

AGREEMENT

This agreement is entered into on this date by and between **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**, 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 2001 East Nettleton, Jonesboro, Arkansas, Parcel Number 134.

The party of the second part is in the process of improving East 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 \$2,245.00 for permanent right-of-way and temporary easement.
2. Construct driveway access onto Market Place Drive.

This agreement is executed on this the 5 day of ~~March~~^{April}, 2000.

Berl A. Smith
Berl A. Smith



Berl A. Smith, Executor
Berl S. Smith Estate
Berl A. Smith Executor

CITY OF JONESBORO, MATA DEPT.

BY: Anthony E. Scott
DIRECTOR - MATA

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

MISC BOOK 43 PAGE 638
 DATE 10/12/2001
 TIME 04:49:21 PM
 RECORDED IN
 OFFICIAL RECORDS OF
 CRAIGHEAD COUNTY
 ANN HUDSON
 CIRCUIT CLERK

Deborah Weaver, D.C.
RECEIPT# 72471

RIGHT OF WAY

Whereas, **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**, 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, **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**, and city have agreed upon a right-of-way for construction and maintenance of a street across the land of **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**, in favor of city and in favor of the land of city;

Now, Therefore, be it agreed between **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**, and city on 5th day of April, 2000.

1. **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**, 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 of **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**, in City of Jonesboro, Craighead County, Arkansas, or particularly described as follows:

Part of the southeast quarter of Section 20, T14N, R4E, Craighead County, Arkansas being more particularly described as follows:

Permanent Right-of-Way

Commencing at the northeast corner of Lot 1 Block B of McCarty Addition to the City of Jonesboro, Arkansas; thence S 00° 08' 30" W, 3.32 feet to a point; thence N 88° 01' 40" E, 504.32 feet to the point of beginning proper; thence N 00° 06' 23" W, 1.87 feet to a point; thence N 89° 02' 00" E, 126.01 feet to a point; thence S 00° 06' 23" E, 3.26 feet to a point; thence N 89° 55' 02" W, 100.41 feet to a point; thence S 88° 01' 40" W, 25.60 feet to the point of beginning and containing 0.0063 acres (277.0 sq. ft.).

Temporary Construction Easement

Commencing at the northeast corner of Lot 1 Block B of McCarty Addition to the City of Jonesboro, Arkansas; thence S 00° 08' 30" W, 3.32 feet to a point; thence N 88° 01' 40" E, 529.92 feet to a point; thence S 89° 55' 02" E, 100.41 feet to the point of beginning proper; thence S 00° 06' 23" E, 57.62 feet to a point; thence S 40° 46' 54" W, 26.49 feet to a point; thence N 49° 13' 06" W, 9.15 feet to a point; thence N 00° 27' 05" W, 62.96 feet to a point; thence N 22° 55' 20" W, 9.55 feet to a point; thence S 89° 55' 02" E, 28.34 feet to the point of beginning and containing 0.0395 acres (1721.0 sq. ft.).

2. **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**, 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 **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**.

Berl A. Smith
Berl A. Smith

Berl A. Smith Executor
Berl S. Smith Estate,
Berl A. Smith Executor

STATE OF ARKANSAS
COUNTY OF Craighead

ACKNOWLEDGMENT

On this day before me, the undersigned officer, personally appeared **Berl A. Smith and the Berl S. Smith Estate, Berl A. Smith Executor**, 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 5th day of April, 2000.

Bella Monroe
NOTARY PUBLIC
July 7, 2002

DEED BOOK 590 PAGE 411 - 412
DATE 04/19/2000
TIME 09:45:36 AM
RECORDED IN
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY
ANN HUDSON
CIRCUIT CLERK
Shanna Kilbass, D.C.
RECEIPT# 44064