

JOB NAME: Massard Creek – Hwy. 22
(Widening & Reloc.)(Hwy. 255)(S)

JOB
TRACT

040716
20

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: Fort Smith Public Schools of Sebastian County, Arkansas, An Arkansas School District
Address: 1 Windhaven Drive, Fort Smith, AR 72903

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except such minerals therein and thereunder, as oil, gas, distillate, condensate, salt water and its component parts, and all other hydrocarbons which do not interfere with the surface use for highway purposes, situated in the County of Sebastian, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of Government Lot 2 of the Fractional Northwest Quarter of Section 5 and also Part of Lot 1, Hutcheson Industrial Park to the City of Fort Smith, Township 7 North, Range 31 West, Sebastian County, Arkansas, more particularly described as follows:

Commencing at a rebar with a 1 inch red plastic cap being used as the Section Corner of Sections 5, 6, 31 & 32; thence South 02°51'37" West along the West line of Government Lot 2 of the Fractional Northwest Quarter of Section 5 a distance of 1,031.30 feet to a point on the Northerly right of way line of Arkansas State Highway 255 as established by AHTD Job 4273; thence South 85°46'24" East along said right of way line a distance of 240.70 feet to a point on the Easterly right of way line of South 92nd. Street as established by the Replat of Lot 1A, Big "D" Addition to the City of Fort Smith recorded as document number P1773B to the POINT OF BEGINNING; thence North 03°42'11" East a distance of 33.72 feet to a point on the Northerly right of way line of Arkansas State Highway 255 as established by ARDOT Job 040716; thence South 88°19'13" East along said right of way line a distance of 817.44 feet to a point; thence North 69°21'31" East along said right of way line a distance of 71.59 feet to a point; thence North 87°33'06" East along said right of way line a distance of 261.72 feet to a point; thence South 78°16'18" East along said right of way line a distance of 226.99 feet to a point; thence South 64°03'54" East along said right of way line a distance of 107.70 feet to a point; thence South 69°10'02" East along said right of way line a distance of 104.40 feet to a point; thence South 89°33'28" East along said right of way line a distance of 155.32 feet to a point; thence North 66°22'30" East along said right of way line a distance of 107.35 feet to a point; thence South 85°51'59" East along said right of way line a distance of 25.00 feet to a point; thence South 20°18'37" East along said right of way line a distance of 60.42 feet to a point; thence South 88°21'01" East along said right of way line a distance of 359.20 feet to a point; thence South 83°23'39" East along said right of way line a distance of 143.08 feet to a point on the Westerly right of way line of Painter Lane as established by the Plat of Hutcheson Industrial Park to the City of Fort Smith recorded as document number 9073A; thence South 02°48'38" West along said right of way line a distance of 42.29 feet to a point on the Northerly right of way line of Arkansas State Highway 255 as established by the Plat of Hutcheson Industrial Park to the City of Fort Smith recorded as document number 9073A; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 3,769.72 feet a distance of 188.06 feet having a chord bearing of North 87°12'09" West a distance of 188.04 feet to a point; thence North 85°46'24" West along said right of way line a distance of 976.70 feet to a point; thence North 04°13'36" East along said right of way line a distance of 5.00 feet to a point; thence North 85°46'24" West along said right of way line a distance of 800.00 feet to a point; thence South 04°13'36" West

along said right of way line a distance of 5.00 feet to a point; thence North 85°46'24" West along said right of way line a distance of 404.54 feet to the point of beginning and containing 151,486 square feet more or less as shown on plans prepared by the ARDOT referenced as Job 040716.

RM
10-25-18

RM
Rev. 4-17-19

ED
Rev. 2-25-2021

- Uncontrolled Access
- Partially Controlled Access – Access break from Station _____ to Station _____
- Fully Controlled Access
- Fully Controlled Access with a frontage road
- Maintenance Agreement

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

| IMPROVEMENTS | APPRAISED SALVAGE VALUE | RETAINED BY GRANTOR | | AMOUNT OF BOND REQUIRED | WILL GIVE ACTUAL POSSESSION OF IMPROVEMENTS NOT RETAINED |
|---------------------------|-------------------------|---------------------|----|-------------------------|--|
| | | YES | NO | | |
| guard railing/metal posts | -0- | | | -0- | At Closing |
| parking spaces | -0- | | | -0- | At Closing |
| chain link fencing | -0- | | | -0- | At Closing |
| gate | -0- | | | -0- | At Closing |
| | | | | | |
| | | | | | |

Grantor(s) agrees that the items checked for removal for salvage will be removed on or before 30 days after closing and expressly waives all claims for damage, injury or loss on account of such removal by him, or removal after this date by the Arkansas State Highway Commission, due to failure of Grantor(s) to complete removal by the designated date. If Grantor is being relocated from the primary residential dwelling and has elected to salvage the dwelling, salvage must be completed on or before 30 days after the final vacate date and any extensions of time granted by the Department.

COMPENSATION BREAKDOWN:

| | |
|---|----------------------|
| APPRAISED VALUE of Real Estate Including Damages to Remainder | \$ <u>180,525.00</u> |
| LESS SALVAGE VALUE - IMPROVEMENTS RETAINED | \$ <u>0.00</u> |
| NET PAYMENT DUE | \$ <u>180,525.00</u> |

The Grantor(s) agrees to put up bond at the time of closing of this transaction for the removal of improvements retained, in the amount of N/A.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the Contract to Sell. In the event that any buildings, fixtures, appurtenances, or other improvements are to pass to and become the property of the Commission in connection with the real property herein covered, Grantor(s) agrees to keep the same in good condition without waste, damage or destruction. Grantor(s) also agrees to allow the Commission permission to enter upon that part of the remaining property necessary for the sole purpose of removing any improvements acquired by the Commission, which lies outside the right of way, and not retained by the Grantor, or for the removal of foundations of improvements which are retained.

The Commission shall have the irrevocable right to exercise the "Contract to Sell" at any time within (90) days from date; and it is agreed that if, within the time above specified, the said Commission shall declare its intention to exercise this "Contract to Sell", including the right to purchase the said land, the Grantor(s) will sign and execute a General Warranty Deed when presented by the Commission and receive payment of the stated "Net Payment Due" from the said Commission, less any amount that may be found due and payable to any mortgagee. Unless stated to the contrary herein the conveyance shall include buildings, improvements, and appurtenances to the land described. It is expressly understood that the said commission shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the Arkansas State Highway Commission.

No person lawfully occupying real property shall be required to move from a dwelling, business or farm operation without 30 days written notice from the date of payment of the consideration set forth herein.

The Arkansas State Highway Commission is hereby authorized and directed to make payment of the purchase funds for the conveyance to _____

Dated this _____ day of _____, 20____

Signature

Signature

Signature

Signature

A C K N O W L E D G M E N T

STATE OF)
) SS
COUNTY)

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 this ____ day of _____, 20____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

| |
|--|
| 1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. |
| 2 Business name/disregarded entity name, if different from above |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 65%;"> <p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p> <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate </p> <p> <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. </p> <p> <input type="checkbox"/> Other (see instructions) ▶ _____ </p> </div> <div style="width: 30%;"> <p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p> </div> </div> |
| 5 Address (number, street, and apt. or suite no.) See instructions. |
| 6 City, state, and ZIP code |
| 7 List account number(s) here (optional) |
| Requester's name and address (optional) |

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

| | | | | | | | | |
|--|---|--|--|--|---|---|--|--|
| Social security number | | | | | | | | |
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| | | | | | | | | |
| - | - | | | | | | | |
| or | | | | | | | | |
| Employer identification number | | | | | | | | |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">-</td> <td></td> <td></td> <td></td> </tr> </table> | | | | | - | | | |
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Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

MORTGAGE AUTHORIZATION

Form must be filled out completely, signed and submitted to the Right of Way Division/Administrative Section immediately following first contact.

| | |
|-----------------|---------------|
| Job #: _____ | Tract#: _____ |
| Property Owner: | _____ |
| Address: | _____ |
| | _____ |
| Telephone #: | _____ |
| | _____ |

| | |
|-------------------|-------|
| Mortgage Company: | _____ |
| Address: | _____ |
| | _____ |
| Telephone #: | _____ |
| Loan #: | _____ |
| Contact Person: | _____ |

Due to the construction of the above-mentioned project, we are acquiring property from your mortgagor. It will be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principal balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage exists, write "NONE and sign below where indicated."

This form must be completed and signed by the property owner, whether a mortgage exists or not.

By our signatures we are authorizing the Arkansas Department of Transportation to enter into the process necessary to obtain a Partial Release.

Property Owner / Mortgagor's Signature: _____ Date: _____

_____ Date: _____