

IN THE COUNTY COURT OF BAXTER COUNTY, ARKANSAS

IN THE MATTER OF THE BAXTER COUNTY CLERKS OFFICE REQUEST TO
DISBURSE FUNDS HELD IN THE REGISTRY OF THE COURT.

COURT ORDER NO. 2024 – 37

NOW on this 4th day of June, 2024, a day on which this Court deems to be in session, comes on for consideration a request to disburse funds held in the Registry of the Court in the above-styled matter and the Court finds:

1. **Whereas**, on approximately December 14, 2021, funds in the amount of \$380.00 were deposited into the Registry of the Court for properties acquired by imminent domain condemnation from James R. & Jeanie D. Buller, pertaining to temporary ROW easement extending Trophy Court for Denton Ferry Bridge Project.
2. **Whereas**, the Clerk of this Court has continued to hold those funds in the Registry of the Court, awaiting such time as some person or persons appeared and presented evidence to the Court that they are entitled to said compensation.

THEREFORE, it is ORDERED, ADJUDGED, and DECREED that the County Clerk is hereby ordered to disburse the amount of \$380.00 to James R. & Jeanie D. Buller.

IT IS SO ORDERED on this 28th day of May, 2024.



L202404452

BAXTER CO, AR FEE \$0.00

PRESENTED: 06-04-2024 01:15:49 PM

RECORDED: 06-04-2024 01:15:49 PM

CANDA REESE

CIRCUIT CLERK

BY: LISA PEMBERTON

DEPUTY

COUNTY MISC

8 Pages



Kevin Litty
County Judge

Baxter County Claim Affidavit

Vendor Name: Baxter County-Clerks-Registry *circled* **Date of Affidavit:** 12/14/2021
Remittance Address: 1 East 7th Street **Vendor #:** 001400
Mountain Home, AR 72653

| Fund/GL# | Invoice Number / Description | Amount |
|---------------------|---|---------------|
| 2000-0200-2001 3009 | Compensation for temporary ROW easement extending Trophy Court for Denton Ferry Road Bridge Project (James R. & Jeanie D. Buller) | 380.00 |
| | <i>Please return check to Lindsay for deposit into registry. us</i> | |
| | <i>Buller & Jeanie</i> | |
| | <i>Send to my order</i> | |
| | Total: | 380.00 |

For additional lines, attach a second sheet.

In the State of Arkansas, County of Baxter, I, the undersigned, do solemnly swear that the foregoing claim is just and correct, and that no part thereof has been paid previously; that the services charged for or materials furnished, as the case may be, were actually rendered and furnished, and that the charge made therefore does not exceed the amount allowed by law, or customary charges for similar services; or materials furnished when estimated and paid in lawful money of the United States.

Authorized for payment by: *[Signature]* **Signature(s)**

Sworn to and subscribed before me this 14th day of December, 2021

Court Clerk: CANDA J. REESE

Deputy Clerk: *[Signature]*

Fund Nos.: 2000 Claim # 214099



Filed: 12/14/2021

CANDA J. REESE
Court Clerk

Examined and allowed in the sum of:

\$ 380.00

[Signature] **County Judge**

12/14/2021 **Date Authorized**

IN THE COUNTY COURT OF BAXTER COUNTY, ARKANSAS

COURT ORDER NO. 2021 - 86



File Type

C202100240
FILED FOR RECORD ORDER COUNTY
BY: LYNETTE MCALINEY
12-13-2021 10:49:55 AM

CANDA REESE
BAXTER CO, AR COUNTY AND CIRCUIT CLERK

**IN THE MATTER OF SECURING TEMPORARY RIGHT OF WAY NEEDED FOR
THE DENTON FERRY ROAD / HIGH TOWER CREEK PROJECT.**

NOW, on this 13th day of December, 2021, a day which this Court deems to be in session, comes on for consideration the Petition of the County Judge Baxter County for an order, under authority of ACA § 14-298-121, condemnation procedures are required for the use of this temporary Easement as defined by right-of-way lines on recorded Plat for subdivision Fisherman's Lodge Estates at the east end of Trophy Court.

Whereas, Baxter County has agreed to construct a new replacement bridge over Hightower Creek on Denton Ferry Road, utilizing funding by way of a HMGP grant from FEMA.

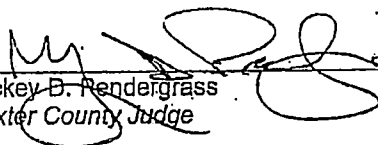
Whereas, a temporary detour road is required during the construction of this bridge. The most available and easiest access to build said detour is to extend Trophy Court Road from the cul-d-sac eastward to Hightower Creek along a clearly marked right-of-way on the original plat from Fisherman's Lodge Estates filed April 3, 2005. These ROW lines were also marked on a split of Lot 23 filed July 7, 2010, when lot 23 was divided with remarks. This clearly marked sixty (60') right-of-way will be used to build a temporary access road across Hightower Creek intersecting across the Drainage Easement to a temporary road on the eastern side of the creek, and donated by the land owner to connect again with Denton Ferry Road. (See Attachment A and B)

Whereas, Under the provisions of Title III, Section 301 of Public Law 91-646 commonly know as the "Uniform Relocation Assistance and Real Property Acquisition Act of 1970", you are entitled to just compensation.

Whereas, the improvements that will be made by the above stated project will benefit your property; I am thereby stating that the benefits to your property combined with \$380.00 for temporary right of way easement and \$0.00 for damages, is just compensation for you. The property will be returned back to its original state as much as possible, when the construction of the bridge is complete and the need for the temporary easement crossing of the creek is no longer needed. Unless other agreement with land owner is agreed upon. (See Attachment C)

Whereas, If you do not elect to accept the estimated compensation, you are entitled to a hearing in the County Court of Baxter County in which your lands are situated to determine just compensation for your lands condemned. You have within one year from this date to present your claim or be forever barred. The amount stated by the enclosed Compensation Estimate utilizing ARDOT forms, will be on deposit with the Clerk of the Court's appropriate account to be paid to you upon acceptance.

IT IS THEREFORE the Order of this Court that Baxter County, Arkansas, will compensate James R and Jeanie D Buller \$380.00 for the use of a temporary a right of way easement, extending Trophy Court.


Mickey D. Rendergrass
Baxter County Judge

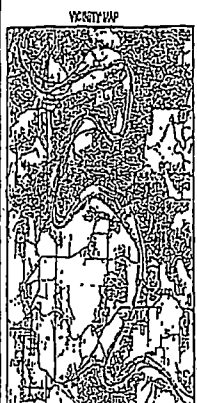
FISHERMAN'S LODGE ESTATES

DEVELOPER: GILBERT HARVEY
 FRENCH'S CONSTRUCTION
 923 EAST FIRST STREET
 MOUNTAIN HOME, ARKANSAS 72853
 870-218-4949 870-425-0950

THIS INSTRUMENT IS A PART OF THE SURVEY OF THE FISHERMAN'S LODGE ESTATES, BEING A SUBDIVISION OF THE WEST 1/2 SECTION 36, T3N, R10E, S1E, MOUNTAIN HOME TOWNSHIP, GARLAND COUNTY, ARKANSAS, AS SHOWN ON THE PLAT OF SURVEY THEREOF, RECORDED IN BOOK 127, PAGE 142 OF THE PUBLIC RECORDS OF GARLAND COUNTY, ARKANSAS.

| LOT | ACRES | OWNER |
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| 1 | 0.15 | PLAT |
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THE VALLEY SUBDIVISION
 RAINBOW DRIVE TERRACE SUBD.
 WESTMAP



THE VALLEY
SUBDIVISION

RIVERVIEW ESTATES

DENTON FERRY ESTATES
PHASE ONE

LEGEND



PLAT OF SURVEY
 B-R-C-B INVESTMENTS, LLC
 12/14/20 11:20 AM

4095

ATTACHMENT B

and Description:

A part of LOT 23, FISHERMAN'S LODGE ESTATES, of the Public Records of Baxter County, Arkansas, being more particularly described as follows:

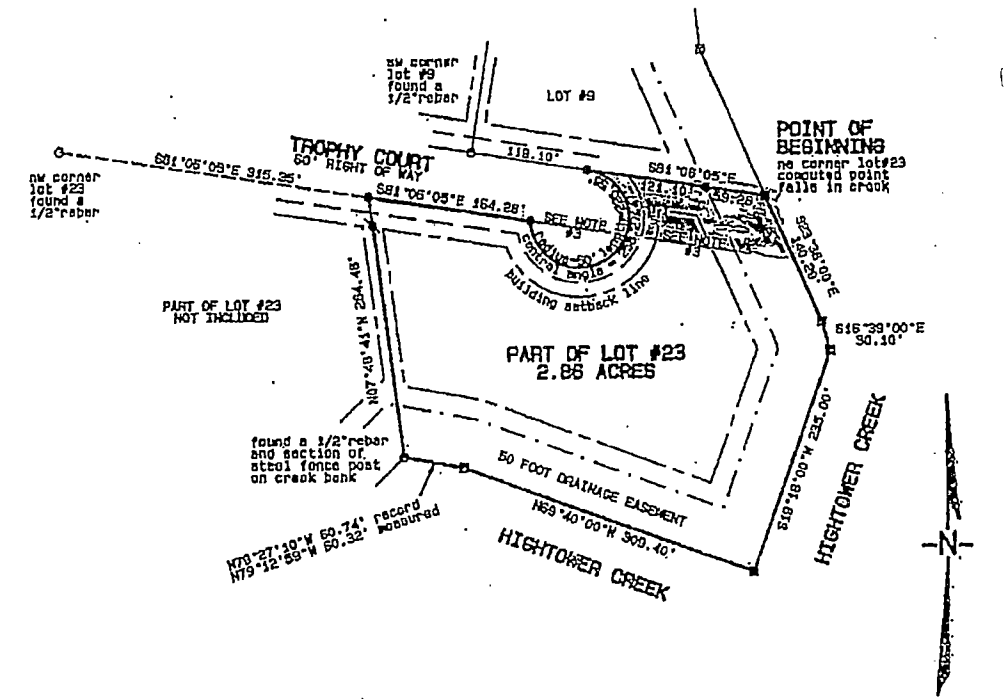
BEGINNING at the Northeast corner of Lot 23, FISHERMAN'S LODGE ESTATES, Baxter County, Arkansas, go along the Subdivision Boundary line with the following: South 23°36'00" East 140.25 feet; South 15°39'00" East 30.10 feet; South 19°18'00" East 239.00 feet; North 69°40'00" West 309.40 feet; North 78°42'59" West 60.32 feet to a 1/2" rebar; then leaving the said boundary line go North 07°48'41" West 264.46 feet to a 1/2" rebar on the South right of way line of Trophy Court; then go along the said right of way line with the following: South 81°06'06" East 164.28 feet to the beginning of a curve concave to the north and west, having a radius of 50.00 feet and a central angle of 258°27'47" and being subtended by a chord which bears North 48°07'48" East 77.46 feet; then go along the arc of said curve 225.65 feet to a 1/2" rebar and a point of cusp on the boundary line between said LOT 23 and LOT 9; then go along the said boundary line South 81°06'05" East 121.10 feet to a 1/2" rebar; then continue along the said boundary line South 81°06'05" East 59.28 feet to the POINT OF BEGINNING. Containing 2.86 Acres, more or less.

FILED
250 L M

NOV 24 2010

[Signature]
by D.C. [Signature]

FILING INFORMATION



- NOTES:
- 1: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. ADDITIONAL DEEDS, EASEMENTS, VACATIONS, TAKINGS AND/OR RESTRICTIONS AFFECTING THE SUBJECT PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY.
 - 2: PLEASE REFER TO THE RECORDED PLAT FOR BUILDING SETBACKS, UTILITY EASEMENTS AND THE BILL OF ASSURANCE.
 - 3: THIS LINE IS SHOWN AS PER THE RECORDED PLAT. THIS SURVEYOR CONTACTED THE SURVEYOR OF RECORD FOR THE SUBDIVISION WHO WAS UNABLE TO ADEQUATELY DEFINE THE REASON FOR ITS PLACEMENT.

SURVEY FOR
BROD PROPERTIES, LLC

GRAPHIC SCALE
1" = 100'

LEGEND:
 ▲ not a 3/4" reb. w/ blun. cap
 ● not a 1/2" reb. plus 1260
 ○ computed point not set
 ○ found a 1/2" rebar
 X fence
 □ power pole
 ■ water meter
 X found a corn cobb
 □ found a out stone

State Surveyors Code: 500-19n-14v-0-10-440-03-1280

State Surveyors Code: 500-19n-14v-0-10-440-03-1280

REFERENCES:
PLAT SLIDE#1103

This is to certify that this drawing represents a survey of the described property as made under my supervision. The corners are marked as shown and are in accordance with existing monuments in the vicinity. (Subject to any notes and notations listed or labeled hereon.) VALID ONLY IF SIGNED IN ORIGINAL BLUE INK AND EMBOSSED WITH RAISED SEAL.

| | | | |
|---|----------------------|------------------------|--|
| McMATH LAND SURVEYING 387 RIVER BEND DRIVE LITTLE ROCK, ARKANSAS 72634 449-3443 453-7829 | JOB NUMBER: 44100 | FIELD DATE: 7/07/10 | CERTIFIED AS TO SURVEY: <i>[Signature]</i> JAMES R. McMATH, P.L.S. AR. SURVEYORS REG'N NO. 1260 |
| | DRAWN BY: RM | CHECKED BY: URMC | |
| | BOOK NUMBER: DC | CREW: RM | |

RS-191-2010

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
COMPENSATION ESTIMATE

JOB: HighTower Creek Bridge PROJECT: Denton Ferry Road COUNTY: Baxter TRACT: Pt Lot 23
LOCATION: Denton Ferry Road
FEE OWNER: James R & Jeanie Buller
ADDRESS: E11428A Birnam Woods Rd, Baraboo, WI 53913
Local Location: 264 Trophy Ct, Cotter, AR 72626
TELEPHONE: (608) 356-3329

| | |
|----------------------|-------------------------------|
| AREA OF THE WHOLE: | PERMANENT EASEMENT: 0.0 Ac ± |
| AREA OF REMAINDER: | TEMPORARY EASEMENT: 0.25 Ac ± |
| AREA OF ACQUISITION: | |

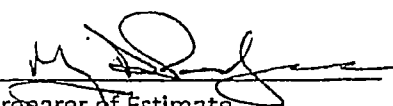
ESTIMATED VALUE OF COMPENSATION:


| | |
|---|-------------------|
| FEE TITLE: | \$-0- |
| PERMANENT EASEMENT(S): 0.25 Ac ± @\$7,597 per Acre | \$.00 |
| TEMPORARY EASEMENT(S): 0.25 Ac ± @ 20% of Permanent | \$379.85 |
| VALUE OF IMPROVEMENTS ACQUIRED: | \$-0- |
| COST TO CURE ITEMS: | \$-0- |
| DAMAGE TO REMAINING PROPERTY: | \$-0- |
| | SUBTOTAL \$379.85 |
| SIGNS: | \$-0- |
| TOTAL COMPENSATION AS OF | \$379.85 |

BASIS FOR LAND VALUES: Assessor's Appraisal

CERTIFICATION

I, Mickey D Pendergrass, hereby certify that in the preparation of this Estimate I have personally inspected this property, that I have no present or contemplated future interest therein, that compensation to me for this estimate is not contingent upon my conclusions herein set forth, and that all statements herein are true to the best of my knowledge and belief.


Preparer of Estimate


Administrative Approval

DATE: 12/13/2021

DATE: _____

**IN THE MATTER OF THE PETITION
OF BAXTER COUNTY FOR TEMPORARY RIGHT
OF WAY EASEMENT TO EXTEND TROPHY
COURT**

BE IT KNOWN BY THESE PRESENTS THAT we, the undersigned, with full knowledge and understanding, do hereby acknowledge by appropriate signature they own certain properties within Baxter County, Arkansas, which is abutting County Road Trophy Court and further, of our free will, having been explained our rights to compensation if any, agree to accept payment for the estimated just compensation for the lands required for a temporary right of way for County Road known as Trophy Court, as is reflected by Engineering Plans for the Hightower Creek Bridge project, which have been made available for my inspection.

The total compensation required for temporary right of way for County Road known as Trophy Court as is reflected by the Engineering Plans mentioned above shall not exceed \$ 380.00. The aforementioned compensation shall be no less than \$ 380.00 to be paid by Baxter County to the party of James R & Jeanie Buller across a temporary right of way easement on lot 23, Fisherman's Lodge Estates as indicated on the Plat thereof showing said right of way.

Owner : _____ Signature: _____
James R Buller _____
Jeanie Buller _____

Date: _____

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) SS
 COUNTY OF BAXTER)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public ____ day of _____, 2021.

 MY COMMISSION EXPIRES:

 NOTARY PUBLIC