

AGREEMENT

This agreement is entered into on this date by and between **Charles Tosh and Rita Tosh** hereinafter referred to as "party of the first part" and the **City of Jonesboro, MATA Department**, hereinafter referred to as "party of the second part."

WITNESSETH:

The party of the first part is the owner of certain property at 641 West Nettleton Avenue, Jonesboro, Arkansas, Parcel Number 35.

The party of the second part is in the process of improving West Nettleton Avenue.

The party of the second part has agreed to the following requests made by the party of the first part.

- 1. To be paid the sum of \$ 1,210.00

Property owner request that concrete turn around, which extends not more than 12" into the proposed 10' easement be left intact.

MISC BOOK 43 PAGE 645
 DATE 10/12/2001
 TIME 04:49:28 PM
 RECORDED IN
 OFFICIAL RECORDS OF
 CRAIGHEAD COUNTY
 ANN HUDSON
 CIRCUIT CLERK
Deborah Weavers, D.C.
 RECEIPT# 72471

This agreement is executed on this the 13 day of September, 2001

Charles Tosh
 Charles Tosh

Rita Tosh
 Rita Tosh

J. Harry Hardwick
 OFFICIAL SEAL
 J. HARRY HARDWICK
 NOTARY PUBLIC-ARKANSAS
 CRAIGHEAD COUNTY
 MY COMMISSION EXPIRES: 02-14-2010

FILED
 DATE 10/3/01
 DONNA K. JACKSON
 CITY CLERK

CITY OF JONESBORO, MATA DEPT.
 BY: *[Signature]*
 DIRECTOR - MATA

641 West Nettleton Avenue
Parcel #35

Right-of-Way

Whereas, Charles Tosh and Rita Tosh, are the owners of land in Craighead County, Arkansas described below, and the City of Jonesboro, a municipal corporation of the State of Arkansas, is the owner of adjoining land;

Whereas, Charles Tosh and Rita Tosh, and city have agreed upon a right-of-way for construction and maintenance of a street across the land of Charles Tosh and Rita Tosh, in favor of city and in favor of the land of city.

Now, Therefore, be it agreed between Charles Tosh and Rita Tosh, and city on 13th day of September, 2001.

1. Charles Tosh and Rita Tosh, in consideration of the agreement hereinafter made by city, grants to city a right-of-way for construction and maintenance of a street over the land Charles Tosh and Rita Tosh, in City of Jonesboro, Craighead County, Arkansas, or particularly described as follows:

DESCRIPTION OF PERMANENT RIGHT-OF-WAY

PART OF THE WEST 20.00 FEET OF LOT 2 AND PART OF THE EAST 40.23 FEET OF LOT 3 OF LOTTIE NASH'S SUBDIVISION OF LOTS 1, 2, 3, 4, AND 5, BLOCK 2 OF COLE'S SECOND ADDITION TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, AS RECORDED IN DEED BOOK #48, PAGE #112 IN THE OFFICE OF THE CIRCUIT COURT CLERK AND EX-OFFICIO RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 3 OF LOTTIE NASH'S SUBDIVISION OF LOTS 1, 2, 3, 4, AND 5, BLOCK 2 OF COLE'S SECOND ADDITION TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE EAST ALONG THE NORTH LINE OF LOT 2 OF LOTTIE NASH'S SUBDIVISION AFORESAID, 20.00 FEET; THENCE SOUTH 0°19'05" EAST 5.67 FEET; THENCE SOUTH 89°44'07" WEST 60.20 FEET; THENCE NORTH 5.95 FEET TO THE NORTH LINE OF LOT 3; THENCE EAST ALONG SAID NORTH LINE 40.23 FEET TO THE POINT OF BEGINNING, CONTAINING 0.008 ACRES (349.97 SQUARE FEET).

2. Charles Tosh and Rita Tosh, warrants the right-of-way against anyone claiming it or in any manner preventing free and unobstructed use of it by city.

3. City, in consideration of the grant of right-of-way aforesaid, agrees to construct, maintain and improve the property through the use as is set forth herein.

4. This agreement shall inure to and bind the heirs, executors, administrators, successors and assigns of the parties and shall constitute a covenant running with the land of Charles Tosh and Rita Tosh.

Charles Tosh and Rita Tosh
Charles Tosh and Rita Tosh

STATE OF ARKANSAS
COUNTY OF Craighead

ACKNOWLEDGEMENT

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

WITNESS my hand and seal this 13th day of September, 2001.

J. Harry Barowick
OFFICIAL SEAL
NOTARY PUBLIC-ARKANSAS
J. HARRY BAROWICK
NOTARY PUBLIC-ARKANSAS
CRAIGHEAD COUNTY
MY COMMISSION EXPIRES: 02-14-2010