

**ARKANSAS STATE HIGHWAY COMMISSION**

**DALTON A. "ALEC" FARMER, JR.**  
CHAIRMAN  
JONESBORO

**PHILIP TALDO**  
VICE CHAIRMAN  
SPRINGDALE

**KEITH GIBSON**  
FORT SMITH



P.O. Box 2261 • Little Rock, Arkansas 72203-2261  
Phone (501) 569-2000 • Voice/TTY 711 • Fax (501) 569-2400  
[www.ArDOT.gov](http://www.ArDOT.gov) • [www.IDriveArkansas.com](http://www.IDriveArkansas.com)

**MARIE HOLDER**  
LITTLE ROCK

**DAVID M. HAAK**  
TEXARKANA

**LORIE H. TUDOR, P.E.**  
DIRECTOR

July 12, 2023

Ms. Marty Garrity, Director  
Bureau of Legislative Research  
Arkansas Legislative Council  
State Capitol Building, Room 315  
Little Rock, Arkansas 72201

Dear Ms. Garrity:

As required by Act 1315 of 1997, transmitted is the quarterly report on the following land conveyances for the period of April 1, 2023 through June 30, 2023.

If you need additional information, please contact Kevin White, Division Head of Right of Way, at (501) 569-2311.

Sincerely,

A handwritten signature in blue ink that reads "Lorie H. Tudor". The signature is fluid and cursive.

Lorie H. Tudor, P.E.  
Director

c: Chief Engineer – Preconstruction  
Assistant Chief Engineer – Design  
Right of Way Division



## ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2000

# INTEROFFICE MEMORANDUM

July 7, 2023

**TO:** Kevin T. White P.E., Division Head, Right of Way Division

**THROUGH:** Cathy Mitchell, Section Head - Administrative, Right of Way Division *CM*

**FROM:** Katie Gilbertson, Property Management, Right of Way Division *KG*

**SUBJECT:** Surplus Quarterly Report – Second Quarter  
April 1, 2023, thru June 30, 2023

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Attached is the Quarterly Report of Surplus Property Sales.

| <u>Job</u>                   | <u>Tract</u>                              | <u>MO Date</u> | <u>Deed Filed</u> | <u>Grantee</u>         |
|------------------------------|-------------------------------------------|----------------|-------------------|------------------------|
| 061508                       | 37XR                                      | 4/5/2023       | 7/7/2023          | Summit Utilities       |
| R40013-2                     | 250HR                                     | 4/5/2023       | 4/26/2023         | Adam Shaw              |
| 090218,<br>090376,<br>CA0902 | RR, 86, 87R,<br>88R, 91,<br>109R, 1, 2, 3 | 4/5/2023       | 4/20/2023         | City of Bentonville    |
| 008462                       | 312, 313, 355                             | 6/21/2023      | 7/5/2023          | Retail Buildings, Inc. |

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Six

Page 1 of 3 Pages

County: Saline

Category: Surplus Property

**WHEREAS**, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 37XR, Job No. 061508, from Michael R. Moore and Diane L. Moore, Trustees of The Mike and Diane Moore Family Trust, a/k/a Michael and Diane Moore Family Trust, dated February 11, 2013, by Trustee Warranty Deed dated May 26, 2020, and filed of record on July 23, 2020, as Instrument No. 2020-015492, in the Circuit Clerk's office for Saline County, Arkansas; and

**WHEREAS**, the property was purchased as a capital asset for the sum of TWO THOUSAND FOUR HUNDRED TWENTY-FIVE and NO/100 DOLLARS (\$2,425.00) and is not subject to re-acquisition by a prior owner pursuant to Ark. Code Ann § 27-67-322; and

**WHEREAS**, the District Engineer for District Six has determined that Tract No. 37XR is not now, nor in the foreseeable future will be, needed for highway purposes. The property is more particularly described as follows:

Part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 1 South, Range 14 West, Saline County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Northeast Sixteenth Corner of Section 30; thence South 01°57'24" West along the West line of the Southeast Quarter of the Northeast Quarter of Section 30 a distance of 590.89 feet to a point on the Southeasterly prescriptive right of way line of Arkansas State Highway 5 as established by AHTD affidavit dated August 14, 2014; thence North 53°28'31" East along said right of way line a distance of 279.70 feet to a point; thence in a Northeasterly direction along said right of way line on a curve to the right having a radius of 2,261.83 feet a distance of 27.75 feet having a chord bearing of North 53°49'37" East a distance of 27.75 feet to a point; thence continue

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Six

Page 2 of 3 Pages

County: Saline

Category: Surplus Property

in a Northeasterly direction along said right of way line on a curve to the right having a radius of 2,261.83 feet a distance of 119.44 feet having a chord bearing of North 55°41'28" East a distance of 119.43 feet to a point; thence continue in a Northeasterly direction along said right of way line on a curve to the right having a radius of 2,261.83 feet a distance of 22.00 feet having a chord bearing of North 57°28'58" East a distance of 22.00 feet to a point; thence North 57°45'41" East along said right of way line a distance of 235.03 feet to a point; thence South 11°58'19" East a distance of 40.53 feet to a point on the Southeasterly right of way line of Arkansas State Highway 5 as established by ARDOT Job 061508 for the POINT OF BEGINNING; thence continue South 11°58'19" East a distance of 34.10 feet to a point; thence South 56°23'05" West a distance of 100.00 feet to a point; thence North 12°24'05" West a distance of 34.97 feet to a point on the Southeasterly right of way line of Arkansas State Highway 5 as established by ARDOT Job 061508; thence North 56°54'07" East a distance of 99.93 feet to the point of beginning and containing 0.07 acres more or less as shown on plans prepared by the ARDOT referenced as Job 061508.

**WHEREAS,** Caleb Knox of Summit Utilities Arkansas Inc., an Arkansas corporation, has offered to purchase the above-described real property for the sum of TWO THOUSAND FOUR HUNDRED TWENTY-FIVE and NO/100 DOLLARS (\$2,425.00). A qualified appraiser has opined that the current fair market value of Tract No. 37XR, Job No. 061508, is the same amount as the purchase price.

**NOW THEREFORE,** the above-described property is declared surplus and upon receipt and consideration of the sum of TWO THOUSAND FOUR HUNDRED TWENTY-FIVE and NO/100 DOLLARS (\$2,425.00) from Mr. Knox, the Chairman of the Commission is authorized and directed to execute a Quitclaim Deed conveying the right, title, interest or equity of the above-

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Six

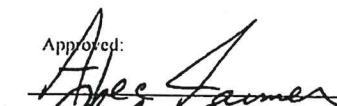
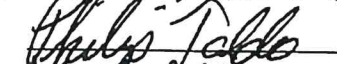
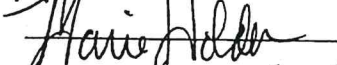
Page 3 of 3 Pages

County: Saline

Category: Surplus Property

described property to Summit Utilities Arkansas Inc.; and hereby releasing the same from the State Highway System, that the Right of Way Division is directed and authorized to record a copy of this Minute Order and the Quitclaim Deed in the records of Saline County, Arkansas; and, if necessary, the right of way shall be remonumented to reflect the boundaries designated herein. Any Federal-aid funds from this disposal shall be credited to Federal-aid funds or otherwise credited as permitted by federal law.

Approved:

  
Chairman  
  
Vice-Chairman  
  
Member  
  
Member  
  
Member

Submitted By:

  
Assistant Chief Engineer - Design

Approved:

  
Director

Minute Order No. 2023-034

Date Passed APR 05 2023

STATE OF ARKANSAS)

)ss

CERTIFICATE

COUNTY OF SALINE)

I, Christie Heidelberg, Secretary and Custodian of the Records of Proceedings of the Arkansas State Highway Commission, do hereby certify, and state under oath, that the foregoing written matter contains a true, complete and perfect transcript of Minute Order No. 2023-034 adopted by the Commission on the 5th day of April, 2023, as set forth therein, and as the same appears in the records of the Arkansas State Highway Commission.

Christie Heidelberg

Christie Heidelberg, Commission Secretary  
Arkansas State Highway Commission

Subscribed and sworn to before me this 6th day of April, 2023.

My Commission Expires:

March 20, 2024

Leslie R. Goshien

Notary Public



Job No. 061508  
Tract No. 37XR

### QUITCLAIM DEED

#### KNOW ALL MEN BY THESE PRESENTS:

THAT I, Alec Farmer, Chairman of the Arkansas State Highway Commission, for and in behalf of the **Arkansas State Highway Commission, Grantor**, in consideration of the sum of TWO THOUSAND FOUR HUNDRED TWENTY-FIVE and NO/100 DOLLARS (\$2,425.00) cash in hand paid to the Arkansas State Highway Commission, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, and by direction of a Resolution of the Arkansas State Highway Commission incorporated in Minute Order No. 2023-034 dated the 5<sup>th</sup> day of April, 2023, authorizing and directing the execution of this instrument as an act of the Commission, do hereby grant, bargain, sell, convey, quitclaim, and relinquish unto, **Summit Utilities Arkansas Inc.**, and unto its successors and assigns forever, all of the right, title, interest and equity of the Arkansas State Highway Commission in and to the following lands, lying and being situated in the County of Saline, State of Arkansas, to-wit:

Part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 1 South, Range 14 West, Saline County, Arkansas, more particularly described as follows:

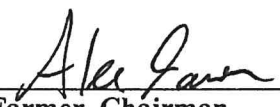
Commencing at a point being used as the Northeast Sixteenth Corner of Section 30; thence South 01°57'24" West along the West line of the Southeast Quarter of the Northeast Quarter of Section 30 a distance of 590.89 feet to a point on the Southeasterly prescriptive right of way line of Arkansas State Highway 5 as established by AHTD affidavit dated August 14, 2014; thence North 53°28'31" East along said right of way line a distance of 279.70 feet to a point; thence in a Northeasterly direction along said right of way line on a curve to the right having a

  
This instrument was prepared by  
David S. Long, Title Attorney  
Arkansas Department of Transportation  
P.O. Box 2261, Little Rock, Arkansas 72203-2261

radius of 2,261.83 feet a distance of 27.75 feet having a chord bearing of North 53°49'37" East a distance of 27.75 feet to a point; thence continue in a Northeasterly direction along said right of way line on a curve to the right having a radius of 2,261.83 feet a distance of 119.44 feet having a chord bearing of North 55°41'28" East a distance of 119.43 feet to a point; thence continue in a Northeasterly direction along said right of way line on a curve to the right having a radius of 2,261.83 feet a distance of 22.00 feet having a chord bearing of North 57°28'58" East a distance of 22.00 feet to a point; thence North 57°45'41" East along said right of way line a distance of 235.03 feet to a point; thence South 11°58'19" East a distance of 40.53 feet to a point on the Southeasterly right of way line of Arkansas State Highway 5 as established by ARDOT Job 061508 for the POINT OF BEGINNING; thence continue South 11°58'19" East a distance of 34.10 feet to a point; thence South 56°23'05" West a distance of 100.00 feet to a point; thence North 12°24'05" West a distance of 34.97 feet to a point on the Southeasterly right of way line of Arkansas State Highway 5 as established by ARDOT Job 061508; thence North 56°54'07" East a distance of 99.93 feet to the point of beginning and containing 0.07 acres more or less as shown on plans prepared by the ARDOT referenced as Job 061508.

IN WITNESS WHEREOF, I have hereunto set my hand on this 5<sup>th</sup> day of April, 2023.

BY: \_\_\_\_\_

  
Alec Farmer, Chairman  
Arkansas State Highway Commission

THIS PORTION INTENTIONALLY LEFT BLANK

## ACKNOWLEDGMENT

STATE OF ARKANSAS) ) SS  
COUNTY OF SALINE)

**BE IT REMEMBERED**, that on this day before the undersigned, a Notary Public, duly commissioned, qualified and acting within and for the County and State, appeared in person the within named Alec Farmer, to me personally well known, who stated that he was Chairman of the Arkansas State Highway Commission, and was duly authorized in that capacity to execute the foregoing instrument for and in the name and behalf of said Arkansas State Highway Commission, pursuant to Minute Order No. 2023-034, Minutes of April 5, 2023, and further stated and acknowledged that he had so signed, executed and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 5th day of April, 2023.

(seal)



Christie Heidelberg  
Christie Heidelberg, Notary Public

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Four

Page 1 of 2 Pages

County: Crawford

Category: Surplus Property

**WHEREAS**, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 250HR, Job No. R40013-2, from Diana Gail Ledford, unmarried, by Warranty Deed dated October 8, 1991, and filed of record on November 20, 1991, as Book 91-26, Page 184, in the Circuit Clerk's office for Crawford County, Arkansas; and

**WHEREAS**, the property was purchased as a capital asset for the sum of TWO THOUSAND NINE HUNDRED and NO/100 DOLLARS (\$2,900.00) and is not subject to re-acquisition by a prior owner pursuant to Ark. Code Ann § 27-67-322; and

**WHEREAS**, the District Engineer for District Four has determined that Tract No. 250HR is not now, nor in the foreseeable future will be, needed for highway purposes. The property is more particularly described as follows:

Part of the Northeast Quarter of the Southwest Quarter, Section 16, Township 11 North, Range 30 West, Crawford County, Arkansas being more particularly described as follows:

Beginning at an existing state monument marking the Southeast Corner of the Northeast Quarter of the Southwest Quarter. Thence along the South line of said Forty, North 87 degrees 44 minutes 42 seconds West, 664.04 feet to an existing iron pin. Thence leaving said South line, North 01 degree 39 minutes 03 seconds East, 1,316.34 feet to an existing rebar on the North line of the said Northeast Quarter of the Southwest Quarter. Thence along the North line of said Forty, South 87 degrees 32 minutes 12 seconds East, 650.14 feet to an existing rebar marking the Northeast Corner of the Northeast Quarter of the Southwest Quarter. Thence along the East line of said Forty, South 01 degree 02 minutes 37 seconds West, 869.02 feet to a set rebar with cap on the West Right of Way line of Interstate 49. Thence leaving said East line and along the West Right of way line of said Interstate

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Four

Page 2 of 2 Pages

County: Crawford

Category: Surplus Property

49 the following bearings and distances: South 48 degrees 19 minutes 42 seconds West, 38.82 feet to an existing Right of Way Marker. South 18 degrees 18 minutes 10 seconds West, 326.19 feet to an existing Right of Way Marker. South 48 degrees 22 minutes 07 seconds East, 165.00 feet to the Point of Beginning, containing 19.12 acres and subject to any Easements of Record.

**WHEREAS,** Adam M. Shaw of Fort Smith, Arkansas has offered to purchase the above-described real property for the sum of THIRTY-NINE THOUSAND and NO/100 DOLLARS (\$39,000.00). A qualified appraiser has opined that the current fair market value of Tract No. 2501HR, Job No. R40013-2, is the same amount as the purchase price.

**NOW THEREFORE,** the above-described property is declared surplus and upon receipt and consideration of the sum of THIRTY-NINE THOUSAND and NO/100 DOLLARS (\$39,000.00) from Mr. Shaw, the Chairman of the Commission is authorized and directed to execute a Quitclaim Deed conveying the right, title, interest or equity of the above-described property to Adam M. Shaw and Cady Shaw, husband and wife; and hereby releasing the same from the State Highway System, that the Right of Way Division is directed and authorized to record a copy of this Minute Order and the Quitclaim Deed in the records of Crawford County, Arkansas; and, if necessary, the right of way shall be remonumented to reflect the boundaries designated herein. Any Federal-aid funds from this disposal shall be credited to Federal-aid funds or otherwise credited as permitted by federal law.

Approved:

*Abes Lamer*  
*Philip Tabb*  
*Keith Gibson*  
*Harie Holder*  
*David M. Hark*

Chairman

Vice-Chairman

Member

Member

Member

Leg.

Submitted By:

*[Signature]*  
Assistant Chief Engineer - Design

Approved:

*Gerie H. Tudor*  
Director

Minute Order No. **2023-033**

Date Passed

**APR 05 2023**

STATE OF ARKANSAS)

COUNTY OF SALINE)

)ss

CERTIFICATE

I, Christie Heidelberg, Secretary and Custodian of the Records of Proceedings of the Arkansas State Highway Commission, do hereby certify, and state under oath, that the foregoing written matter contains a true, complete and perfect transcript of Minute Order No. 2023-033 adopted by the Commission on the 5<sup>th</sup> day of April, 2023, as set forth therein, and as the same appears in the records of the Arkansas State Highway Commission.

Christie Heidelberg

Christie Heidelberg, Commission Secretary  
Arkansas State Highway Commission

Subscribed and sworn to before me this 6<sup>th</sup> day of April, 2023.

My Commission Expires:

March 20, 2024

Leslie R. Goshier  
Notary Public



Doc Num 2023003498

\$30.00

04/26/2023 10:40:24 AM

Filed & Recorded in the Official Records of  
SHARON BLOUNT BAKER, CIRCUIT CLERK

By: Ch

Job No. R40013-2

Tract No. 250HR

### QUITCLAIM DEED

#### KNOW ALL MEN BY THESE PRESENTS:

THAT I, Alec Farmer, Chairman of the Arkansas State Highway Commission, for and in behalf of the **Arkansas State Highway Commission, Grantor**, in consideration of the sum of THIRTY-NINE THOUSAND AND NO/100 DOLLARS (\$39,000.00) cash in hand paid to the Arkansas State Highway Commission, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, and by direction of a Resolution of the Arkansas State Highway Commission incorporated in Minute Order No. 2023-033 dated the 5<sup>th</sup> day of April, 2023, authorizing and directing the execution of this instrument as an act of the Commission, do hereby grant, bargain, sell, convey, quitclaim, and relinquish unto, **Adam M. Shaw and Cady Shaw, husband and wife, Grantees**, and unto its successors and assigns forever, all of the right, title, interest and equity of the Arkansas State Highway Commission in and to the following lands, lying and being situated in the County of Crawford, State of Arkansas, to-wit:

#### Tract 250HR

Part of the Northeast Quarter of the Southwest Quarter, Section 16, Township 11 North, Range 30 West, Crawford County, Arkansas being more particularly described as follows:

Beginning at an existing state monument marking the Southeast Corner of the Northeast Quarter of the Southwest Quarter. Thence along the South line of said Forty, North 87 degrees 44 minutes 42 seconds West, 664.04 feet to an existing iron pin. Thence leaving said South line, North 01 degree 39 minutes 03 seconds East, 1,316.34 feet to an existing rebar on the North line of the said Northeast Quarter of the

*This instrument was prepared by  
David S. Long, Title Attorney  
Arkansas Department of Transportation  
P.O. Box 2261, Little Rock, Arkansas 72203-2261*

§ 30 - AR State Hwy Commission

5

Southwest Quarter. Thence along the North line of said Forty, South 87 degrees 32 minutes 12 seconds East, 650.14 feet to an existing rebar marking the Northeast Corner of the Northeast Quarter of the Southwest Quarter. Thence along the East line of said Forty, South 01 degree 02 minutes 37 seconds West, 869.02 feet to a set rebar with cap on the West Right of Way line of Interstate 49. Thence leaving said East line and along the West Right of way line of said Interstate 49 the following bearings and distances: South 48 degrees 19 minutes 42 seconds West, 38.82 feet to an existing Right of Way Marker. South 18 degrees 18 minutes 10 seconds West, 326.19 feet to an existing Right of Way Marker. South 48 degrees 22 minutes 07 seconds East, 165.00 feet to the Point of Beginning, containing 19.12 acres and subject to any Easements of Record.

IN WITNESS WHEREOF, I have hereunto set my hand on this 5<sup>th</sup> day of April, 2023.

BY: Alec Farmer  
Alec Farmer, Chairman  
Arkansas State Highway Commission

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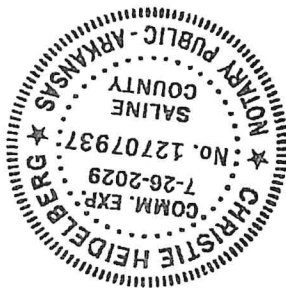
## ACKNOWLEDGMENT

STATE OF ARKANSAS) ) SS  
COUNTY OF SALINE)

**BE IT REMEMBERED**, that on this day before the undersigned, a Notary Public, duly commissioned, qualified and acting within and for the County and State, appeared in person the within named Alec Farmer, to me personally well known, who stated that he was Chairman of the Arkansas State Highway Commission, and was duly authorized in that capacity to execute the foregoing instrument for and in the name and behalf of said Arkansas State Highway Commission, pursuant to Minute Order No. 2023- 033, Minutes of April 5, 2023, and further stated and acknowledged that he had so signed, executed and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 5<sup>th</sup> day of April, 2023.

(seal)



Christie Heidelberg  
Christie Heidelberg, Notary Public

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Nine  
County: Benton  
Category: Miscellaneous

Page 1 of 1 Page

**WHEREAS**, the Arkansas State Highway Commission ("Commission") acquired properties for highway rights of way for Job Nos. 90376, 090218 and CA0902, more commonly known as "8<sup>th</sup> Street Widening (Bentonville)" in Benton County, Arkansas; and

**WHEREAS**, the City of Bentonville, Arkansas ("City") has requested that said rights of way be transferred to it pursuant to Ark. Code Ann. § 27-65-109, for the purpose of future bike trails, pedestrian connections, and also bus transit access points, adjacent to the existing highways, namely I-49, U.S. Highways 71, and 62; and

**WHEREAS**, the Commission's interest in those highway rights of way is the subject of the City's request is more specifically described as follows:

Legal Descriptions (Exhibits A), Right of Way Plans (Exhibits B), and Aerial Photos (Exhibits C), depicting the areas shown in red, respectively.

**NOW THEREFORE**, upon receipt of a proper resolution from the City, the Director is authorized to enter into a transfer agreement for the above-described properties pursuant to Minute Order 2012-008, conditioned upon the City's continued maintenance of the property interests herein transferred for said highway purposes, and provided that in the event the City fails to use and maintain the properties described herein, or abandons same, the transfer agreement shall, upon 30 days notice, be terminated, and all interests transferred shall revert to the Commission.

Approved:

*Alec Farmer*  
*Philip Tablo*  
*Keith Gibson*  
*Harie Alder*  
*David M. Hark*

Chairman

Vice-Chairman

Member

Member

Member

Leg.

Submitted By:

Assistant Chief Engineer - Design

Approved:

*Eric H. Tudor*

Minute Order No.

2023 - 037

Date Passed

APR 05 2023

STATE OF ARKANSAS)

)ss

CERTIFICATE

COUNTY OF SALINE)

I, Christie Heidelberg, Secretary and Custodian of the Records of Proceedings of the Arkansas State Highway Commission, do hereby certify, and state under oath, that the foregoing written matter contains a true, complete and perfect transcript of Minute Order No. 2023-037 adopted by the Commission on the 5<sup>th</sup> day of April, 2023, as set forth therein, and as the same appears in the records of the Arkansas State Highway Commission.

Christie Heidelberg

Christie Heidelberg, Commission Secretary  
Arkansas State Highway Commission

Subscribed and sworn to before me this 6<sup>th</sup> day of April, 2023.

My Commission Expires:

March 20, 2024

Leslie R. Goshien

Notary Public



# TRANSFER AGREEMENT

---

By and Between

The Arkansas State Highway Commission

And

The City of Bentonville, Benton County, Arkansas

WHEREAS, the Mayor of the City of Bentonville, Arkansas (the "City"), requested that the Arkansas State Highway Commission (the "Commission") convey its interest in certain real property located within the City of Bentonville, more specifically described herein below; and,

WHEREAS, on November 14, 2018, the Commission entered its Minute Order No. 2018-111, authorizing the Director of the Arkansas Department of Transportation to enter into such an agreement upon receipt of proper resolution from the City upon certain conditions; and,

WHEREAS, on August 9, 2022, the City passed Resolution No. 8-9-22K, authorizing the Mayor, to enter into this Transfer Agreement;

IT IS, THEREFORE, AGREED THAT:

1. The Commission transfers all of its right, title, and interest in the real property located in Benton County and within the city limits described as:

LEGAL:

Those certain Rights of Way for portions of McCollum Road, Water Tower Road, and the old Arkansas and Missouri Railroad, lying within the City of Bentonville, Benton County, Arkansas as shown on the attached Legals in Exhibit "A", Right of Way Maps in Exhibit "B", and Google Earth Aerial Maps in Exhibit "C".

to the City.

2. The City agrees to accept the Commission's interest in the said property and to use it solely for highway purposes; specifically, for the purpose of current and future City transportation projects, including bike trails, pedestrian connections, and bus transit access points, adjacent to the existing interstate and the maintenance thereof.

3. If the City fails to use and maintain the property interest herein conveyed for such highway purposes then the Commission may, upon 30 days' notice, terminate this Agreement; in which case, upon demand the City shall reconvey the interest to the Commission.

4. The City does not waive its sovereign immunity, but shall indemnify the Commission for any claim awarded by the Arkansas Claims Commission whatsoever arising from, or relating to, the City's use of the property.

This Transfer Agreement is effective as of the date last below written.

ARKANSAS STATE HIGHWAY COMMISSION

BY:

Lorie H. Tudor, P.E.  
Director

4/14/23  
Date

CITY OF BENTONVILLE

BY:

Stephanie Orman  
Stephanie Orman, Mayor

April 11, 2023 | 11:12 AM CDT

Date

User Name: MCKENZIE  
CERTIFICATE OF RECORD  
STATE OF ARKANSAS, COUNTY OF BENTON  
I hereby certify that this instrument was  
Filed and Recorded in the Official Records  
L0023/8911 4/19/2023 9:41:15 AM  
Brandi DeShields, Circuit Clerk  
BENTON CO, AR FEE \$35.00

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Eight  
County: Johnson  
Category: Miscellaneous

Page 1 of 3 Pages

WHEREAS, in the vicinity of Interstate 40 and Highway 103 Interchange, the Arkansas State Highway Commission acquired properties for highway right of way for Job No. 8462-Sec. 3, Tract Nos. 312, 313, and 355, more commonly known as "Clarksville - Cabin Creek" in Johnson County, Arkansas; and

WHEREAS, the properties were purchased as right of way for a total sum of TWENTY THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$20,500.00) and are subject to re-acquisition by a prior owner pursuant to Ark. Code Ann. § 27-67-322; and

WHEREAS, the District Engineer for District Eight has determined that parts of Tract Nos. 312, 313, and 355 are not now, nor in the foreseeable future will be, needed for highway purposes. The properties are more particularly described as follows:

Being a part of the NW 1/4, NE 1/4 and the SW 1/4, NE 1/4 of Section 8, T9N, R23W, lying in Johnson County, Arkansas, more particularly described as follows:

Commencing at a found 2"aluminum cap stamped LS1094 for the NE 1/16 CORNER. of said Section 8; thence N87°17'30"W along the South line of said NW 1/4, NE 1/4 a distance of 771.79' to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731" for the POINT OF BEGINNING; thence leaving said south line of the NW 1/4, NE 1/4 of Section 8 S25°38'07"E a distance of 69.23 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S23°29'22"E a distance of 105.67 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S66°39'04"W a distance of 118.35 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N37°42'46"W a distance of 60.52 feet to a set 5/8"rebar and 2"aluminum cap

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Eight

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County: Johnson

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"Arkansas Dept. of Trans BDY 1731"; thence N48°22'49"W a distance of 91.06 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N47°34'38"W a distance of 1163.49 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N41°13'10"W a distance of 82.44 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N00°09'47"E a distance of 77.67 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N10°15'49"E a distance of 51.62 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N64°41'24"E a distance of 48.97 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S77°15'52"E a distance of 66.92 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S53°25'30"E a distance of 107.65 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S44°08'04"E a distance of 52.08 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S38°15'38"E a distance of 68.01 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S31°17'34"E a distance of 63.36 feet to the POINT OF BEGINNING. Containing 1.88 acres (+/-1.04 acres in the NW1/4 NE1/4 and +/-0.84 acres in the SW1/4 NE1/4), more or less. Subject to all roadways, easements and reservations that are of record or physically in place.

A portion of this property is in the 100 year floodplain per FEMA FIRM 05071C0335D effective 11/26/2010.

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WHEREAS, Helen Pacione, the director of real estate for Braum's, Inc., has offered to purchase the above-described real properties for the sum of FIVE HUNDRED SEVENTY-FIVE THOUSAND and NO/100 DOLLARS (\$575,000.00) and for the grantee in the deed from the Commission to be Retail Properties, Inc., an Oklahoma corporation authorized to do business in Arkansas. Three (3) qualified appraisers have opined that the current fair market value of parts of Tract Nos. 312, 313, and 355, Job No. 8462-3, is the same amount as the purchase price.

NOW THEREFORE, the above-described properties are declared surplus and upon receipt and consideration of the sum of FIVE HUNDRED SEVENTY-FIVE THOUSAND and NO/100 DOLLARS (\$575,000.00) from Ms. Pacione, the Chairman of the Commission is authorized and directed to execute a Quitclaim Deed conveying the right, title, interest or equity of the above-described properties to Retail Buildings, Inc., an Oklahoma corporation; and hereby releasing the same from the State Highway System, that the Right of Way Division is directed and authorized to record a copy of this Minute Order and the Quitclaim Deed in the records of Johnson County, Arkansas; and, if necessary, the right of way shall be remonumented to reflect the boundaries designated herein. Any Federal-aid funds from this disposal shall be credited to Federal-aid funds or otherwise credited as permitted by federal law.

  
Approved: Alec Farmer

Chairman

Keith Gibson  
Marie Holder  
David M. Hark

Vice-Chairman

Member

Member

Member

Submitted By: 

Assistant Chief Engineer - Design

Approved: Lorie H. Tudor

Director

Minute Order No.

2023-058

Date Passed

JUN 21 2023

Leg.

Form 19-456

Rev 1/13/2016

L:\Commission\MO8462-3-Pt.312,313, & 355.docx

STATE OF ARKANSAS)

)ss

CERTIFICATE

COUNTY OF SALINE)

I, Christie Heidelberg, Secretary and Custodian of the Records of Proceedings of the Arkansas State Highway Commission, do hereby certify, and state under oath, that the foregoing written matter contains a true, complete and perfect transcript of Minute Order No. 2023-058 adopted by the Commission on the 21<sup>st</sup> day of June, 2023, as set forth therein, and as the same appears in the records of the Arkansas State Highway Commission.



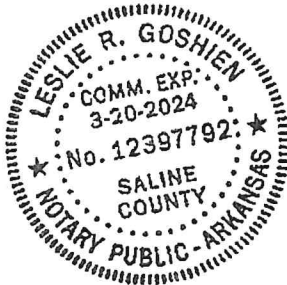
Christie Heidelberg  
Christie Heidelberg, Commission Secretary  
Arkansas State Highway Commission

Subscribed and sworn to before me this 21<sup>st</sup> day of June, 2023.

My Commission Expires:

March 20, 2024

Leslie R. Goshien  
Notary Public





**L202302525**  
JOHNSON CO. AR FEE \$50.00  
PRESENTED & RECORDED  
07/05/2023 12:24:46  
MONICA KING  
CIRCUIT CLERK  
BY: MECHELLE VANHOY  
CHIEF DEPUTY CLERK  
**BK: 1 2023010**  
**PG: 548 - 555**

Job No. 8462-3  
Part of Tract Nos. 312, 313, & 355

### QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Alec Farmer, Chairman of the Arkansas State Highway Commission, for and in behalf of the Arkansas State Highway Commission, Grantor, in consideration of the sum of FIVE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$575,000.00) cash in hand paid to the Arkansas State Highway Commission, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, and by direction of a Resolution of the Arkansas State Highway Commission incorporated in Minute Order No. 2023-058 dated the 21<sup>st</sup> day of June, 2023, authorizing and directing the execution of this instrument as an act of the Commission, do hereby grant, bargain, sell, convey, quitclaim, and relinquish unto, Retail Buildings, Inc., an Oklahoma corporation authorized to do business in Arkansas Grantee, and unto its successors and assigns forever, all of the right, title, interest and equity of the Arkansas State Highway Commission in and to the following lands, lying and being situated in the County of Johnson, State of Arkansas, to-wit:

Part of Tracts 312, 313, & 355

Being a part of the NW 1/4, NE 1/4 and the SW 1/4, NE 1/4 of Section 8, T9N, R23W, lying in Johnson County, Arkansas, more particularly described as follows:

Commencing at a found 2" aluminum cap stamped LS1094 for the NE 1/16 CORNER of said Section 8; thence N87°17'30"W along the South line of said NW 1/4, NE 1/4 a distance of 771.79' to a set 5/8" rebar

  
This instrument was prepared by  
David S. Long, Title Attorney  
Arkansas Department of Transportation  
P.O. Box 2261, Little Rock, Arkansas 72203-2261

and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731" for the POINT OF BEGINNING; thence leaving said south line of the NW 1/4, NE 1/4 of Section 8 S25°38'07"E a distance of 69.23 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S23°29'22"E a distance of 105.67 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S66°39'04"W a distance of 118.35 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N37°42'46"W a distance of 60.52 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N48°22'49"W a distance of 91.06 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N47°34'38"W a distance of 1163.49 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N41°13'10"W a distance of 82.44 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N00°09'47"E a distance of 77.67 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N10°15'49"E a distance of 51.62 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence N64°41'24"E a distance of 48.97 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S77°15'52"E a distance of 66.92 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S53°25'30"E a distance of 107.65 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S44°08'04"E a distance of 52.08 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S38°15'38"E a distance of 68.01 feet to a set 5/8"rebar and 2"aluminum cap stamped "Arkansas Dept. of Trans BDY 1731"; thence S31°17'34"E a distance of 63.36 feet to the POINT OF BEGINNING. Containing 1.88 acres (+/-1.04 acres in the NW1/4 NE1/4 and +/-0.84 acres in the SW1/4 NE1/4), more or less. Subject to all roadways, easements and reservations that are of record or physically in place.

A portion of this property is in the 100 year floodplain per FEMA FIRM 05071C0335D effective 11/26/2010.

IN WITNESS WHEREOF, I have hereunto set my hand on this 21<sup>st</sup> day of June, 2023.

BY:   
Alec Farmer, Chairman  
Arkansas State Highway Commission

THIS PORTION INTENTIONALLY LEFT BLANK

STATE OF ARKANSAS) ) SS  
COUNTY OF SALINE)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 21<sup>st</sup> day of June, 2023.



Christie Heidelberg  
Christie Heidelberg, Notary Public