

## Mitigation Covenant

*mlr*

5/22/09 3:25:51  
DK W BK 608 PG 634  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

The property located in section 27, T1S – R6W, DeSoto County, Mississippi, described hereinafter as “the property”, is being used to mitigate for the loss of wetlands, stream and riparian habitat functions and values associated with the work done by Mr. Roy Holmes, in section 27, T1S – R6W, DeSoto County, Mississippi. A mitigation covenant has been placed on the property; more accurately described as follows and is agreed upon by the permittee and the Corps of Engineers.

### **DESCRIPTION OF A 7.18 ACRE MITIGATION SITE LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 6 WEST IN OLIVE BRANCH, MISSISSIPPI; THE SAID 7.18 ACRE MITIGATION SITE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

The Point of Beginning of the herein describe property is described as follows; Beginning at a point at the southeast corner of Section 27, township 1 south, range 6 west; thence South 83 degrees 55 minutes 02 seconds West, a distance of 1335.56 feet to a point, thence North 06 degrees 12 minutes 12 seconds West, along the west line of the Alexander Crossing Development and the east line of Roy R. Holmes Construction Company property, as recorded in Book 563 Page 542 (Desoto County Chancery Court), a distance of 1886.32 feet to the Point of Beginning of the herein described property; thence South 83 degrees 47 minutes 48 seconds West, a distance of 94.10 feet to the beginning of a curve concave to the northeast having a radius of 200.00 feet and a central angle of 51 degrees 15 minutes 53 seconds and being subtended by a chord which bears North 31 degrees 20 minutes 36 seconds West 173.04 feet; thence northwesterly and northerly along said curve, a distance of 178.95 feet to a point; thence North 06 degrees 23 minutes 28 seconds West, a distance of 103.98 feet to the beginning of a curve tangent to said line; thence northwesterly, a distance of 75.54 feet along the curve concave to the southwest, having a radius of 48.09 feet and a central angle of 90 degrees 00 minutes 00 seconds to a point; thence along the following courses and distances; thence South 83 degrees 56 minutes 07 seconds West, a distance of 160.00 feet to a point; thence South 06 degrees 03 minutes 53 seconds East, a distance of 7.47 feet to a point; thence South 84 degrees 40 minutes 55 seconds West, a distance of 290.02 feet to a point; thence South 83 degrees 56 minutes 07 seconds West, a distance of 145.00 feet to a point; thence South 06 degrees 03 minutes 53 seconds East, leaving the said north line, a distance of 16.18 feet to a point; thence South 81 degrees 31 minutes 52 seconds West, a distance of 227.45 feet to the beginning of a curve tangent to said line; thence southwesterly, a distance of 151.14 feet along the curve concave to the southeast, having a radius of 100.00 feet and a central angle of 86 degrees 35 minutes 48 seconds; thence South 05 degrees 03 minutes 56 seconds East tangent to said curve, a distance of 312.36 feet; thence South 28 degrees 49 minutes 42 seconds West, a distance of 153.67 feet; thence South 56 degrees 40 minutes 31 seconds West, a distance of 81.94 feet to a point on the southeast corner of Mid-America Student Housing, as recorded in Book 324, Page 492 (DCCC); thence North 06 degrees 03 minutes 53 seconds West, a distance of 178.73 feet to a point on the east line of John Hyneman Dev Co Inc, as recorded in

Prepared By:

Book 276, Page 574 (DCCC); thence North 31 degrees 09 minutes 26 seconds East, a distance of 30.24 feet to a point; thence North 06 degrees 03 minutes 53 seconds West, a distance of 355.11 feet to the beginning of a curve tangent to said line; thence northeasterly, a distance of 267.53 feet along the curve concave to the southeast, having a radius of 175.00 feet and a central angle of 87 degrees 35 minutes 23 seconds to a point on the south line of a Transmission Line Easement, as recorded in Book 421, Page 739 (DCCC); thence North 81 degrees 31 minutes 30 seconds East tangent to said curve and along the south line of said easement, a distance of 912.87 feet to the beginning of a curve tangent to said line; thence southeasterly, a distance of 282.73 feet along the curve concave to the southwest, having a radius of 175.00 feet and a central angle of 92 degrees 34 minutes 07 seconds; thence South 05 degrees 54 minutes 23 seconds East tangent to said curve, a distance of 165.42 feet to a point; thence South 34 degrees 56 minutes 29 seconds East, a distance of 43.60 feet to a point on the west line of the said Alexander Crossing Development; thence South 06 degrees 12 minutes 12 seconds East, a distance of 96.80 feet to the Point of Beginning.

Containing 7.18 ACRES (312869 sf) of land, more or less.

This mitigation covenant includes the following restrictions:

- a. Vegetation – After vegetation is established, as defined in the Department of the Army permit number MVK-2008-120, there shall be no removal, destruction, cutting, mowing, application of biocides, or disturbance or other change in vegetation on the mitigation site. Timber management recommendations by a registered forester shall be considered.
- b. Uses – There shall be no agricultural (to include grazing by domestic livestock), commercial, or industrial activities allowed on the mitigation site. This restriction does not apply to hunting and fishing activities in accordance with state law.
- c. Buildings – There shall be no construction or placement of buildings or other structures on the mitigation site.
- d. Roads – There shall be no construction of roads on the mitigation site.

Upon mutual agreement between the permittee, Mr. Roy Holmes and the Corps of Engineers, this mitigation covenant may be modified due to unforeseen circumstances.

This instrument may be executed in any number of counterparts, each of which shall be considered an original for all purposes.

WITNESS THE EXECUTION hereof by the parties on this the 20<sup>th</sup> day of MAY, 2009.

BY: 

Permittee/ Property Owner

ROY HOLMES

**Notary's Certificate**

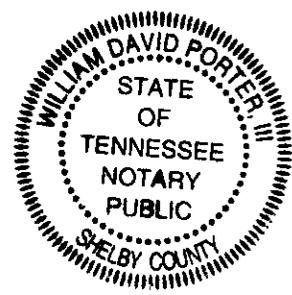
**State of Tennessee  
County of Shelby**

Before me, the Undersigned, a Notary Public in and for said state and county aforesaid, duly commissioned and qualified, personally appeared **Roy Holmes**, with whom I am personally acquainted, and who upon his oath acknowledged himself to be the owner of the tract, the within named bargainer, and that he executed the foregoing instrument for the purpose therein contained.

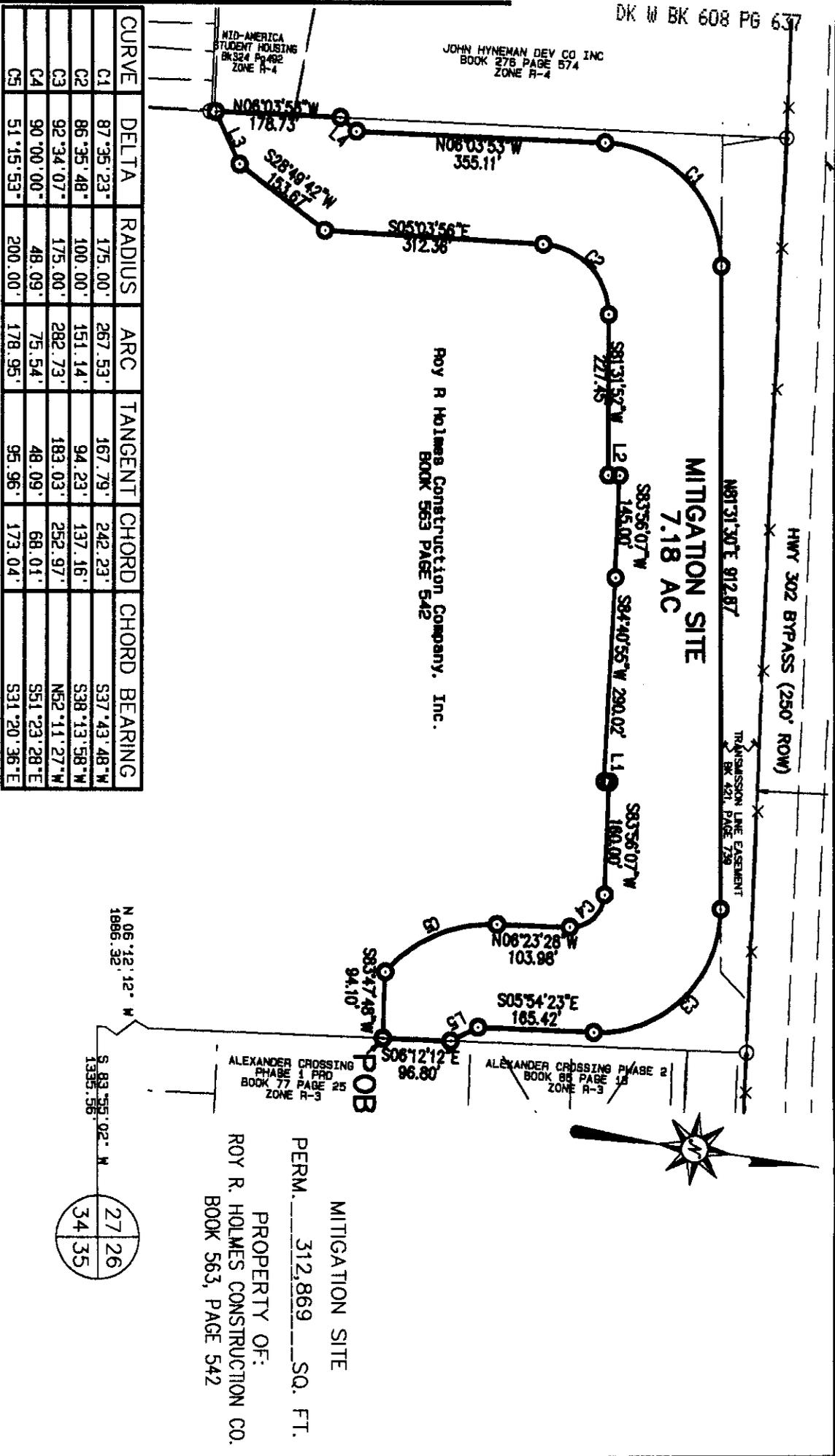
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THIS 20 DAY OF May, 2009.

Notary Public: W. David Porter

My Commission Expires: October 31, 2009



Prepared by: W.H. Porter Consultants, PLLC  
Address: 4821 American Way Ste. 100  
Memphis, TN 38118  
Phone: (901) 363-9453



CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	87°35'23"	175.00'	267.53'	167.79'	242.23'	S37°43'48"W
C2	86°35'48"	100.00'	151.14'	94.23'	137.16'	S38°13'58"W
C3	92°34'07"	175.00'	282.73'	183.03'	252.97'	N52°11'27"W
C4	90°00'00"	48.09'	75.54'	48.09'	68.01'	S51°23'28"E
C5	51°15'53"	200.00'	178.95'	95.96'	173.04'	S31°20'36"E

LINE	BEARING	DISTANCE
L1	S06°03'53"E	7.47'
L2	S06°03'53"E	16.18'
L3	S56°40'31"W	81.94'
L4	N31°09'26"E	30.24'
L5	S34°56'28"E	43.60'

GRAPHIC SCALE

1" = 200'



W. H. PORTER CONSULTANTS, PLLC

PLAT 1 OF 1 SHEET No. 1 OF 2

# 7.18 Ac Mitigation Site

OLIVE BRANCH, MISSISSIPPI

MITIGATION COVENANT

SURVEY BY: W.H.P. DATE: 9/99 BOOK: \_\_\_\_\_  
 DRAFTSMAN: J.Y. DATE: 4/09 SCALE: 1"=200'

MITIGATION SITE  
 PERM. 312,869 SQ. FT.  
 PROPERTY OF:  
 ROY R. HOLMES CONSTRUCTION CO.  
 BOOK 563, PAGE 542



DESCRIPTION OF A 7.18 ACRE MITIGATION SITE LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 6 WEST IN OLIVE BRANCH, MISSISSIPPI. THE SAID 7.18 ACRE MITIGATION SITE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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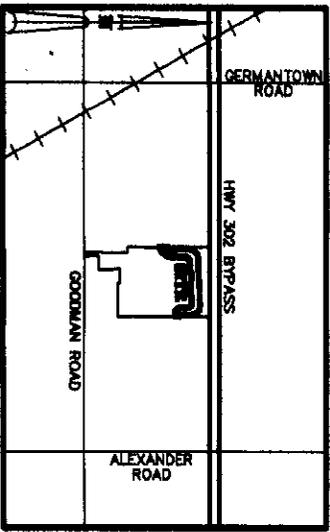
Containing 7.18 ACRES (312869 sq) of land, more or less.

PERM. \_\_\_\_\_ 314,144 \_\_\_\_\_ SQ. FT.

MITIGATION SITE

PROPERTY OF:  
ROY R. HOLMES CONSTRUCTION CO.  
BOOK 563, PAGE 542

PLAT 1 OF 1 SHEET No. 2 OF 2



VICINITY MAP  
NOT TO SCALE

W. H. PORTER CONSULTANTS, PLLC

OLIVE BRANCH, MISSISSIPPI

# 7.18 Ac Mitigation Site

MITIGATION COVENANT

SURVEY BY: W.H.P. DATE: 9/98 BOOK: \_\_\_\_\_  
DRAFTSMAN: J.Y. DATE: 9/98 SCALE: 1"=200'