

P L A T

At page 29 of Plat Book "2" in the office of the Circuit Clerk & Ex-Officio Recorder of Boone County, Arkansas appears a Plat of:

PLAT NUMBER TWO
WHITEY'S ACRES

SOME TRAILER SPACE
&
BUSINESS

A SUBDIVISION OF PART
SW 1/4 SW 1/4 SECTION 17 T-21-N R-18-W
BOONE COUNTY ARK

AUG 17, 1970
CHARLES NEAL, SURVEYOR

The following notes appear on said Plat:

LEGAL DESCRIPTION

Part of SW 1/4 SW 1/4 Section 17, T-21-N, R-18-W, 5th Principal Meridian, more particularly described as: Beginning at the NE corner SW 1/4 SW 1/4 Section 17, T-21-N, R-18-W: thence S 02° 04' W 573.58 feet along the east line of said SW 1/4 SW 1/4 to a point: thence S 73° 51' W 795.77 feet to a point on the easterly right of way line of Diamond Boulevard (Arkansas Highway Number 7): thence NORTHERLY along said right of way line, on a curve right having a radius of 914.93 feet, an arc distance of 93.84 feet to the point of tangency of said curve: thence continuing along said right of way line, N 13° 01' E a distance of 743.35 feet to a point on the north line of said SW 1/4 SW 1/4: thence S 87° 54' E 601.60 feet along said north line to the point of beginning, containing 466,141 square feet or 10.70 acres according to the survey thereof.

CERTIFICATE OF SURVEY:

I, Charles F. Neal, Registered Land Surveyor Number 127, State of Arkansas, hereby certify that I have surveyed the property shown and described hereon, and this plat correctly represents the survey thereof and that same is true and correct.

CHARLES F. NEAL
REGISTERED LAND SURVEYOR
STATE OF ARKANSAS
NO. 127

Charles F. Neal
SIGNATURE

SEAL:

Deed of Dedication Book 114 Page 270

Filed for Record 14 day of July 1971 at 2:00 o'clock P.M.

Naomi Parker, Clerk Naomi Parker

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That we, Harold Whitenack and Virginia Whitenack, husband and wife, being owners of the following described tract or parcel of land lying in the County of Boone and the State of Arkansas to-wit:

Part of SW 1/4 SW 1/4 Section 17, T-21-N, R-18-W, 5th Principal Meridian, more particularly described as: Beginning at the NE corner SW 1/4 SW 1/4 Section 17, T-21-N, R-18-W: thence S 2 degrees and 4 minutes W 573.58 feet along the east line of said SW 1/4 SW 1/4 to a point: thence S 73 degrees and 51 minutes W 795.77 feet to a point on the easterly right of way line of Diamond Boulevard (Arkansas Highway # 7): thence Northerly along said right of way line, on a curve right having a radius of 914.93 feet, an arc distance of 93.84 feet to the point of tangency of said curve: thence continuing along said right of way line, N 13 degrees and one minute E a distance of 743.35 feet to a point on the north line of said SW 1/4 SW 1/4: thence S 87 degrees and 54 minutes E 601.60 feet along said North line to the point of beginning, containing 466,141 square feet or 10.70 acres according to the survey thereof.

do hereby plat and layout into a subdivision composed of lots and parts of lots as set out in detail on the attached survey and plat made and certified to by Charles F. Neal professional land surveyor, Clinton, Arkansas, registered Number 127 which is made a part hereof and attached herewith marked exhibit "A".

Said subdivision shall be known and hereafter referred to as Whitey's Acres Two and we, Harold Whitenack and Virginia Whitenack, husband and wife, do hereby dedicate to the public for public use forever all streets shown on said plat which streets we have caused to be surveyed and platted.

And in consideration of the premises and in consideration of a more effective use of the lands described on the said plat and for the mutual protection and benefit of the owners and future owners of said lots we hereby subject and encumber the said lands with the following restrictions which shall and do touch and concern the basic use of the land and shall run with the land.

1. All of said lots, 29 thru 68 are subject to a 5 foot utility easement on front and back sides as well as along all sides adjoining streets or highway.
2. On lots 29, 61, 67 and 68 only to wit: these lots are open to business or residential purposes but cannot be used for trailers or Mobile homess.
3. All other lots from 30 thru 66, except except 61, shall be used for residential purposes and no homes shall be allowed with under 750 square feet of living area.
4. Underground telephone, electric, and water lines shall be underground on lots 39 thru 52 and lots 66, 67, and 68. All other lots shall be served above ground.
5. No home is to be constructed closer than five feet from side

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#2

lines on said lots, at least ten feet from back street or alley way, and at least 15 feet from front street or side street.

6. All homes built in this subdivision must be built by a builder that has been approved by Harold Whitenack or his appointed agent.

All property owners within the said subdivision shall have the right to enforce these restrictions by suit in equity to compel compliance whether actual damages can be shown or not.

And all grantees taking under said plat herein referred shall be expressly bound to comply with the restrictions herein contained as if these restrictions were fully set out as easements in their deeds, and said grantees shall, by acceptance of their said Deeds, be subject to the remedies herein granted.

The restrictions herein contained and set out shall be in full force and effect for a period of 50 years and for so much longer as a majority of the property owners shall direct at the termination of said 50 year period.

Easements: (three pages attached)

In Witness Whereof we have hereunto set out hands and seals this 23rd day of June, 1971.

Harold Whitenack
Virginia Whitenack

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF BOONE)ss.

BE IT REMEMBERED, That on this day came before me, the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, Harold Whitenack and Virginia Whitenack, husband and wife, to me well known as the grantors in the foregoing Deed of Dedication, and state that they had executed the same for the consideration and purposes therein mentioned and set forth. And also on the same day voluntarily appeared before me, the said Virginia Whitenack, wife of the said Harold Whitenack, to me well known and in the absence of her said husband, declared that she had, of her own free will, signed and sealed the relinquishment of Dower to the streets in the said plat, for the considerations and purposes therein contained and set forth without compulsion or undue influence of her said husband.

Witness My Hand and Seal as such Notary Public on this 23rd day of June, 1971.

(Seal)
My Commission Expires June 1, 1975

Virginia Whitnack
Jane S Roberson
NOTARY PUBLIC

Filed for Record 14 day of July 1971 at 2:00 o'clock P.M.
Naomi Parker, Clerk Naomi Parker

EASEMENTS: Easements of way for streets as shown on the recorded plat have been donated and dedicated to the public, and persons, firms, or corporations engaged in supplying electric power, gas, telephone, water and sewer shall have the right to use and occupy said easements of

Whitney Acres II

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That we, Harold Whitenack and Virginia Whitenack, husband and wife, being owners of the following described tract or parcel of land lying in the County of Boone and the State of Arkansas to-wit:

Part of SW 1/4 SW 1/4 Section 17, T-21-N, R-18-W, 5th Principal Meridian, more particularly described as: Beginning at the NE corner SW 1/4 SW 1/4 Section 17, T-21-N, R-18-W: thence S 2 degrees and 4 minutes W 573.58 feet along the east line of said SW 1/4 SW 1/4 to a point: thence S 73 degrees and 51 minutes W 795.77 feet to a point on the easterly right of way line of Diamond Boulevard (Arkansas Highway # 7): thence Northerly along said right of way line, on a curve right having a radius of 914.93 feet, an arc distance of 93.84 feet to the point of tangency of said curve: thence continuing along said right of way line, N 13 degrees and one minute E a distance of 743.35 feet to a point on the north line of said SW 1/4 SW 1/4: thence S 87 degrees and 54 minutes E 601.60 feet along said north line to the point of beginning, containing 466,141 square feet or 10.70 acres according to the survey thereof.

do hereby plat and layout into a subdivision composed of lots and parts of lots as set out in detail on the attached survey and plat made and certified to by Charles F. Neal professional land surveyor, Clinton, Arkansas, registered Number 127 which is made a part hereof and attached herewith marked exhibit "A".

Said subdivision shall be known and hereafter referred to as Whitney's Acres Two and we, Harold Whitenack and Virginia Whitenack, husband and wife, do hereby dedicate to the public for public use forever all streets shown on said plat which streets we have caused to be surveyed and platted.

And in consideration of the premises and in consideration of a more effective use of the lands described on the said plat and for the mutual protection and benefit of the owners and future owners of said lots we hereby subject and encumber the said lands with the following restrictions which shall and do touch and concern the basic use of the land and shall run with the land.

1. All of said lots, 29 thru 68 are subject to a 5 feet utility easement on front and back sides as well as along all sides adjoining streets or highway.

2. On lots 29, 61, 67 and 68 only to wit: these lots are open to business or residential purposes but cannot be used for trailers or mobile homes.

3. All other lots from 30 thru 66, ~~except~~ except 61, shall be used for residential purposes and no homes shall be allowed with under 750 square feet of living area.

4. Underground telephone, electric, and water lines shall be underground on lots 39 thru 52 and lots 66, 67, and 68. All other lots shall be served above ground.

5. No home is to be constructed closer than five feet from side lines on said lots, at least ten feet from back street or alley way, and at least 15 feet from front street or side street.

6. All homes built in this subdivision must be built by a builder that has been approved by Harold Whitenack or his appointed agent.

All property owners within the said subdivision shall have the right to enforce these restrictions by suit in equity to compel compliance whether actual damages can be shown or not.

And all grantees taking under said plat herein referred shall be expressly bound to comply with the restrictions herein contained as if these restrictions were fully set out as easements in their deeds, and said grantees shall, by acceptance of their said Deeds, be subject to the remedies herein granted.

The restrictions herein contained and set out shall be in full force and effect for a period of 50 years and for so much longer as a majority of the property owners shall direct at the termination of said 50 year period.

Easements: (three pages attached)

In Witness Whereof we have hereunto set out hands and seals this 23rd day of June, 1971.

Harold Whitnack

Virginia Whitnack

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF BOONE)

BE IT REMEMBERED, That on this day came before me, the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, Harold Whitnack and Virginia Whitnack, husband and wife, to me well known as the grantors in the foregoing Deed of Dedication, and state that they had executed the same for the consideration and purposes therein mentioned and set forth. And also on the same day voluntarily appeared before me, the said Virginia Whitnack, wife of the said Harold Whitnack, to me well known and in the absence of her said husband, declared that she had, of her own free will, signed and sealed the relinquishment of Dower to the streets in the said plat, for the considerations and purposes therein contained and set forth without compulsion or undue influence of her said husband.

Witness My Hand and Seal as such Notary Public on this 23rd day of June, 1971.

My Commission Expires

June 1, 1975 Virginia Whitnack
June 1, 1975 Notary Public
NOTARY PUBLIC

Filed for Record 14 day of July
1971 at 3:00 o'clock P.M.

Naomi Parker, Clerk Naomi Parker

By _____ D.C. 271

EASEMENTS: Easements of way for streets as shown on the recorded plat have been donated and dedicated to the public, and persons, firms, or corporations engaged in supplying electric power, gas, telephone, water and sewer shall have the right to use and occupy said easements of way and streets for the installation, maintenance, repair and replacement of such utility services. Other easements for the installation, maintenance, repair and replacement of utility services and drainage have been reserved, said easements being of various widths, reference being made to the recorded plat for a more specific description of width and location. The agents, servants, and employees of any parties giving any utility service shall have the right of ingress to and from and in, over, and across said easements and no improvements, trees, incinerators, fences or other hindrances shall be placed upon such easement areas that will interfere with the operation and maintenance of such utility services. In the event such improvements, trees, fences, or other hindrances are grown, built or maintained within the areas of such easements, no utility shall be liable for the destruction or repair of same.

(a) ELECTRIC POWER EASEMENT: Exposed overhead wires and cables for utility services are prohibited in this addition, except within the easements and rights-of-way along perimeters of this addition where designated on the recorded plat. All electric power facilities shall be underground, provided, however, that street light standards, towers, and overhead wiring for street lighting purposes may be installed, erected, maintained and operated in, under and along the streets and public ways, if the utility is directed to make such installation by any governmental authority having jurisdiction. Electric power utilities shall have the dominant right to use and occupy the easements specified

for them on the recorded plat for the installation, maintenance, repair and replacement of this type utility service. Except for the right of communications utilities to occupy these easements, as shown on the recorded plat, they shall be separate and exclusive easements dedicated solely for electric power utility purposes.

Any alterations of lowering of the surface grade of the ground in any easement and the area immediately adjoining such easement are prohibited, which would result in there being less than thirty-six (36) inches of clearance either vertically or horizontally between the surface grade and the underground electric cables and conductors supplying electric power and service, and as the electric distribution transformer stations and service connection points are located on the surface grade, fills within the areas of the said easements and upon the lands adjacent thereto which will damage or which will interfere with the installation, maintenance, operation, and replacement of the electric cables, facilities and equipment, and the supplying of service from such equipment are also prohibited. The electric utility will be reimbursed by the owner(s) for any reasonable cost of relocating, additions to, or changes in its facilities occasioned by changes in grade, replat of lots, or change in usage designated in these protective and restrictive covenants. All owners of lots shall enter into a standard agreement with the electric utility for the installation of their underground service laterals and/or electric service entrance conductors of adequate capacity. The terms of the electric power easements shall remain in existence so long as the said easements are being used by the electric

utility to supply electric power and said easements shall extend beyond the limitations of terminating clauses as may or may not be set out elsewhere in these protective and restrictive covenants.

AMENDMENTS: There shall be no change in the Bill of Assurances, either by termination or amendment unless such change has been agreed to by each utility having facilities situated in this addition.

Filed for Record _____ of July
1927 at 2:00 o'clock _____ P.M.

Notary Public, W. W. Parker

By _____ D.C.