

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/18/2012

City Council Meeting Date
Agenda Items Only

Alison Jumper
Submitted By

Park Planning
Division

Parks and Recreation
Department

Action Required:

Approval of a resolution restricting the uses of the landfill area as recommended by ADEQ.

N/A
Cost of this request

N/A
Category / Project Budget

N/A
Program Category / Project Name

N/A
Account Number

N/A
Funds Used to Date

N/A
Program / Project Category Name

N/A
Project Number

N/A
Remaining Balance

N/A
Fund Name

Budgeted Item

Budget Adjustment Attached

Connie Emonston
Department Director 11-29-12
Date

Previous Ordinance or Resolution # 138-04

K. J. ...
City Attorney 11-24-12
Date

Original Contract Date:

Original Contract Number:

Paul a. Baker
Finance and Internal Services Director 11-30-2012
Date

Received in City Clerk's Office 11-29-12 P02:07 RCVD
WJB

Alm Man
Chief of Staff 12-3-12
Date

Received in Mayor's Office
ENTERED 11/29/12
PH

Lionel Jumper
Mayor 12/3/12
Date

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *C.E.*

From: Alison Jumper, Park Planning Superintendent *aj*

Date: November 29, 2012

Subject: December 18th City Council Agenda Request
Deed Restriction for Former C and L Landfill Property.

PROPOSAL:

The City of Fayetteville acquired approximately 40 acres in 2008 as part of a public private partnership to develop a mixed use community including a 200 acre community park along Cato Springs Road (see attached Resolution 138-04). The 40 acres is the site of the former C & L landfill which operated from 1972 until it was closed in 1976. The site received primarily municipal solid waste and some construction/demolition debris.

After a Work Plan and Site Characterization Study were completed in 2003, the City applied to the Arkansas Department of Environmental Quality (ADEQ) to utilize Post Closure Trust Funds for remediation of the site. The Post Closure Trust Fund was created in 1991 from disposal fees for landfill post-closure action, which is defined as any measures deemed necessary by the Director to prevent or abate contamination of the environment from any landfill which has been certified by the Department as no longer receiving waste. The City was approved for the use of the fund for the C and L Landfill remediation in 2004.

ADEQ has developed construction plans for the remediation and anticipates beginning construction next spring. As part of the final remediation, ADEQ requested 100' buffer from the limits of the landfill. The buffer area was deeded to the City in 2012 to accommodate ADEQ's request. Additionally ADEQ is requiring certain restrictions be put on the landfill and buffer area. The City Attorney worked with the legal staff at ADEQ to draft the deed restriction.

RECOMMENDATION:

Staff recommends approving a resolution restricting the uses of the landfill area as recommended by ADEQ.

BUDGET IMPACT:

None.

Attachments:

Resolution 138-04
Deed 2012-00013554- Buffer area
Deed 2006-00013296 -Landfill

RESOLUTION NO. _____

A RESOLUTION TO PLACE DEED RESTRICTIONS IN THE TITLE TO CITY PROPERTY THAT WAS THE C & L LANDFILL SITE TO COMPLY WITH THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY LANDFILL CLOSURE REGULATIONS

WHEREAS, the Arkansas Department of Environmental Quality (ADEQ) – Solid Waste Management Division has completed an environmental site assessment of the closed C & L Solid Waste Class 1 Landfill located in Fayetteville within and upon land owned by the City of Fayetteville off Cato Springs Road; and

WHEREAS, this assessment has determined the corrective action of placing a new engineered cap on top of the landfill would be required at the closed landfill site; and

WHEREAS, prior to ADEQ funding such corrective action, long term administrative protection to reduce the chance of future disturbance of the constructed corrective action is necessary; and

WHEREAS, a deed restriction to prohibit all residential improvements and any other construction activity that could damage the engineered cap over the waste mass area is required; and

WHEREAS, the ADEQ recommends that the City should also prohibit as a buffer all residential development within one hundred feet around the entire landfill property; and

WHEREAS, earlier this year the City of Fayetteville was deeded this needed 100 foot buffer around the landfill which should be deed restricted to prevent any future use as residential housing.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby places a deed restriction in the title to all the city property which was the C & L Landfill to prohibit all residential improvements and any other construction that could damage the engineered cap to be installed by ADEQ over the waste mass area and authorizes Mayor Jordan to sign such deed restriction.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby places restrictions that the City pursuant to requirements of the ADEQ – Solid Waste Management Division will prohibit and not allow construction of houses, duplexes, apartments, or other housing within one hundred feet around the entire former landfill property to ensure adequate protection of human health and the environment in future years and authorizes Mayor Jordan to sign such deed restriction.

PASSED and **APPROVED** this 18th day of December, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

RESOLUTION NO. 138-04

MICROFILMED

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SOUTHPASS DEVELOPMENT COMPANY TO ACCEPT 200 ACRES OF PARK LAND, A 10 ACRE WATER TANK SITE, ONE MILLION DOLLARS FOR PARK LAND DEVELOPMENT AND OTHER CONSIDERATION FOR THE CITY'S ACCEPTANCE OF OWNERSHIP OF A 33 ACRE LANDFILL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts and approves the Contract with SouthPass Development Company (attached as Exhibit "A") to accept 200 acres of park land, a 10 acre water tank site, one million dollars for park land development and other consideration for the City's acceptance of a 33 acre landfill and its agreement to spend the money currently identified in its Parks Capital Improvement Plan for the community park development.

PASSED and APPROVED this 7th day of September, 2004.

APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA SMITH, City Clerk



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Part of Parcel No. 765-15443-200
Part of Parcel No. 765-16323-300

WARRANTY DEED



Doc ID: 014587960009 Type: REL
Kind: WARRANTY DEED
Recorded: 05/14/2012 at 08:52:53 AM
Fee Amt: \$55.00 Page 1 of 9
Washington County, AR
Bette Stamps Circuit Clerk

File **2012-00013554**

BE IT KNOWN BY THESE PRESENTS:

THAT **Chambers Bank, an Arkansas chartered bank**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

The purpose of this deed is to convey those portions as shown on Lot Line Adjustment recorded as Doc. Ref. 2012-00013553, in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, the revised descriptions of the whole tracts as follows:

ADJUSTED TRACT 3 DESCRIPTION:

A PART OF THE FRACTIONAL WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) AND A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION THIRTY (30), AND A PART OF THE FRACTIONAL NORTHWEST QUARTER (NW 1/4) AND A PART OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) AND A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION THIRTY-ONE (31), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST; A PART OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36) AND A PART OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-FIVE (25), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND IRON PIN AT THE NORTHEAST CORNER OF SAID WEST HALF (1/2) OF THE NORTHEAST QUARTER (NE 1/4) SECTION THIRTY-ONE (31), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST; THENCE ALONG THE EAST LINE OF SAID TRACT SOUTH 03°10'31" WEST 2628.17 FEET TO A FOUND IRON PIN AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), SECTION THIRTY-ONE (31); THENCE ALONG THE EAST LINE OF SAID FORTY (40) ACRE TRACT SOUTH 02°56'56" WEST 214.50 FEET TO A FOUND IRON PIN; THENCE LEAVING SAID EAST LINE NORTH 87°03'04" WEST 214.50 FEET; THENCE SOUTH 28°45'25" WEST 105.32 FEET; THENCE NORTH 52°18'12" WEST 543.84 FEET TO A FOUND IRON PIN ON THE SOUTH LINE OF SAID WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4), SECTION THIRTY-ONE (31); THENCE ALONG SAID SOUTH LINE NORTH 87°21'46" WEST 611.22 FEET TO A FOUND IRON PIN; THENCE CONTINUING ALONG SAID SOUTH LINE NORTH 87°04'57" WEST 423.66 FEET TO A FOUND PIPE; THENCE LEAVING SAID SOUTH LINE NORTH 02°36'50" EAST 654.14 FEET TO A FOUND IRON PIN; THENCE NORTH 87°10'03" WEST 884.36 FEET TO A FOUND IRON PIN; THENCE NORTH 87°10'03" WEST 787.44 FEET TO A FOUND IRON PIN; THENCE SOUTH 02°37'31" WEST 651.66 FEET TO THE SOUTH LINE OF SAID NORTH HALF (N 1/2) OF THE FRACTIONAL SECTION THIRTY-ONE (31); THENCE ALONG SAID SOUTH LINE NORTH 87°04'57" WEST 963.78 FEET TO A FOUND STONE AT THE SOUTHWEST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER (NW 1/4), SECTION THIRTY-ONE (31), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST; THENCE ALONG THE SOUTH LINE OF SAID EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, NORTH 87°03'18" WEST 962.79 FEET TO A FOUND IRON PIN; THENCE LEAVING SAID SOUTH LINE NORTH 03°06'30" EAST 249.93 FEET TO A FOUND IRON PIN; THENCE NORTH 86°53'02" WEST 146.92 FEET TO THE EASTERLY LINE OF A MULTI-USE TRAIL; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING COURSES: NORTH 10°37'43" EAST 1625.80 FEET; NORTH 02°04'05" WEST 754.60 FEET; NORTH 01°38'21" EAST 418.36 FEET; NORTH 32°01'04" WEST 100.91 FEET; NORTH 23°10'05" EAST 158.00 FEET; NORTH 00°51'59" WEST 415.39 FEET; NORTH 29°51'29" WEST 148.57 FEET; NORTH 08°20'51" EAST 255.18 FEET; NORTH 35°11'50" WEST 361.43 FEET; THENCE NORTH 01°26'41" EAST 951.98 FEET TO THE NORTH LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST; THENCE ALONG SAID NORTH LINE OF SAID EIGHTY (80) ACRE TRACT SOUTH 87°09'38" EAST 1214.50 FEET TO A FOUND ALUMINUM MONUMENT AT THE NORTHEAST CORNER OF SAID TRACT; THENCE ALONG THE EAST LINE OF SAID TRACT SOUTH 02°25'51"

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WARRANTY DEED
Page - 2 -

WEST 36.60 FEET TO A FOUND ALUMINUM MONUMENT AT THE NORTHWEST CORNER OF SAID FRACTIONAL SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY (30), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST; THENCE ALONG THE NORTH LINE OF SAID TRACT SOUTH 87°15'10" EAST 700.17 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 02°05'17" WEST 660.00 FEET; THENCE THE FOLLOWING COURSES: SOUTH 87°15'10" EAST 257.44 FEET; SOUTH 58°07'31" WEST 324.29 FEET; NORTH 86°44'15" WEST 330.61 FEET; SOUTH 74°09'23" WEST 137.05 FEET; SOUTH 30°16'13" WEST 254.00 FEET; SOUTH 27°26'52" WEST 126.27 FEET; SOUTH 04°45'59" WEST 193.96 FEET; SOUTH 25°07'29" EAST 274.91 FEET; SOUTH 46°49'29" EAST 159.23 FEET; SOUTH 03°33'11" WEST 69.09 FEET; SOUTH 28°33'12" WEST 86.25 FEET; SOUTH 02°12'58" EAST 248.61 FEET; SOUTH 05°50'07" EAST 152.03 FEET; SOUTH 29°43'41" WEST 92.26 FEET; SOUTH 37°07'18" EAST 120.86 FEET; SOUTH 45°00'58" EAST 126.58 FEET; SOUTH 17°48'52" WEST 178.11 FEET; SOUTH 04°52'49" EAST 113.12 FEET; NORTH 82°59'00" EAST 136.94 FEET; SOUTH 09°29'53" EAST 155.53 FEET; NORTH 52°21'44" EAST 384.50 FEET; SOUTH 04°18'51" WEST 13.13 FEET; SOUTH 87°23'14" EAST 1005.32 FEET; NORTH 02°36'46" EAST 144.08 FEET; NORTH 44°57'00" WEST 226.52 FEET; NORTH 88°40'04" WEST 37.79 FEET; NORTH 09°22'34" WEST 184.47 FEET; SOUTH 89°22'34" EAST 237.27 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 16°11'23" AND A RADIUS OF 453.50; THENCE ALONG SAID CURVE AN ARC LENGTH OF 128.15 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 49°42'24" EAST 127.72 FEET; THENCE SOUTH 41°36'42" EAST 109.30 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 08°20'11" AND A RADIUS OF 453.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 65.98 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 37°26'37" EAST 65.92 FEET; THENCE THE FOLLOWING COURSES: SOUTH 33°16'32" EAST 59.20 FEET; SOUTH 56°43'28" WEST 129.29 FEET; SOUTH 00°00'00" EAST 167.54 FEET; NORTH 90°00'00" EAST 176.03 FEET; NORTH 56°33'49" EAST 100.55 FEET; THENCE SOUTH 33°16'32" EAST 120.80 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°38'06" AND A RADIUS OF 360.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 104.52 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 41°35'35" EAST 104.15 FEET; THENCE SOUTH 49°54'38" EAST 54.78 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 48°18'27" AND A RADIUS OF 360.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 303.53 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 25°45'24" EAST 294.61 FEET; THENCE SOUTH 01°36'10" EAST 48.91 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17°44'21" AND A RADIUS OF 220.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 68.11 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 10°28'21" EAST 67.84 FEET; THENCE SOUTH 19°20'31" EAST 37.23 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 24°59'05" AND A RADIUS OF 220.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 95.93 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 06°50'59" EAST 95.18 FEET; THENCE SOUTH 05°38'34" WEST 122.87 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°45'37" AND A RADIUS OF 560.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 163.81 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 02°44'14" EAST 163.23 FEET; THENCE SOUTH 11°07'03" EAST 17.62 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 46°37'08" AND A RADIUS OF 560.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 455.65 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 12°11'31" WEST 443.18 FEET; THENCE SOUTH 35°30'05" WEST 58.56 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 45°41'49" AND A RADIUS OF 280.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 223.32 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 12°39'11" WEST 217.45 FEET; THENCE SOUTH 10°11'44" EAST 1.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 71°40'01" AND A RADIUS OF 120.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 150.10 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 46°01'45" EAST 140.50 FEET; THENCE SOUTH 81°51'46" EAST 299.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 08°40'40" AND A RADIUS OF 480.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 72.70 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 77°31'26" EAST 72.63 FEET; THENCE SOUTH 73°11'06" EAST 222.13 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 53°40'26" AND A RADIUS OF 280.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 262.30 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 79°58'41" EAST 252.81 FEET; THENCE NORTH 53°08'28" EAST 141.25 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A

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Page - 3 -

CENTRAL ANGLE OF 07°26'22" AND A RADIUS OF 220.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 28.57 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 49°25'17" EAST 28.55 FEET; THENCE NORTH 45°42'07" EAST 332.13 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 18°33'59" AND A RADIUS OF 220.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 71.29 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 54°59'06" EAST 70.98 FEET; THENCE NORTH 64°16'06" EAST 68.84 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 41°55'54" AND A RADIUS OF 800.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 585.48 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 43°18'09" EAST 572.50 FEET; THENCE NORTH 22°20'12" EAST 97.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 18°58'29" AND A RADIUS OF 800.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 264.94 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 12°50'58" EAST 263.73 FEET; THENCE NORTH 03°21'43" EAST 676.13 FEET TO THE NORTH LINE OF SAID FRACTIONAL NORTH HALF (N ½) SECTION THIRTY-ONE (31), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST; THENCE ALONG SAID NORTH LINE SOUTH 87°14'32" EAST 61.42 FEET TO THE POINT OF BEGINNING, CONTAINING 315.218 ACRES, MORE OR LESS.

LESS AND EXCEPT, THE FOLLOWING:

THOSE PORTIONS OF WASHINGTON COUNTY ROAD NO. 201 (KESSLER MOUNTAIN ROAD) AFFECTED BY A CITY OF FAYETTEVILLE ANNEXATION PER ORDINANCE NO. 5190 RECORDED WITH THE CITY CLERK, SAID PORTIONS BEING IN THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼), SECTION THIRTY-SIX (36), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, SAID ROAD HAVING A FIFTY (50) FOOT RIGHT-OF-WAY EXTENDING 25 FEET EACH SIDE OF THE CENTERLINE OF SAID ROAD.

ALSO LESS AND EXCEPT, THE FOLLOWING:

THOSE PORTIONS OF WASHINGTON COUNTY ROAD NO. 201 (KESSLER MOUNTAIN ROAD) AFFECTED BY A CITY OF FAYETTEVILLE ANNEXATION PER ORDINANCE NO. 5190 RECORDED WITH THE CITY CLERK, SAID ROAD HAVING A FIFTY (50) FOOT RIGHT-OF-WAY EXTENDING TWENTY-FIVE (25) FEET EACH SIDE OF A CENTERLINE, SAID ROAD PORTION BEING IN PART OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼), AND A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼), AND A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼), ALL IN SECTION THIRTY-ONE (31), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, SAID CENTERLINE OF SAID ROAD BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION THIRTY-ONE (31); THENCE ALONG THE NORTH LINE OF SAID FORTY (40) ACRE TRACT NORTH 86°59'53" WEST 272.18 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 03°00'07" WEST 323.15 FEET TO THE INTERSECTION OF THE CENTERLINE OF THE EXISTING GRAVEL ROAD KNOWN AS SAID WASHINGTON COUNTY ROAD NO. 201 (KESSLER MOUNTAIN ROAD) AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 265 SOUTH (CATO SPRINGS ROAD) AS PER ARKANSAS STATE HIGHWAY COMMISSION JOB NO. 9497, SAID INTERSECTION BEING THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE NORTH 55°07'55" WEST 117.33 FEET; THENCE NORTH 55°26'23" WEST 220.56 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 27°10'38" AND A RADIUS OF 500.51 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 237.41 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 73°31'28" WEST 235.19 FEET; THENCE NORTH 87°06'47" WEST 311.95 FEET; THENCE NORTH 86°55'45" WEST 1868.91 FEET TO THE TERMINUS OF SAID CENTERLINE, MORE OR LESS, AFFECTED BY SAID ANNEXATION; THE SIDE LINES OF SAID ROAD TO BE SHORTENED OR LENGTHENED AT SAID TERMINUS BOUNDARY.

ALSO LESS AND EXCEPT, THE FOLLOWING:

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Page - 4 -

THOSE PORTIONS OF WASHINGTON COUNTY ROAD NO. 200 (JUDGE CUMMINGS ROAD) AFFECTED BY A CITY OF FAYETTEVILLE ANNEXATION PER ORDINANCE NO. 5190 RECORDED WITH THE CITY CLERK HAVING A FIFTY (50) FOOT RIGHT-OF-WAY EXTENDING TWENTY-FIVE (25) FEET EACH SIDE OF A CENTERLINE, SAID ROAD PORTION BEING IN PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) AND PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION THIRTY-ONE (31), AND PART OF THE FRACTIONAL SOUTH HALF (S ½) OF THE SOUTH HALF (S ½) OF SECTION THIRTY (30), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, SAID CENTERLINE OF SAID ROAD BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE ¼), SAID SECTION THIRTY (30); THENCE ALONG THE SOUTH LINE OF SAID SECTION NORTH 87°14'32" WEST 8.86 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 265 SOUTH (CATO SPRINGS ROAD) AS PER ARKANSAS STATE HIGHWAY COMMISSION JOB NO. 9497; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 37°59'03" WEST 9.81 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF A GRAVEL ROAD KNOWN AS SAID WASHINGTON COUNTY 200 (JUDGE CUMMINGS ROAD), SAID INTERSECTION BEING THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES: NORTH 88°17'56" WEST 957.47 FEET; NORTH 87°05'11" WEST 323.63 FEET; SOUTH 82°07'28" WEST 44.99 FEET; NORTH 52°16'47" WEST 44.69 FEET; NORTH 85°51'11" WEST 262.89 FEET; NORTH 86°24'16" WEST 1240.07 FEET; SOUTH 84°41'18" WEST 125.64 FEET; NORTH 83°12'13" WEST 228.12 FEET; NORTH 86°28'14" WEST 616.08 FEET; NORTH 82°23'29" WEST 108.38 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 67°34'09" AND A RADIUS OF 208.61 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 246.01 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 48°36'25" WEST 232.00 FEET; THENCE NORTH 17°05'30" WEST 66.98 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 40°52'22" AND A RADIUS OF 213.20 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 152.09 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 37°31'41" WEST 148.88 FEET TO THE EASTERLY BOUNDARY OF A PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2005-48123 RECORDED WITH THE CIRCUIT CLERK OF SAID COUNTY, SAID EASTERLY BOUNDARY ALSO BEING THE TERMINUS OF SAID CENTERLINE; THE SIDE LINES OF SAID ROAD TO BE SHORTENED OR LENGTHENED AT SAID TERMINUS BOUNDARY.

ALSO LESS AND EXCEPT, THE FOLLOWING:

THAT PORTION OF STATE HIGHWAY NO. 265 SOUTH (CATO SPRINGS ROAD) HAVING AN EIGHTY (80) FOOT RIGHT-OF-WAY, FORTY (40) FOOT EACH SIDE OF CENTERLINE AS PER ARKANSAS STATE HIGHWAY COMMISSION JOB NO. 9497 ALL IN THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼) SAID SECTION THIRTY-ONE (31) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID FORTY (40) ACRE TRACT; THENCE ALONG THE EASTERLY SIDE OF SAID FORTY (40) ACRE TRACT SOUTH 02°56'56" WEST 41.45 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE EASTERLY SIDE OF SAID FORTY (40) ACRE TRACT SOUTH 02°56'56" WEST 114.44 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 47°18'03" WEST 81.96 FEET TO THE SOUTHERLY BOUNDARY OF TRACT THREE (3) DESCRIBED HEREON; THENCE ALONG SAID SOUTHERLY BOUNDARY NORTH 87°03'04" WEST 111.88 FEET TO THE SAID NORTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF SAID HIGHWAY NORTH 47°18'03" EAST 242.01 FEET TO THE POINT OF BEGINNING, CONTAINING 12959 SQUARE FEET, MORE OR LESS.

SUBJECT TO ANY OTHER RIGHTS-OF-WAY AND/OR EASEMENTS WHETHER OR NOT OF RECORD.

ADJUSTED TRACT 7:

A PART OF THE EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW ¼) AND A PART OF THE FRACTIONAL NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY (30), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Copy
WARRANTY DEED
Page - 5 -

COMMENCING AT A FOUND IRON PIN AT THE NORTHEAST CORNER OF SAID EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY (30); THENCE ALONG THE NORTH LINE OF SAID EIGHTY (80) ACRE TRACT NORTH 87°15'10" WEST 199.59 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE SOUTH 02°12'39" WEST 197.81 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE SOUTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 58°11'48" AND A RADIUS OF 71.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 72.62 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 24°03'14" EAST 69.54 FEET; THENCE SOUTH 05°02'40" WEST 31.58 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30°00'00" AND A RADIUS OF 71.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 37.44 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 20°02'40" WEST 37.01 FEET; THENCE SOUTH 35°02'40" WEST 289.81 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 40°25'53" AND A RADIUS OF 71.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 50.45 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 55°15'36" WEST 49.41 FEET; THENCE THE FOLLOWING COURSES: SOUTH 35°02'40" WEST 160.75 FEET; SOUTH 60°58'58" WEST 51.63 FEET; SOUTH 24°14'37" WEST 129.06 FEET; SOUTH 64°15'07" EAST 24.24 FEET; SOUTH 24°55'29" WEST 178.86 FEET; SOUTH 35°22'17" WEST 187.73 FEET; SOUTH 20°30'31" WEST 190.94 FEET; SOUTH 80°59'17" WEST 117.38 FEET; NORTH 87°32'23" WEST 136.18 FEET; NORTH 05°00'34" EAST 194.57 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 05°48'45" AND A RADIUS OF 500.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 50.72 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 07°54'57" EAST 50.70 FEET; THENCE NORTH 10°49'19" EAST 332.28 FEET; THENCE NORTH 79°10'41" WEST 21.50 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 33°58'07" AND A RADIUS OF 386.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 229.14 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 80°00'21" WEST 225.80 FEET; THENCE THE FOLLOWING COURSES: SOUTH 63°01'17" WEST 42.14 FEET; NORTH 31°09'22" WEST 10.18 FEET; SOUTH 85°14'45" WEST 156.40 FEET; NORTH 68°47'27" WEST 82.18 FEET; NORTH 84°30'33" WEST 125.56 FEET; NORTH 66°13'53" WEST 88.19 FEET; NORTH 36°42'18" WEST 37.59 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE NORTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 14°11'01" AND A RADIUS OF 680.56 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 168.47 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 21°51'51" EAST 168.04 FEET TO THE BEGINNING OF A NON-TANGENT COMPOUND CURVE TO THE LEFT, SAID CURVE BEING CONCAVE NORTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 67°30'07" AND A RADIUS OF 96.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 113.69 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 33°45'48" EAST 107.23 FEET; THENCE NORTH 00°00'44" EAST 115.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 24°53'05" AND A RADIUS OF 278.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 120.96 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 12°27'17" EAST 120.01 FEET; THENCE NORTH 24°53'49" EAST 65.24 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 25°36'17" AND A RADIUS OF 278.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 124.46 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 37°41'58" EAST 123.43 FEET; THENCE NORTH 50°30'07" EAST 112.59 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°39'01" AND A RADIUS OF 53.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 83.71 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 84°40'23" EAST 75.43 FEET; THENCE SOUTH 39°50'53" EAST 172.02 FEET; THENCE NORTH 50°09'07" EAST 43.00 FEET; THENCE NORTH 52°24'38" EAST 335.19 FEET TO SAID NORTH LINE OF THE EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY (30); THENCE ALONG SAID NORTH LINE SOUTH 87°15'10" EAST 712.87 FEET TO THE POINT OF BEGINNING, CONTAINING 28.264 ACRES, MORE OR LESS.

SUBJECT TO ANY OTHER RIGHTS-OF-WAY AND/OR EASEMENTS WHETHER OR NOT OF RECORD.

ADJUSTED TRACT 10:

A PART OF THE WEST HALF (W ½) OF THE SOUTHWEST QUARTER (SW ¼) AND A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION TWENTY-NINE (29); A PART OF THE SOUTHEAST QUARTER (SE ¼) AND A PART OF THE EAST HALF (E ½)

Copy
WARRANTY DEED
Page - 6 -

OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY (30), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF SAID WEST HALF (W ½) OF THE SOUTHWEST QUARTER (SW ¼), SECTION TWENTY-NINE (29); THENCE ALONG THE NORTH LINE OF SAID EIGHTY (80) ACRE TRACT SOUTH 87°03'16" EAST 1148.15 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF UNITED STATES INTERSTATE 540; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 09°21'05" WEST 48.62 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 24°41'50" EAST 767.50 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 265 (CATO SPRINGS ROAD) PER ARKANSAS STATE HIGHWAY COMMISSION JOB NUMBER 9497, SAID CURVE BEING CONCAVE SOUTHEASTERLY, AND HAVING A CENTRAL ANGLE OF 08°43'13" AND A RADIUS OF 1105.92; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE ALONG SAID CURVE AN ARC LENGTH OF 168.32 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 48°21'27" WEST 168.16 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 52°43'03" WEST 205.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09°21'05" AND A RADIUS OF 1185.92 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE ALONG SAID CURVE AN ARC LENGTH OF 193.56 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 48°02'36" WEST 193.34 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE NORTH 49°02'41" WEST 63.97 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE SOUTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 21°57'38" AND A RADIUS OF 100.17 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 38.39 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 60°01'30" WEST 38.16 FEET; THENCE NORTH 71°01'26" WEST 157.05 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 35°35'41" AND A RADIUS OF 299.70 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 186.19 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 53°14'42" WEST 183.21 FEET; THENCE NORTH 35°27'58" WEST 241.09 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 25°33'53" AND A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 89.24 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 22°41'01" WEST 88.50 FEET; THENCE NORTH 09°54'05" WEST 203.56 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 29°10'05" AND A RADIUS OF 282.31 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 143.72 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 24°29'08" WEST 142.17 FEET; THENCE THE FOLLOWING COURSES: NORTH 41°54'01" WEST 365.49 FEET; NORTH 45°18'05" WEST 52.57 FEET; SOUTH 38°01'21" WEST 175.91 FEET; SOUTH 38°01'21" WEST 447.90 FEET; THENCE SOUTH 51°58'40" EAST 639.50 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE CONCAVE SOUTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 10°41'19" AND A RADIUS OF 145.25 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 27.10 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 47°08'50" EAST 27.06 FEET; THENCE THE FOLLOWING COURSES: SOUTH 54°44'22" EAST 122.39 FEET; SOUTH 52°20'44" EAST 129.20 FEET; SOUTH 66°59'40" EAST 63.12 FEET; NORTH 87°31'21" EAST 112.21 FEET; THENCE SOUTH 44°56'01" EAST 364.35 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 265 (CATO SPRINGS ROAD); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 37°59'03" WEST 1618.91 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE ¼), SECTION THIRTY (30), SAID POINT BEARING NORTH 87°14'32" WEST 8.86 FEET FROM THE SOUTHEAST CORNER OF SAID FORTY (40) ACRE TRACT; THENCE ALONG SAID SOUTH LINE OF SAID TRACT NORTH 87°14'32" WEST 901.69 FEET; THENCE LEAVING SAID SOUTH LINE THE FOLLOWING COURSES: NORTH 02°45'24" EAST 15.76 FEET; NORTH 02°59'33" EAST 100.00 FEET; SOUTH 87°00'27" EAST 55.82 FEET; NORTH 21°05'39" EAST 293.94 FEET; NORTH 38°01'21" EAST 50.50 FEET; THENCE NORTH 51°58'39" WEST 587.96 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE NORTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 12°00'08" AND A RADIUS OF 301.46 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 63.15 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 52°42'04" WEST 63.03 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 05°46'15" AND A RADIUS OF 923.88 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 93.05 FEET AND A CHORD BEARING AND

Copy
WARRANTY DEED
Page - 7 -

DISTANCE OF SOUTH 64°34'44" WEST 93.01 FEET; THENCE SOUTH 66°00'45" WEST 470.23 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 29°28'57" AND A RADIUS OF 250.14 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 128.72 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 80°45'28" WEST 127.30 FEET; THENCE NORTH 84°59'26" WEST 1095.13 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 26°43'18" AND A RADIUS OF 195.85 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 91.34 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 74°33'39" WEST 90.51 FEET; THENCE NORTH 60°23'16" WEST 265.82 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17°53'56" AND A RADIUS OF 250.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 78.10 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 69°12'52" WEST 77.78 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 04°26'16" AND A RADIUS OF 250.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 19.36 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 80°22'58" WEST 19.36 FEET; THENCE THE FOLLOWING COURSES: NORTH 84°56'38" WEST 197.11 FEET; NORTH 03°35'25" EAST 290.86 FEET; NORTH 52°54'08" WEST 74.06 FEET; NORTH 05°00'34" EAST 134.11 FEET; THENCE SOUTH 85°30'24" EAST 142.61 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17°00'11" AND A RADIUS OF 770.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 228.65 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 83°09'44" EAST 227.81 FEET; THENCE NORTH 17°13'08" WEST 102.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE BEING CONCAVE NORTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 07°26'21" AND A RADIUS OF 668.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 86.73 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 71°13'47" EAST 86.67 FEET TO THE BEGINNING OF A NON-TANGENT REVERSE CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE SOUTHEASTERLY, AND HAVING A CENTRAL ANGLE OF 41°24'49" AND A RADIUS OF 397.82 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 287.55 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 26°18'34" EAST 281.33 FEET; THENCE NORTH 41°24'27" WEST 37.50 FEET; THENCE NORTH 38°48'53" EAST 129.98 FEET; THENCE NORTH 41°24'30" EAST 116.92 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20°29'25" AND A RADIUS OF 921.50 FEET; THENCE ALONG SAID CURVE ARC LENGTH OF 329.55 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 51°39'12" EAST 327.80 FEET; THENCE NORTH 25°28'32" WEST 115.32 FEET TO A NON-TANGENT CURVE TO THE LEFT, SAID CURVE BEING CONCAVE NORTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 07°52'00" AND A RADIUS OF 1154.96 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 158.57 FEET AND A CHORD BEARING AND DISTANCE OF N 66°22'10" EAST 158.45 FEET; THENCE NORTH 10°03'19" WEST 139.18 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE SOUTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 45°39'20" AND A RADIUS OF 1157.88 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 922.65 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 85°43'06" EAST 898.43 FEET; THENCE NORTH 26°25'03" EAST 50.83 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°42'40" AND A RADIUS OF 19.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 29.75 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 71°16'33" EAST 26.80 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20°36'31" AND A RADIUS OF 1199.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 431.27 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 53°33'47" EAST 428.94 FEET; THENCE SOUTH 81°08'46" EAST 158.03 FEET; THENCE NORTH 54°09'30" EAST 297.18 FEET; THENCE NORTH 10°02'42" EAST 377.72 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE ¼), SECTION THIRTY (30); THENCE ALONG SAID NORTH LINE OF SAID FORTY (40) ACRE TRACT SOUTH 87°15'10" EAST 949.66 FEET TO THE POINT OF BEGINNING, CONTAINING 185.530 ACRES, MORE OR LESS.

LESS AND EXCEPT THE FOLLOWING:

ADJUSTED TRACT 6:

A PART OF THE WEST HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) AND A PART OF THE EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY (30), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND IRON PIN AT THE

Copy
WARRANTY DEED
Page - 8 -

SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION THIRTY (30); THENCE ALONG THE SOUTH LINE OF SAID FORTY (40) ACRE TRACT NORTH 87°14'51" WEST 710.74 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 02°45'09" EAST 122.44 FEET TO THE POINT OF BEGINNING; THENCE THE FOLLOWING COURSES: NORTH 37°28'53" WEST 127.61 FEET; NORTH 84°46'53" WEST 201.36 FEET; SOUTH 54°53'30" WEST 160.91 FEET; THENCE SOUTH 54°58'45" WEST 236.58 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE BEING CONCAVE SOUTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 80°32'28" AND A RADIUS OF 25.51 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 35.85 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 84°20'22" WEST 32.97 FEET; THENCE SOUTH 46°21'22" WEST 154.60 FEET; THENCE NORTH 84°59'26" WEST 298.30 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE BEING CONCAVE NORTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 18°24'10" AND A RADIUS OF 829.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 266.43 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 50°36'35" EAST 265.28 FEET; THENCE NORTH 41°24'30" EAST 234.16 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 101°03'25" AND A RADIUS OF 545.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 962.14 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 88°03'48" EAST 842.19 FEET; THENCE SOUTH 50°22'01" WEST 202.82 FEET TO THE POINT OF BEGINNING, CONTAINING 6.146 ACRES, MORE OR LESS.

ALSO, LESS AND EXCEPT THE FOLLOWING:

THOSE PORTIONS OF WASHINGTON COUNTY ROAD NO. 200 (JUDGE CUMMINGS ROAD) AFFECTED BY A CITY OF FAYETTEVILLE ANNEXATION PER ORDINANCE NO. 5190 RECORDED WITH THE CITY CLERK HAVING A FIFTY (50) FOOT RIGHT-OF-WAY EXTENDING TWENTY-FIVE (25) FEET EACH SIDE OF A CENTERLINE, SAID ROAD PORTION BEING IN PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) AND PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION THIRTY-ONE (31), AND PART OF THE FRACTIONAL SOUTH HALF (S ½) OF THE SOUTH HALF (S ½) OF SECTION THIRTY (30), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, SAID CENTERLINE OF SAID ROAD BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE ¼), SAID SECTION THIRTY (30); THENCE ALONG THE SOUTH LINE OF SAID SECTION NORTH 87°14'32" WEST 8.86 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 265 SOUTH (CATO SPRINGS ROAD) AS PER ARKANSAS STATE HIGHWAY COMMISSION JOB NO. 9497; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 37°59'03" WEST 9.81 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF A GRAVEL ROAD KNOWN AS SAID WASHINGTON COUNTY 200 (JUDGE CUMMINGS ROAD), SAID INTERSECTION BEING THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES: NORTH 88°17'56" WEST 957.47 FEET; NORTH 87°05'11" WEST 323.63 FEET; SOUTH 82°07'28" WEST 44.99 FEET; NORTH 52°16'47" WEST 44.69 FEET; NORTH 85°51'11" WEST 262.89 FEET; NORTH 86°24'16" WEST 1240.07 FEET; SOUTH 84°41'18" WEST 125.64 FEET; NORTH 83°12'13" WEST 228.12 FEET; NORTH 86°28'14" WEST 616.08 FEET; NORTH 82°23'29" WEST 108.38 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 67°34'09" AND A RADIUS OF 208.61 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 246.01 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 48°36'25" WEST 232.00 FEET; THENCE NORTH 17°05'30" WEST 66.98 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 40°52'22" AND A RADIUS OF 213.20 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 152.09 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 37°31'41" WEST 148.88 FEET TO THE EASTERLY BOUNDARY OF A PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2005-48123 RECORDED WITH THE CIRCUIT CLERK OF SAID COUNTY, SAID EASTERLY BOUNDARY ALSO BEING THE TERMINUS OF SAID CENTERLINE; THE SIDE LINES OF SAID ROAD TO BE SHORTENED OR LENGTHENED AT SAID TERMINUS BOUNDARY.

CONTAINING A NET TOTAL OF 179.384 ACRES, MORE OR LESS.

SUBJECT TO ANY OTHER RIGHTS-OF-WAY AND/OR EASEMENTS WHETHER OR NOT OF RECORD.

Copy

WARRANTY DEED
Page - 9 -

TO HAVE AND TO HOLD the said lands and appurtenances hereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantors, hereby covenant that they are lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantors will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS the execution hereof on this 9th day of May, 2012.

Chambers Bank

BY: [Signature]
Authorized Agent
[Please print or type Name and Title]

ATTEST:

N/A

[Please print or type Name and Title]

ACKNOWLEDGMENT

LACY LYNCH
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires 04-25-2017
Commission # 12360265

STATE OF ARKANSAS
COUNTY OF WASHINGTON

ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared JR Meeks and N/A, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the Authorized Agent and N/A, respectively, of Chambers Bank, an Arkansas chartered bank, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 9th day of May, 2012.

MY COMMISSION EXPIRES:

04-25-2017

[Signature]
Notary Public

This document is being re-recorded
to correct legal description.

SPECIAL WARRANTY DEED

Doc ID: 009273010000 Type: REL
Recorded: 10/20/2008 at 01:33:40 PM
Fee Amt: \$23.00 Page 1 of 8
Washington County, AR
Dette Deane Circuit Clerk
File 2005-00048123

KNOW ALL MEN BY THESE PRESENTS:

111-044

That C. & L. Land Co., Inc. a corporation organized under and by virtue of the laws of the State of Arkansas, by its President and Secretary, duly authorized by proper resolution of its Board of Directors, in consideration of the sum of TEN DOLLARS (\$10) and other valuable considerations, paid by the City of Fayetteville, Arkansas, the receipt of which is hereby acknowledged, does hereby grant, sell and convey unto the City of Fayetteville, Arkansas, its successors and assigns forever, the following described land situated in the County of Washington, State of Arkansas:

Commencing ~~at the SW Corner of Section 30 Township 16N Range 30W. (State Plane Coordinates N 624067.346, E 657669.091)~~ the Fractional SW/4 of Starting at the SW Corner of Section 30 Township 16N Range 30W. (State Plane Coordinates N 624067.346, E 657669.091)
Thence: S 87-46-07 E 931.99' and N 02-13-50 E 29.70'
~~S 87-26-41.0260E 947.568, S 4-18-51.4876W 5.027, more or less, to the point of beginning, said point being further described in State Plane Coordinates at 658609.008 -624159.812, (State Plane Coordinates N 624060.74, E 658601.53)~~
Thence:
N4-18-51.4876E 99.355,
N29-53-33.6022E 205.311,
N50-54-22.1080W 30.881,
S58-27-31.1659W 353.169,
N3-45-3.3747W 69.105,
N33-10-44.9698E 101.575,
N12-14-10.0074W 147.076,
N59-18-19.1298W 137.058,
N13-29-43.1727E 140.965,
N51-54-24.7299E 126.318,
N30-22-44.8536E 85.532,
N4-29-49.7458W 113.577,
N9-9-33.3492E 124.227,
N36-40-57.8683E 75.51,
N73-4-20.9530E 91.758,
N25-18-22.9532E 252.506,
N7-1-42.2265W 144.432,
N80-47-20.3042W 147.209,

N3-46-38.3683E 43.824,
 N69-0-4.6115E 134.909,
 N18-26-54.4537E 151.344,
 N45-34-43.4121E 137.47,
 N78-45-57.4792E 107.89,
 S61-48-52.3953E 123.395,
 S36-42-18.1263E 135.18,
 S06-13-53.0714E 130.631,
 S84-30-33.4630E 127.845,
 S68-47-26.7859E 91.431,
 N85-14-45.1645E 117.452,
 S31-9-21.6273E 142.592,
 S11-12-21.4110W 104.712,
 S66-48-5.0744W 51.659,
 S11-18-35.7569W 34.587,
 S43-7-14.2372E 134.364,
 S4-57-24.0658W 93.546,
 S59-37-54.4190W 143.848,
 S0-46-50.2966W 58.32,
 S78-6-40.8311E 98.808,
 S52-54-7.9019E 170.551,
 S3-35-24.6717W 384.682,
 S74-31-16.9026W 126.287,
 N89-22-34.4361W 458.075,
 S9-22-34.4779E 386.506,
 S88-40-4.0085E 80.536,
 S44-57-0.1837E 142.362,
 Thence N87-23-13.6480W 802.329 to the P.O. B.

Containing 39.6 Acres More or Less

PROVIDED, however, this conveyance is subject to the following conditions

and exceptions:

1. Matters that would be reflected on an accurate ALTA/ACSM Land Title Survey of the land, including all additional survey requirements;
2. Matters that are disclosed by the *Site Characterization Report, Former C&L Landfill, West Washington County Road #200, Fayetteville, Washington County, Arkansas;*


- 3. Applicable zoning, building and land use laws, codes and ordinances;
- 4. Public or private roads, highways, streets and alleys, if any;
- 5. Easements and restrictions of record; and
- 6. All oil, gas, coal and other minerals and minerals rights are reserved by the Grantor.

PROVIDED FURTHER the City of Fayetteville accepts title to the land subject to the conditions and exceptions stated herein and agrees that: (i) any park that is established on the land will be named in honor of Judge L. Maupin Cummings; and (ii) the said City will use and maintain the land in accordance with applicable laws and regulations.


TO HAVE AND TO HOLD the same unto the City of Fayetteville, Arkansas, its successors and assigns forever, with all tenements, appurtenances and hereditaments thereto belonging. And C. & L. Land Co., Inc. hereby covenants with the City of Fayetteville, Arkansas that it will forever warrant and defend the title to said lands against all claims and encumbrances done or suffered by or through it, but against none other.

IN WITNESS WHEREOF, the name of the grantor is hereunto affixed by its President and its seal affixed by its Secretary, this 12th day of October, 2005.

C. & L. Land Co., Inc.

By  _____
President

ATTEST:

 _____
Secretary

Conveyance of the land is accepted this ____ day of October, 2005.

City of Fayetteville, Arkansas

By: *Jim Body*
Mayor

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps has been placed on this instrument.

City of Fayetteville, Arkansas

By: *Jim Body*
Mayor

113 W. Mountain
Grantee's Address

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF SEBASTIAN)

On this 12th day of October, 2005, before me, the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named Robert E. Hornberger, being the person or persons authorized by said corporation to execute such instrument, stating his respective capacities in that behalf, to me personally well known, who stated that he was the President and Secretary of C.&L. Land Co., Inc., a corporation, and is duly authorized in his respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that he had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 12th day of October, 2005.

Christina Marie Bunting
NOTARY PUBLIC

My Commission Expires:

11-8-05



ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF Washington)

On this 15th day of October, 2005, before me, a Notary Public, duly commissioned, qualified and acting within the State and County aforesaid, appeared in person the within named Dan Coady to me personally well known, who stated that he is Mayor of the City of Fayetteville, Arkansas, and as such was duly authorized in that capacity to execute the foregoing instrument for and in the name and behalf of said city, and further stated and acknowledged that he had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal on the date first mentioned above.

Dora C. Husley
NOTARY PUBLIC

My Commission Expires: 10/22/07



