southeast corner of Lot 2 of Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; said point being on the North Right-of-Way line of Avenir Place; thence South 88°56'56" West, along said line, 106.10 feet, to the point of beginning proper; thence South 88°56' 56" West 80.16 feet, to a point on a curve to the right; thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; containing 0.026 acres or 1126.85 square feet; being subject to all Rights-of-Way and easements of record, as shown on the attached Exhibit A.

City Water and Light would require a utility easement over the proposed abandonment. Please call if more information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Bowen", written over a white background.

Ronald L. Bowen
Manager, City Water & Light

Enclosure

Cc: Donna Jackson
Otis Spriggs
Haywood, Kenward, Bare & Associates



Cindy Cole
Manager-Engineering Design

AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401
(870) 972.7600 Phone

August 3, 2012

**RE: Right-of-Way Abandonment
Avenir Place
City of Jonesboro
Craighead County**

AT&T has no objection with the abandonment of the Right-of-Way on Avenir Place as described in the attached request.

At the current time AT&T has no facilities in this Right-of-Way.

Please contact me if you have any questions.

Sincerely,

Cindy Cole
Manager Engineer Design

UTILITY RELEASE FORM

R.O.W. (Right of Way) Abandonment Request

I have been notified of the petition to vacate the following described as follows:

Beginning at the Southeast corner of Lot 2 of Primary Car Investments Replat of JMEC addition and Lots 1 and 2 Browns Landing Addition to Jonesboro , Arkansas; said point being on the North Right-of-Way line of Avenir Place; Thence South 88 56'56" West, along said line, 106.10 feet, to the point of beginning proper; Thence continue South 88 56'56" West 80.16 feet, on a curve to the right; Thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; Containing 0.026 acres or 1126.85 square feet; Being subject to al Rights-of-Wayand easements of Record, As shown on the attached.

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objects to the vacation(s) described above, reason described below:

Cindy Cole
Design Engineer ATT
870-972-7600

Signature of Utility Company Representative



To: Haywood, Kenward, Bare and Associates, Inc

From: Suddenlink Communications, Inc.

Date: August 21, 2012

Re: Request for Partial Right-of-Way Abandonment

Suddenlink Communications, Inc. has no objection to the abandonment of that part of the undeveloped portion of the Avenir Place Cul-de-Sac, lying at the West end of the platted Right-of-Way of Avenir Place, as shown on the Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition, located in Jonesboro, Craighead County, Arkansas.

Respectfully,

John Fain

Construction Planner
Suddenlink Communications, Inc.

HKB

COMPILATION MAP

THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE (OUL-DE-SAC) LYING SOUTH OF WINDOVER ROAD AND WEST OF BROWNS LANE JONESBORO, CRAIGHHEAD COUNTY, ARKANSAS

**Haywood, Kenward, Bare
and Associates, Inc.**
Civil Engineering, Surveying & Planning Services

1801 Leitchfield Drive, Jonesboro, AR, 72404
TEL: 870-932-2019 FAX: 870-932-1028

PRELIMINARY

JASON H. BRANCH, PS
AR - 1596

PRELIMINARY

Haywood, Kenward, Bare,
and Associates, Inc.
Arkansas - 234

CLIENT:
WRIGHT

COPYRIGHT 2012, ALL RIGHTS RESERVED

REVISIONS

DATE	BY	DESCRIPTION

PROJECT NO.

WQ4Q-0001-28

DRAWN BY

JHB

CHECKED BY

SHEET

1 of 1

SCALE

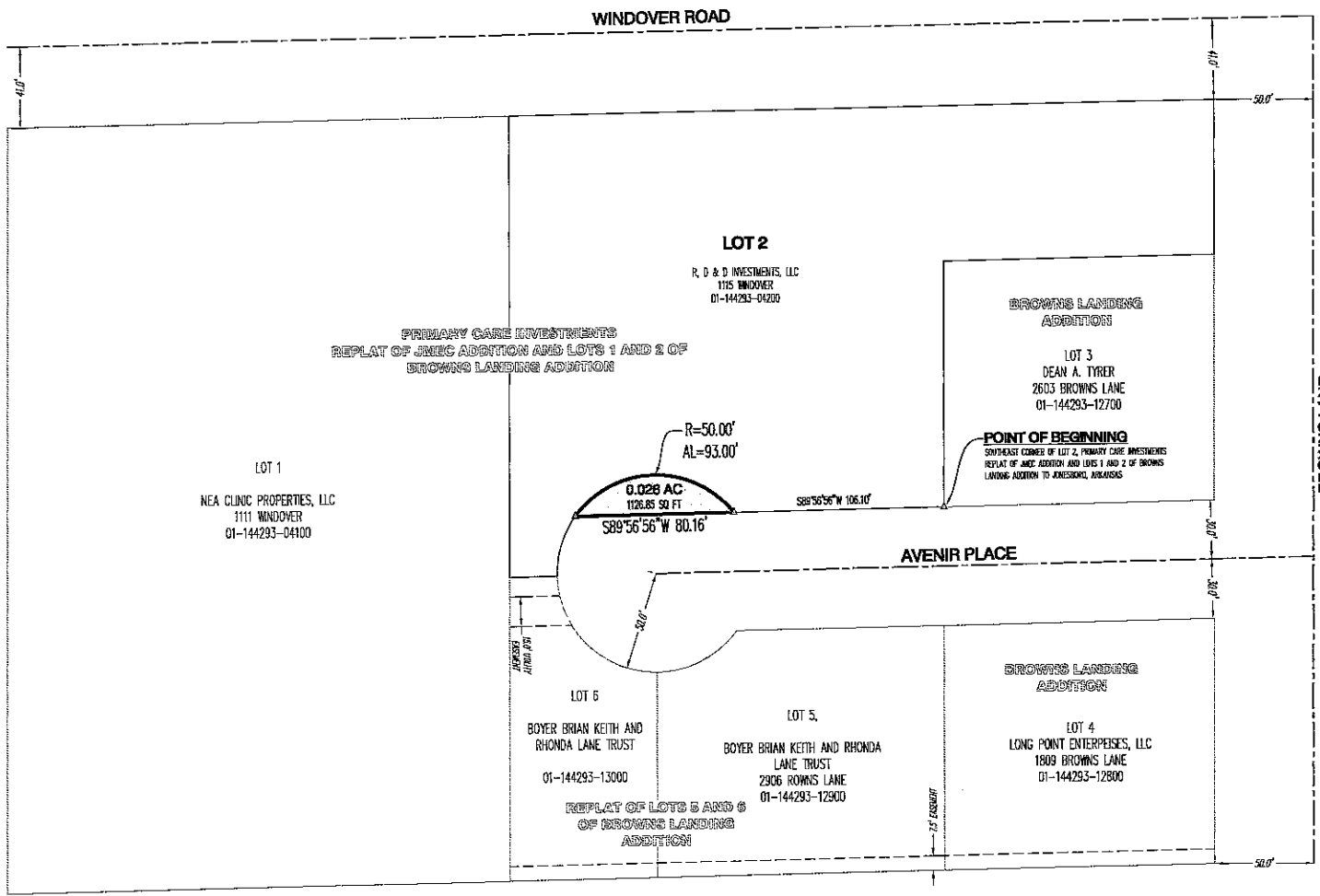
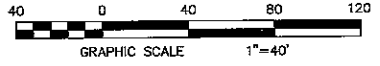
1"=40'

DATE

07/12/12

DRAWING NO.

COMPILATION MAP



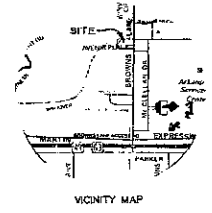
BASED UPON BEARINGS, PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS BY TERRY BARE, PS 1094, FILED IN BOOK 6, PAGE 141.



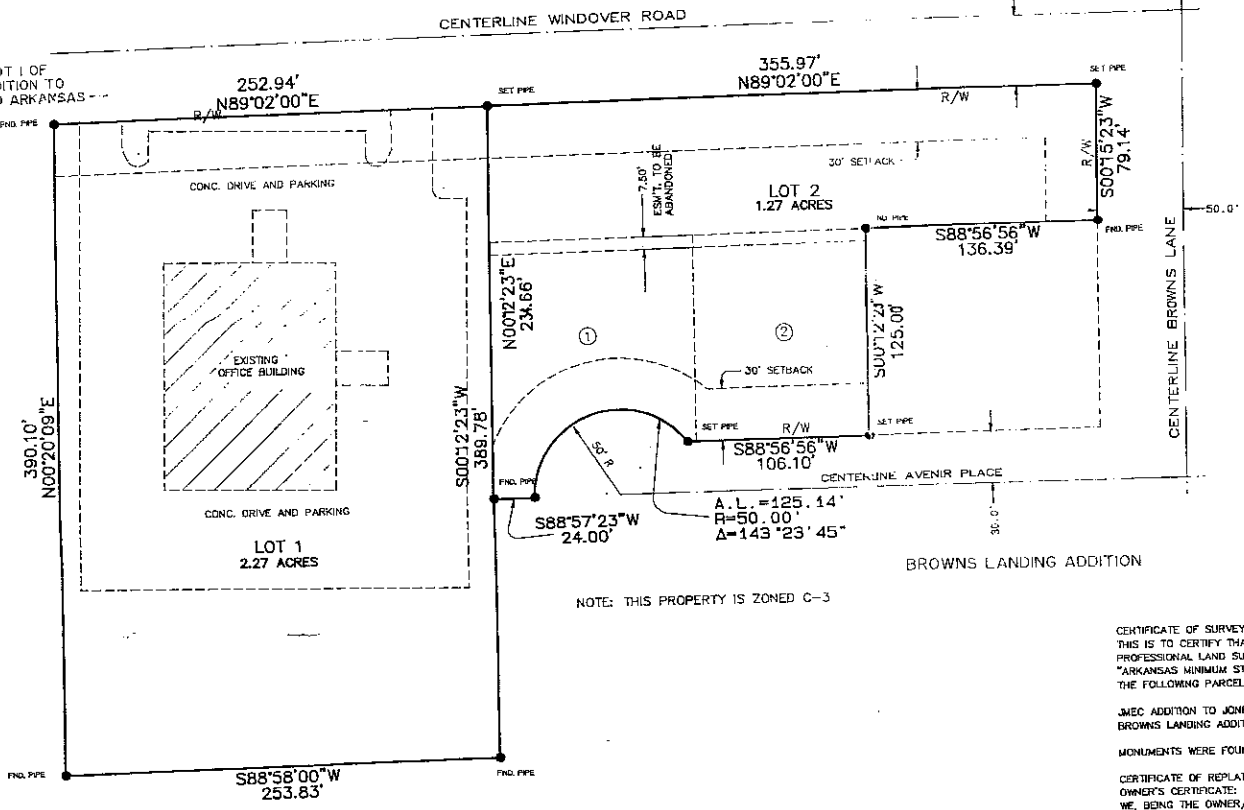
PARTIAL RIGHT-OF-WAY ABANDONMENT:

THAT PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE (OUL-DE-SAC), LYING AT THE WEST END OF THE PLATTED BROFF-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH EAST CORNER OF LOT 2 OF PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF AVENIR PLACE; THENCE SOUTH 88°56'56" WEST, ALONG SAID LINE, 106.10 FEET, TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 88°56'56" WEST 80.16 FEET, TO A POINT ON A CURVE TO THE RIGHT; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE, RADIUS 50.00 FEET, A DISTANCE OF 93.00 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.028 ACRES OR 1126.85 SQUARE FEET; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

FILED FOR RECORD
 This 27th day of Sept. 1995
 4238
 PAT FLEETWOOD
 Circuit & Chancery Court Clerk
 by Shirley Handley



NW COR. LOT 1 OF
 J.M.E.C. ADDITION TO
 JONESBORO ARKANSAS



NOTE: THIS PROPERTY IS ZONED C-3

CERTIFICATE OF SURVEY:
 THIS IS TO CERTIFY THAT HAYWOOD, KENWARD, BARE, AND ASSOCIATES, INC.,
 PROFESSIONAL LAND SURVEYORS, HAVE SURVEYED IN ACCORDANCE WITH
 "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARIES AND PLATS",
 THE FOLLOWING PARCEL/PARCELS OF LAND:

J.M.E.C. ADDITION TO JONESBORO, ARKANSAS AND LOTS 1 AND 2 OF
 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS

MONUMENTS WERE FOUND OR SET AS NOTED ON THE PLAT OF SURVEY HEREON.

CERTIFICATE OF REPLAT:
 OWNER'S CERTIFICATE:
 WE, BEING THE OWNER/AGENTS OF THE ABOVE DESCRIBED PARCEL/PARCELS OF
 LAND DO HEREBY ADOPT THE PLAN OF RE-PLAT AS SHOWN HEREON, AND DO
 HEREBY DEDICATE TO THE PUBLIC USE FOREVER ALL STREETS OF WIDTH,
 LENGTH, AND LOCATION AS SHOWN HEREON, AND SAID OWNER/AGENTS DO
 HEREBY DEDICATE ALL EASEMENTS FOR THE EXPRESS PURPOSE AND INTENDED
 USE DESCRIBED HEREON.

" SAID RE-PLAT SHALL HERE-IN-AFTER BE DESIGNATED AND REFERRED TO AS

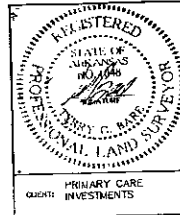
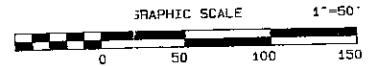
PRIMARY CARE INVESTMENTS REPLAT OF J.M.E.C. ADDITION AND LOTS 1 AND 2 OF
 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS

SIGNED THIS 17th DAY OF AUGUST 1995 BY:
 [Signature] OWNER/AGENT

METROPOLITAN AREA PLANNING COMMISSION
 Jonesboro - Craighead County

PRELIMINARY APPROVAL
 FINAL APPROVAL
 AS NOTED
 DISAPPROVED
 TABLED

[Signature] Chairman
 [Signature] Secretary
 AUG 22 1995 Date



RECORD REPLAT

PRIMARY CARE INVESTMENTS
 REPLAT OF J.M.E.C. ADDITION AND LOTS 1 AND 2
 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS

HAYWOOD, KENWARD, BARE & ASSOCIATES, INC.
 SURVEYING - PLANNING
 603 SOUTHWEST DRIVE, SUITE A
 JONESBORO, ARKANSAS 72401
 TEL. 501-932-2019 FAX 501-932-1076

REVISIONS

DATE	BY	DESCRIPTION

DRAWN: S.P.
 DATE: 8/17/94

CHECKED: T.B.
 DATE: 8/17/94

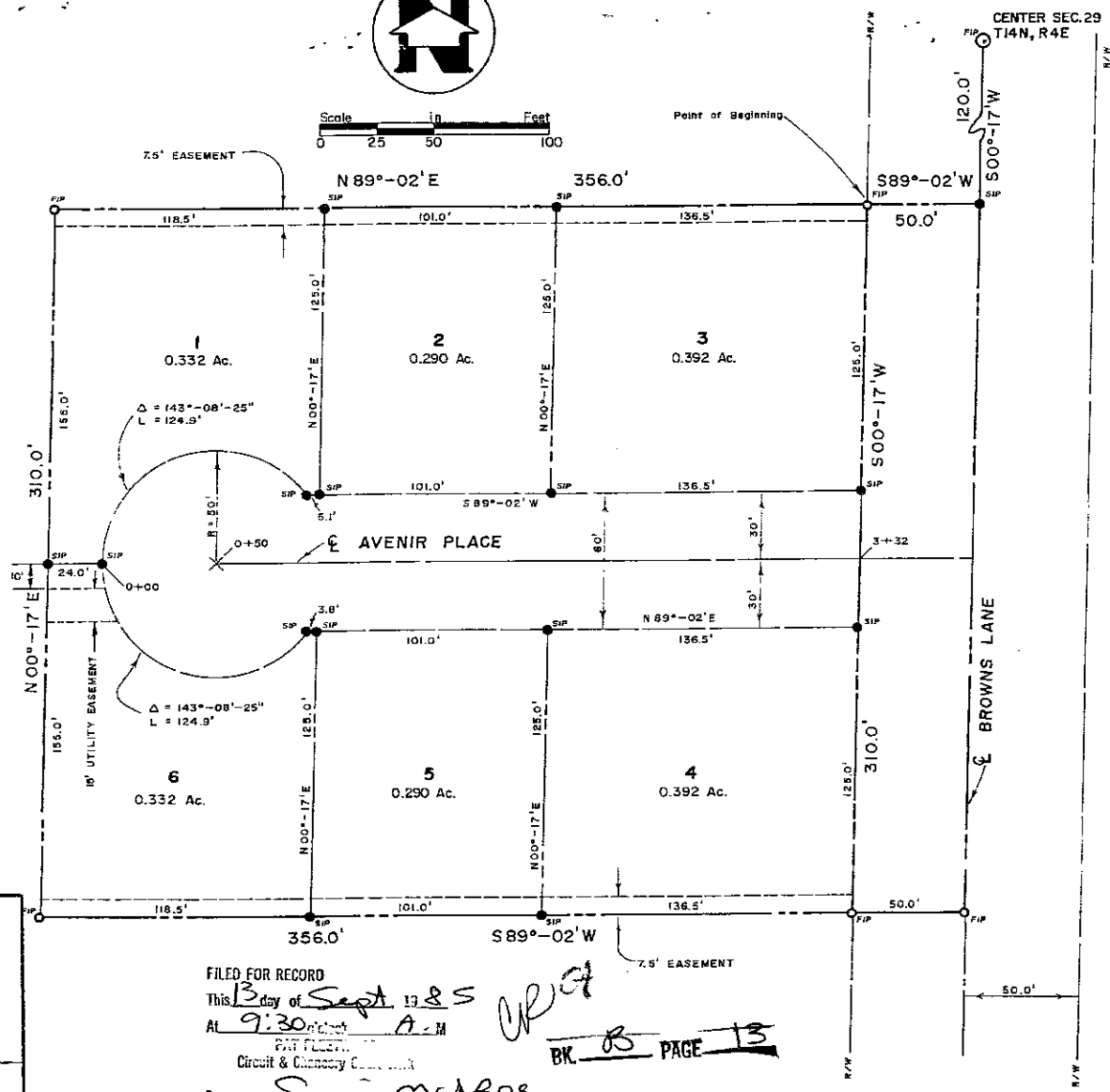
JOB NO.
 014595

SHEET NO.
 1

SCALE
 1" = 50'

DRAWING NO.
 57-55

RP95-47



BOUNDARY DESCRIPTION

A part of the East Half of the Northeast Quarter of the Southwest Quarter (E 1/2, NE 1/4, SW 1/4) of Section 29, Township 14 North, Range 4 East of the 5th Principal Meridian in Craighead County, Arkansas, more particularly described as follows:

From the Northeast Corner of the NE 1/4 of the SW 1/4 of said Section 29 thence S00°17'W 120.00 feet along the east line of the NE 1/4, of the SW 1/4 of said Section 29 to a point, thence S89°02'W 50.00 feet to a point on the westerly right of way of Browns Lane, the Point of Beginning;

Thence S00°17'W 310.00 feet along said right of way to a point, thence S89°02'W 156.00 feet to a point, thence N00°17'E 310.00 feet to a point, thence N89°02'E 136.00 feet to the Point of Beginning, containing some 2.535 acres, more or less.

OWNER'S CERTIFICATION AND DEDICATION

I, Hubert Brodell, President, and I, S. J. Bailey, Secretary of Avenir, Inc., an Arkansas Corporation, do hereby certify that Avenir, Inc. is the owner of the above described property, that we have caused same to be subdivided and named Browns Landing Addition, Jonesboro, Arkansas, as shown hereon, and we do hereby dedicate the streets to the use of the general public and we do hereby dedicate the easements shown hereon for the purpose of construction and maintenance of the appropriate utilities.

Hubert Brodell Hubert Brodell, President
S. J. Bailey S. J. Bailey, Secretary
Avenir, Inc.

CERTIFICATE OF SURVEY

I hereby certify that I have this date made a complete survey of the property shown hereon and that all property lines and corner monuments are correctly established to the best of my knowledge and belief.

Dan B. Mulhollen
Dan B. Mulhollen, Land Surveyor # 646 July 31, 1985

State of Arkansas
County of Craighead
Subscribed and sworn before me this 5th day of August, 1985.
Notary Public *Dana L. Gilbert*
My commission expires 02-16-88

DAN B. MULHOLLEN
REGISTERED
LAND SURVEYOR
STATE OF
ARKANSAS
NO. 646
SIGNATURE

FILED FOR RECORD
This 13 day of Sept 1985
At 9:30 o'clock A.M.
P.M. PLANNING
Circuit & Chancery Clerk
By Susan Mulgee

BR. 13 PAGE 13

METROPOLITAN AREA PLANNING COMMISSION
Jonesboro - Craighead County

- PRELIMINARY APPROVAL
- FINAL APPROVAL
- AS NOTED
- DISAPPROVED
- TABLED

Thomas White Chairman
Rosalie Barber Secretary
Date

PRELIMINARY PLAT
BROWNS LANDING ADDITION
JONESBORO, ARKANSAS

MULHOLLEN & ASSOCIATES INC.
CIVIL ENGINEERING SERVICES
JONESBORO ARKANSAS

Haywood, Kenward, Bare & Associates, Inc.

Civil Engineering, Surveying & Planning Services

May 10, 2013

Otis Spriggs AICP, Director of Planning & Zoning
307 Vine Street
Jonesboro, AR 72401

RE: Avenir Place

Dear Mr. Spriggs:

The Wrights have been trying to abandon a portion of Avenir Place Cul-De-Sac since 2012; they have fulfilled the requirements of the city's abandonment process as well as the utility providers request. However we have not received a confirmation from Centerpoint Energy.

The Wrights are asking that the requested street abandonment area be retained as a utility easement; this will allow the expansion of their parking lot.

Respectfully,



Terry Bare

Haywood, Kenward, Bare
AND ASSOCIATES, INC.
Civil Engineering - Surveying - Planning

July 13, 2012

Rhonda Boyer
1805 Avenir Place
Jonesboro, AR 72403-0954

RE: Request for a Partial Right-of-Way Abandonment

Dear Mrs. Boyer,

Haywood, Kenward, Bare & Associates is requesting the abandonment of that part of the undeveloped portion of the Avenir Place Cul-de-Sac, lying at the West end of the platted Right-of-Way of Avenir Place, as shown on the Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; Recorded in Book H, Page 141; Being more particularly described as follows:

Beginning at the Southeast corner of Lot 2 of Primary Care Investments Replat of JMEC addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; said point being on the North Right-of-Way line of Avenir Place; Thence South 88°56'56" West, along said line, 106.10 feet, to the point of beginning proper; Thence continue South 88°56'56" West 80.16 feet, to a point on a curve to the right; Thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; Containing 0.026 acres or 1126.85 square feet; Being subject to all Rights-of-Way and easements of Record,

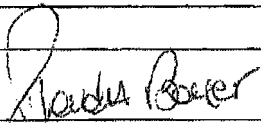
As shown on the attached Exhibit A.

If you have any questions or need additional information, please feel free to contact me at 870-932-2019.

I do not object to the requested vacation described above.

I do object to the requested vacation described above because.

Comments:

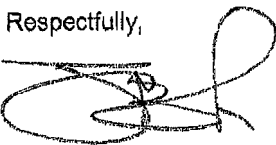


Signature of Property Owner/ Representative

8/12

Date

Respectfully,



Jason Branch, PS
Haywood, Kenward, Bare & Associates, Inc.

1801 Latourette Drive, Jonesboro, AR 72404
Bus. (870) 932-2019 Fax (870) 932-1076
E-mail: hkb@hkbinc.com

Haywood, Kenward, Bare
AND ASSOCIATES, INC.
Civil Engineering - Surveying - Planning

July 13, 2012

Dean A. Tyrer
2603 Browns Lane
Jonesboro, AR 72401

RE: Request for a Partial Right-of-Way Abandonment

Dear Mr. Tyrer,

Haywood, Kenward, Bare & Associates is requesting the abandonment of that part of the undeveloped portion of the Avenir Place Cul-de-Sac, lying at the West end of the platted Right-of-Way of Avenir Place, as shown on the Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; Recorded in Book H, Page 141; Being more particularly described as follows:

Beginning at the Southeast corner of Lot 2 of Primary Care Investments Replat of JMEC addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; said point being on the North Right-of-Way line of Avenir Place; Thence South 88°56'56" West, along said line, 106.10 feet, to the point of beginning proper; Thence continue South 88°56'56" West 80.16 feet, to a point on a curve to the right; Thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; Containing 0.026 acres or 1128.85 square feet; Being subject to all Rights-of-Way and easements of Record,

As shown on the attached Exhibit A.

If you have any questions or need additional information, please feel free to contact me at 870-932-2019.

- I do not object to the requested vacation described above.
 I do object to the requested vacation described above because.

Comments:

Signature of Property Owner/ Representative 8/28/12
Date

Respectfully,



Jason Branch, PS
Haywood, Kenward, Bare & Associates, Inc.



Legislation Details (With Text)

File #:	RES-13:081	Version:	1	Name:	Maintenance agreement for Nettleton Public Schools
Type:	Resolution	Status:		Status:	To Be Introduced
File created:	5/29/2013	In control:		In control:	Public Works Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR NETTLETON PUBLIC SCHOOLS INTERMEDIATE SCHOOL MINOR PLAT, A COMMERCIAL DEVELOPMENT				
Sponsors:	Engineering				
Indexes:	Contract				
Code sections:					
Attachments:	Maintenance Agreement.pdf Plat				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR NETTLETON PUBLIC SCHOOLS INTERMEDIATE SCHOOL MINOR PLAT, A COMMERCIAL DEVELOPMENT

Body

WHEREAS, the Section 112-157 of the Jonesboro Municipal code requires a maintenance agreement assuring perpetual maintenance of Stormwater Management Improvements and drainage easements to be dedicated to the City be agreed upon by the City and the developer prior to final plat approval;

WHEREAS, Nettleton Public Schools has submitted a Maintenance Agreement for Stormwater Management Facilities for Nettleton Public Schools Intermediate School Minor Plat;

WHEREAS, the City Engineer and City Attorney have reviewed the attached Maintenance Agreement and find it to be in compliance with the Stormwater Management Regulations.

WHEREAS, the Maintenance Agreement and the final plat are to be filed concurrently with the Craighead County Circuit Clerk, upon final approval of the plat.

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

Section 1: The City of Jonesboro accepts the attached maintenance agreement with Nettleton Public Schools for Nettleton Public Schools Intermediate School Minor Plat and authorizes the Mayor and City Clerk to execute all documents necessary to effectuate the agreement.

Section 2: The executed agreement is to be retained by the City Clerk until such time as the Clerk is provided with the approved final plat of the development by the Planning Department so that both documents can be

filed concurrently with the Craighead County Circuit Clerk.

**MAINTENANCE AGREEMENT
FOR STORMWATER MANAGEMENT FACILITIES**

Property Identification

Project Name: Nettleton Public Schools – New Intermediate School
Project Address: 3901 Aggie Road
Owner(s): Nettleton Public Schools
Owner Address: 3300 One Place
City: Jonesboro **State:** AR **Zip Code:** 72401

In accordance with Section 112-157 of the Jonesboro Municipal Code, this agreement is made and entered into this ___ day of _____, 20___, by and between the **City of Jonesboro**, an Arkansas municipal corporation, hereinafter called the "City" and **Nettleton Public Schools**, hereinafter called the "Developer".

WITNESSTH, that:

WHEREAS, The Developer is proceeding to build on and develop the property in accordance with the Stormwater Management Plan (the "Plan") approved by the City and the recorded plat (the "Plat") for Nettleton Public Schools Intermediate School Minor Plat as recorded in the records of Craighead County, Arkansas.

WHEREAS, the City and the Developer, its successors and assigns, including any homeowner association, agree that the health, safety, and welfare of the residents of the City of Jonesboro, Arkansas require that on-site stormwater runoff management facilities be constructed and maintained on the property.

WHEREAS, the City requires that on-site stormwater runoff management facilities as shown on the plan be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowner association.

WHEREAS, adequate maintenance is defined herein as the general upkeep of the facilities, specifically the mowing and trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facility or that would otherwise be considered unsightly or a nuisance.

WHEREAS, the City of Jonesboro shall be responsible, after construction and final acceptance of the development, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of the City of Jonesboro Stormwater Management System, are within a dedicated public drainage easement; and which are not constructed and maintained by or under the jurisdiction of any State or Federal agency.

WHEREAS, Long-term maintenance is defined herein as the removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and the repair or replacement of piping networks, and other underground drainage structures.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:

1. The on-site stormwater runoff management facilities shall be constructed by the Developer, its successors and assigns, in accordance with the plans and specifications identified in the Plan.

2. The Developer, its successors and assigns, including any homeowner association, shall adequately maintain the on-site stormwater runoff management facilities.
3. The Developer, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property to inspect and perform long-term maintenance of the on-site stormwater runoff management facilities whenever the City deems necessary.
4. In the event the Developer, its successors and assigns, fails to adequately maintain the stormwater runoff management facilities, the City may enter upon the Property upon thirty (30) days written notification or earlier, if deemed an emergency, and take whatever steps necessary to correct the deficiencies and charge the costs of such corrective action to the Developer, its successors and assigns. The Developer, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City including all labor, equipment, supplies, materials, and the like. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Developer outside of the easement for the on-site stormwater runoff management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this agreement be construed to impose any such obligation on the City.
5. This agreement shall be recorded among the land records of Craighead County, Arkansas and shall constitute a covenant running with the land, and shall be binding on the Developer, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner association.
6. This Agreement is binding upon and inures to the benefit of the City, and the Developer, the Developer's successors and assigns, any property owners' association or homeowners' association created which pertains to all or any part of the property and any individual lot owner who has purchased all or any part of the property referred to in this Agreement. The terms of this Agreement are enforceable on all of the above parties.
7. In the event any party to this Maintenance Agreement must employ a lawyer to enforce the terms and obligations set out in this Agreement and litigation ensue, the prevailing party, as determined under Arkansas Law, shall be entitled to recover not only court costs as defined under Arkansas Law but all costs of litigation, including a reasonable attorney's fee.
8. This Agreement is the complete agreement and understanding between the parties who have executed this Agreement. There are no other agreements, either oral or written. All prior or contemporaneous statements, representations, or guarantees are declared void. This Agreement may be amended only by a written document signed by all parties.

Owner/Agent: James Dunivan, Superintendent
 Printed Name

James Dunivan
 Signature

5-29-13
 Date

Owner/Agent: _____
 Printed Name

 Signature

 Date

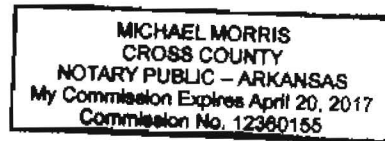
STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared JAMES DUNIVAN, to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 29 day of MAY, 2013.

MICHAEL MORRIS
Notary Public (Printed Name)

Michael Morris
Notary Public (Signature)



My Commission Expires: 4/20/17

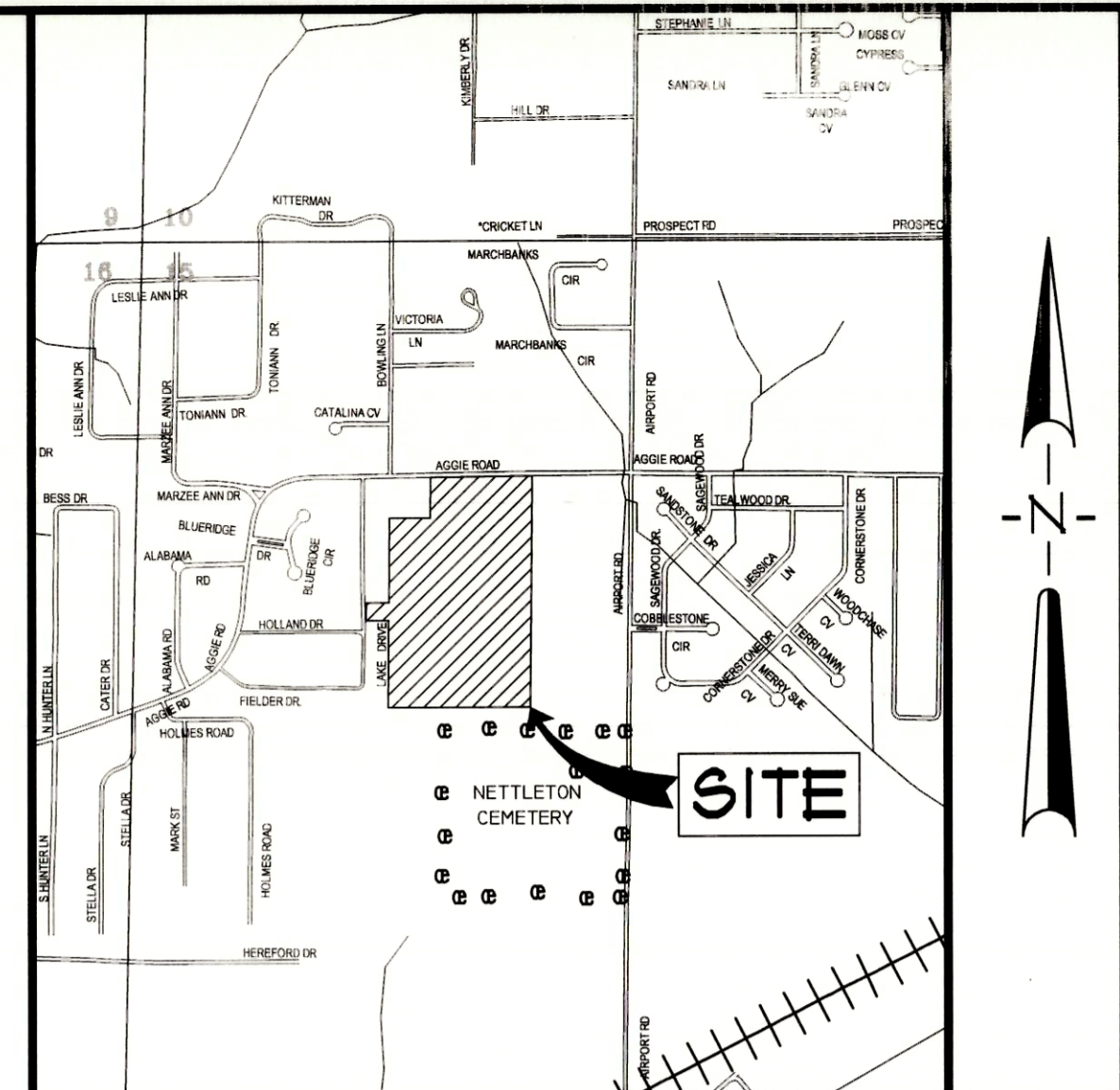
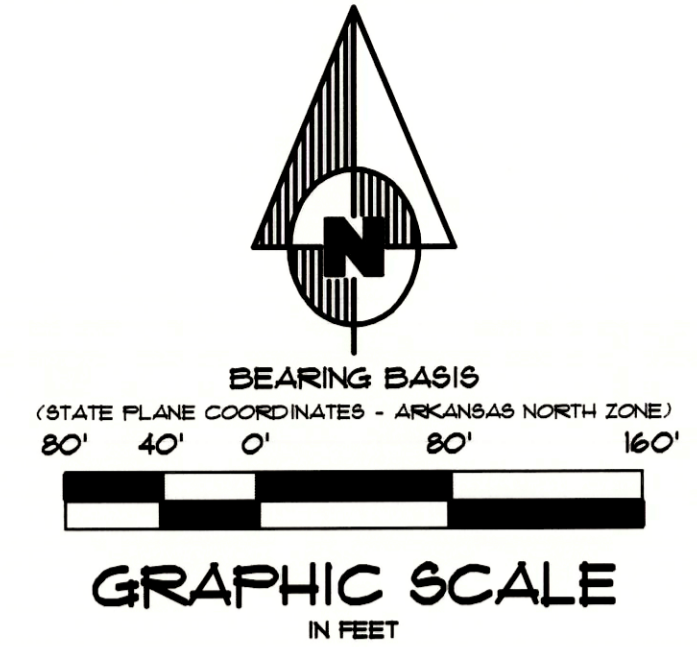
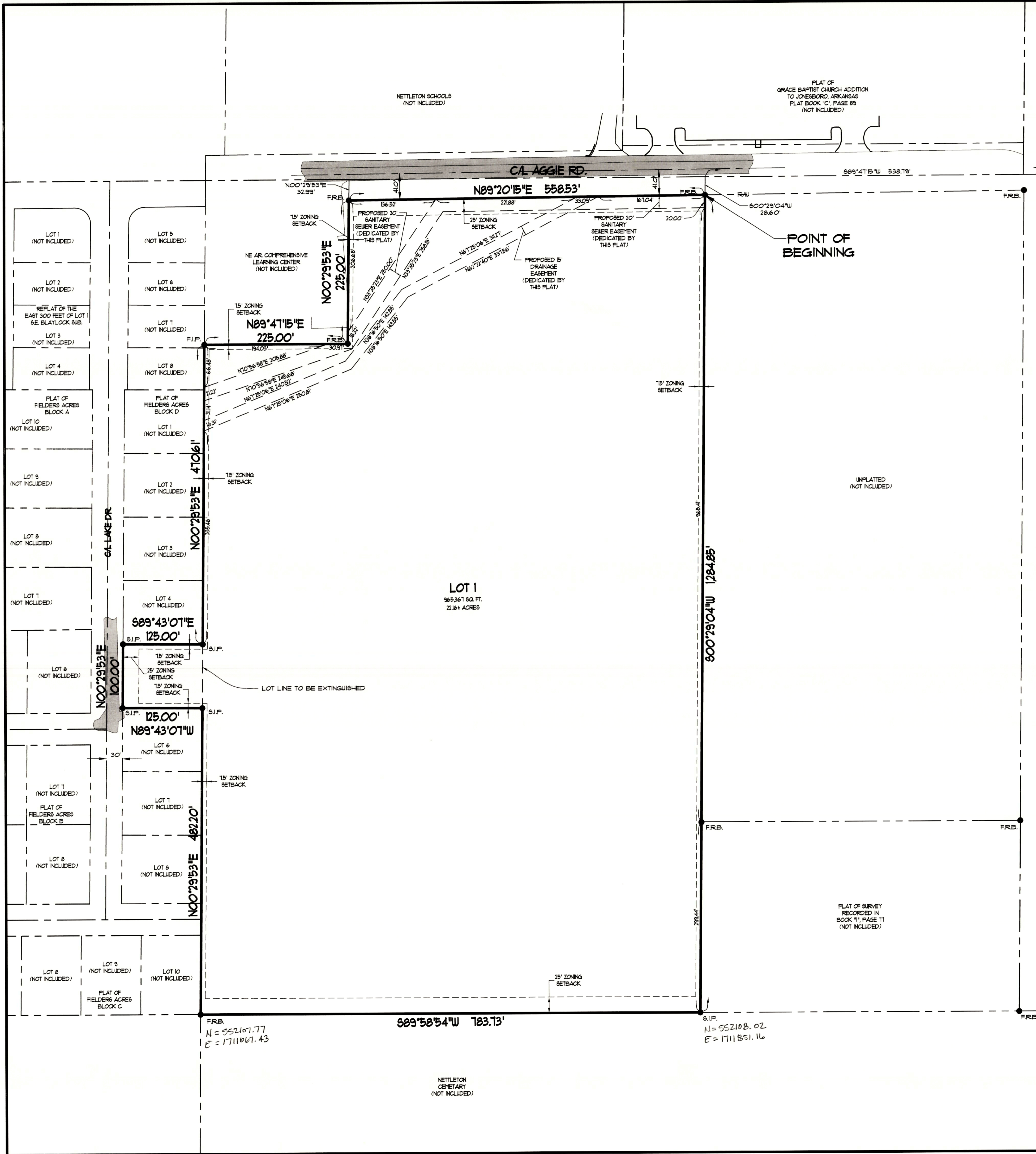
Accepted by:

Mayor

Date

City Clerk

Date



POINT OF COMMENCEMENT
 NE CORNER OF S.E. QUARTER SECTION 15, T14N, R14E

DESCRIPTION

ALL OF LOT 5, BLOCK "D" AS SHOWN ON THE PLAT OF FIELDS ACRES, CRAIGHEAD COUNTY, ARKANSAS TOGETHER WITH A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER WITHIN SECTION 15, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHEAST CORNER OF THE APRESAID QUARTER SECTION; THENCE SOUTH 89°47'15" WEST, 538.75 FEET ALONG THE QUARTER SECTION LINE; THENCE SOUTH 00°29'04" WEST 28.60 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF AGGIE ROAD; SAID POINT OF BEGINNING.
 THENCE CONTINUE SOUTH 00°29'04" WEST 1084.89 FEET TO THE SOUTHERLY LINE OF THE APRESAID QUARTER SECTION; THENCE ALONG SAID LINE SOUTH 89°39'54" WEST 183.13 FEET TO THE EASTERLY LINE OF FIELDS ACRES; THENCE NORTH 00°29'53" EAST 482.20 FEET ALONG SAID EASTERLY LINE OF FIELDS ACRES TO THE SOUTHEAST CORNER OF LOT 5, BLOCK "D" OF FIELDS ACRES; THENCE NORTH 89°43'07" WEST, ALONG THE SOUTH LINE OF SAID LOT 5, 125.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF LAKE DRIVE; THENCE NORTH 00°29'53" EAST, ALONG THE WEST LINE OF SAID LOT 5 AND SAID EASTERLY RIGHT-OF-WAY LINE, 100.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 89°43'07" EAST, ALONG THE NORTH LINE OF SAID LOT 5 AND DEPARTING FROM SAID EASTERLY RIGHT-OF-WAY LINE, 125.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5 AND THE EASTERLY LINE OF FIELDS ACRES; THENCE NORTH 00°29'53" EAST 470.61 FEET ALONG SAID EASTERLY LINE OF FIELDS ACRES; THENCE NORTH 89°47'15" EAST 225.00 FEET; THENCE NORTH 00°29'53" EAST 225.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF AGGIE ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°20'15" EAST 558.53 FEET TO THE POINT OF BEGINNING.
 CONTAINING IN ALL 965,367 SQ. FT. OR 22.16 ACRES, MORE OR LESS.
 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

LEGEND

- BOUNDARY LINE
- - - ADJACENT LOT LINE
- - - EASEMENT LINE
- - - ZONING SETBACK LINE
- F.R.B.
- F.I.P.
- S.I.P.
- FOUND 5/8" REBAR
- FOUND IRON PIPE
- SET 1-1/4" IRON PIPE W/ P8 #166 CAP

OWNER'S CERTIFICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY AS DESCRIBED HEREON, THAT WE ADOPT THE PLAN OF SUBDIVISION AND DEDICATE THE PERPETUAL USE OF ALL STREETS AND EASEMENTS AS NOTED.
James D. Dumas
 JAMES DUMAS, SUPERINTENDENT
 NETTLETON PUBLIC SCHOOLS

SURVEYOR'S NOTES

1. THIS SURVEY WAS PREPARED FOR THE USE OF NETTLETON PUBLIC SCHOOLS.
2. SUBJECT PROPERTY IS NOT LOCATED WITHIN "ZONE AE", 100 YR. FREQUENCY FLOOD ZONE, AS DESIGNATED BY FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP FOR THE CITY OF JONESBORO, COMMUNITY PANEL 050310044C (PANEL 44 OF 200), EFFECTIVE DATE - SEPTEMBER 27, 1991.
3. SUBJECT PROPERTY IS CURRENTLY ZONED R-1. R-1 ZONING IS DEFINED AS SINGLE-FAMILY MEDIUM DENSITY DISTRICT. THE SURROUNDING PROPERTY IS ZONED R-1. THE BUILDING SETBACKS FOR R-1 ZONING ARE:
 FRONT - 25'
 SIDE - 15'
 REAR - 25'

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT ASSOCIATED ENGINEERING AND TESTING, LLC HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO APPARENT ABOVE GROUND ENCROACHMENTS OTHER THAN AS SHOWN OR STATED HEREON AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE "ARKANSAS MINIMUM STANDARDS FOR PROPERTY SURVEYS AND PLATS" IN EFFECT ON THIS DATE.
 DATE OF BOUNDARY SURVEY: 05/12/2012
 ASSOCIATED ENGINEERING & TESTING, LLC
 NO. 295
 REGISTERED PROFESSIONAL SURVEYOR
 ARKANSAS CERTIFICATE NO. 1616
 NOTE: TO BE VALID, COPIES MUST HAVE ORIGINAL SURVEYOR'S SIGNATURE AND SURVEYOR'S SEAL.

City of Jonesboro, ARKANSAS
 DATE: 5/21/13
 FILE # 0113-15
 FINAL APPROVAL
 PRELIMINARY (NOT FOR RECORDING)
 APPROVED BY: [Signature]
 PLANNING DEPT.
 ENGINEERING DEPT.

ASSOCIATED ENGINEERING AND TESTING, LLC
 CIVIL ENGINEERING, LAND SURVEYING AND MATERIALS TESTING
 103 SOUTH CHURCH STREET - P.O. BOX 1462 - JONESBORO, AR 72403
 PH: 810-932-3594 FAX: 810-935-1263

MINOR PLAT OF NETTLETON PUBLIC SCHOOLS AND REPLAT OF LOT 5, BLOCK "D", FIELDS ACRES, JONESBORO, ARKANSAS

REV	DATE	REVISIONS	DRAWN	CHECKED	DATE	SHEET
					04/30/13	1 OF 1

DRAWN: KLS/CCH CHECKED: KLS DATE: 04/30/13 SHEET: 1 OF 1
 SCALE: 1" = 80' CADD FILE: 1295-002 DWG#: 04148-4.0037