

ROAD RIGHT OF WAY DEED

R.P. FUNDERBURK, III, ET AL,

GRANTORS

TO

THE CITY OF OLIVE BRANCH,
A MUNICIPAL CORPORATION,

GRANTEE

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of all which is hereby acknowledged, we, R.P. FUNDERBURK, III and wife, ELIZABETH FUNDERBURK, PEGGY VANDERBURG, SIDNEY VANDERBURG and wife, ORAFINE VANDERBURG, LANEY FUNDERBURK, as Trustee for his children, ARTHUR PRICE FUNDERBURK and ROBERT ANDREW FUNDERBURK, ARTHUR PRICE FUNDERBURK AND ROBERT ANDREW FUNDERBURK do hereby convey and warrant unto the CITY OF OLIVE BRANCH, A MUNICIPAL CORPORATION, for road right-of-way, the land lying and being situated in the City of Olive Branch, DeSoto County, Mississippi, more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO FOR COMPLETE LEGAL DESCRIPTION.

The undersigned fully understand that Grantors have the right to receive just compensation for the use of real property herein described based on an appraisal of said property. The undersigned further understand that Grantors have the right to receive just compensation for the deeding of the road right-of-way herein described based upon an appraisal of the property. Grantors hereby waive their right to just compensation and donate the real property for the right-of-way herein described to Grantee. Grantors further understand that they have the right to request that a fair market value appraisal of the property be made, and waive said right.

WITNESS OUR SIGNATURES, this the 1st day of June, 2004.

R.P. Funderburk III
R.P. FUNDERBURK, III

Elizabeth Funderburk
ELIZABETH FUNDERBURK

Peggy Vanderburg
PEGGY VANDERBURG

Sidney Vanderburg
SIDNEY VANDERBURG

Orafine Vanderburg
ORAFINE VANDERBURG

LANEY FUNDERBURK AS TRUSTEE FOR HIS CHILDREN, ARTHUR PRICE FUNDERBURK AND ROBERT ANDREW FUNDERBURK

BY Laney Funderburk
LANEY FUNDERBURK, AS TRUSTEE

STATE MS. - DESOTO CO. SS

JUN 22 9 03 AM '04

BK 475 PG 16
DAVIS CH. CLK.

Arthur Price Funderburk
ARTHUR PRICE FUNDERBURK

Robert Andrew Funderburk
ROBERT ANDREW FUNDERBURK

APPROVED AND ACCEPTED by the
City of Olive Branch

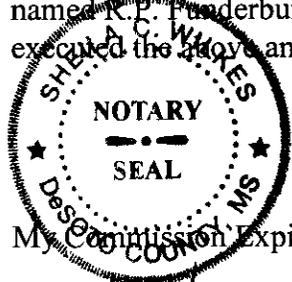
By: Samuel P. Rikard
SAMUEL P. RIKARD, MAYOR

ATTEST:

Judy C. Herrington
JUDY C. HERRINGTON, CITY CLERK

STATE OF Ms.
COUNTY OF Desoto

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of June, 2004, within my jurisdiction, the within named R.P. Funderburk, III and wife, Elizabeth Funderburk, who acknowledged that they executed the above and foregoing instrument.

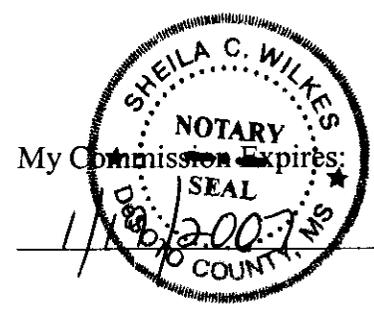


Sheila C. Wilkes
NOTARY PUBLIC

My Commission Expires:
1/19/2007

STATE OF Ms.
COUNTY OF Desoto

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of June, 2004, within my jurisdiction, the within named Peggy Vanderburg, who acknowledged that she executed the above and foregoing instrument.



Sheila C. Wilkes
NOTARY PUBLIC

My Commission Expires:
1/19/2007

STATE OF Ms.
COUNTY OF Desoto

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of June, 2004, within my jurisdiction, the within named Sidney Vanderburg and wife, Orafine Vanderburg, who acknowledged that they executed the above and foregoing instrument.



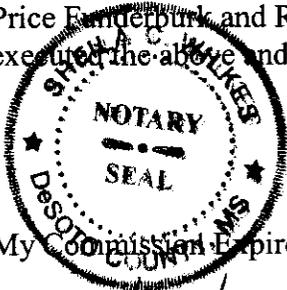
Sheila C Wilkes
NOTARY PUBLIC

My Commission Expires:

1/19/2007

STATE OF Ms.
COUNTY OF Desoto

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of June, 2004, within my jurisdiction, the within named Laney Funderburk, who acknowledged that he is Trustee for his children, Arthur Price Funderburk and Robert Andrew Funderburk, and that in said representative capacity he executed the above and foregoing instrument, after first having been duly authorized so to do.



Sheila C Wilkes
NOTARY PUBLIC

My Commission Expires:

1/19/2007

STATE OF Mississippi
COUNTY OF DeSoto

Personally appeared before me, the undersigned authority in and for the said county and state, on this 28th day of May ~~JUNE~~, 2004, within my jurisdiction, the within named Arthur Price Funderburk, who acknowledged that he executed the above and foregoing instrument.

Michael J. Perry
NOTARY PUBLIC

My Commission Expires:

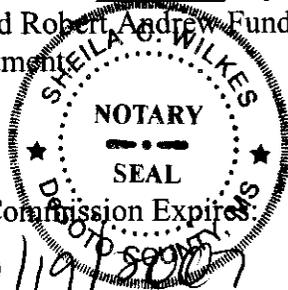
07/28/07

MP



STATE OF Ms.
COUNTY OF Desoto

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of June, 2004, within my jurisdiction, the within named Robert Andrew Funderburk who acknowledged that he executed the above and foregoing instrument.



Sheila C Wilkes
NOTARY PUBLIC

My Commission Expires:

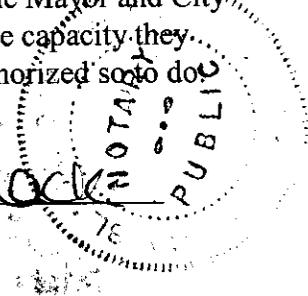
1/19/2007

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state on this 16th 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 to do

Melissa Black
NOTARY PUBLIC



My Commission Expires
MISSISSIPPI STATE WIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 11, 2007
BONDED THRU STEGALL NOTARY SERVICE

GRANTORS' ADDRESS:
12126 Highway 178
Olive Branch, MS 38654
Bus. Telephone: 662-895-2758
Res. Telephone: 662-895-2758

GRANTEE'S ADDRESS:
9189 Pigeon Roost Avenue
Olive Branch, MS 38654
Bus. Telephone: 662-895-4131
Res. Telephone: 662-895-4131

PREPARED BY AND RETURN TO: GARY P. SNYDER, Watkins Ludlam Winter & Stennis, P.A., P.O. Box 1456, Olive Branch, MS 38654, 662-895-2996.

EXHIBIT A

A 0.58, MORE OR LESS, ACRE TRACT OF LAND BEING LOCATED IN THE SOUTHWEST QUARTER OF THE NORTH EAST QUARTER AND THE NORTH WEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 WEST, CITY OF OLIVE BRANCH, DESOTO COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 WEST, CITY OF OLIVE BRANCH, DESOTO COUNTY MISSISSIPPI, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 1375.74 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 2486.79 FEET; TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE SOUTH 43 DEGREES 03 MINUTES 43 SECONDS WEST, A DISTANCE OF 50.00 FEET, TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 642.69 FEET, AN ARC LENGTH OF 106.75 FEET, AND A DELTA OF 9 DEGREES 30 MINUTES 59 SECONDS, TO A POINT; THENCE SOUTH 33 DEGREES 32 MINUTES 44 SECONDS WEST, A DISTANCE OF 147.05, TO A POINT; THENCE SOUTH 52 DEGREES 15 MINUTES 25 SECONDS EAST, A DISTANCE OF 84.23 FEET, TO A POINT; THENCE NORTH 33 DEGREES 32 MINUTES 44 SECONDS EAST, A DISTANCE OF 153.22 FEET, TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 558.69 FEET, AN ARC LENGTH OF 92.79 FEET, AND A DELTA OF 9 DEGREES 30 MINUTES 59 SECONDS, TO A POINT; THENCE NORTH 43 DEGREES 03 MINUTES 43 SECONDS EAST, A DISTANCE OF 50.00 FEET, TO A POINT; THENCE NORTH 46 DEGREES 56 MINUTES 17 SECONDS WEST, A DISTANCE OF 84.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.58, MORE OR LESS, ACRES (25,192, MORE OF LESS, SQUARE FEET) OF LAND AND BEING SUBJECT TO ALL CODES, COVENANTS, EASEMENTS, REVISIONS, RESTRICTIONS, REGULATIONS, AND RIGHTS OF WAY OF RECORD.

A 0.47, MORE OR LESS, ACRE TRACT OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 WEST, CITY OF OLIVE BRANCH, DESOTO COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 WEST, CITY OF OLIVE BRANCH, DESOTO COUNTY MISSISSIPPI, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 1612.63 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 2813.12 FEET; TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; SOUTH 33 DEGREES 32 MINUTES 44 SECONDS WEST, A DISTANCE 84.93 FEET, TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 488.03 FEET, AN ARC LENGTH OF 102.12 FEET, AND A DELTA OF 11 DEGREES 59 MINUTES 23 SECONDS, TO A POINT; THENCE SOUTH 45 DEGREES 32 MINUTES 07 SECONDS WEST, A DISTANCE 49.83 FEET, TO A POINT; THENCE SOUTH 44 DEGREES 18 MINUTES 22 SECONDS EAST, A DISTANCE OF 84.00 FEET, TO A POINT; THENCE NORTH 45 DEGREES 32 MINUTES 07 SECONDS EAST, A DISTANCE OF 50.06 FEET, TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 572.03 FEET, AN ARC LENGTH OF 119.70 FEET, AND A DELTA OF 11 DEGREES 59 MINUTES 23 SECONDS, TO A POINT; THENCE NORTH 33 DEGREES 32 MINUTES 44 SECONDS EAST, A DISTANCE OF 78.71 FEET, TO A POINT; THENCE NORTH 52 DEGREES 13 MINUTES 09 SECONDS WEST, A DISTANCE OF 84.23 FEET, TO THE POINT OF BEGINNING. CONTAINING 0.47, MORE OR LESS, ACRES (20,395, MORE OF LESS, SQUARE FEET) OF LAND AND BEING SUBJECT TO ALL CODES, COVENANTS, EASEMENTS, REVISIONS, RESTRICTIONS, REGULATIONS, AND RIGHTS OF WAY OF RECORD.