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FACSIMILE TRANSMITTAL COVER SHEET

TO: City of Jonesboro Planning & Zoning  
FROM: Jim Lyons  
RE: W. L. Gillespie vs. City of Jonesboro  
DATE: July 28, 2009

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 5

Please find attached the Consent Judgment regarding the above referenced matter. If you have any questions or problems, please do not hesitate to contact me. Thank you for your cooperation.

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IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS  
WESTERN DISTRICT  
CIVIL DIVISION

**FILED**

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ANN JOHNSON  
CIRCUIT AND CHANCERY  
COURT CLERK

W.L. GILLESPIE and  
MRS. W. L. (MYRNA) GILLESPIE

Plaintiffs

Vs.

No. CV-2006-88(JF)

CITY OF JONESBORO, ARKANSAS; ALEC  
FARMER, Alderman; CECIL PROVINCE, JR.,  
Alderman; JIM HARGIS, Alderman; CHRIS  
MOORE, Alderman; ANN WILLIAMS,  
Alderman; HAROLD PERRIN, Alderman; JOHN  
STREET, Alderman; MITCH JOHNSON,  
Alderman; DARREL DOVER, Alderman;  
JUDY FURR, Alderman; TIM MCCALL,  
Alderman; JIMMY ASHLEY, Alderman, in their  
official capacities as the JONESBORO CITY  
COUNCIL; DOUG FORMON, in his official  
capacity as MAYOR OF CITY OF JONESBORO

Defendants

CONSENT JUDGMENT

On this 13 day of November, 2006, is presented to the Court, the Complaint of the Plaintiffs, W.L. Gillespie and Myrna Gillespie, his wife, by and through their attorneys, Lyons, Emerson & Cone, P.L.C., with the Defendants appearing by and through their attorneys, Bachelor and Newell. Based upon the agreement of the parties, the Court doth find as follows:

1. That Plaintiffs are residents and citizens of Jonesboro, Craighead County, Arkansas and are the owners of the property in question which property is described below.
2. That Defendant, City of Jonesboro, Arkansas (the "City"), is a municipal corporation duly organized and existing under the laws of the State of Arkansas and located in the County of Craighead.

3. That Defendants, Alec Farmer, Cecil Province, Jr., Jim Hargis, Chris Moore, Ann Williams, Harold Perrin, John Street, Mitch Johnson, Darrel Dover, Judy Furr, Tim McCall and Jimmy Ashley make up and comprise the duly authorized and acting City Council of the City of Jonesboro, Arkansas. These individuals are defendants in this action only in their official capacities as the Jonesboro City Council (the "Council").

4. That Defendant, Doug Formon, is the duly authorized and acting Mayor of the City of Jonesboro, Arkansas and is a defendant in this action only in his official capacity of mayor.

5. That this lawsuit involves the following described real property located in Jonesboro, Craighead County, Arkansas, to-wit:

That part of the Southeast Quarter of the Northwest Quarter of Section 10, Township 14 North, Range 4 East, Craighead County Arkansas more particularly described as follows:

Begin at the Southeast Corner of said Southwest Quarter of the Northwest Quarter; thence West 996.1 feet to a point; thence North 330.1 feet to the point of beginning proper; thence East 200 feet; thence North 410.6 feet; thence South 57°57' West 233.8 feet; thence South 287.5 feet to the point of beginning.

Also, known as: 3701 E. Johnson Avenue, Jonesboro, Arkansas (hereinafter referred to as the "Property").

6. That this Court has jurisdiction over this cause of action and the parties thereto and venue is proper herein.

7. That the above described property is hereby rezoned C-3 LUO from its existing R-1 zoning. The specific land uses permitted on the Property based upon this rezoning are:

- a. Animal Care, Limited
- b. Automated Teller Machine

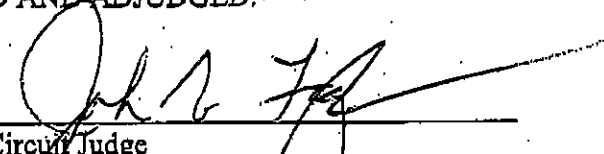
- c. Bank or Financial Institutions
- d. Church (with conditional use permit)
- e. Day Care, Limited
- f. Government Service
- g. Library
- h. Medical Service/Office
- i. Office, general
- j. Utility, minor

Further, at the time that the use of the Property is changed from its present R-1 to C-3 LUO status, the following improvements shall be made prior to obtaining Certification of Occupancy: (i) A solid fence, 8 feet in height shall be installed along the property lines adjacent to the property zoned R-1 on the South boundary as well as that portion of the East boundary zoned, R-1; (ii) That there be a buffer zone of forty feet (40') between any structure or parking and any R-1 zoned property except as reduced in subsection (v) below; (iii) Trees a minimum of eight feet (8') in height shall be planted along the fence to provide an additional layer of screening and buffering between the Property and properties zoned R-1 adjacent to the Property; (iv) There shall be no vehicular access from this Property to Maplewood Terrace or vice versa; and (v) The width of the buffer zone will be limited and reduced to the distance of the existing structure from the east boundary of the Property where the existing structure is located. However, if there are any exterior structural improvements that alter the size of the existing structure, then the forty foot (40') buffer zone shall apply.

8. That no other action to rezone said Property shall be necessary. However, if the City is desirous of enacting an Ordinance for this rezoning, it may do so. In the event that the

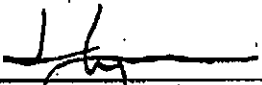
City believes, claims or desires that any additional action be taken for such rezoning to be effective, the City is hereby ordered to do so.

IT IS SO HEREBY ORDERED AND ADJUDGED.


  
Circuit Judge  
DDV 8

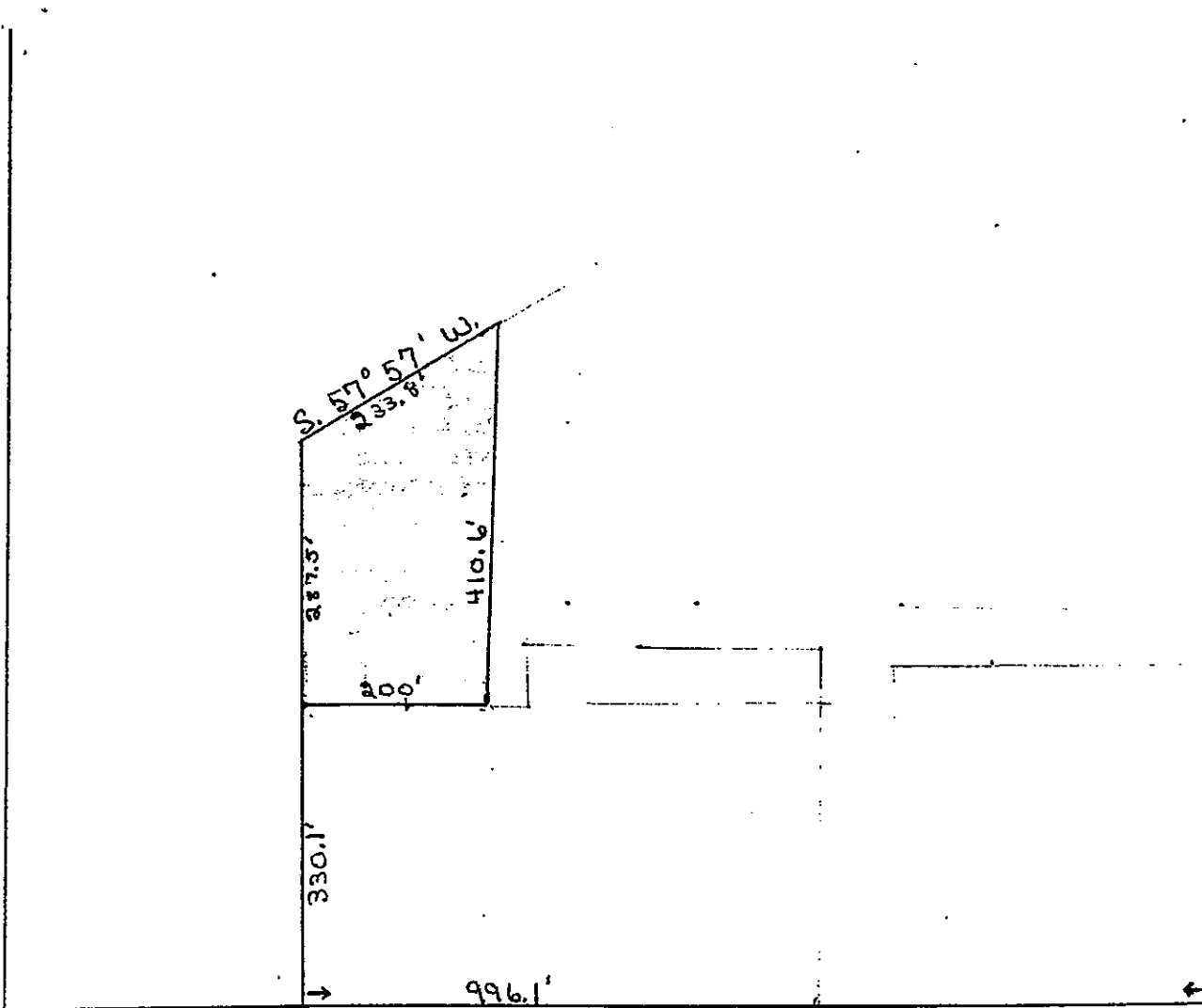
APPROVED:

LYONS, EMERSON & CONE, P.L.C.

By:   
Attorneys for the Plaintiff

BACHELOR & NEWELL

By:   
Attorneys for the Defendants



PLAT OF

The Southeast Quarter of the Northwest Quarter of Section 10,  
 Township 14 North, Range 4 East, Craighead County, Arkansas.

SINCE 1895

*Marble Abstract Company*

ABSTRACTERS OF TITLE

JONESBORO - LAKE CITY, ARKANSAS

MEMBER:  
 ARKANSAS TITLE ASSOCIATION  
 AMERICAN TITLE ASSOCIATION

INSURED WITH LLOYD OF LONDON

# RZ 05-33 LOCATION MAP

T14N-R04E-HALF SECTION 03 SOUTH

