

BOOK

**WATER AND SEWER EASEMENT**

NDC SOUTHAVEN, L.P.,
a Mississippi limited partnership

GRANTOR

TO

CITY OF SOUTHAVEN,
A MUNICIPAL CORPORATION

GRANTEE

STATE MS. - DESOTO CO.
FILE

JUN 6 4 20 PM '96

BK 301 PG 746
W.E. DAVIS CH. CLK.

FOR AND IN CONSIDERATION OF ONE AND NO/100 DOLLARS (\$1.00), cash in hand paid, and other good and valuable consideration, paid by the CITY OF SOUTHAVEN the receipt and sufficiency of all of which is hereby acknowledged, NDC SOUTHAVEN, L.P., a Mississippi limited partnership, Grantor, does hereby GRANT, BARGAIN, SELL, TRANSFER, CONVEY AND WARRANT unto the CITY OF SOUTHAVEN, A MUNICIPAL CORPORATION, IT'S SUCCESSORS AND ASSIGNS, a perpetual easement with the right to erect, construct, install and lay and thereafter use, operate, inspect, repair, maintain, replace and remove water and sewer mains and lines and connections and necessary appurtenances thereto, on, over, and across the following described property situated in the CITY OF SOUTHAVEN, DESOTO COUNTY, MISSISSIPPI, to wit:

10 FOOT SANITARY SEWER EASEMENT: (EXHIBIT # 1)

Beginning at a point in the north line of State Line Road (160 foot R.O.W.), said point being 2,519.15 feet eastwardly of the west line of Section 13, Township 1 South, Range 8 West, DeSoto County, Mississippi, thence N 01° - 21'-40" W, and with said west line of the Bank of Hernando lease area (Lease Book 45, Page 603), a distance of 175.02 feet to a point; thence S 89°-08'-02" E, and along the north line of said lease area, a distance of 100.05 feet to a point in the west line of an existing 10 foot sanitary sewer easement (Book 160, Page 332); thence N 01°-01'-57" W, and with said west line, a distance of 135.69 feet to the true POINT OF BEGINNING; thence N 30°-58'-33" W a distance of 223.47 feet to a point in the south line of an existing 10 foot sanitary sewer easement (Book 110, Page 502); thence N 89°-28'-48" E, and with said south line, a distance of 11.48 feet to a point; thence S 30°-58'-33" E a distance of 200.46 feet to a point in the west line of the previous mentioned easement; thence S 01°-01'-57" E a distance of 20.03 feet to the POINT OF BEGINNING and containing 2,120 square feet.

15 FOOT WATER EASEMENT: (EXHIBIT # 2)

Beginning at a point in the north line of State Line Road (160 foot R.O.W.), said point being 2,519.15 feet eastwardly of the west line of Section 13, Township 1 South, Range 8 West, DeSoto County, Mississippi, thence N 89°-14'-13" W, and with said north line, a distance of 15.01 feet to a point; thence N 01°-21'-40" W a distance of 190.06 feet to a point; thence S 89°-08'-02" E a distance of 127.42 feet to a point; thence S 00°-51'-58" W a distance of 15.00 feet to a point in the north line of the Bank of Hernando lease area (Lease Book 45, Page 603); thence N 89°-08'-02" W, and with the north line of said lease area, a distance of 111.82 feet to the northwest corner thereof; thence S 01°-21'-40" E, and with the west line of the lease area, a distance of 175.02 feet to the POINT OF BEGINNING and containing 4,532 square feet..

SANITARY SEWER EASEMENT: (EXHIBIT # 3)

Commencing at a point in the north line of State Line Road (160 feet R.O.W.), said point being 2,519.15 feet eastwardly of the west line of Section 13, Township 1 South, Range 8 West, DeSoto County, Mississippi, thence N 89°-14'-13" W, and with said north line, a distance of 101.04 feet to an iron pin; thence N 89°-23'-23" W, and with said north line, a distance of 161.40 feet to a point; thence N 57°-27'-54" W a distance of 126.46 feet to a point in the east line of Hudgins Road (R.O.W. varies); thence along a curve to the left having a radius of 632.97 feet an arc distance of 74.67 feet (chord = N 34°-50'-42" W--74.63 feet) to a point in said east line; thence N 38°-13'-28" W a distance of 84.47 feet to the true POINT OF BEGINNING; thence continuing N 38°-13'-28" W, and along the east line of Hudgins Road, a distance of 192.23 feet to a point of curve; thence along a curve to the right having a radius of 522.97 feet an arc distance of 250.66 feet (chord = N 24°-29'-37" W--248.27 feet) to a point; thence N 72°-06'-51" E a distance of 20.00 feet to a point; thence S 17°-53'-09" E a distance of 129.60 feet to a point; thence S 32°-06'-56" E a distance of 306.67 feet to the POINT OF BEGINNING and containing 7,529 square feet.

Together with the right of ingress egress over the Grantor's adjacent lands for the purpose for which the above mentioned rights are granted.

The consideration recited herein shall constitute payment in full for all damages sustained by Grantors by reason for the installation of the structures referred to herein and grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damage will result from its use to Grantor's premises. This agreement together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the Grantee, it's Successors and Assigns. The Grantors do covenant that they are owners of the above mentioned land and that said land is free and clear of all encumbrances and liens except the Following:

WITNESS my signature this the 17th day of May, 1996.

NDC SOUTHAVEN, L.P.

BY: Haven, L.L.C., General Partner

BY: Harlan J. Noddle
Harlan J. Noddle, President

STATE OF Nebraska

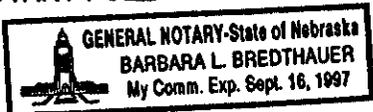
COUNTY OF Douglas

PERSONALLY appeared before me, the undersigned authority in and for county and state aforesaid, the within named Harlan J. Noddle, President of Haven, L.L.C., Gen. Partner ~~individually~~ and as authorized representative of NDC Southaven, L.P., who did acknowledge to me that he signed and delivered the above and foregoing instrument on the day and year therein mentioned, as his free and voluntary act and deed for the purposes therein expressed, he being duly authorized so to do.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17th day of May, 1996.

Barbara L. Bredthauer
NOTARY PUBLIC

MY COMMISSION EXPIRES: Sept. 16, 1997



GRANTOR'S ADDRESS :
1125 South 103rd Street, #780
Omaha, NE 68124
TEL# (402) 391-1616

GRANTEE'S ADDRESS:
P.O. BOX 425
SOUTHAVEN, MS. 38671
(601) 393-5931

Indexing Instructions: SW '14 of Section 13, Township 1 South, Range 8 West, Desoto County, MS.

Prepared by: Dickinson, Wright, Moon, Van Dusen & Freeman
Counsellors At Law
P.O. Box 509
Bloomfield Hills, Michigan 48303-0509
#810-646-4300

EXHIBIT # 1



DESOTO DEVELOPMENT
CORP.
(259-611)

PAUL WARDLAW
LINDA WARDLAW
MILTON CRAWFORD
& BETTY CRAWFORD
(199-365)

BOOK 301 PAGE 748

PLAT NO. 1 SHEET 1 OF 1
DIVISION OF ENGINEERING

PROPOSED
SEWER EASEMENT
ON

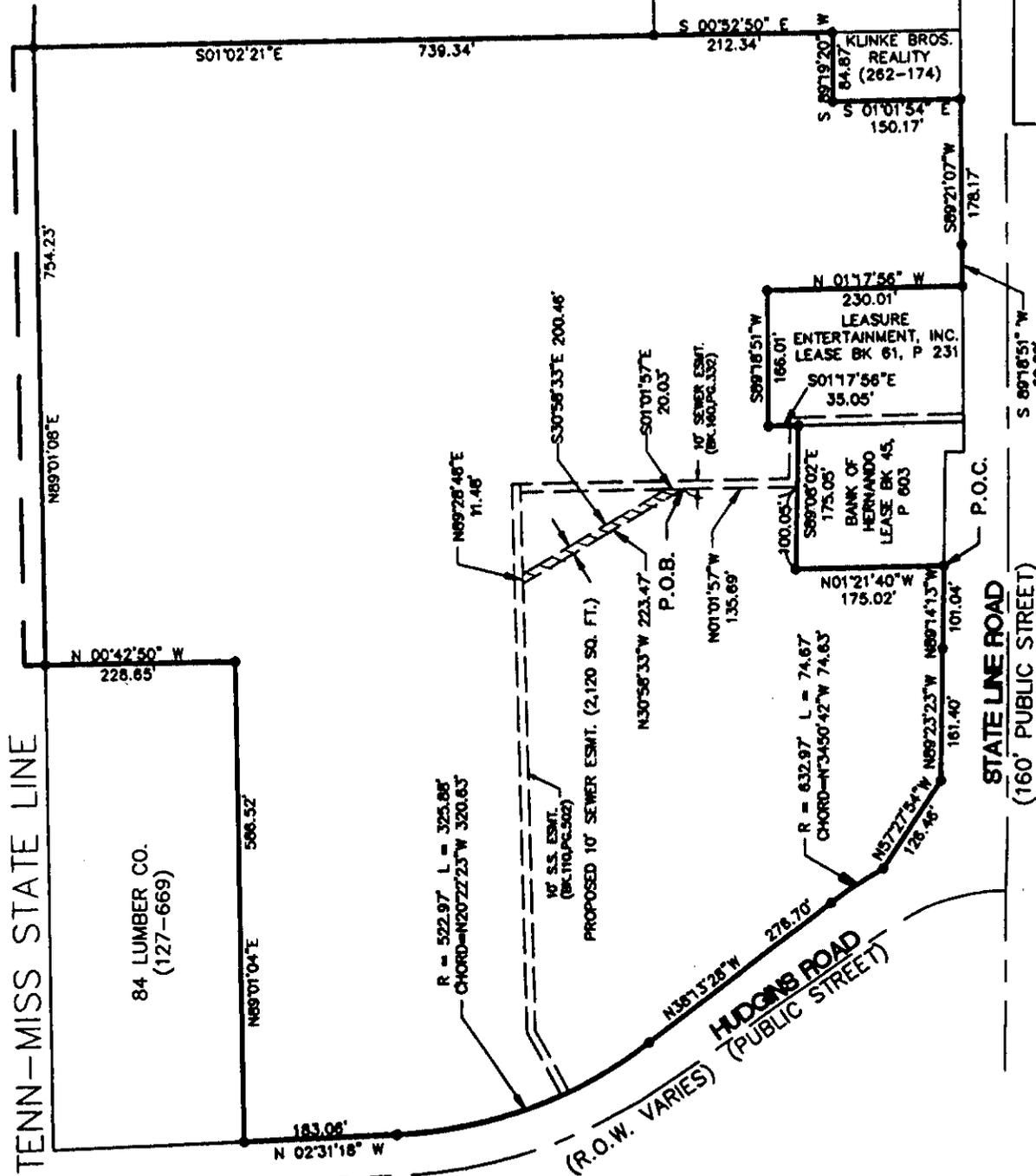
N.D.C. SOUTHAVEN L.P. PROPERTY
BOOK 717, PAGE 440

SURVEY BY: F&A
DRAFTSMAN: RTS

DATE: DEC., 1994
DATE: JAN., 1996

BOOK: 1996
SCALE: 1" = 200'

APPROVED
DEPUTY CITY ENGINEER
DATE: *Jan 3/96*
CITY ENGINEER



STATE LINE ROAD
(160' PUBLIC STREET)

HUDONS ROAD
(PUBLIC STREET)

EXHIBIT #2

DESOTO DEVELOPMENT
CORP.
(259-611)

PAUL WARDLAW
LINDA WARDLAW
MILTON CRAWFORD
& BETTY CRAWFORD
(199-365)

PLAT NO. 1 SHEET 1 OF 1

DIVISION OF ENGINEERING

PROPOSED
WATER EASEMENT
ON

N.D.C. SOUTHAVEN L.P. PROPERTY
BOOK 717, PAGE 440

SURVEY BY: F&A
DRAFTSMAN: RTS

DATE: DEC. 1994
DATE: JAN., 1996

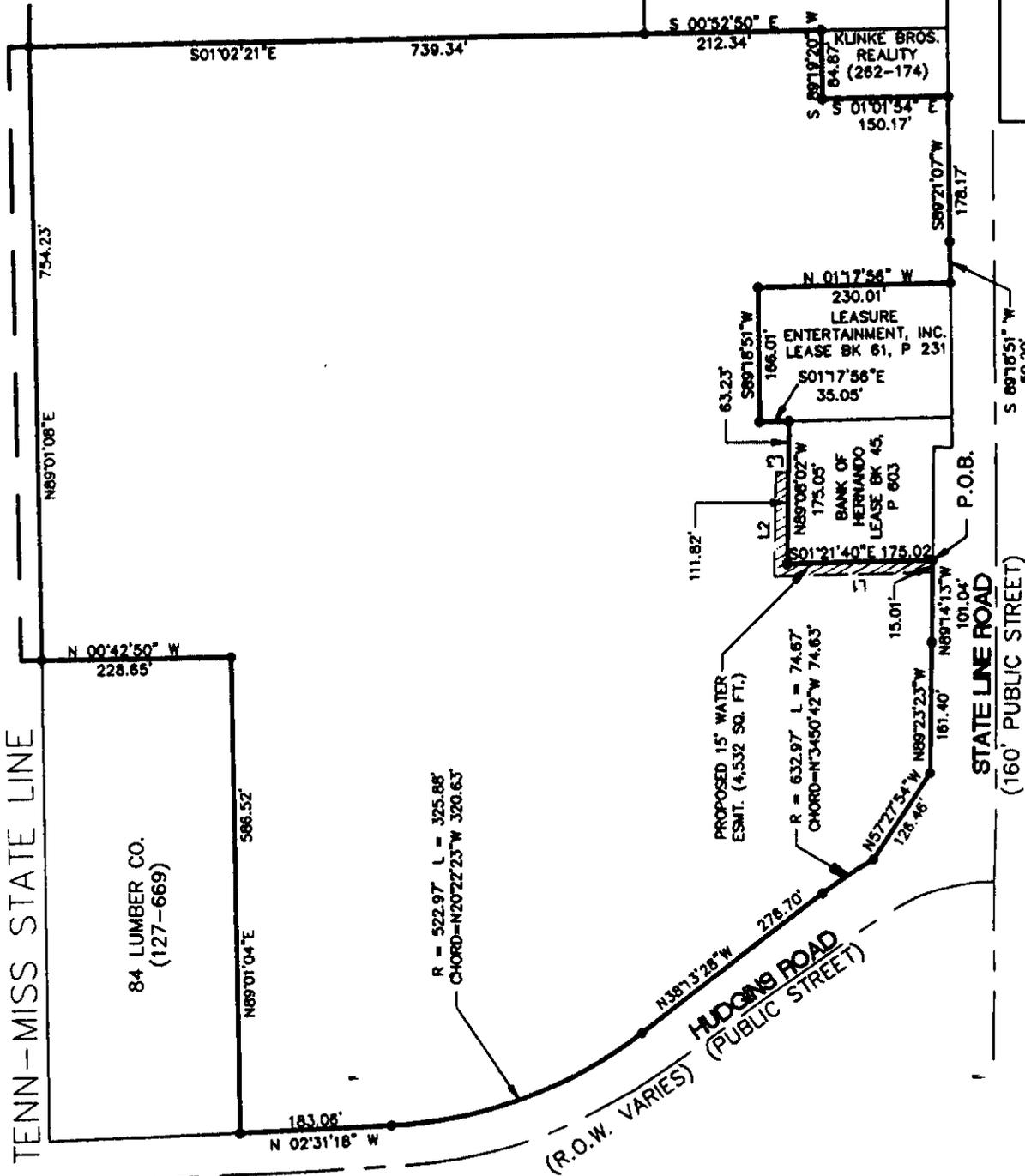
BOOK: 17
SCALE: 1" = 200'

APPROVED

DEPUTY CITY ENGINEER

DATE

David L. Smith 3/29/96
CITY ENGINEER



LINE	DIRECTION	DISTANCE
L1	N01°21'40" W	190.06'
L2	S89°08'02" E	127.42'
L3	S00°51'58" W	15.00'

EXHIBIT # 3

BOOK 301 PAGE 750



DESOTO DEVELOPMENT
CORP.
(259-611)

PAUL WARDLAW
LINDA WARDLAW
MILTON CRAWFORD
& BETTY CRAWFORD
(199-365)

PLAT NO. 1 SHEET 1 OF 1
DIVISION OF ENGINEERING

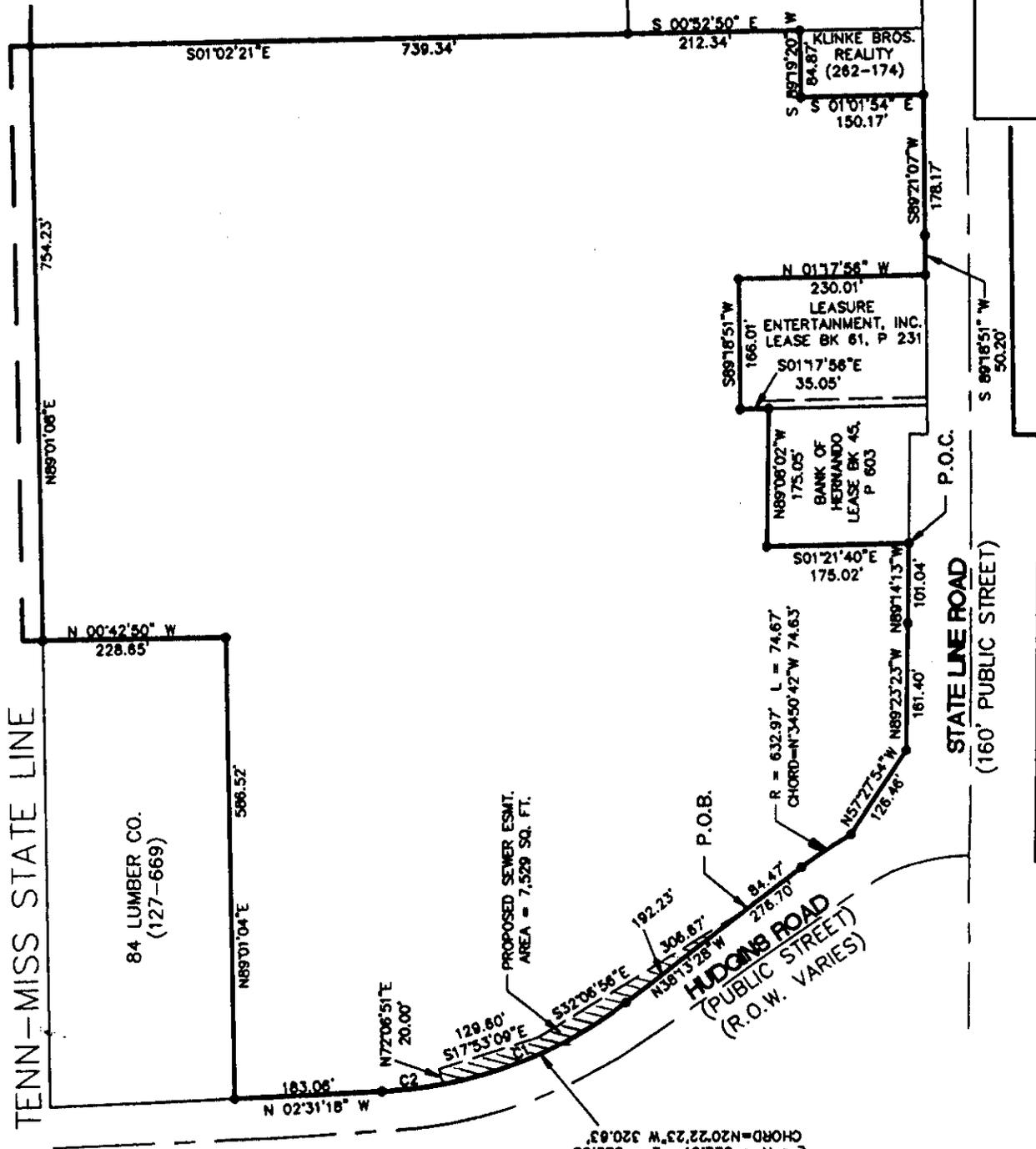
PROPOSED
SEWER EASEMENT
ON

N.D.C. SOUTHAVEN L.P. PROPERTY
BOOK 717, PAGE 440

APPROVED
DEPUTY CITY ENGINEER
DATE

Samuel E. Davis
CITY ENGINEER
DATE

BOOK: 1994
SCALE: 1" = 200'
DATE: DEC. 1994
DRAFTSMAN: RTS



CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	522.97	250.66	248.27	N24°29'37" W
C2	522.97	75.22	75.16	N06°36'32" W

• R = 522.97' L = 325.68'
CHORD = N20°22'23" W 320.63'

R = 632.97' L = 74.67'
CHORD = N°34'50'42" W 74.63'