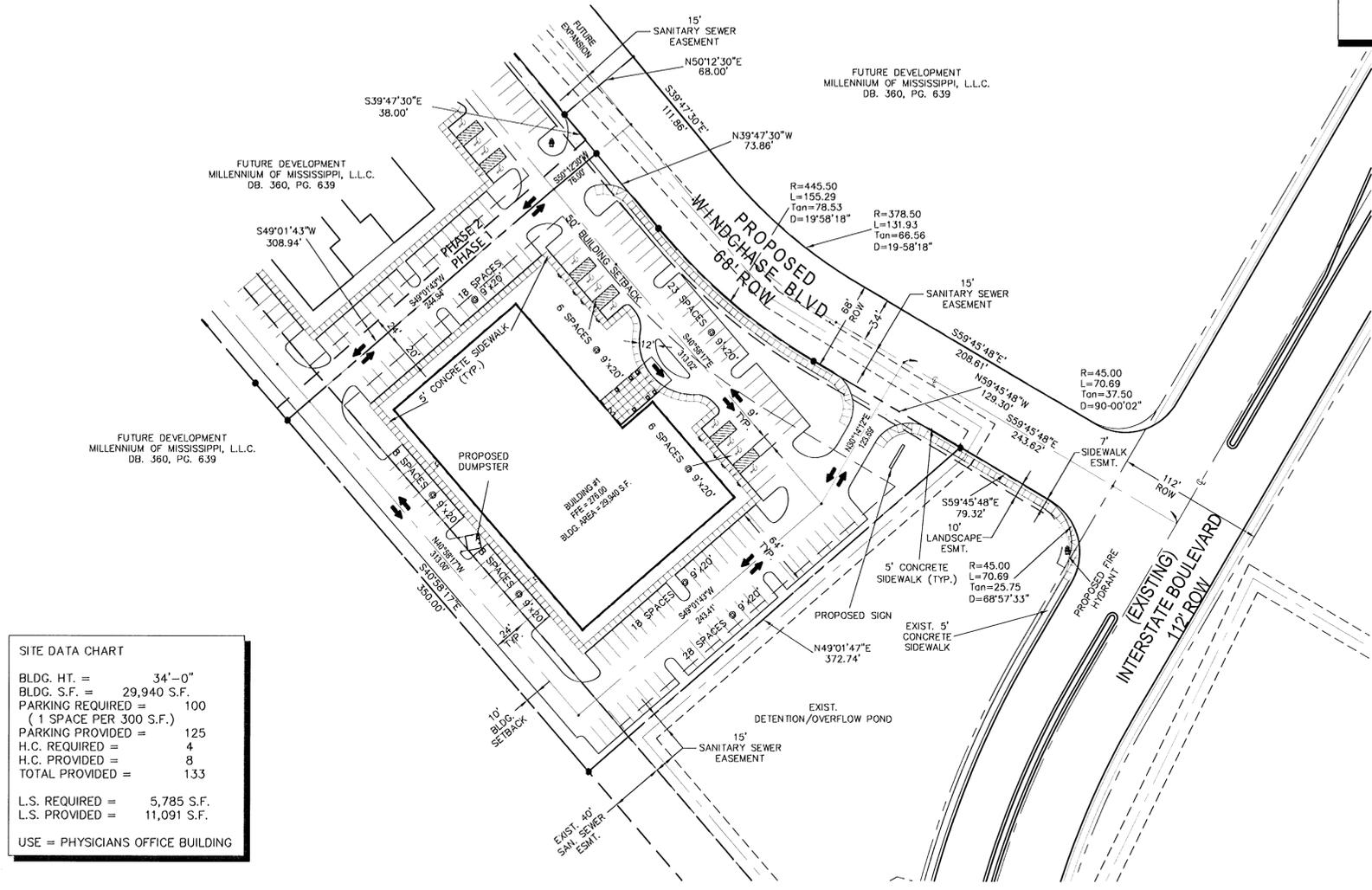


Order to vacate
 Order Recorded in
 wit deed BK 441 pg 146
 this the 2nd day of
 April 2003
 W.E. Davis Chancery Clerk
 by S Cleveland PC.

REQUIRED SIDEWALKS			
STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION FROM CURB
INTERSTATE BLVD.	5 FT.	WEST	2' GRASS STRIP
WINDCHASE BLVD.	5 FT.	SOUTH	2' GRASS STRIP

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

T.B.M. SITE BENCH MARK IS LOCATED DUE EAST OF THE NORTH SIDE OF INTERSTATE BLVD. BRIDGE. SEWER MANHOLE, CHISEL SQUARE PAINTED ORANGE. ELEV.=276.20 MEAN SEA LEVEL.



NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN A SANITARY SEWER EASEMENT.

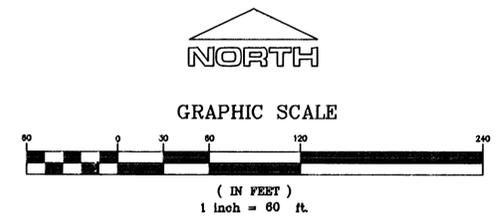
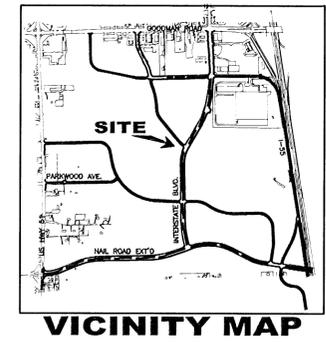
THE HORN LAKE WATER ASSOCIATION SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BARE NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES AND YARDS.

WATER SERVICE WILL BE PROVIDED BY HORN LAKE WATER ASSOCIATION. SEWER SERVICE TO BE PROVIDED BY INTERCEPTOR SEWER THROUGH THE CITY OF HORN LAKE.

ALL OF THIS PARCEL CONTAINS LAND WITHIN THE 100-YEAR FLOOD PLAIN PER FEMA MAP NO. 28033C0040 E. DATED JUNE 19, 1997. CLOMR HAS BEEN SUBMITTED TO FEMA FOR APPROVAL.

LOT 1 OF THE DESOTO COMMONS P.U.D. PHASE 2, AS REFLECTED HEREIN, WILL BE SUBJECT TO AN ANNUAL SPECIAL ASSESSMENT TAX LEVIED BY THE CITY OF HORN LAKE, MISSISSIPPI, IN ACCORDANCE WITH SECTIONS 21-41-1 THROUGH 21-41-53 OF THE MISSISSIPPI CODE OF 1972, BY RESOLUTION #01-01-00 ADOPTED BY THE CITY OF HORN LAKE, MISSISSIPPI, ON JANUARY 10, 2000, AND ANY SUBSEQUENT ORDERS OR RESOLUTIONS ADOPTED BY THE CITY OF HORN LAKE, MISSISSIPPI AND RELATED TO THE ISSUANCE OF SUCH SPECIAL ASSESSMENT IMPROVEMENT BONDS FOR THE CONSTRUCTION OF WALK ROAD. THE TOTAL ANNUAL TAX ASSESSMENT LEVIED AGAINST LOT 1 WILL BE ASSESSED ANNUALLY, AS DETERMINED BY ORDER OR RESOLUTION ADOPTED BY THE CITY OF HORN LAKE, MISSISSIPPI. INFORMATION CONCERNING ANY SPECIFIC LOT AND THE SPECIAL ASSESSMENT THEREON CAN BE OBTAINED BY CONTACTING THE CITY CLERK OF THE CITY OF HORN LAKE, MISSISSIPPI.

SITE DATA CHART	
BLDG. HT. =	34'-0"
BLDG. S.F. =	29,940 S.F.
PARKING REQUIRED =	100 (1 SPACE PER 300 S.F.)
PARKING PROVIDED =	125
H.C. REQUIRED =	4
H.C. PROVIDED =	8
TOTAL PROVIDED =	133
L.S. REQUIRED =	5,785 S.F.
L.S. PROVIDED =	11,091 S.F.
USE = PHYSICIANS OFFICE BUILDING	



BWSC BARGE WAGGONER SUMNER & CANNON, INC.
 BIRMINGHAM - DOTHAN - HUNTSVILLE - MONTGOMERY

200 CLINTON AVENUE SUITE 800 HUNTSVILLE, ALABAMA 35801
 256-533-1561 256-533-1564 FAX www.bargewaggoner.com

SECTION 35, TOWNSHIP 1 SOUTH, RANGE 8 WEST
 FINAL PLAT :
DESOTO COMMONS P.U.D. PHASE 1 & 2, LOT 1, PARCEL A-10
 OWNER: DESOTO COUNTY DEVELOPMENT, L.L.C.
 DEVELOPER: DESOTO COUNTY DEVELOPMENT, L.L.C.
 DESOTO COUNTY, MISSISSIPPI
 2.62 ACRES
 JUNE 5, 2002

PLANT SCHEDULE				
Quantity	Code Name	Scientific Name	Common Name	Size
163	BM	Buxus microphylla 'Koreana'	Korean Boxwood	18-24"
11	CP	Crataegus phaenopyrum	Washington Hawthorn	1.5 Cal. B&B
18	JV	Juniperus virginiana	Eastern Red Cedar	8' Ht. Min.
22	LI	Lagerstroemia indica 'Natchez'	'Natchez' Crapemyrtle	1.5" Cal. B&B
6	QP	Quercus phellos	Willow Oak	2" Cal. B&B

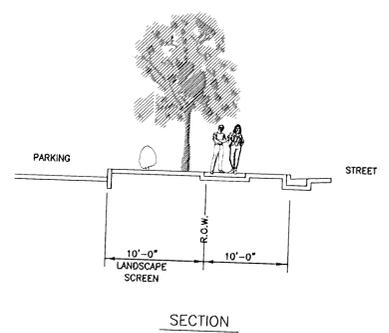
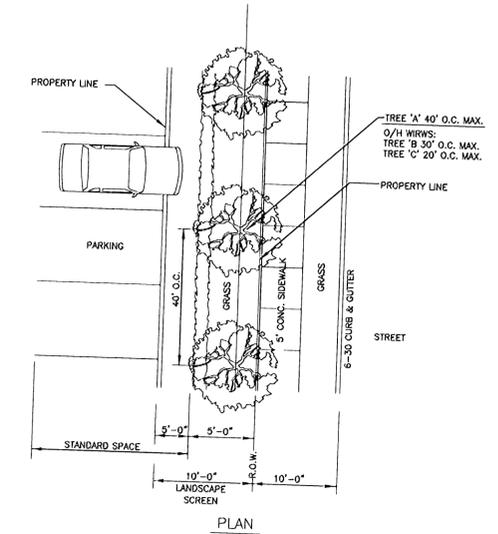
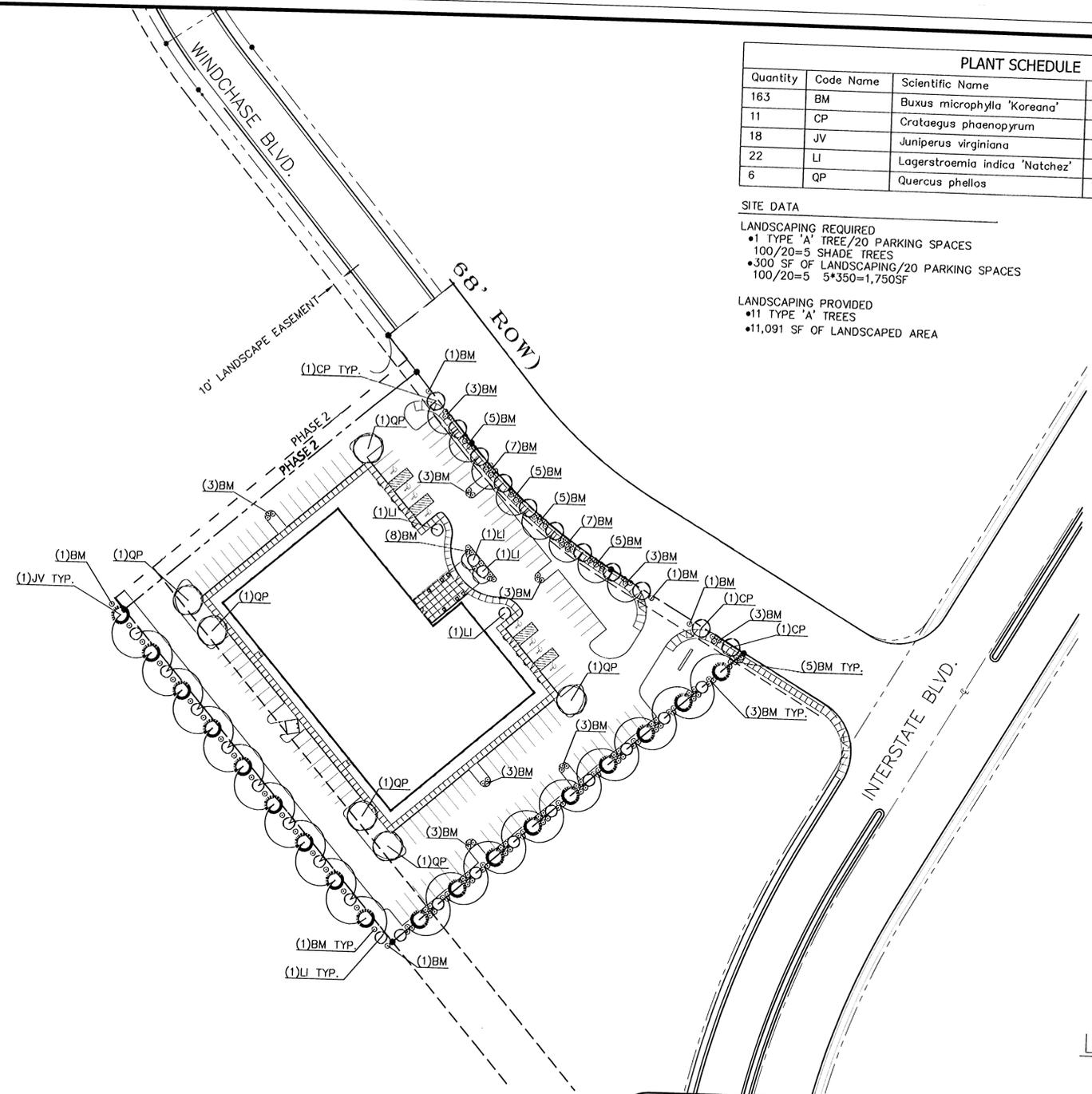
SITE DATA

LANDSCAPING REQUIRED

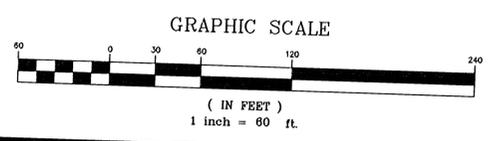
- 1 TYPE 'A' TREE/20 PARKING SPACES
- 100/20=5 SHADE TREES
- 300 SF OF LANDSCAPING/20 PARKING SPACES
- 100/20=5 5*350=1,750SF

LANDSCAPING PROVIDED

- 11 TYPE 'A' TREES
- 11,091 SF OF LANDSCAPED AREA



LANDSCAPE SCREEN A3-MODIFIED
N.T.S.



BWSC BARGE WAGGONER SUMNER & CANNON, INC.

BIRMINGHAM - DOTHAN - HUNTSVILLE - MONTGOMERY

200 CLINTON AVENUE
SUITE 800
HUNTSVILLE, ALABAMA 35801

256-533-1561
256-533-1564 FAX
www.bargewaggoner.com

SECTION 35, TOWNSHIP 1 SOUTH, RANGE 8 WEST

FINAL PLAT :

DESOTO COMMONS P.U.D.

PHASE 1 & 2, LOT 1, PARCEL A-10

OWNER: DESOTO COUNTY DEVELOPMENT, L.L.C.

DEVELOPER: DESOTO COUNTY DEVELOPMENT, L.L.C.

DESOTO COUNTY, MISSISSIPPI

2.62 ACRES

JUNE 5, 2002

21

DESOTO COMMONS PLANNED UNIT DEVELOPMENT

PART I. PERMITTED USES AND DEVELOPMENT REGULATIONS

I. PERMITTED USES

THE DESOTO COMMONS NONRESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD-N) WAS DIVIDED INTO FIVE (5) MAIN CATEGORIES. THE FIRST THREE ARE FOR COMMERCIAL AND LIGHT INDUSTRIAL USES AND THEY ARE LABELED "A" THROUGH "C." THE FOURTH IS A RESIDENTIAL AREA THAT IS LABELED AREA "D". THE FIFTH IS AN AREA THAT WILL REMAIN AS OPEN SPACE AND WETLANDS. AREAS "A", "B" AND "C" WERE FURTHER DIVIDED INTO SUB CATEGORIES TO SPECIFY CERTAIN USES IN CERTAIN AREAS. THE LIST OF PERMITTED USES CORRESPONDS TO THE AREAS SHOWN ON THE CONCEPT PLAN SUBMITTED AS PART OF THIS APPLICATION.

1. PERMITTED USES FOR AREAS A-1 THROUGH A-9:

THE USES LISTED BELOW ARE REQUESTED FOR AREAS A-1 THROUGH A-9. THEY REPRESENT A MIXTURE OF THE ALLOWED USES FROM THE "C-1" AND "C-2" COMMERCIAL ZONING DISTRICTS AND ARE INTENDED TO ENCOURAGE A VARIETY OF COMMERCIAL DEVELOPMENT THROUGHOUT THE PROJECT.

A. THE FOLLOWING USES THAT ARE PERMITTED BY RIGHT IN THE "C-2" HIGHWAY COMMERCIAL DISTRICT WILL BE ALLOWED:

1. ALL PERMITTED AND CONDITIONAL USES LISTED IN THE ZONING ORDINANCE FOR THE "C-1" NEIGHBORHOOD COMMERCIAL ZONING DISTRICT
2. CONTRACTOR STORAGE (INDOOR ONLY)
3. PROCESSING AND MANUFACTURING INCIDENTAL TO A RETAIL ESTABLISHMENT CONDUCTED WHOLLY WITHIN THE BUILDING WITH NO NOTICEABLE OBNOXIOUS EFFECTS TO SURROUNDING PROPERTY OWNERS OR TENANTS
4. CONVENIENCE STORES
5. RADIO OR TV STUDIOS
6. DEPARTMENT OR DISCOUNT STORES
7. RESTAURANTS (DRIVE-INS ALLOWED)
8. GREENHOUSES OR NURSERIES
9. TELEPHONE SERVICES OR SWITCHING CENTERS
10. HOTELS, MOTELS OR MOTOR LODGES
11. COMMERCIAL AMUSEMENTS, SUCH AS BOWLING ALLEYS OR SKATING RINKS (INDOOR ONLY)
12. INDOOR SHOOTING GALLERIES
13. WHOLESALE MERCHANDISING AND STORAGE WAREHOUSES NOT EXCEEDING 8,000 SQUARE FEET IN FLOOR AREA AND 10 OR FEWER EMPLOYEES ON THE PREMISES AT ONE TIME
14. LAWN, TREE OR GARDEN SERVICES
15. PLUMBING SHOPS WITH INDOOR STORAGE OF MATERIALS AND SUPPLIES
16. PHOTO FINISHING ESTABLISHMENTS

B. THE FOLLOWING USES THAT ARE PERMITTED AS CONDITIONAL USES IN THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT WILL REMAIN AS CONDITIONAL USES IN THE PUD-N:

1. OUTDOOR COMMERCIAL AMUSEMENTS
2. MOTOR VEHICLE SERVICE & REPAIR (WITH CONDITIONS SPECIFIED IN THE ZONING ORDINANCE)
3. CLUB, COUNTRY CLUB OR LODGE
4. CHURCHES
5. FILLING STATIONS WITH OR WITHOUT VEHICLE WASHES
6. PORTABLE BUILDING SALES AS AN ACCESSORY USE TO DEPARTMENT OR DISCOUNT STORES
7. HEALTH SPAS AND SIMILAR USES
8. SALES OF BOATS, RECREATIONAL VEHICLES, CAMPERS AND TRAILERS UNDER 20' IN HEIGHT
9. LIQUOR STORES (AS REGULATED BY THE STATE OF MISSISSIPPI)
10. WELDING SHOPS (NO OUTDOOR STORAGE ALLOWED)
11. UTILITY SUBSTATIONS
12. NEW CAR DEALERSHIPS (WITH THE CONDITIONS SPECIFIED IN THE ZONING ORDINANCE)

2. PERMITTED USES FOR AREAS A-10 AND A-11:

THE USES LISTED BELOW ARE REQUESTED FOR AREAS A-10 AND A-11. THEY REPRESENT A MIXTURE OF THE ALLOWED USES FROM THE "C-1", "C-2" AND "C-4" COMMERCIAL ZONING DISTRICTS AND WERE SELECTED TO ENCOURAGE A VARIETY OF COMMERCIAL DEVELOPMENT AND TO ALLOW FOR THE DEVELOPMENT OF A HOSPITAL USE.

A. ALL OF THE USES LISTED ABOVE IN SECTION 1A WILL BE PERMITTED AND THE USES LISTED ABOVE IN SECTION 1B MAY BE ALLOWED AS CONDITIONAL USES.

B. THE FOLLOWING USE PERMITTED BY RIGHT IN THE "C-4" PLANNED COMMERCIAL DISTRICT WILL BE ALLOWED:

1. HOSPITALS (LIMITED AND GENERAL)

3. PERMITTED USES FOR AREAS B-1 THROUGH B-3:

THE USES LISTED BELOW ARE REQUESTED FOR AREAS B-1 THROUGH B-3. THEY REPRESENT A MIXTURE OF COMMERCIAL AND LIGHT INDUSTRIAL USES AND WERE SELECTED IN ORDER TO PROVIDE FLEXIBILITY FOR DEVELOPMENT IN A PLANNED CORPORATE SETTING.

A. ALL OF THE USES LISTED ABOVE IN SECTION 1A WILL BE PERMITTED AND THE USES LISTED ABOVE IN SECTION 1B MAY BE ALLOWED AS CONDITIONAL USES.

B. THE FOLLOWING ADDITIONAL USES IN THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT MAY BE PERMITTED AS CONDITIONAL USES:

1. AUTOMOBILE AND TRUCK RENTAL FACILITY
2. MACHINE SHOP AND SHEET METAL SHOP WITH NO OUTDOOR STORAGE OF MATERIALS

C. THE FOLLOWING USES THAT ARE PERMITTED BY RIGHT IN THE "M-1" LIGHT INDUSTRIAL DISTRICT WILL BE ALLOWED:

1. WHOLESALE MERCHANDISING OR STORAGE WAREHOUSES WITH OR WITHOUT ACCESSORY RETAIL SALES AND OFFICES
2. MANUFACTURING OR ASSEMBLING MEDICAL AND DENTAL EQUIPMENT, DRAFTING, OPTICAL AND MUSICAL INSTRUMENTS, WATCHES, CLOCKS, TOYS, GAMES AND ELECTRICAL OR ELECTRONIC APPARATUS
3. MANUFACTURING OR ASSEMBLING BOATS, BOLTS, NUTS, SCREWS AND RIVETS, ORNAMENTAL IRON PRODUCTS, FIREARMS, ELECTRICAL APPLIANCES, TOOLS, DIES, MACHINERY AND HARDWARE PRODUCTS, SHEET METAL PRODUCTS AND VITREOUS ENAMELED METAL PRODUCTS
4. MANUFACTURING OF RUGS, MATTRESSES, PILLOWS, QUILTS, MILLINERY, HOSIERY, CLOTHING AND FINISHING OF TEXTILES AND FIBERS INTO FABRIC GOODS
5. MANUFACTURING OF BOXES, CRATES, FURNITURE, BASKETS, VENEER AND OTHER WOOD PRODUCTS OF SIMILAR NATURE
6. OTHER LIGHT MANUFACTURING USES THAT DO NOT CREATE ANY MORE DANGER TO HEALTH AND SAFETY IN SURROUNDING AREAS AND WHICH DO NOT CREATE ANY MORE OFFENSIVE NOISE, VIBRATION, SMOKE, DUST, LINT, ODOR, HEAT OR GLARE THAN THAT IS GENERALLY ASSOCIATED WITH LIGHT INDUSTRIAL ACTIVITY
7. COMPOUNDING OF COSMETICS, TOILETRIES, DRUGS AND PHARMACEUTICAL PRODUCTS
8. PHOTOGRAPHIC PROCESSING OR BLUEPRINTING FACILITIES
9. PRINTING AND PUBLISHING FACILITIES

4. PERMITTED USES FOR AREAS C-1, C-2 AND A-6:

THE USES LISTED BELOW ARE REQUESTED FOR AREAS C-1, C-2 AND A-6. THEY REPRESENT ONLY OFFICE AND LIMITED COMMERCIAL USES AND WERE SELECTED IN ORDER TO PROVIDE A BUFFER BETWEEN THE RESIDENTIAL AND THE HEAVIER COMMERCIAL AND LIGHT INDUSTRIAL AREAS OF THE PROJECT.

THE FOLLOWING USES THAT ARE PERMITTED BY RIGHT IN THE "C-1" NEIGHBORHOOD COMMERCIAL ZONING DISTRICT WILL BE ALLOWED:

1. GENERAL OFFICES
2. MEDICAL OFFICES
3. BANKS AND FINANCIAL SERVICES
4. PUBLIC SERVICE FACILITIES
5. ART OR PHOTO STUDIO
6. BARBER OR BEAUTY SHOP
7. FLOWER OR PLANT STORE
8. MUSIC OR DANCING ACADEMY
9. REPAIR SHOPS (FOR ELECTRONICS, SMALL APPLIANCES, BICYCLES ETC.)
10. PHOTO FINISHING PICKUP STATION
11. PRINT SHOPS
12. GENERAL RETAIL
13. RESTAURANTS

5. PERMITTED USES FOR AREA D:

THE USES LISTED BELOW ARE REQUESTED FOR AREA D. THEY INCLUDE SINGLE-FAMILY, ZERO LOT LINE DETACHED HOUSING, TOWNHOUSE OR CONDOMINIUM USES AND WERE SELECTED IN ORDER TO BE COMPATIBLE WITH AN EXISTING ZERO LOT LINE RESIDENTIAL DEVELOPMENT TO THE NORTH.

THE FOLLOWING USES PERMITTED THAT ARE BY RIGHT IN THE "RM-6" HIGH DENSITY RESIDENTIAL ZONING DISTRICT SHALL BE ALLOWED:

1. SINGLE-FAMILY DETACHED ZERO LOT LINE HOUSES
2. TOWNHOUSES AND CONDOMINIUMS (UNITS FOR SALE, NOT RENTAL)
3. MODEL HOME WITH SALES OFFICE FOR THE PROMOTION OF ORIGINAL SALES OF LOTS AND HOUSES WITHIN THE DEVELOPING SUBDIVISION.
4. HOME OCCUPATIONS SUBJECT TO THE STANDARDS DEFINED UNDER THE "A" AGRICULTURAL ZONING DISTRICT
5. ACCESSORY BUILDINGS AND USES PROVIDED IN ARTICLE VII FOR THE "RM-6" ZONING DISTRICT

6. PERMITTED USES FOR OPEN SPACE AND WETLANDS AREAS:

THESE AREAS CONSIST OF HORN LAKE CREEK AND WETLANDS AREAS THAT WILL BE INCORPORATED INTO THE PROJECT BUT WILL NOT BE DEVELOPED.

II. BULK REGULATIONS

THE FOLLOWING BULK REGULATIONS SHALL APPLY TO THE DESOTO COMMONS PLANNED UNIT DEVELOPMENT.

1. AREAS A-1 THROUGH A-9

THE REQUIREMENTS OUTLINED IN THE ZONING ORDINANCE FOR THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT SHALL APPLY TO AREAS A-1 THROUGH A-9.

2. AREAS A-10 AND A-11

THE REQUIREMENTS OUTLINED IN THE ZONING ORDINANCE FOR THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT SHALL APPLY TO AREAS A-10 AND A-11. BUILDINGS SUCH AS HOSPITALS SHALL ADHERE TO THE SETBACK REQUIREMENTS SPECIFIED IN THE ZONING ORDINANCE. HOWEVER, THE BUFFER YARD REQUIREMENTS OUTLINED FOR THE "C-4" ZONING DISTRICT SHALL APPLY TO HOSPITAL USES & SHALL PREVAIL IF THIS RESULTS IN A GREATER SETBACK AREA.

3. AREAS B-1 THROUGH B-3

IN ORDER TO PROMOTE A UNIFIED DEVELOPMENT PATTERN THROUGHOUT THE COMMERCIAL/PLANNED CORPORATE AREAS OF THE DEVELOPMENT, BUILDING SETBACKS FOR COMMERCIAL AND LIGHT INDUSTRIAL USES SHALL FOLLOW THE REQUIREMENTS SET FORTH IN THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT, EXCEPT THAT LIGHT INDUSTRIAL USES SHALL HAVE A MINIMUM SIDE YARD SETBACK OF TEN (10) FEET WHERE THEY ADJUT COMMERCIAL USES.

4. AREAS C-1 AND C-2

IN AREAS C-1 AND C-2, BUILDING SETBACKS FOR THE OFFICE AND COMMERCIAL USES SHALL FOLLOW THE REQUIREMENTS SET FORTH IN THE "O" OFFICE ZONING DISTRICT. HOWEVER, THE BUFFER YARD REQUIREMENTS OUTLINED FOR THE "C-4" ZONING DISTRICT SHALL APPLY TO HOSPITAL USES AND SHALL PREVAIL IF THEY RESULT IN A GREATER SETBACK AREA.

5. AREA D

THE REVIEW STANDARDS LISTED IN THE ZONING ORDINANCE FOR PLANNED UNIT DEVELOPMENTS LIMIT THE DENSITY IN AREA D TO FIVE (5) FAMILIES PER ACRE FOR SINGLE FAMILY DWELLINGS AND TWENTY (20) FAMILIES PER ACRE FOR MULTIPLE FAMILY DWELLINGS. UNITS IN THIS PLANNED DEVELOPMENT SHALL BE LIMITED TO FIVE (5) FAMILIES PER ACRE FOR SINGLE FAMILY AND EIGHT (8) UNITS PER ACRE FOR TOWNHOUSES OR CONDOMINIUMS. NO STRUCTURES MAY EXCEED TWO STORIES OR 35' IN HEIGHT.

DEVELOPMENT OF SINGLE FAMILY DETACHED ZERO LOT LINE HOUSES IN AREA D SHALL COMPLY WITH THE REQUIREMENTS OF THE RM-6 ZONING DISTRICT, EXCEPT AS PROVIDED ABOVE IN THIS SECTION. THERE SHALL BE A MINIMUM OF 1,700 SQUARE FEET OF HEATED AREA IN EACH SINGLE FAMILY DETACHED DWELLING.

DEVELOPMENT OF TOWNHOUSES OR CONDOMINIUMS SHALL COMPLY WITH THE REQUIREMENTS OF THE RM-6 ZONING DISTRICT, EXCEPT AS PROVIDED ABOVE IN THIS SECTION.

6. AREA D, OPEN SPACE/WETLANDS AREA

NO BUILDINGS OR OTHER IMPROVEMENTS SHALL BE ALLOWED IN THE OPEN SPACE OR WETLANDS AREAS.

21

BWSC | BARGE WAGGONER SUMNER & CANNON, INC.

BIRMINGHAM -- DOTHAN -- HUNTSVILLE -- MONTGOMERY

200 CLINTON AVENUE SUITE 800 HUNTSVILLE, ALABAMA 35801 | 256-533-1561 256-533-1564 FAX www.bargewaggoner.com

SECTION 35, TOWNSHIP 1 SOUTH, RANGE 8 WEST

FINAL PLAT :
DESOTO COMMONS P.U.D.
PHASE-1^{P.O.K. 7-3-02}, LOT 1, PARCEL A-10
 OWNER: DESOTO COUNTY DEVELOPMENT, L.L.C.
 DEVELOPER: DESOTO COUNTY DEVELOPMENT, L.L.C.
 DESOTO COUNTY, MISSISSIPPI
 2.62 ACRES
 JUNE 5, 2002

SHEET 3 OF 6

22

C. PARKING REQUIREMENTS

THE PARKING STANDARDS OUTLINED IN ARTICLE XIII OF THE HORN LAKE ZONING ORDINANCE SHALL APPLY TO ALL AREAS OF THE DESOTO COMMONS DEVELOPMENT.

D. SIGNAGE REQUIREMENTS

THE SIGN REGULATIONS OUTLINED IN ARTICLE X OF THE HORN LAKE ZONING ORDINANCE SHALL APPLY TO ALL AREAS OF THE DESOTO COMMONS DEVELOPMENT.

THE GENERAL SIGN REQUIREMENTS OF THESE REGULATIONS SHALL APPLY TO ALL SIGNS IN THE DESOTO COMMONS PLANNED DEVELOPMENT.

PRIOR TO SUBMISSION OF SIGN APPLICATIONS TO THE CITY OF HORN LAKE, ALL OWNERS AND TENANTS SHALL SUBMIT PLANS TO THE ARCHITECTURAL REVIEW COMMITTEE THAT CONTAIN THE LOCATION OF THE SIGN, THE COMPLETE DESIGN OF ITS STRUCTURE AND MATERIALS, THE NAME AND ADDRESS OF THE SIGN OWNER, A DETAILED DRAWING SHOWING THE SIGN DESIGN AND LIGHTING SCHEMATIC, A PHYSICAL LAYOUT OF THE PROPERTY SHOWING THE LOCATION OF THE SIGN, A DETAILED LISTING OF MATERIALS, FINISHES AND COLOR OF THE SIGN ON A FORMAL LAYOUT AND SUCH OTHER PERTINENT INFORMATION AS THE ARCHITECTURAL REVIEW COMMITTEE MAY REQUIRE TO INSURE COMPLIANCE WITH THESE REGULATIONS. THE ARCHITECTURAL REVIEW COMMITTEE SHALL REVIEW THESE PLANS AND APPROVE OR DISAPPROVE THEM IN FOURTEEN DAYS. UPON APPROVAL THE PLANS SHALL BE SUBMITTED TO THE CITY OF HORN LAKE FOR FORMAL, GOVERNMENTAL APPROVAL.

1. SIGN LIGHTING RESTRICTED

INTERNAL AND EXTERNAL SIGN ILLUMINATION AND/OR BACK LIGHTING SHALL BE PERMITTED, PROVIDED THAT ALL SIGN LIGHTING SHALL BE FOR ILLUMINATION AND NOT IN AND OF ITSELF BY COLOR OR DESIGN CONSTITUTE AN ATTRACTION AND THAT SAME BE FURTHER SO SHADED, SHIELDED OR DIRECTED THAT LIGHT INTENSITY WILL NOT BE OBJECTIONABLE TO SURROUNDING AREAS, SAID LIGHTING SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE.

2. POLE AND OTHER SIGNS PROHIBITED

POLE SIGNS ARE ABSOLUTELY PROHIBITED AND ONLY THOSE GROUND MOUNTED SIGNS SPECIFICALLY ALLOWED AND DEFINED BELOW.

3. OFF-PREMISES SIGNS PROHIBITED

ALL SIGNS MUST BE LOCATED UPON THE PHYSICAL PROPERTY OF THE OCCUPANT, GOODS OR SERVICES EXHORTED.

4. CONSTRUCTION SIGNS PERMITTED

CONSTRUCTION SIGNS SHALL BE PERMITTED IN ACCORDANCE WITH THE CITY OF HORN LAKE REQUIREMENTS.

5. WALL SIGN REQUIREMENTS - GENERAL

ALL WALL SIGNS SHALL BE PERMANENTLY AFFIXED TO THE WALL OF THE STRUCTURE UPON WHICH THE FRONT FOOTAGE IS CALCULATED AND WHOSE PREMISES IT EXHORTS; PROVIDED, HOWEVER, WITH APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE, A WALL SIGN MAY BE AFFIXED TO A SIDE WALL OR A REAR WALL, BUT THE PERMITTING OF SUCH SHALL NOT ACT TO INCREASE EITHER THE ALLOWED SQUARE FOOTAGE NOR THE NUMBER OF SIGNS ALLOWED, NOR SHALL THE MANNER OF CALCULATING THE ALLOWABLE SQUARE FOOTAGE BE AFFECTED.

EVERY BUSINESS ESTABLISHMENT, RETAILER, SERVICE ORGANIZATION, OR OTHER COMMERCIAL ENTERPRISE SPECIFICALLY LOCATED IN A COMMERCIAL OR OFFICE DISTRICT, SHALL BE ENTITLED TO NO MORE THAN TWO (2) WALL SIGNS OF TOTAL ACCUMULATED SQUARE FOOTAGE NOT TO EXCEED ONE (1) SQUARE FOOT OF SIGN FOR EVERY FOOT OF BUILDING FRONTAGE, SUBJECT TO THE FOLLOWING RESTRICTIONS:

- A. NOTWITHSTANDING THE BUILDING FOOTAGE, THE MINIMUM SQUARE FOOTAGE SIGN ALLOTMENT SHALL BE THIRTY (30) SQUARE FEET.
- B. NOTWITHSTANDING THE BUILDING FRONT FOOTAGE, THE MAXIMUM SQUARE FOOTAGE OF TOTAL SIGNS SHALL NOT EXCEED ONE-HUNDRED (100) SQUARE FEET ON SINGLE TENANT BUILDINGS.
- C. A WALL SIGN SHALL NOT BE MOUNTED HIGHER THAN THE ROOF LINE, AND MUST BE LOCATED ON THE PREMISES OF THE BUILDING WHOSE ENTERPRISE IT EXHORTS.
- D. MULTI-TENANT BUILDINGS ARE NOT RESTRICTED AS TO THE NUMBER OF SIGNS PERMITTED. HOWEVER, THE ALLOTMENT OF ONE (1) SQUARE FOOT OF SIGN AREA FOR EACH LINEAR FOOT OF TENANT FRONTAGE APPLIES.

6. DIRECTORY AND PROJECT IDENTIFICATION SIGNS

IN A PROJECT OR DEVELOPMENT WHEREIN FIVE (5) OR MORE BUSINESSES, TENANTS OR OCCUPANTS ARE CONTAINED, WITH INDIVIDUAL STREET FRONTAGE, A COMMON PARKING LOT, A TOTAL SQUARE FOOTAGE OF AT LEAST FIVE THOUSAND (5,000) SQUARE FEET IN SAID PROJECT, THERE SHALL BE PERMITTED, IN ADDITION TO THE ALLOTTED SQUARE FOOTAGE HERETOFORE RECITED, A GROUND SIGN ON EACH MAJOR ROAD FRONTAGE, SUBJECT TO THE FOLLOWING RESTRICTIONS:

- A. THE DIRECTORY OR PROJECT SIGN SHALL BE SETBACK NO LESS THAN TWENTY (20) FEET FROM THE CURB OR STREET RIGHT-OF-WAY.
- B. THE HEIGHT OF SAID DIRECTORY OR PROJECT SIGN SHALL BE DETERMINED AS SHOWN BELOW, BUT IN NO INSTANCE SHALL IT EXCEED TWENTY (20) FEET, REGARDLESS OF THE NUMBER OF OCCUPANTS.
- C. THE MAXIMUM WIDTH OF SAID PROJECT SIGN SHALL BE NO MORE THAN FIFTEEN (15) FEET, AND MAXIMUM HEIGHT NO MORE THAN 20 FEET. THE ARCHITECTURAL REVIEW COMMITTEE RESERVES THE RIGHT TO APPROVE THE ARCHITECTURAL DETAILS OF THE SIGN STRUCTURE, AS WELL AS THE COPY AREA OF THE SIGN ITSELF.
- D. SAID SIGNS MAY BE INTERNALLY LIGHTED, BUT ONLY WITH WHITE LIGHTING OF INTENSITY AND FOCUS NOT TO INFRINGE UPON NEIGHBORING PROPERTIES OR STREET TRAFFIC.
- E. THE AREA BETWEEN THE BOTTOM OF THE FACE OF THE PROJECT SIGN SHALL BE OF SOLID CONSTRUCTION AND SHALL BE LANDSCAPED AND/OR SHRUBBERY ADDED AND SHALL HAVE A BRICK OR DECORATIVE STONE BASE.
- F. THE NAME OF THE CENTER ITSELF MUST EXCLUSIVELY BE LOCATED UPON THE TOP OF THE PROJECT OR DIRECTORY SIGN, SAID NAME DESIGNATION TO BE THE SAME WIDTH AS THE OVERALL SIGN AND OF VERTICAL HEIGHT NO MORE THAN FIVE (5) FEET.
- G. THE COLLECTIVE SQUARE FOOTAGE OF TENANT SIGNAGE SHALL NOT EXCEED 120 SQUARE FEET. NO SINGLE TENANT SHALL BE ALLOWED MORE THAN 35 SQUARE FEET OF SIGN AREA. THE ALLOTMENT OF TENANT SIGNAGE AND SIGN SIZE UP TO THE MAXIMUM AREA HEREIN DESCRIBED, IS THE RESPONSIBILITY OF THE PROPERTY OWNER OR HIS DESIGNATED AGENT.
- H. AFTER INITIAL APPROVAL OF THE DIRECTORY SIGN, CHANGES OF NAMES OR COPY ON THE TENANT SIGNS MAY NOT BE MADE WITHOUT APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE.
- J. ALL PROJECT AND DIRECTORY SIGNS SHALL BE GROUND SIGNS, AND THE FACE OF SAID SIGN SHALL BE LOCATED NOT MORE THAN THREE (3) FEET AND NOT LESS THAN TWO (2) FEET FROM THE SURROUNDING GRADE, AND THE FACE SHALL BE RECTANGULAR IN SHAPE; IT IS SPECIFICALLY PROHIBITED TO HAVE SPACES OR GAPS BETWEEN OCCUPANT SIGNS AND THE CENTER DESIGNATION SIGNS.

K. THE ARCHITECTURAL REVIEW COMMITTEE SHALL BE REQUIRED TO APPROVE ALL PROJECT AND/OR DIRECTORY SIGNS PRIOR TO INSTALLATION.

22

7. GROUND SIGN PROVISIONS

THE OWNERS OF INDIVIDUAL LOTS AT THEIR DISCRETION, MAY CHOOSE A GROUND SIGN AS ONE OF THE TWO SIGNS ALLOWED, PROVIDED IT SHALL NOT INCREASE THE NUMBER OF SIGNS ALLOWED NOR THE AMOUNT OF SQUARE FOOTAGE AND FURTHER SUBJECT TO THE FOLLOWING CONDITIONS:

- A. THE ENTERPRISE OF THE OWNER OR OCCUPANT IS NOT LOCATED WITHIN A COMMERCIAL COMPLEX AND IS THUS NOT LEGALLY ENTITLED TO SIGNAGE UPON A PROJECT OR DIRECTORY SIGN.
- B. THE BUILDING OR ENTERPRISE DOES CONTAIN BUT A SINGLE OCCUPANT; PROVIDED, HOWEVER, SUBJECT TO REVIEW OF THE ARCHITECTURAL REVIEW COMMITTEE GROUND SIGNS FOR MULTIPLE OCCUPANCY BUILDINGS MAY BE APPROVED, WHERE A STRICT APPLICATION WOULD CONSTITUTE AN INEQUITY, AND PROVIDED NO MORE THAN ONE (1) GROUND SIGN IS PERMITTED PER BUILDING, AND IS NOT APPROVED WHEN A PROJECT OR DIRECTORY SIGN IS USED.
- C. THE ERECTION OF A GROUND SIGN WILL NOT IN ANY WAY CREATE A SAFETY HAZARD, ENCROACH ON ADJOINING PROPERTIES OR IMPEDE VISIBILITY NOR CONSTITUTE ON THE FRONTAGE SUCH CONGESTION WITH OTHER SIGNS SO AS TO ADVERSELY AFFECT TRAFFIC OR BELABOR THE IDENTIFICATION OF OTHER SERVICES.
- D. THE OWNER OR OCCUPANT HAS PHYSICAL FRONTAGE UPON THE STREET WHEREON THE GROUND SIGN IS TO BE LOCATED.
- E. THE GROUND SIGN AND ITS SPECIFIC LOCATION MUST RECEIVE THE APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE WITH REGARD TO TRAFFIC VISIBILITY, INGRESS, EGRESS, PEDESTRIAN VISIBILITY.

8. GROUND SIGN RESTRICTIONS

UPON APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE THE OWNER OR OCCUPANT MAY ERECT A GROUND SIGN SUBJECT TO THE FOLLOWING REQUIREMENTS:

- A. A GROUND SIGN AND SUPPORTING STRUCTURE SHALL NOT BE OVER SIX (6') FEET IN OVERALL HEIGHT.
- B. A GROUND SIGN SHALL CONTAIN NO MORE THAN TWENTY-FIVE (25) SQUARE FEET OF SIGN SURFACE ON EITHER OF ITS FACES AND SHALL HAVE NO MORE THAN TWO (2) FACES. THE SUPPORTING STRUCTURE IS NOT INCLUDED IN THE SIGN SQUARE FOOTAGE CALCULATION.
- C. A GROUND SIGN SHALL BE NO LESS THAN FIFTEEN (15) FEET FROM THE CURB LINE.
- D. A GROUND SIGN SHALL BE NO LESS THAN TEN (10) FEET FROM ANY ADJOINING PROPERTY, IN USE OR VACANT, OR CURB CUT OR INGRESS AND EGRESS TO ANY OTHER ENTERPRISE.
- E. A GROUND SIGN MAY BE EXTERNALLY OR INTERNALLY LIGHTED, SUBJECT TO THE SPECIFIC APPROVAL OF SAME BY THE ARCHITECTURAL REVIEW COMMITTEE. EXTERNAL LIGHTS SHALL NOT SHINE ONTO ADJACENT PROPERTY OR PUBLIC STREETS SO AS TO CREATE A TRAFFIC HAZARD OR PUBLIC NUISANCE.
- F. THE AREA BETWEEN THE BOTTOM OF THE FACE OF THE GROUND SIGN SHALL BE OF SOLID CONSTRUCTION AND SHALL BE LANDSCAPED AND/OR SHRUBBERY ADDED.
- G. THE GROUND SIGN SHALL HAVE A BASE OF BRICK, STONE OR OTHER ACCEPTABLE MATERIAL.
- H. THE ACCEPTED GROUND SIGN SHALL BE LANDSCAPED FOR A DISTANCE OF THREE (3) FEET IN ALL DIRECTIONS SO AS TO PROTECT THE SIGN FROM VEHICULAR TRAFFIC AND INHIBIT PEDESTRIAN TRAFFIC IN AND ABOUT THE SIGN, AND IF LOCATED IN A PARKING AREA EXPOSED TO VEHICULAR TRAFFIC SHALL HAVE A SIX (6") INCH SOLID CURB ON ALL SIDES EXPOSED TO SUCH TRAFFIC.
- J. THE LOCATION, SIZE DIRECTION OF SAID ACCEPTED GROUND SIGN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE.

9. ENTRANCE SIGN FOR COMMERCIAL, INDUSTRIAL OR OFFICE COMPLEXES

IN ADDITION TO ANY OTHER SIGNS ALLOWED UNDER THESE REGULATIONS, ANY COMMERCIAL, INDUSTRIAL OR OFFICE COMPLEX WHICH QUALIFIES TO HAVE A DIRECTORY OR PROJECT IDENTIFICATION SIGN BUT DOES NOT DESIRE TO UTILIZE A DIRECTORY OR PROJECT IDENTIFICATION SIGN AS PERMITTED ABOVE, MAY DISPLAY, SUBJECT TO APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE, COMPLEX IDENTIFICATION SIGNS AT ITS MAIN ENTRANCE, OR MAIN ENTRANCES, IF SAID COMPLEX HAS FRONTAGE AND ENTRANCES ON TWO MAJOR STREETS, IN ACCORDANCE WITH THE FOLLOWING RESTRICTIONS:

- A. IF SINGLE FACE GROUND SIGNS, THEN NO LARGER THAN TWENTY-FIVE (25) SQUARE FEET.
- B. ANY GROUND SIGNS APPROVED MUST COMPLY WITH GROUND SIGN RESTRICTIONS, EXCEPT THAT IT SHALL HAVE ONLY A SINGLE FACE.
- C. IN LIEU OF SINGLE FACE GROUND SIGNS, A SIGN WHICH DOES NOT EXCEED TWENTY-FIVE (25) SQUARE FEET AND MEETS THE REQUIREMENTS OF THESE REGULATIONS MAY BE APPROVED.
- D. ANY SIGN APPROVED UNDER THE PROVISIONS OF THIS SECTION SHALL EXCLUSIVELY CONTAIN THE NAME OF THE COMPLEX IT IDENTIFIES, TOGETHER WITH THE STREET NUMBER OR NUMBERS IF DESIRED, AND SHALL NOT CONTAIN TENANT INFORMATION OR ADVERTISING COPY.
- E. NO MORE THAN TWO (2) SIGNS FOR EACH MAIN ENTRANCE MAY BE APPROVED. ONE (1) SIGN MUST BE PLACED ON EITHER SIDE OF SAID ENTRANCE, AND TWO (2) ENTRANCES ON THE SAME STREET WILL NOT QUALIFY THE COMPLEX FOR ADDITIONAL SIGNS.

10. ESTABLISHMENT OF A SPECIAL SIGN CORRIDOR

A SPECIAL SIGN CORRIDOR IS HEREBY ESTABLISHED FOR THOSE TRACTS OF LAND OF FIVE (5) ACRES OR MORE IN THE DESOTO COMMONS PLANNED DEVELOPMENT THAT HAVE FRONTAGE ON GOODMAN ROAD, HIGHWAY 51, NAIL ROAD OR INTERSTATE BOULEVARD. EACH TRACT OF LAND MEETING THIS CRITERIA SHALL BE ALLOWED A GROUND SIGN WITH A MAXIMUM AREA OF ONE-HUNDRED FIFTY (150) SQUARE FEET AND A MAXIMUM HEIGHT OF TWENTY (20) FEET, AND A MAXIMUM WIDTH OF FIFTEEN (15) FEET. SETBACK, LIGHTING, LANDSCAPING, AND BASE MATERIAL REQUIREMENTS ARE SET FORTH IN THE GROUND SIGN RESTRICTIONS.

BUILDING SIGNS ARE LIMITED TO ONE (1) SQUARE FOOT OF SIGN AREA FOR EACH LINEAR FOOT OF BUILDING FRONTAGE AND SHALL NOT EXCEED ONE HUNDRED (100) SQUARE FEET ON ANY WALL SIGN OR SIGNS ON BUILDINGS WITHIN 100' OF THE STREET. THE WALL SIGN MAY BE INCREASED BY 25% FOR EACH ADDITIONAL 100' OF SETBACK FROM THE ROAD TO A MAXIMUM OF 200 SQUARE FEET.

BWSC

BARGE
WAGGONER
SUMNER &
CANNON, INC.

BIRMINGHAM -- DOTHAN -- HUNTSVILLE -- MONTGOMERY

200 CLINTON AVENUE
SUITE 800
HUNTSVILLE, ALABAMA 35801

256-533-1561
256-533-1564 FAX
www.bargewaggoner.com

SECTION 35, TOWNSHIP 1 SOUTH, RANGE 8 WEST

FINAL PLAT :

DESOTO COMMONS P.U.D.
PHASE-1~~2~~, LOT 1, PARCEL A-10

OWNER: DESOTO COUNTY DEVELOPMENT, L.L.C.
DEVELOPER: DESOTO COUNTY DEVELOPMENT, L.L.C.
DESOTO COUNTY, MISSISSIPPI
2.62 ACRES
JUNE 5, 2002

SHEET 4 OF 6

23

11. SIGNS ALONG INTERSTATE 55

THE ABOVE SIGNAGE REQUIREMENTS SHALL NOT APPLY TO THE EAST ONE HUNDRED (100') FEET OF PARCELS B-3, A-7 AND A-8. THE SIGN REGULATIONS AS OUTLINED IN THE HORN LAKE ZONING ORDINANCE AND OTHER ORDINANCES AND REGULATIONS SHALL APPLY TO THE EAST ONE HUNDRED (100') FEET OF PARCELS B-3, A-7 AND A-8.

E. LANDSCAPE REQUIREMENTS

A LANDSCAPE AREA NOT LESS THAN TEN (10) FEET WIDE SHALL BE REQUIRED ALONG ALL STREET FRONTAGES. THESE AREAS SHALL BE PARALLEL TO AND INSIDE THE PROPERTY LINES OF SUCH LOT.

LANDSCAPE AREA EQUAL TO TEN (10%) PERCENT OF THE GROSS PARKING AREA OF EACH LOT SHALL BE PROVIDED IN AND ADJACENT TO THE PARKING AREA OF EACH LOT AND SHALL INCLUDE NOT LESS THAN ONE TREE FOR EACH (10) PARKING SPACES OR FRACTION THEREOF. UNDERGROUND SPRINKLER SYSTEMS SHALL BE REQUIRED IN ALL LANDSCAPE AREAS.

F. OTHER REQUIREMENTS:

- A. CURB CUTS SHALL BE A MINIMUM OF TWO HUNDRED (200) FEET APART.
B. A MEDIAN CUT SHALL BE ALLOWED ON NAIL ROAD A MINIMUM OF TWO HUNDRED FIFTY (250) FEET EAST OF HIGHWAY 51. ALL OTHER MEDIAN CUTS SHALL BE A MINIMUM OF FIVE HUNDRED (500) FEET APART.
C. UTILITY METERS AND OVERHEAD ELECTRICAL LINES SHALL BE PLACED TO THE REAR OF THE BUILDINGS THAT THEY SERVE.
D. MAINTENANCE OF OPEN SPACE AREAS SHALL BE THE RESPONSIBILITY OF ALL PROPERTY OWNERS WITHIN THE DEVELOPMENT.
E. INDIVIDUAL SITE PLANS WITHIN THE PROJECT SHALL BE REVIEWED BY THE CITY OF HORN LAKE PLANNING COMMISSION, DESIGN REVIEW COMMISSION, AND BOARD OF ALDERMEN.
F. A JOINT USE INTERNAL ACCESS EASEMENT FOR ON-SITE CIRCULATION SHALL BE PROVIDED FOR USE BY ANY TENANT AND THEIR CUSTOMERS BETWEEN ALL PHASES AND PARCELS WITHIN THE DESOTO COMMONS OUTLINE PUD. MUTUAL INGRESS/EGRESS EASEMENTS SHALL BE PROVIDED ON EACH FINAL PLAT.

PART 2 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DESOTO COMMONS

THIS DECLARATION IS MADE, PUBLISHED AND DECLARED THIS THIRD DAY OF JANUARY 2002, BY AND AMONG MILLENNIUM OF MISSISSIPPI, L.L.C., A LIMITED PARTNERSHIP WHOSE GENERAL PARTNERS ARE DR. WHITNEY SLADE AND JOHN SCOTT, AND ANY AND ALL PERSONS, FIRMS, PARTNERSHIPS OR CORPORATIONS HEREINAFTER ACQUIRING ANY OF THE WITHIN DESCRIBED PROPERTY.

- 1. THE REAL PROPERTY WHICH IS THE SUBJECT OF THESE PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS IS LOCATED IN HORN LAKE, DESOTO COUNTY, MISSISSIPPI, AS SHOWN ON THE DESOTO COMMONS (THE "SUBDIVISION") PLATS.

RESTRICTIONS:

- 2. THESE COVENANTS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ON ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 2, 2021, AT WHICH TIME SAID COVENANTS AND RESTRICTIONS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS, UNLESS BY A VOTE OF THE MAJORITY OF THE OWNERS OF THE LOTS AT THAT TIME, IT IS AGREED TO CHANGE THESE SAID COVENANTS AND RESTRICTIONS IN WHOLE OR IN PART. HOWEVER, BY A VOTE OF THE OWNERS OF SEVENTY-FIVE PERCENT (75%) OF THE LOTS CONTAINED IN THE SUBDIVISION (THE "LOTS"), THESE RESTRICTIONS AND COVENANTS MAY BE ALTERED OR AMENDED AT ANY TIME. THE OWNERSHIP OF EACH NUMBERED LOT SHALL HAVE ONE (1) VOTE.
3. IF THE PARTIES HERETO, OR ANY OF THEM OR THEIR HEIRS, SUCCESSORS OR ASSIGNS, SHALL VIOLATE OR ATTEMPT TO VIOLATE THE COVENANTS OR RESTRICTIONS HEREIN CONTAINED, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY OTHER LOT IN SAID SUBDIVISION TO PROSECUTE ANY PROCEEDING AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH LIMITATIONS OR RESTRICTIONS AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGE OR OTHER DUES FOR SUCH VIOLATION.
4. ALL OF THE BUILDING SITES IN DESOTO COMMONS SUBDIVISION ARE TO BE USED FOR OFFICES, SHOWROOMS, WAREHOUSES, RETAILING, OR LIGHT MANUFACTURING, IN ACCORDANCE WITH THE NONRESIDENTIAL PLANNED UNIT DEVELOPMENT APPROVED BY THE BOARD OF MAYOR AND ALDERMEN ON SEPTEMBER 18, 2001. PROVIDED, HOWEVER, THAT NO USERS SHALL PERMIT ANY USE OF HIS PREMISES OR ANY BUILDING STRUCTURE THEREON FOR ANY PURPOSE WHICH SHALL INCREASE THE FIRE HAZARD TO ADJOINING PROPERTIES; OR FOR ANY PURPOSE WHICH CONSTITUTES A NUISANCE OR CAUSES THE EMISSION OF ODORS OR GASES OBJECTIONABLE TO PERSONNEL OR INJURIES TO PRODUCTS STORED UPON ADJOINING PREMISES OR PREMISES WITHIN FIVE HUNDRED (500') FEET OF ANY SAID PROPERTY; OR FOR ANY PURPOSES CALCULATED TO INJURE THE REPUTATION OF SAID PREMISES, OR NEIGHBORING PROPERTY OR FOR ANY PURPOSE OR USE IN VIOLATION OF LOCAL, STATE OR FEDERAL STATUTE OR ORDINANCE.

THE FOLLOWING USES ARE SPECIFICALLY PROHIBITED:

- A. COMMERCIAL INCINERATION;
B. JUNKYARDS;
C. RUBBISH, GARBAGE OR TRASH DUMPS;
D. TREATMENT OF HAZARDOUS, TOXIC, OR RADIOACTIVE WASTE.
5. CONSTRUCTION OR ALTERATION OF ANY AND ALL BUILDINGS IN DESOTO COMMONS SHALL CONFORM TO THE DESOTO COMMONS DESIGN STANDARDS, WHICH WILL BE ADMINSTRATED BY THE ARCHITECTURAL REVIEW COMMITTEE.
A. NO METAL CLAD BUILDINGS SHALL BE CONSTRUCTED, WITH THE EXCEPTION OR APPROVED METAL ROOFS.
B. THE EXTERIOR OF ANY BUILDING SHALL CONFORM TO THE DESOTO COMMONS DESIGN STANDARDS.
C. ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND ZONING REGULATIONS OF THE CITY OF HORN LAKE, COUNTY OF DESOTO AND THE STATE OF MISSISSIPPI.
D. MULTIPLE STRUCTURES ON A LOT SHALL MATCH IN ARCHITECTURE AND EXTERIOR FINISH.
E. BUILDINGS ON CORNER LOTS SHALL HAVE OR BE CONSIDERED TO HAVE TWO FRONT YARDS.

23

- 6. NO IMPROVEMENTS SHALL BE CONSTRUCTED ON ANY PORTION OF THE PROJECT UNTIL PLANS AND SPECIFICATIONS, IN A FORM AND DETAIL AS THE ARCHITECTURAL REVIEW COMMITTEE MAY DEEM NECESSARY, HAVE BEEN SUBMITTED TO AND APPROVED IN WRITING BY SUCH COMMITTEE.
7. THERE ARE PERPETUAL EASEMENTS SHOWN ON THE PLATS FOR DESOTO COMMONS RECORDED IN THE DESOTO COUNTY REGISTER'S OFFICE. THOSE PERPETUAL EASEMENTS ARE RESERVED FOR UTILITY INSTALLATION AND MAINTENANCE, FOR DRAINING INSTALLATION AND MAINTENANCE, FOR SANITARY SEWER INSTALLATION AND MAINTENANCE AND FOR OTHER USES SPECIFIED ON THE PLATS. SUBJECT TO THE DISCRETION OF MILLENNIUM, NO PERMANENT STRUCTURE OR ENCUMBRANCE IS PERMITTED ON EASEMENT AREAS.
8. TEMPORARY STRUCTURES ARE PROHIBITED EXCEPT WHEN USED TO PERFORM A FUNCTION WHICH WILL BE PERFORMED BY A PERMANENT STRUCTURE WHICH IS IN THE PLANNING OR CONSTRUCTION STAGE. THE USE OF SUCH A TEMPORARY STRUCTURE IS RESTRICTED TO ONE YEAR. ALL PROPOSED TEMPORARY STRUCTURES SHALL BE APPROVED BY THE CITY OF HORN LAKE. A BUILDING PERMIT SHALL BE REQUIRED. EXCLUDED ARE CONSTRUCTION TRAILER OFFICES OR RELATED OFFICE STRUCTURES TO A PARTICULAR PROJECT EXCEPT CONSTRUCTION JOB SITE MATERIAL TRAILERS. MOBILE STORAGE UNITS SHALL NOT BE PERMITTED.
9. PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION, INSTALLATION OR ALTERATION OF ALL SIGNS ON THE LOTS MUST FIRST BE SUBMITTED TO THE ARCHITECTURAL REVIEW COMMITTEE FOR APPROVAL. ALL SIGNS MUST COMPLY WITH THE CITY OF HORN LAKE, COUNTY OF DESOTO, AND STATE OF MISSISSIPPI REGULATIONS.
10. ANY BUILDINGS OR USES PERMITTED IN THE DESOTO COMMONS SHALL BE A MINIMUM OF FIFTY (50') FEET FROM ANY STREET.
A. NO BUILDING OR IMPROVEMENT IN DESOTO COMMONS MAY BE CLOSER THAN TEN (10') FEET TO THE SIDELINES AND REAR LINES OF ANY OTHER LOT, UNLESS THE OWNERS OF CONTIGUOUS LOTS AGREE TO HAVING ONE CONTINUOUS STRUCTURE BUILD ON THE CONTIGUOUS LOTS, SUCH CONTIGUOUS LOTS TO BE TREATED UNDER THESE RESTRICTIONS AS ONE LOT; SUCH CONTINUOUS STRUCTURE STILL TO BE NO CLOSER THEN TWENTY (20') FEET FROM THE SIDELINES OR REAR LINES OF THE LOTS ADJACENT TO SUCH CONTIGUOUS LOTS.
B. STORAGE AREAS AND/OR REFUSE COLLECTION AREAS SHALL NOT BE PERMITTED IN THE FRONT YARD ON ANY LOT OR CLOSER THAN THE FRONT BUILDING LINE OF SAID LOT. ALL STORAGE AREAS AND/OR REFUSE COLLECTION AREAS SHALL BE FENCED AND SCREENED EQUAL TO OR HIGHER THAN THE HEIGHT OF THE MATERIAL STORED TO EFFECTIVELY SCREEN FROM PUBLIC VIEW THE MATERIAL STORED. METHOD OF SCREENING SHALL BE APPROVED BY THE ARCHITECTURAL REVIEW COMMITTEE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
C. NO LOADING OR UNLOADING SHALL BE PERMITTED IN THE FRONT YARD AREAS. ALL LOADING AND UNLOADING SPACE VISIBLE FROM THE STREET SHALL BE MAINTAINED BY OWNER OR LESSEE FOR A NEAT AND ORDERLY APPEARANCE.
D. THE TOTAL AREA OF ALL BUILDINGS SHALL COMPLY WITH THE HORN LAKE, MISSISSIPPI ZONING ORDINANCE.
E. A LANDSCAPE AREA NOT LESS THAN TEN (10) FEET WIDE SHALL BE REQUIRED ALONG ALL STREET FRONTAGES. THESE AREAS SHALL BE PARALLEL TO AND INSIDE THE PROPERTY LINES OF SUCH LOT.
11. LANDSCAPE AREA EQUAL TO TEN (10%) PERCENT OF THE GROSS PARKING AREA OF EACH LOT SHALL BE PROVIDED IN AND ADJACENT TO THE PARKING AREA OF EACH LOT AND SHALL INCLUDE NOT LESS THAN ONE TREE FOR EACH TEN (10) PARKING SPACES OR FRACTION THEREOF. EACH USER IN DESOTO COMMONS SHALL BE REQUIRED TO MAINTAIN HIS LANDSCAPING AND PROPERTY IN A SAFE, CLEAN AND ATTRACTIVE CONDITION. ALL LAND AREAS NOT COVERED BY BUILDING OR PAVING MUST BE IMPROVED WITH A LOCALLY ACCEPTABLE GROUND COVER SUCH AS BERMUDA GRASS OR EQUAL EXCEPT FOR THE PLOTS PLANTED WITH SHRUBBERY, FLOWERS OR TREES. IF A USER'S PREMISES BECOME UNSIGHTLY DUE TO LACK OF LANDSCAPE MAINTENANCE, AND IF MAINTENANCE IS NOT PERFORMED IN A REASONABLE TIME BY OWNER OR LESSEE, PROPERTY OWNERS ASSOCIATION RESERVES THE RIGHT TO PERFORM THE NEEDED MAINTENANCE AT USER'S EXPENSE.
12. USERS MUST AT ALL TIMES KEEP THE PREMISES, BUILDING IMPROVEMENTS AND APPURTENANCES IN A SAFE, CLEAN, WHOLESOME CONDITION AND COMPLY IN ALL RESPECTS WITH GOVERNMENTAL HEALTH AND POLICY REQUIREMENTS. ANY USER SHALL REMOVE AT HIS OWN EXPENSE ALL RUBBISH OF ANY CHARACTER, WHATSOEVER, WHICH MAY ACCUMULATE ON HIS PREMISES. IF USER ALLOWS RUBBISH TO ACCUMULATE AND PREMISES TO BECOME UNSIGHTLY, PROPERTY OWNERS ASSOCIATION RESERVES THE RIGHT TO HAVE RUBBISH REMOVED AT USER'S EXPENSE. IF USER HAS NOT PERFORMED RUBBISH REMOVAL IN REASONABLE TIME AFTER NOTICE FROM THE PROPERTY OWNERS ASSOCIATION.
13. NO RADIO OR TELEVISION TRANSMISSION OR RECEIVING TOWERS OR ANTENNAE OVER TEN (10') FEET IN HEIGHT ABOVE THE RIDGE OF THE ROOF SHALL BE PERMITTED IN THE SUBDIVISION.
14. PARKING SHALL ONLY BE PERMITTED ON THE LOTS IN THE SUBDIVISION AND SHALL NOT BE PERMITTED ON PRIVATE OR PUBLIC DEDICATED STREETS IN DESOTO COMMONS. PARKING AREAS MUST BE PAVED WITH A YEAR-ROUND SURFACE SUCH AS ASPHALT, CONCRETE, OR OTHER MATERIAL APPROVED BY MILLENNIUM AND APPROPRIATELY STRIPED FOR PARKING AND TRAFFIC LANE DIVISION. ALL DRIVEWAYS AND PARKING AREAS SHALL BE CONSTRUCTED WITH ADEQUATE CURBS AND GUTTERS AND SHALL INCLUDE ADEQUATE DRAINAGE FACILITIES TO DISPOSE OF ALL STORM WATER.
15. ONCE CONSTRUCTION COMMENCES BY A LOT OWNER OR LESSEE, THE BUILDING(S) MUST BE COMPLETED WITHIN FOURTEEN (14) CONSECUTIVE MONTHS FROM THE STARTING DATE OF CONSTRUCTION.
16. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY EFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
17. PROPERTY OWNERS ASSOCIATION
THERE SHALL BE ESTABLISHED AS A PART OF THE PLANNED UNIT DEVELOPMENT, A PROPERTY OWNERS ASSOCIATION, WHICH SHALL BE A NONPROFIT, NON-STOCK CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF MISSISSIPPI. EACH RECORD TITLE OWNER OF REAL PROPERTY CONTAINED WITHIN THE DEVELOPMENT SHALL BE A MEMBER OF AND SHALL COMPLY WITH RESTRICTIONS, COVENANTS, BYLAWS AND OBLIGATIONS OF THE ASSOCIATION AS PROMULGATED BY ITS MEMBERSHIP. THE SOLE PURPOSE OF THE ASSOCIATION WILL BE TO MANAGE AND MAINTAIN ALL COMMON AREAS AS DESIGNATED ON THE PLAT OR PLATS HERETOFORE FILED OR TO BE FILED ON THIS DEVELOPMENT, FOR THE USE AND BENEFIT OF THE PROPERTY OWNERS.
18. ARCHITECTURAL REVIEW COMMITTEE
THERE SHALL BE ESTABLISHED AS A PART OF THE PLANNED UNIT DEVELOPMENT AN ARCHITECTURAL REVIEW COMMITTEE. SO LONG AS MILLENNIUM OF MISSISSIPPI HOLDS AN OWNERSHIP INTEREST IN ANY PORTION OF THE PROJECT, THE APPOINTMENT OF THE MEMBERS OF THE COMMITTEE SHALL BE MADE EXCLUSIVELY BY MILLENNIUM OF MISSISSIPPI. THEREAFTER, APPOINTMENTS SHALL BE MADE BY THE BOARD OF DIRECTORS OF THE PROPERTY OWNERS ASSOCIATION.

BWSC

BARGE WAGGONER SUMNER & CANNON, INC.

BIRMINGHAM - DOTHAN - HUNTSVILLE - MONTGOMERY
200 CLINTON AVENUE SUITE 800 HUNTSVILLE, ALABAMA 35801
256-533-1561 256-533-1564 FAX www.bargewaggoner.com

SECTION 35, TOWNSHIP 1 SOUTH, RANGE 8 WEST

FINAL PLAT :
DESOTO COMMONS P.U.D.
PHASE-12, LOT 1, PARCEL A-10
OWNER: DESOTO COUNTY DEVELOPMENT, L.L.C.
DEVELOPER: DESOTO COUNTY DEVELOPMENT, L.L.C.
DESOTO COUNTY, MISSISSIPPI
2.62 ACRES
JUNE 5, 2002
SHEET 5 OF 6

OWNERS CERTIFICATE

I, RICHARD COOPER, AS AUTHORIZED REPRESENTATIVE OF DESOTO COUNTY DEVELOPMENT, L.L.C., A MISSISSIPPI LIMITED LIABILITY COMPANY, THE OWNER OF THE PROPERTY, HEREBY ADOPT THIS AS MY PLAN OF SUBDIVISION AND DEDICATE THE RIGHT-OF-WAY FOR THE ROADS AS SHOWN ON THE PLAT OF THE SUBDIVISION TO THE PUBLIC USE FOREVER AND RESERVE FOR THE PUBLIC UTILITIES THE UTILITY EASEMENTS AS SHOWN ON THE PLAT. I CERTIFY THAT I AM THE OWNER IN FEE SIMPLE OF THE PROPERTY AND THAT NO TAXES HAVE BECOME DUE AND PAYABLE. THIS THE 14th DAY OF June 2002

Richard Cooper
RICHARD COOPER
DATE: 6/14/02
DESOTO COUNTY DEVELOPMENT, L.L.C.

NOTARYS CERTIFICATE

Nebraska Dodge
STATE OF MISSISSIPPI, COUNTY OF DESOTO

THIS DAY PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR THE SAID COUNTY AND STATE AFORESAID RICHARD COOPER, WHO ACKNOWLEDGED THAT HE IS A MEMBER OF DESOTO COUNTY DEVELOPMENT, L.L.C., A MISSISSIPPI LIMITED LIABILITY COMPANY, AND THAT FOR AND ON BEHALF OF SAID ENTITY, AND AS ITS ACT AND DEED, THEY EXECUTED THE ABOVE AND FOREGOING CERTIFICATE, FOR THE PURPOSES MENTIONED ON THE DAY AND YEAR HEREIN MENTIONED, AFTER HAVING FIRST BEEN DULY AUTHORIZED BY SAID LIMITED LIABILITY COMPANY SO TO DO.

GIVEN UNDER MY HAND AND OFFICIAL SEAL ON THIS THE 14th DAY OF June, 2002.

2/18/03
MY COMMISSION EXPIRES

Kristine K. Moore
NOTARY PUBLIC
KRISTINE K. MOORE
MY COMMISSION EXPIRES
February 18, 2003

MORTGAGEE'S CERTIFICATE

BANCORPSOUTH BANK, MORTGAGEE OF THE PROPERTY HEREON, HEREBY ADOPT THIS AS OUR PLAN OF SUBDIVISION AND DEDICATE THE RIGHT-OF-WAY FOR THE ROADS AS SHOWN ON THE PLAT OF THE SUBDIVISION TO THE PUBLIC USE FOREVER AND RESERVE FOR THE PUBLIC UTILITIES THE UTILITY EASEMENTS AS SHOWN ON THE PLAT. I CERTIFY THAT I AM THE MORTGAGEE OM FEE SAMPLE OF THE PROPERTY AND THAT NO TAXES HAVE BECOME DUE AND PAYABLE. THIS THE 21st DAY OF JUNE, 2002.

Senior Vice President
TITLE

[Signature]
SIGNATURE OF MORTGAGEE
BANCORPSOUTH BANK

NOTARYS CERTIFICATE

STATE OF MISSISSIPPI, COUNTY OF DESOTO

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR THE SAID COUNTY AND STATE, ON THE 21st DAY OF June, 2002 WITHIN MY JURISDICTION, THE WITHIN NAMED Michael L. Camp, WHO ACKNOWLEDGED THAT HE ISHE IS Senior Vice President OF BANCORPSOUTH BANK, AND THAT FOR AND ON BEHALF OF THE SAID BANK, AND AS ITS ACT AND DEED HEISHE EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AFTER FIRST HAVING BEEN DULY AUTHORIZED BY SAID BANK SO TO DO.

06-09-2004
MY COMMISSION EXPIRES

Kathy G. Davidson
NOTARY PUBLIC



STATE OF MISSISSIPPI
COUNTY OF DESOTO

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREON WAS FILED July FOR RECORD IN MY OFFICE AT 11:10 O'CLOCK A.M. ON THE 3rd DAY OF 2002, AND WAS IMMEDIATELY ENTERED UPON THE PROPER INDEX AND DULY RECORDED IN PLAT BOOK 79 ON PAGE 19-24.

W. E. Davis
W. E. Davis Chancery Clerk
CHANCERY COURT CLERK
By: W. H. Hefner D.C.

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I HAVE DRAWN THIS SUBDIVISION SHOWN HEREON AND THE PLAT OF SAME IS ACCURATELY DRAWN FROM INFORMATION FROM A BOUND SURVEY BY ME

Thomas C. Flanagan
BENTLEY SURVEYING & ENGINEERING, INC.
THOMAS C. FLANAGAN - MS NO. 2776

STATE OF MISSISSIPPI
ENGINEERS CERTIFICATE

THIS IS TO CERTIFY THAT I HAVE DRAWN THIS SUBDIVISION SHOWN HEREON AND THE PLAT OF THE SAME IS ACCURATELY DRAWN FROM INFORMATION FROM A LEGAL BOUNDARY SURVEY; AND THAT THIS PLAT IS IN CONFORMANCE WITH APPLICABLE STATE LAWS, THE ZONING ORDINANCE AND THE SUBDIVISION REGULATIONS.

NAME P. C. BLANKENSHIP
MISSISSIPPI LICENSE # 15031
DATE: 6/5/02



HORN LAKE PLANNING COMMISSION

APPROVED BY THE HORN LAKE PLANNING COMMISSION ON THIS THE 4th DAY OF APRIL 2002

ATTEST: [Signature]
CHAIRMAN: Nancy Lewis
SECRETARY: [Signature]

HORN LAKE MAYOR & BOARD OF ALDERMAN

APPROVED BY THE HORN LAKE MAYOR AND BOARD OF ALDERMAN ON THIS THE 21st DAY OF May 2002

Doris Stewart
CITY CLERK
Mike Thomas
MAYOR



BWSC

BARGE
WAGGONER
SUMNER &
CANNON, INC.

BIRMINGHAM - DOTHAN - HUNTSVILLE - MONTGOMERY

200 CLINTON AVENUE
SUITE 800
HUNTSVILLE, ALABAMA 35801

256-533-1561
256-533-1564 FAX
www.bargewaggoner.com

SECTION 35, TOWNSHIP 1 SOUTH, RANGE 8 WEST

FINAL PLAT :
DESOTO COMMONS P.U.D.
PHASE 1^{REV 7-3-02}, LOT 1, PARCEL A-10

OWNER: DESOTO COUNTY DEVELOPMENT, L.L.C.
DEVELOPER: DESOTO COUNTY DEVELOPMENT, L.L.C.
DESOTO COUNTY, MISSISSIPPI
2.62 ACRES
JUNE 5, 2002

SHEET 6 OF 6