

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT

CITY OF JONESBORO, ARKANSAS

PLAINTIFF

v.

NO. CIV-2015-396

JIM JOHNSON
JOE JOHNSON
GARY JOHNSON

DEFENDANTS

AGREED ORDER OF CONDEMNATION
AND DISBURSEMENT OF FUNDS

On this date was presented to the Court the motion of the plaintiff, City of Jonesboro, by and through its City Attorney Carol Duncan and/or Assistant City Attorney Jessica Coleman, and based upon such Motion, arguments of counsel, the pleadings, and other matter and proof before the Court, the Court finds:

1. That the plaintiff, City of Jonesboro, Arkansas herein filed its Complaint in Condemnation alleging its right to condemn property, under the power of eminent domain, the land to be taken is as follows:

Part of the Northwest Quarter of the Northeast Quarter of Section 15, Township 14 North, Range 4 East, Craighead County, Arkansas, more particularly described as follows:

Commencing at a Half Inch Rebar found at the Center North Sixteenth Corner of Said Section 15; thence North 00°37'28" East along the West line of said Northwest Quarter of the Northeast Quarter of Section 15 a distance of 38.93 feet to a point; thence South 89°22'32" East a distance of 33.68 feet to the East Right of Way line of Highway 351 as established by AHTD Job 10-RW-2 and the POINT OF BEGINNING; thence North 00°30'25" East along said right of way line a distance of 81.27 feet to the East Right of Way line of Highway 351 as established by AHTD Job 100790; thence South 09°48'06" East along said right of way line a distance of 59.91 feet to a point; thence South 61°26'51" East along said right of way line a distance of 36.39 feet to the North Right of Way line of Aggie Road as established by AHTD Job 100790; thence South 89°50'49" East along said right of way line a distance of 137.38 feet to the North Right of Way line of Aggie Road as established by Johnson's Minor Plat as filed in Craighead County, Book C, Page 100; thence South 05°47'52" West

along said right of way line a distance of 30.14 feet to the centerline of Aggie Road; thence North 89°14'54" West along said centerline a distance of 147.44 feet to the East Right of Way line of Highway 351 as established by AHTD Job 10-RW-2; thence North 00°30'25" East along said right of way line a distance of 24.47 feet to a point; thence North 89°29'35" West along said right of way line a distance of 30.00 feet to the POINT OF BEGINNING and containing 0.12 acres (5,367 sq. ft.) more or less as shown on AHTD plans referenced as Job 100790.

Also a temporary construction easement containing 0.01 acres (328 sq. ft.) more or less as shown on AHTD plans referenced as Job 100790 and labeled TCE 2E-1.

2. That plaintiff is entitled to possession and title to the real property described as follows:

Part of the Northwest Quarter of the Northeast Quarter of Section 15, Township 14 North, Range 4 East, Craighead County, Arkansas, more particularly described as follows:

Commencing at a Half Inch Rebar found at the Center North Sixteenth Corner of Said Section 15; thence North 00°37'28" East along the West line of said Northwest Quarter of the Northeast Quarter of Section 15 a distance of 38.93 feet to a point; thence South 89°22'32" East a distance of 33.68 feet to the East Right of Way line of Highway 351 as established by AHTD Job 10-RW-2 and the POINT OF BEGINNING; thence North 00°30'25" East along said right of way line a distance of 81.27 feet to the East Right of Way line of Highway 351 as established by AHTD Job 100790; thence South 09°48'06" East along said right of way line a distance of 59.91 feet to a point; thence South 61°26'51" East along said right of way line a distance of 36.39 feet to the North Right of Way line of Aggie Road as established by AHTD Job 100790; thence South 89°50'49" East along said right of way line a distance of 137.38 feet to the North Right of Way line of Aggie Road as established by Johnson's Minor Plat as filed in Craighead County, Book C, Page 100; thence South 05°47'52" West along said right of way line a distance of 30.14 feet to the centerline of Aggie Road; thence North 89°14'54" West along said centerline a distance of 147.44 feet to the East Right of Way line of Highway 351 as established by AHTD Job 10-RW-2; thence North 00°30'25" East along said right of way line a distance of 24.47 feet to a point; thence North 89°29'35" West along said right of way line a distance of 30.00 feet to the POINT OF BEGINNING and containing 0.12 acres (5,367 sq. ft.) more or less as shown on AHTD plans referenced as Job 100790.

Also a temporary construction easement containing 0.01 acres (328 sq. ft.) more or less as shown on AHTD plans referenced as Job 100790 and labeled TCE 2E-1.

3. That the plaintiff has or will immediately deposit into the registry of the Court the sum of \$18,000.00 as just compensation for the taking of the land of the defendants.

4. That the defendants are entitled to the funds deposited or to be deposited in the Court Registry for the taking of its land. That the sum of \$18,000.00 deposited shall be immediately paid by the Circuit Clerk to the defendants, upon filing of this order. That the \$18,000.00 that has or will be deposited into the Registry of the Court is to be divided equally to the three (3) defendants in the following way:

- a. \$6,000.00 to be payable to Gary Johnson, 402 Airport Road, Jonesboro, AR 72401
- b. \$6,000.00 to be payable to Jim Johnson, 1911 Sherwood, Jonesboro, AR 72401
- c. \$6,000.00 to be payable to Joe Johnson, 406 Airport Road, Jonesboro, AR 72401

5. That the defendant's Notice of Appeal and Order of Possession of Land and Order of Condemnation and Other Matters is hereby dismissed.

6. That the defendants right to pursue further recovery from the plaintiff for the taking of defendant Gary Johnson, defendant Joe Johnson, and defendant Jim Johnson's land and damages suffered by reason thereof is hereby barred from any future claims. The payment of \$18,000.00 shall be the settlement of the condemnation action and shall prejudice the defendant's from any further action.

IT IS SO ORDERED

CIRCUIT JUDGE
APPROVED AS TO FORM:

CAROL DUNCAN, JONESBORO CITY ATTORNEY
JESSICA COLEMAN, ASSISTANT CITY ATTORNEY
401 West Washington
Jonesboro, AR 72401
(870) 932-0917

VERIFICATION

STATE OF ARKANSAS))
))
COUNTY OF CRAIGHEAD))

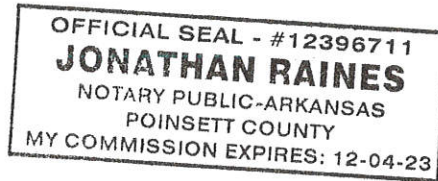
The undersigned, **GARY JOHNSON**, does hereby state under oath that the facts set forth in the foregoing Agreed Order are true and correct to the best of his knowledge and belief.

Gary E. Johnson
Gary Johnson
402 Airport Road
Jonesboro, AR 72401

Subscribed and sworn to before me this 15 day of Sept, 2015.

Jonathan Raines
Notary Public


My Commission Expires: 12-04-23



VERIFICATION

STATE OF ARKANSAS))
))
COUNTY OF CRAIGHEAD))

The undersigned, **JIM JOHNSON**, does hereby state under oath that the facts set forth in the foregoing Agreed Order are true and correct to the best of his knowledge and belief.



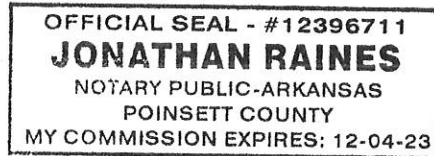
Jim Johnson
1911 Sherwood
Jonesboro, AR 72401

Subscribed and sworn to before me this 15 day of Sept, 2015.



Notary Public

My Commission Expires: 12-04-23



VERIFICATION


STATE OF ARKANSAS))
))
COUNTY OF CRAIGHEAD))

The undersigned, **JOE JOHNSON**, does hereby state under oath that the facts set forth in the foregoing Agreed Order are true and correct to the best of his knowledge and belief.



Joe Johnson
406 Airport Road
Jonesboro, AR 72401

Subscribed and sworn to before me this 15 day of Sept, 2015.



Notary Public

My Commission Expires: 12-04-23

