

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS

ARKANSAS STATE HIGHWAY COMMISSION

PLAINTIFF

VS.

NO. CW15-1062-2

SHAWN RICHARD CHENEY; TERI L. CHENEY;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., MORTGAGEE; GLENN (BEAR)
CHANEY, IN HIS OFFICIAL CAPACITY AS
BENTON COUNTY TAX ASSESSOR; GLORIA
SPRING PETERSON, IN HER OFFICIAL CAPACITY
AS BENTON COUNTY TAX COLLECTOR;
CERTAIN LANDS BEING 0.11 ACRE, MORE OR
LESS, IN BENTON COUNTY, AND ANY PERSONS
OR ENTITIES CLAIMING AN INTEREST THEREIN

FILED
2015 JUL 23 PM 12:55
BRENDA DESHIELDS
CLERK AND RECORDER
BENTON COUNTY, AR.
DEFENDANTS

DECLARATION OF TAKING

Plaintiff, Arkansas State Highway Commission, by and through the Director of Highways and Transportation, declares and states:

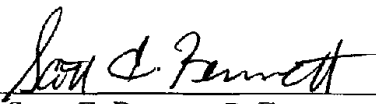
1. The title in fee to the real property described in the Complaint and herein as Tract No. 38, Job No. 090373, is hereby taken for the use of the State of Arkansas.
2. This property is condemned and taken under the power of eminent domain and the police power pursuant to the authority of Ark. Act 419 of 1953, codified at Ark. Code Ann. §§ 27-67-301 to 321 (Repl. 2010).
3. This Declaration of Taking is filed under the authority of Ark. Act 115 of 1953, codified at Ark. Code Ann. §§ 27-67-312 to 321 (Repl. 2010).
4. The public use for which such property is taken is to provide for adequate right of way and highway facilities for the travel needs of the public as is more fully set forth in the Complaint filed in this cause.
5. The property taken is described as Tract No. 38, Job No. 090373, in Schedule "A" to the Complaint filed herein, which is hereby incorporated by reference.
6. A plat showing the property taken is attached hereto as Exhibit "B" and the construction plans are attached as Exhibit "C", both of which are incorporated by

reference. The property taken and condemned is needed for highway purposes and in order to construct Job No. 090373.

7. The amount of money estimated by Plaintiff to be just compensation for the property taken is set forth in Exhibit "A", attached hereto, which amount the Plaintiff herewith deposits into the registry of this Court for the use and benefit of persons entitled to just compensation.

THEREFORE, Plaintiff prays that this Court issue such order or orders as may be deemed legally necessary to implement the provisions of Sections 3 and 5 of Ark. Act 115 of 1953 with respect to adjudging and confirming the statutory vesting of title in fee to Tract No. 38, Job No. 090373; Plaintiff's right of entry onto said land, and the surrender of possession of said land to Plaintiff.

ARKANSAS STATE HIGHWAY COMMISSION

BY: 
Scott E. Bennett, P. E.
Director of Highways
and Transportation *Det* ⁴⁷⁵

RESPECTFULLY SUBMITTED:

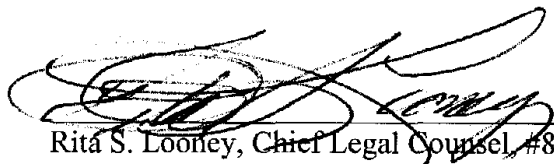

Rita S. Looney, Chief Legal Counsel, #85091
Attorney for Plaintiff
Arkansas State Highway Commission

EXHIBIT "A" TO DECLARATION OF TAKING

The tract of land which is subject to this condemnation and Declaration of Taking is situated in Benton County, Arkansas. The land taken is more particularly described and set out in the Complaint filed herein and shown on Exhibit "B", attached to this Declaration. The tract condemned, the owners or others believed to have an interest in the land condemned, and the estimated just compensation for the taking, are set out as follows:

TRACT NO.	OWNERS AND/OR PARTIES IN INTEREST	ESTIMATED JUST COMPENSATION
38	SHAWN RICHARD CHENEY TERI L. CHENEY MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., MORTGAGEE GLENN (BEAR) CHANEY, IN HIS OFFICIAL CAPACITY AS BENTON COUNTY TAX ASSESSOR GLORIA SPRING PETERSON, IN HER OFFICIAL CAPACITY AS BENTON COUNTY TAX COLLECTOR CERTAIN LANDS BEING 0.11 ACRE, MORE OR LESS, IN BENTON COUNTY, AND ANY PERSONS OR ENTITIES CLAIMING AN INTEREST THEREIN	\$2,200.00
TOTAL		\$2,200.00

OTHER ATTACHMENTS:

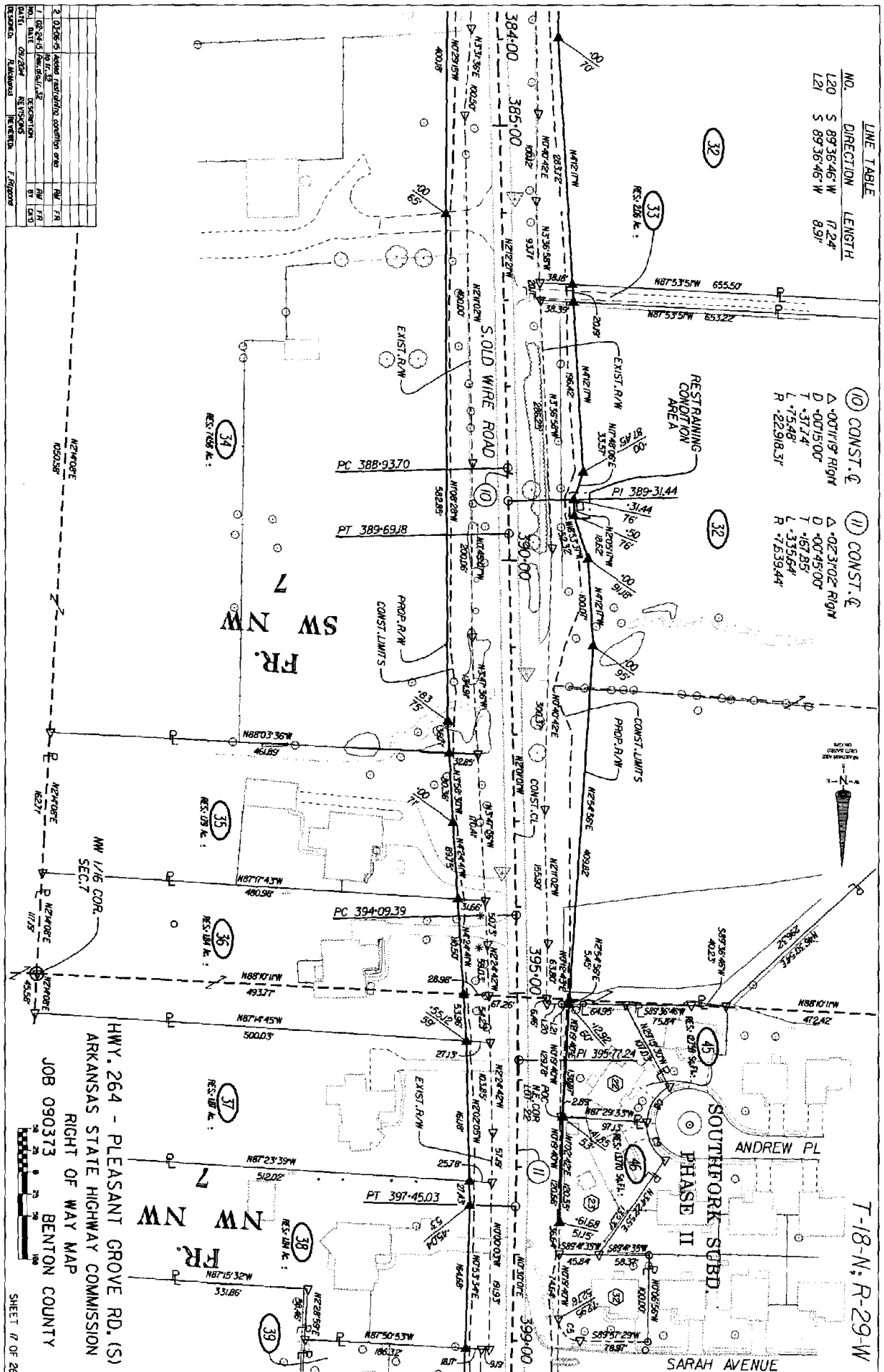
EXHIBIT B: RIGHT OF WAY MAP

EXHIBIT C: CONSTRUCTION PLANS

NO.	DIRECTION	LENGTH
L20	S 89°36'46" W	7'24"
L21	S 89°36'46" W	89'1"

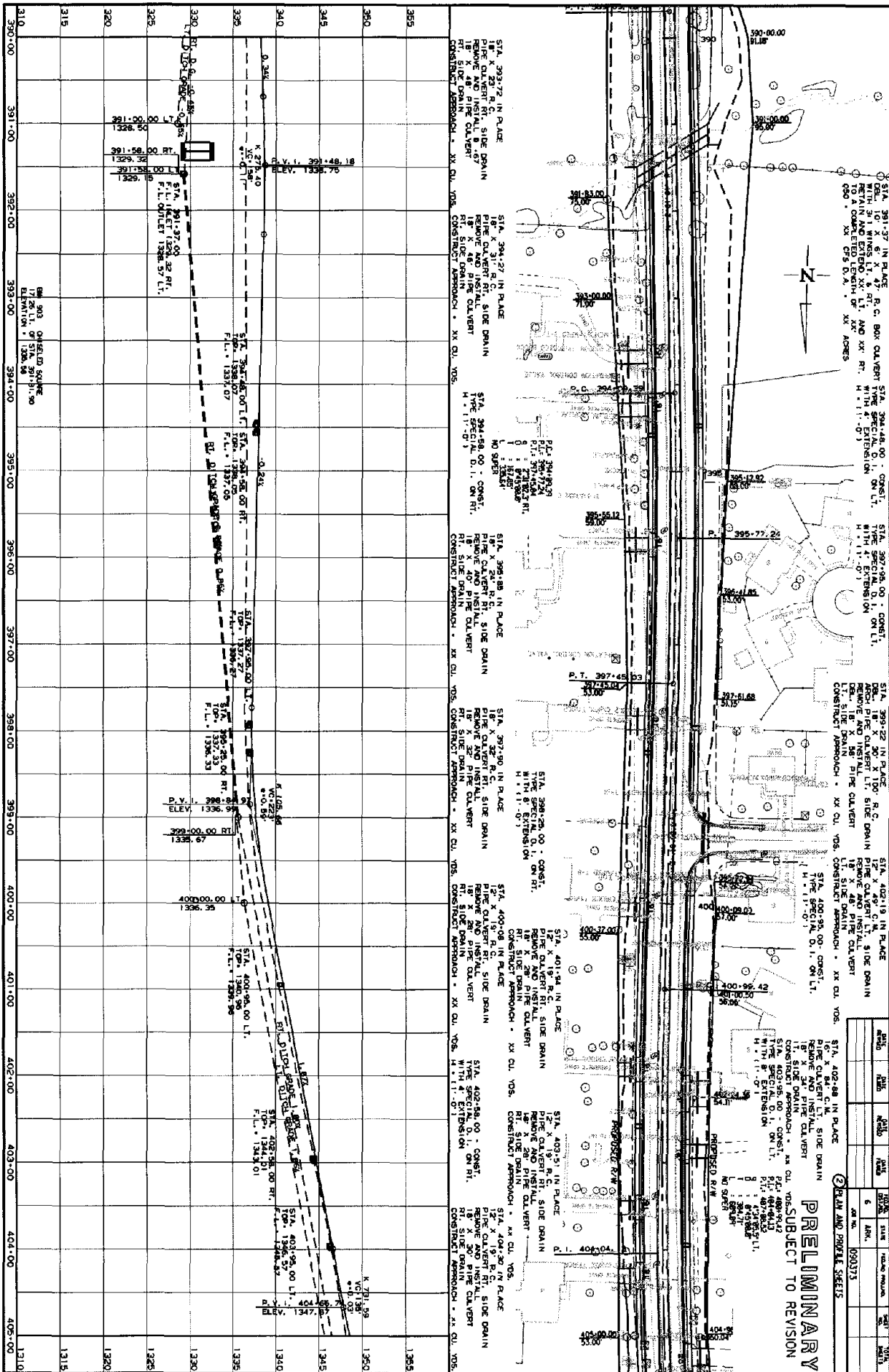
- (10) CONST. \bar{C}
 - Δ 007119° Right
 - D 00715'00"
 - T 37'74"
 - L 75'48"
 - R 229'8.31'
- (11) CONST. \bar{C}
 - Δ 023102° Right
 - D 0049'00"
 - T 167'85"
 - L 335'64"
 - R 763'9.44'

NO.	DATE	REVISIONS	BY	CHKD.
1	05/24/04	REVISIONS	BY	CHKD.
2	05/26/05	Added reworking conditions sheet	RW	JR
3	05/24/05	Revised	RW	JR
4	05/24/05	Revised	RW	JR
5	05/24/05	Revised	RW	JR
6	05/24/05	Revised	RW	JR
7	05/24/05	Revised	RW	JR
8	05/24/05	Revised	RW	JR
9	05/24/05	Revised	RW	JR
10	05/24/05	Revised	RW	JR
11	05/24/05	Revised	RW	JR
12	05/24/05	Revised	RW	JR
13	05/24/05	Revised	RW	JR
14	05/24/05	Revised	RW	JR
15	05/24/05	Revised	RW	JR
16	05/24/05	Revised	RW	JR
17	05/24/05	Revised	RW	JR
18	05/24/05	Revised	RW	JR
19	05/24/05	Revised	RW	JR
20	05/24/05	Revised	RW	JR
21	05/24/05	Revised	RW	JR
22	05/24/05	Revised	RW	JR
23	05/24/05	Revised	RW	JR
24	05/24/05	Revised	RW	JR
25	05/24/05	Revised	RW	JR
26	05/24/05	Revised	RW	JR
27	05/24/05	Revised	RW	JR
28	05/24/05	Revised	RW	JR
29	05/24/05	Revised	RW	JR
30	05/24/05	Revised	RW	JR
31	05/24/05	Revised	RW	JR
32	05/24/05	Revised	RW	JR
33	05/24/05	Revised	RW	JR
34	05/24/05	Revised	RW	JR
35	05/24/05	Revised	RW	JR
36	05/24/05	Revised	RW	JR
37	05/24/05	Revised	RW	JR
38	05/24/05	Revised	RW	JR
39	05/24/05	Revised	RW	JR



Right of Way Map
 Exhibit "B" to
 Declaration of Taking

HWY. 264 - PLEASANT GROVE RD. (S)
 ARKANSAS STATE HIGHWAY COMMISSION
 RIGHT OF WAY MAP
 JOB 090373
 BENTON COUNTY
 SHEET 17 OF 25



Construction Plans
 Exhibit "C" to
 Declaration of Taking