

EASEMENT AND CONSTRUCTION AGREEMENT

This Easement and Construction Agreement made and entered into by and between the Mississippi Transportation Commission, (COMMISSION), by and through the duly authorized Executive Director of the Mississippi Department of Transportation, and the Board of Supervisors of DeSoto County, Mississippi, (COUNTY), effective as of the latest date of execution below.

WITNESSETH:

WHEREAS, the COMMISSION proposes to relocate a section of SR 304, said project currently known as Construction Project No. 102553/001000, 94-0029-02-008-10 to begin west of SR 301 and run eastward approximately 10.900 kilometers (6.77 miles) to east of Odom Road; and

WHEREAS, the COMMISSION has prepared plans and specifications for the said proposed construction, relevant excerpts of which are attached hereto, and the entirety to which are on file in the office of the COMMISSION in Jackson, Mississippi, and are incorporated herein by reference and made a part hereof for all purposes as if copied herein in words and figures; and

WHEREAS, the COUNTY is the current owner of the property or the easements underlying all county roads shown on said plans and specifications; and

WHEREAS, the COMMISSION has requested permission from the COUNTY to make certain adjustments, and/or grade changes to all known county roads which now cross connect or are adjacent to this state route; and

WHEREAS, the COUNTY has agreed to this request and both parties desire to evidence this agreement by written instrument;

NOW, THEREFORE, in consideration of the premises and agreements of the parties hereto hereinafter contained, to be kept and performed by the parties hereto respectively, it is hereby agreed as follows:

The COMMISSION will:

- (1) construct by contract said section of SR 304 in accordance with the plans and specifications for State Project No. 102553/001000, 94-0029-02-008-10.
- (2) be responsible for maintaining all roadway, rights of way, and traffic control devices in accordance with the MDOT policies, rules and regulations for the duration of the project.
- (3) acquire all right of way left and right of centerline as required by said plan;
- (4) be responsible for overseeing all utility adjustments.
- (5) return to the county the following segments of former county roads at the conclusion of the project for county control and maintenance:

Baldwin Road overpass of SR 304 at station number 19+799.120, county road to be reconstructed from station number 9+799.930 to station number 10+455.780. The part to be returned to the COUNTY is from station number 9+799.930 to station 9+900 (End NO-ACCESS) and from station number 10+125 (End NO-ACCESS) to station 10+455.780. The COMMISSION reverts to the COUNTY the roadbed and shoulders from station number 9+900 to the south bridge end at station number 9+951.655 and from the north bridge end at station number 10+048.345 to station number

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10+125. The COMMISSION will retain control and maintenance of all slopes, drainage structures and bridge with the exception of winterizing and/or snow and ice removal on said overpass bridge, between station numbers 9+900 to 10+125.

Fogg Road interchange and overpass of SR 304 at station number 24+737.560, county road to be reconstructed from station number 9+600 to station number 10+400. The part to be returned to the COUNTY is from station number 9+600 to station number 9+650 (End NO-ACCESS) and from station number 10+300 (End NO-ACCESS) to station number 10+400.

Odom Road interchange and overpass of SR 304 at station number 28+012, county road to be reconstructed from station number 0+375 to station number 1+500. The part to be returned to the COUNTY is from station number 0+375 to station number 0+651.078 (End NO-ACCESS) and from station number 1+350 (End NO-ACCESS) to station number 1+500.

- (6) deed the following segments of right-of-way, which were acquired for the purposes of constructing this project to the county:

Baldwin Road from station number 9+799.930 to station number 9+900 (End NO-ACCESS) and from station number 10+125 (End NO-ACCESS) to station number 10+455.780.

Fogg Road from station number 9+616 left and 9+650 right to station number 9+650 (End NO-ACCESS). From station number 10+300 (End NO-ACCESS) to station number 10+400. The Access Road located in the southwest quadrant of Fogg Road Interchange which includes all right of way situated outside the NO-ACCESS limits.

Odom Road from station number 0+375 to station number 0+651.078 (End NO-ACCESS) and from station number 1+350 (End NO-ACCESS) to station number 1+500.

The County will:

(1) release the COMMISSION from any and all damages arising or to arise in its favor and on its account as a result of the COMMISSION altering, relocating or changing the grade of intersecting said project or the altering or changing the grade of any other road including existing roads, unplatted roads or unopened roads in any location adjacent to said project.

(2) and does hereby grant, bargain, sell, convey and warrant unto the COMMISSION an easement on, over and across all County road rights of way within the construction limits as shown on the plans for Construction Project No. 102553/001000, 94-0029-02-008-10 for the purpose of constructing and maintaining the aforesaid project, until said project is concluded.

(3) upon completion of construction of the designated improvements on all County roads assume responsibility for all maintenance of said adjusted County roads and traffic control devices as shown above upon notice from the COMMISSION.

(4) accept and record the deeds to all right-of-way conveyed by the Commission.

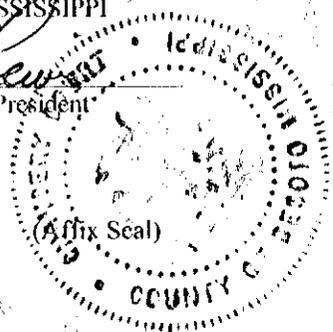
(5) execute warranty deeds to the Commission covering all parts of its right-of-way, which are incorporated into the final project when requested to do so by the Commission.

Both parties hereto represent that they have authority to enter into this CONTRACT and certified copies of the applicable Board and Commission Orders are attached hereto.

WITNESS this my signature in execution hereof, this the 20 day of Feb., 2001.

BOARD OF SUPERVISORS
DESOTO COUNTY MISSISSIPPI

BY: Tommy Lewis
Tommy Lewis, President



ATTEST:

W. D. Davis

WITNESS this my signature in execution hereof, this the 2nd day of March, 2001.

THE MISSISSIPPI TRANSPORTATION COMMISSION
BY AND THROUGH THE EXECUTIVE DIRECTOR OF
THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION

W. Hugh Lewis

W. Hugh Lewis

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