

UTILITY EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, Mike McCarter and wife, Lisa D. McCarter, hereinafter referred to as "Grantor", do hereby grant, bargain and convey unto the City of Olive Branch, its successors and assigns, hereinafter referred to as "Grantee", the right, privilege and easement at any time and from time to time to construct, maintain, inspect, operate, protect, repair, replace, change the size of, or remove a pipeline, pipelines and other appurtenances for operation of the City Sewage System, within the confines of an area described in Exhibit 1, which is attached hereto and made a part hereof as if fully copied herein, together with reasonable access thereto.

TO HAVE AND TO HOLD said easement and reasonable access thereto unto said Grantee, its successors and assigns temporarily, where noted, and permanently, where noted in Exhibit 1.

With regard to any temporary easement, the easement shall expire upon completion of construction. Completion of construction shall be defined as occurring at the time of final payment being made by Grantee to the Contractor performing the construction work.

It is agreed that the pipeline or pipelines to be laid under this grant shall be constructed at sufficient depth below the surface of the ground to permit normal cultivation, and Grantor shall have the right to fully use and enjoy the above described premises, subject to the rights herein granted.

As additional consideration, it is agreed that the Grantor shall be entitled to receive a waiver of one sewer tap on the property over which this Easement is granted.

Grantee shall have the right to clear and keep clear all trees, undergrowth and other obstructions from the herein granted easement, and Grantor agrees not to build, construct or create, nor permit others to build, construct or create any buildings or other structures on the herein granted easement that will interfere with the normal operation and maintenance of the said line or lines.

Grantor hereby expressly agrees that in the event the route of the pipeline to be constructed hereunder should cross any roads, railroads, creeks, rivers or other waterways located on the above described land or other places requiring extra working spaces, Grantee shall have the right and temporary access to additional working space which may be necessary for construction.

Grantor represents that the above described land is not rented at the present time.

The terms and conditions hereof shall be binding upon and inure to the benefit of the heirs, executors, administrators, devisees, successors, trustees or assigns of the parties hereto, and the rights herein granted may be assigned in whole or in part.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hand and seal, this 19th day of May, 2004

Mike McCarter
MIKE McCARTER

Lisa D. McCarter
LISA D. McCARTER

Witnessed By: [Signature]

STATE MS.-DESOTO CO.
FILED
JUN 9 4 16 PM '04 ^{P2}

BK 474 PG 147
W.E. DAVIS CH. CLK.

APPROVED AND ACCEPTED by the
City of Olive Branch

By: Samuel P. Rikard
SAMUEL P. RIKARD, MAYOR

ATTEST:

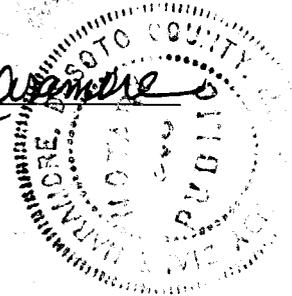
Judy C. Herrington
JUDY C. HERRINGTON, CITY CLERK

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 20th day of May, 2004, within my jurisdiction, Jim Gentry, one of the subscribing witnesses to the above and foregoing instrument, who, being first duly sworn, states that he saw the within named Mike McCarter and wife, Lisa D. McCarter, whose names are subscribed thereto, sign and deliver the same to the City of Olive Branch; and that the affiant subscribed his name as witness thereto in the presence of same.

Jim Gentry
Witness

Judy Diane Nason
NOTARY PUBLIC



My Commission Expires:

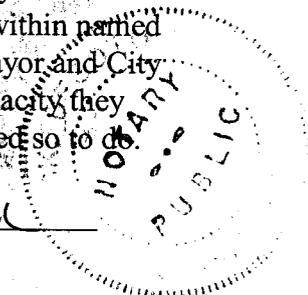
MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 19, 2005
BONDED THRU STEGALL NOTARY SERVICE

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state on this 7th day of June, 2004, within my jurisdiction, the within named Samuel P. Rikard and Judy C. Herrington, who acknowledged that they are the Mayor and City Clerk, respectively, of the City of Olive Branch, and that in said representative capacity they executed the above and foregoing instrument, after first having been duly authorized 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

**MIKE McCARTER &
LISA D. McCARTER
BOOK 223, PAGE 24**

EXHIBIT 1

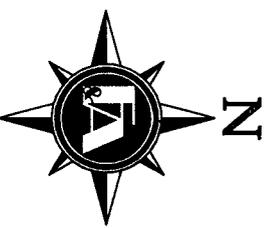
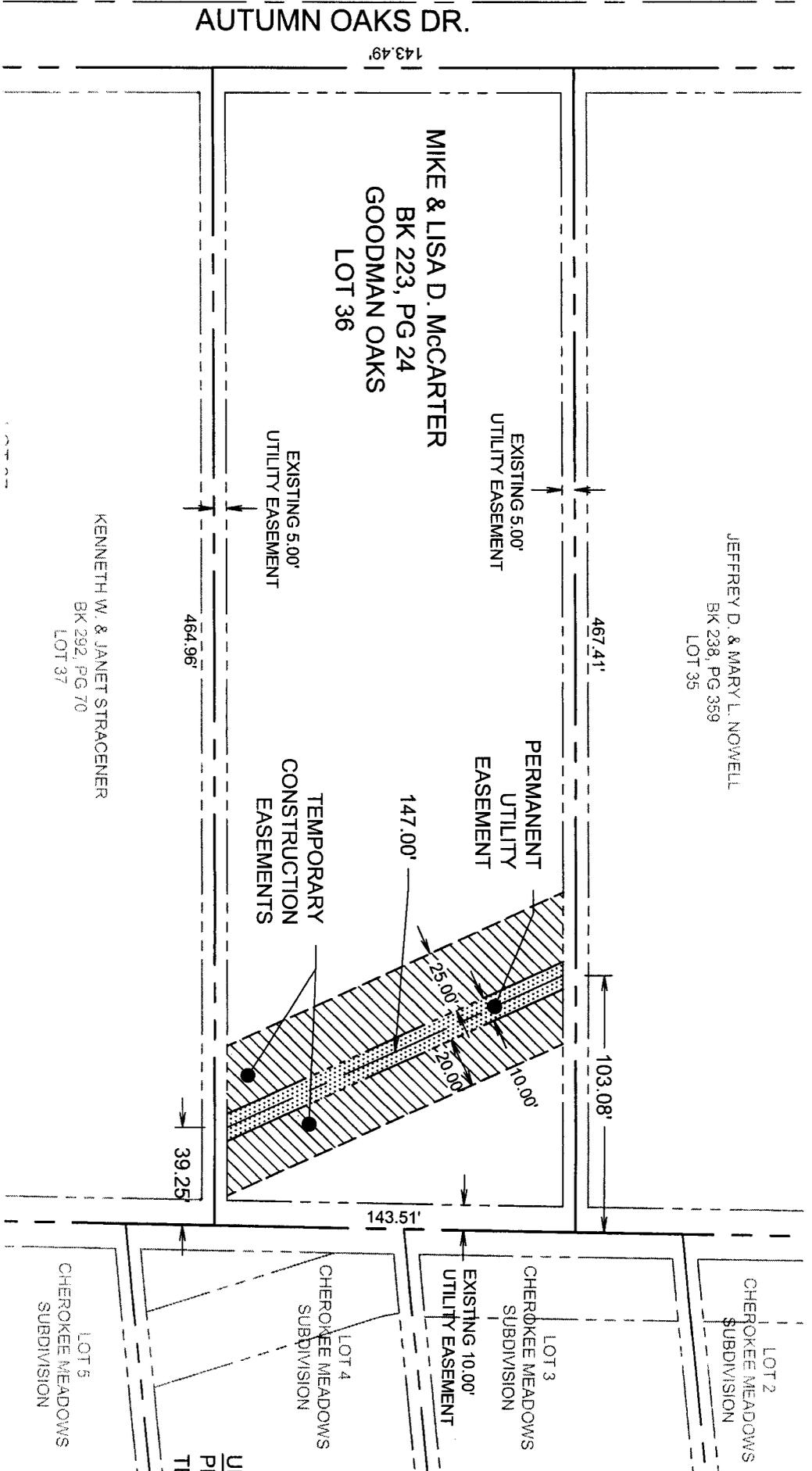
Being a portion of lot 36, Goodman Oaks Subdivision lying in the southwest $\frac{1}{4}$ of Section 31, Township 1 South, Range 6 West in the City of Olive Branch, Desoto County, Mississippi as recorded in Plat Book 35, Page 24-28 in the Office of the Chancery Clerk of Desoto County, Mississippi, and being more particularly described as follows:

PERMANENT UTILITY EASEMENT

Being a 10 foot wide strip of land and having a centerline described as follows: Beginning at a point 39.25 feet west and 5.0 feet north of the southeast corner of subject property; thence in a northwesterly direction a distance of 147.00 feet to a point in the existing utility easement along the north line of subject property, said point being 5 feet south and 103.08 feet west of the northeast corner of subject property as measured along the north line of subject property and containing 1,470 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENTS

Being a 25 foot wide strip of land along the west side and a 20.00 foot wide strip of land along the east of the above describe permanent utility easement and containing 6,615 square feet, more or less.



SCALE: 1" = 60'

EASEMENT REQUIRED:

UNENCUMBERED: ENCUMBERED:
 PERM: 1,470 S.F. PERM: 0.0 S.F.
 TEMP: 6,615 S.F. TEMP: 0.0 S.F.

EXHIBIT NO. 1

SHEET 1 OF 1

THE CITY OF OLIVE BRANCH, MISSISSIPPI
 DESOTO COUNTY

(AREA "D1") SW QUARTER SECTION 31

UTILITY EASEMENT

PREPARED BY: F&A BK. 223, PG. 24 TRACT: MCCARTER
 DRAFTSMAN: BSK/WC DATE: MAY, 2003

THIS PROPERTY IS LOCATED IN
 THE SW QUARTER OF SECTION 31,
 TOWNSHIP 1 SOUTH, RANGE 6 WEST
 DESOTO COUNTY, MISSISSIPPI

NO.	DESCRIPTION	DATE	BY