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STATE MS.-DESOTO CO.

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Parcel No. 2062-0400.0-00017.00 [UCC 19A]

Prepared by:

Butler, Snow, O'Mara, Stevens & Cannada, PLLC

Attn: Ann Fortenberry Corso

17th Floor, AmSouth Plaza

Post Office Box 22567

Jackson, MS 39225-2567

(601) 948-5711

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CH. CLK.

To the Chancery Clerk of DeSoto County, Mississippi:

The real property described herein is situated in the Southwest Quarter of Section 4, Township 2 South, Range 6 West of DeSoto County, Mississippi.

PERMANENT UTILITY EASEMENT AND
TEMPORARY CONSTRUCTION EASEMENT

CITY OF OLIVE BRANCH, MISSISSIPPI

GRANTOR

TO

DESOTO COUNTY REGIONAL UTILITY AUTHORITY

GRANTEE

In consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the **CITY OF OLIVE BRANCH, MS** (the "Grantor(s)"), grants to **DESOTO COUNTY REGIONAL UTILITY AUTHORITY** ("Grantee"), a body politic, a perpetual and assignable easement in, on, over and across the land, for the location, operation, maintenance, alteration, repair and patrol of an underground sewer pipeline; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the land-owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines over the land in DeSoto County, Mississippi described as part of the Southwest Quarter (SW-1/4) of Section 4, Township 2 South, Range 6 West, and being a strip of land fifty (50) feet in width and more particularly described on Exhibit "A."

The Grantor further grants to Grantee a variable width temporary construction easement in, on, over and across the land running parallel to and along the northerly and westerly lines of the above-described fifty (50) foot wide permanent utility easement, said temporary easement containing 1.752 acres, more or less, as more specifically described on the attached Exhibit "B."

The Grantor further grants to Grantee a thirty (30) foot wide temporary construction easement in, on, over and across the land running parallel to and along the easterly line the above-described fifty (50) foot wide permanent utility easement, said temporary easement containing .318 acres, more or less, as more specifically described on the attached Exhibit "B."

Upon completion of the construction within the above described permanent utility easement, the above-described temporary construction easement shall terminate.

The Grantor further grants to the Grantee the right of ingress and egress to and from said permanent and temporary easements.

The Grantor acknowledges the existence of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, and acknowledge that it is aware of its rights under said Act, including but not limited to:

- a) notification of the Grantee's desire to obtain the property and receipt of a copy of the above named Act;
- b) the opportunity to receive an appraisal and to accompany the appraiser during the initial inspection; and
- c) an opportunity to have the value of the property determined by a Court of competent jurisdiction and to be compensated therefore.

Grantor fully understands that it has the right to receive just compensation for the real property herein described based on an appraisal of said property.

Grantor likewise consents that this Easement may be executed in any number of multiple counterparts with the same effect as if all of the Grantors had signed the same document. All counterparts shall be construed together and shall constitute one agreement.

WITNESS OUR SIGNATURES on the dates set forth below.



CITY OF OLIVE BRANCH, MISSISSIPPI
By: SAMUEL P. RIKARD, MAYOR

DATE: 9-19-03

ATTEST:



JUDY C. HERRINGTON, CITY CLERK

DATE: 9-19-03

The Address and Telephone
Number of the Grantor:

9189 Pigeon Roast
Olive Branch, MS 38654

The Address and Telephone
Number of the Grantee:

DeSoto County Courthouse
Hernando, MS 38632
(662) 429-5011

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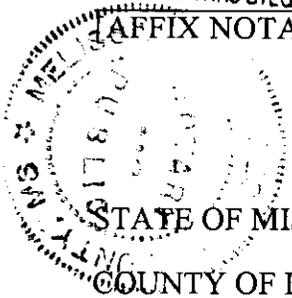
STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said County and State, on this 19th day of September, 2003, within my jurisdiction, the within named SAMUEL P. RIKARD, who acknowledged that he is MAYOR of the CITY OF OLIVE BRANCH, MISSISSIPPI, a municipal corporation, and that for and on behalf of said municipal corporation, and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized by said municipal corporation so to do.

Melissa Black
NOTARY PUBLIC

My Commission Expires:
MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG 11, 2007
BONDED THRU STEGALL NOTARY SERVICE
[AFFIX NOTARIAL SEAL]



STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said County and State, on this 19th day of September, 2003, within my jurisdiction, the within named JUDY C. HERRINGTON, who acknowledged that she is CITY CLERK of the CITY OF OLIVE BRANCH, MISSISSIPPI, a municipal corporation, and that for and on behalf of said municipal corporation, and as its act and deed, she executed the above and foregoing instrument, after first having been duly authorized by said municipal corporation so to do.

Melissa Black
NOTARY PUBLIC

MISSISSIPPI STATEWIDE NOTARY PUBLIC
My Commission Expires 8/11/2007
BONDED THRU STEGALL NOTARY SERVICE

[AFFIX NOTARIAL SEAL]



REVISED SEPTEMBER 5, 2003

LEGAL DESCRIPTION

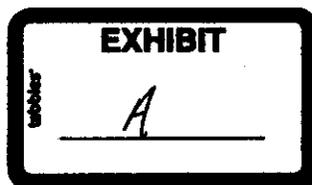
PARCEL NUMBER UCC-19 A - UTILITY EASEMENT
TAX PARCEL NUMBER: 2062-0400.0-00017.00

BEING A LEGAL DESCRIPTION OF THE CENTERLINE OF A PROPOSED FIFTY (50) FOOT WIDE PERMANENT UTILITY EASEMENT ACROSS PART OF THE CITY OF OLIVE BRANCH PROPERTY (DEED BOOK 411 – PAGE 263), SAID PROPOSED EASEMENT TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS "PARCEL NUMBER UCC-19 A", BEING SITUATED IN DESOTO COUNTY, MISSISSIPPI AND SAID PARCEL NUMBER UCC-19 A BEING DESCRIBED AS:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 6 WEST, ALL IN DESOTO COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS:

A PERMANENT UTILITY EASEMENT, TWENTY-FIVE FEET EITHER SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED PROPOSED CENTERLINE: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAID POINT OF COMMENCEMENT AS EVIDENCED BY A FOUND 1 INCH CAPPED PIPE DESCRIBED IN SAID DEED BOOK 221 – PAGE 61, SAID POINT OF COMMENCEMENT BEING THE NORTHEASTERLY DEED CORNER OF THE CITY OF OLIVE BRANCH PROPERTY (SAID DEED BOOK 221 – PAGE 61); THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST – 795.83 FEET TO THE EASTERLY DEED LINE OF THE WILLOW CREEK, LLC PROPERTY (DEED BOOK 449 – PAGE 526); THENCE SOUTH 00 DEGREES 32 MINUTES 00 SECONDS EAST ALONG SAID EASTERLY DEED LINE OF WILLOW CREEK, LLC PROPERTY – 1862.88 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE LEAVING SAID EASTERLY LINE OF SAID WILLOW CREEK, LLC PROPERTY AND ALONG SAID CENTERLINE OF PROPOSED UTILITY EASEMENT, THE FOLLOWING BEARINGS AND DISTANCES: NORTH 89 DEGREES 42 MINUTES 03 SECONDS EAST – 1123.60 FEET TO AN ANGLE POINT; THENCE NORTH 00 DEGREES 58 MINUTES 22 SECONDS WEST – 434.65 TO THE POINT OF TERMINATION OF THIS DESCRIPTION, SAID POINT OF TERMINATION LYING IN THE SOUTHERLY DEED LINE OF THE LUCIE R. BRIDGFORTH, ET AL PROPERTY (DESCRIBED AS TRACT III IN DEED BOOK 262 – PAGE 392).

PARCEL UCC-19 A CONTAINING 1.789 ACRES OR 77,912 SQUARE FEET MORE OR LESS, SUBJECT TO RIGHT OF WAY IN ANY PUBLIC ROADS AND PUBLIC AND/OR PRIVATE EASEMENTS.



PAGE TWO

ALSO, AN EASEMENT (WIDTH VARIES), TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS TEMPORARY CONSTRUCTION EASEMENT "A", TO BE SITUATED ADJACENT TO AND PARALLEL TO THE NORTHERLY LINE OF SAID PARCEL UCC-19 A AND ADJACENT TO AND PARALLEL TO SAID WESTERLY LINE OF SAID PARCEL UCC-19 A, SAID EASEMENT "A" BEING DESCRIBED AS:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 6 WEST, ALL IN DESOTO COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAID POINT OF COMMENCEMENT AS EVIDENCED BY A FOUND 1 INCH CAPPED PIPE DESCRIBED IN SAID DEED BOOK 221 – PAGE 61, SAID POINT OF COMMENCEMENT BEING THE NORTHEASTERLY DEED CORNER OF THE CITY OF OLIVE BRANCH PROPERTY (SAID DEED BOOK 221 – PAGE 61); THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST – 795.83 FEET TO THE EASTERLY DEED LINE OF THE WILLOW CREEK, LLC. PROPERTY (DEED BOOK 449 – PAGE 526); THENCE SOUTH 00 DEGREES 32 MINUTES 00 SECONDS EAST ALONG SAID EASTERLY DEED LINE OF SAID WILLOW CREEK, LLC. PROPERTY – 1777.88 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE NORTH 89 DEGREES 42 MINUTES 03 SECONDS EAST - 1,067.94 FEET TO AN ANGLE POINT; THENCE NORTH 00 DEGREES 58 MINUTES 22 SECONDS WEST – 357.64 FEET; THENCE NORTH 87 DEGREES 37 MINUTES 03 SECONDS EAST - 30.01 FEET; THENCE SOUTH 00 DEGREES 58 MINUTES 22 SECONDS EAST – 408.74 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 03 SECONDS WEST - 1,098.40 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 00 SECONDS WEST - 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.752 ACRES OR 76,336 SQUARE FEET MORE OR LESS.

ALSO, A THIRTY (30) FOOT WIDE EASEMENT, TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS TEMPORARY CONSTRUCTION EASEMENT "B", TO BE SITUATED ADJACENT TO AND PARALLEL TO THE EASTERLY LINE OF SAID PARCEL UCC-19 A, SAID EASEMENT "B" CONTAINING 0.318 ACRES OR 13,833 SQUARE FEET MORE OR LESS.

BY GRAPHIC DETERMINATION, PARCEL UCC-19 A LIES WITHIN THE LIMITS OF THE SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD, PER FIRM/FEMA MAP NUMBER 28033C065 D, EFFECTIVE DATE OF MAY 3, 1990.

ALL MATTERS OF PUBLIC RECORD ARE RECORDED AT THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI.

BEARINGS ARE RELATIVE TO MISSISSIPPI STATE PLANE GRID NORTH (NAD 83 – WEST ZONE).

