

## EASEMENT

### KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned Southwest By-Products of Arkansas, Inc., Grantor(s), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to us in hand paid by the Springdale Water and Sewer Commission, Springdale, Arkansas, does hereby grant, bargain and sell unto the said Springdale Water and Sewer Commission, Springdale, Arkansas, and unto its successors and assigns, an easement for a water transmission line(s), and/or sewer collection or force main line(s), over, under or across the hereinafter described land in Benton County, Arkansas, to-wit:

### PROPERTY DESCRIPTION:

A part of the NE $\frac{1}{4}$  of Section 12, Township 18 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows: Commencing at the southwest corner of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 12, Township 18 North, Range 30 West; thence North 00° 01' 32" East a distance of 42.28 feet to the true point of beginning; thence North 00° 01' 32" East a distance of 547.05 feet; thence North 89° 18' 54" East a distance of 611.41 feet to a found iron pin on the Southwesterly right-of-way of the Arkansas-Missouri Railroad; thence along said right-of-way South 15° 52' 33" East a distance of 597.58 feet to a point in the centerline of a creek; thence leaving said right-of-way and along said centerline as follows: South 86° 58' 51" West a distance of 130.74 feet; thence South 85° 09' 03" West a distance of 108.46 feet; thence North 86° 06' 20" West a distance of 86.57 feet; thence South 86° 21' 11" West a distance of 73.87 feet; thence South 83° 42' 15" West a distance of 116.50 feet; thence North 85° 21' 36" West a distance of 154.90 feet; thence North 71° 29' 36" West a distance of 111.96 feet to the true point of beginning, containing 9.308 acres more or less.

As described in Deed Book 700 at Page 605 of the records of the Circuit Clerk and Ex-Officio Recorder, Benton County, Arkansas.

### PERMANENT EASEMENT DESCRIPTION:

A permanent easement of twenty feet equal and uniform width described as follows: commence at the southeast corner of the Grantor's above described property; thence North 13° 59' 08" West along the east line of the Grantor's above described property a distance of 44.18 feet to the south line of an existing 25 foot wide sewer and water line easement across the Grantor's above described property; thence North 84° 45' 48" West along the south line of said easement a distance of 336.57 feet to the Point of Beginning of this permanent easement description and run thence South 14° 28' 46" East a distance of 75.49 feet to the south line of the Grantor's above described property; thence South 88° 14' 36" West along said south line a distance of 20.50 feet; thence North 14° 28' 46" West a distance of 78.08 feet to said south line of the existing easement; thence South 84° 45' 48" East along said south line a distance of 21.24 feet to the Point of Beginning. This permanent easement contains 1535 square feet or 0.035 acres, more or less.

### TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

Two temporary construction easements, each being of 15 feet equal and uniform width and parallel with the above described permanent easement: the first of said temporary easements shall have its east line coterminous with the west line of the above described permanent easement and the second of said temporary easements shall have its west line coterminous with the east line of the above described permanent easement; said temporary easements shall commence at the south line of the existing sewer line easement which runs from west to east across the Grantor's property and run thence southerly to the south line of the Grantor's above described property.

These temporary easements contain in aggregate 2317 square feet or 0.053 acres, more or less.

2003 7319

Recorded in the Above

Deed Book & Page

03-24-2003 12:24:04 PM

Brenda Deshields-Circuit Clerk

Benton County, AR

**TO HAVE AND TO HOLD** unto said Grantee, its successors and assigns, so long as such sanitary sewer line or lines, manholes, and appurtenances thereto shall be maintained, with ingress to and egress from this permanent easement across the Grantor's real estate first hereinabove described to the existing gate opening onto Lincoln Street near the northwest corner of the Grantor's property for the purpose of constructing, inspecting, maintaining, and repairing said water transmission lines and/or sanitary sewer lines, manholes, and appurtenances of the Grantee above described, and the removal, renewal, and enlargement of such as will, in whole, or in part.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be constructed to a height above high water, and to restore the ground surface to a near the original condition as practical.

The Grantor agrees not to erect any building or structures within the boundary of the permanent easement other than fences and said fences shall not exceed six feet in height.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this grant in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

**IN WITNESS WHEREOF**, the Grantor(s) hereunto set THREE hand(s) and seal(s), this the 17th day of MARCH, 2003.

SOUTHWEST BY PRODUCTS OF ARKANSAS, INC.

Thomas S. Carter, President

Name of Grantor

THOMAS H. CARTER, PRESIDENT



TIMOTHY J. CARTER, SECRETARY

Name of Grantor

Book/Pg: 2003/7319

Term/Cashier: CIRCLK04 / SWHITE

Tran#: 590.21218.51414

Recorded: 03-24-2003 12:24:30

DPE Deed

REC Recordings Fee

Total Fees: \$ 11.00

STATE OF ARKANSAS }  
COUNTY OF BENTON }

**ACKNOWLEDGMENT**

BE IT REMEMBERED, that on this day came before me, a Notary Public within and for said County and State, duly commissioned and acting, personally appeared  
by THOMAS H. CARTER and TIMOTHY J. CARTER to me well known as the person(s) who executed the foregoing Right-of-Way Grant, and that they have executed the same in behalf of said firm for the consideration and purpose therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this 17th day of MARCH, 2003.

Bonnie J. Wilson  
Notary Public

**BONNIE J. WILSON** Notary Public  
Greene County State of Missouri  
My Commission Expires July 25, 2003

My Commission expires July 25, 2003.