

UTILITY EASEMENT

For and in consideration of One Dollar ( \$1.00) cash in hand and other good and valuable consideration, the receipt of which is hereby acknowledged, I/ We

**William E Gerber, Trustee of the William E Gerber Living Trust, dated January 31, 2005**

do hereby grant unto the City of Hernando, Mississippi, a Mississippi Municipal Corporation, a perpetual easement with the right to install, construct, lay and thereafter use, maintain and inspect a sewer main installed as per this easement hereto, on, over and across the following described property in DeSoto County, Mississippi, to wit:

A 20 feet wide permanent easement and a temporary construction easement for a proposed sewer main to be installed by a contractor in conjunction with the City of Hernando across a portion of the Gerber Trust property, as recorded in deed book 122 on page 555, in deed book 225 on page 605, and in deed book 498 on page 650 in the DeSoto County Chancery Clerk's Office, said property lying and being in the Northeast and Southeast Quarters of the Southwest Quarter of Section 29, Township 2 South, Range 7 West, Northeast and Southeast Quarters of the Northeast Quarter of Section 31, Township 2 South, Range 7 West, and in the Northeast and Northwest Quarters of the Northwest Quarter of Section 32, Township 2 South, Range 7 West, City of Hernando, DeSoto County, Mississippi.

Commencing at the Point of Intersection of the centerline of Pleasant Hill Road and the West line of Section 29, Township 2 South, Range 7 West, City of Hernando, DeSoto County, Mississippi, said point being commonly accepted as the Northwest corner of the Southwest Quarter of said Section 29; thence leaving the West line of said Section 29, run South 89 degrees 04 minutes 27 seconds East for a distance of 1,860.12 feet to the intersection of the proposed sewer main and the centerline of said Pleasant Hill Road, said point being the **POINT OF BEGINNING** of a temporary construction easement and a twenty (20) feet wide sewer easement, ten (10) feet either side of the following described centerline: thence leaving the centerline of said Pleasant Hill Road run South 09 degrees 20 minutes 00 seconds West for a distance of 62.51 feet; thence run South 15 degrees 30 minutes 37 seconds West for a distance of 350.00 feet; thence run South 10 degrees 56 minutes 57 seconds West for a distance of 400.00 feet; thence run South 13 degrees 39 minutes 30 seconds West for a distance of 400.00 feet; thence run South 14 degrees 40 minutes 18 seconds West for a distance of 350.00 feet; thence run South 34 degrees 12 minutes 26 seconds East for a distance of 375.00 feet; thence run South 34 degrees 06 minutes 54 seconds West for a distance of 375.00 feet; thence run South 45 degrees 31 minutes 57 seconds West for a distance of 275.00 feet; thence run South 01 degrees 01 minutes 59 seconds West for a distance of 200.00 feet; thence run South 46 degrees 59 minutes 27 seconds East for a distance of 400.00 feet; thence run South 26 degrees 04 minutes 40 seconds West for a distance of 400.00 feet to a point on the North bank of the existing Hurricane Creek; thence along the North bank of said Hurricane Creek as follows: run South 69 degrees 38 minutes 01 seconds West for a distance of 450.00 feet; thence run South 54 degrees 32 minutes 08 seconds West for a distance of 400.00 feet; thence continue South 69 degrees 47 minutes 44 seconds West for a distance of 400.00 feet; thence South 68 degrees 49 minutes 13 seconds West for a distance of 451.85 feet; thence leaving the North bank of said Hurricane Creek run South 17 degrees 15 minutes 11 seconds East for a distance of 158.70 feet to a point in the flow line of the existing Hurricane Creek; thence leaving the flow line of said Hurricane Creek continue South 17 degrees 15 minutes 11 seconds East for a distance of 186.60 feet to a point on the North line of the City of Hernando Hurricane Creek lift station property, said point being the **END OF DESCRIPTION** and containing 2.58 acres, more or less.

Together with the right of ingress and egress over the grantors adjacent property during the construction phase of the project from the existing Pleasant Hill Road and McIngvale Road to the easement area for the purpose which the above-mentioned rights are granted. The consideration recited herein shall constitute payment in full for the use of the easement area for the sewer main. This agreement together with the provisions of this grant shall constitute a covenant running with the land for the benefit of the grantee, its successor, and assigns. The City will guarantee that no unreasonable damage will be done to the property by the Contractor for the project whether within or outside the easement area on the Gerber Trust property.

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Witness my signature on this the 26<sup>th</sup> day of May, 2009.

*William E Gerber*

William E Gerber, Trustee of the Representative/Title  
William E Gerber Living Trust,  
dated January 31, 2005

Notary's Certificate Miss DeSoto  
STATE OF TENNESSEE, COUNTY OF SHELBY

Personally appeared before me, the undersigned authority in and for the said State and County, aforesaid William E Gerber as Trustee of William E Gerber Living Trust dated January 31, 2005, who acknowledged that for and on behalf of said William E Gerber Living Trust dated January 31, 2005, as Trustee he signed, sealed and delivered said instrument, as its free act and deed, he/she first being duly qualified and acknowledged so to do. Given under my hand and official seal this the 26<sup>th</sup> day of May, 2009.

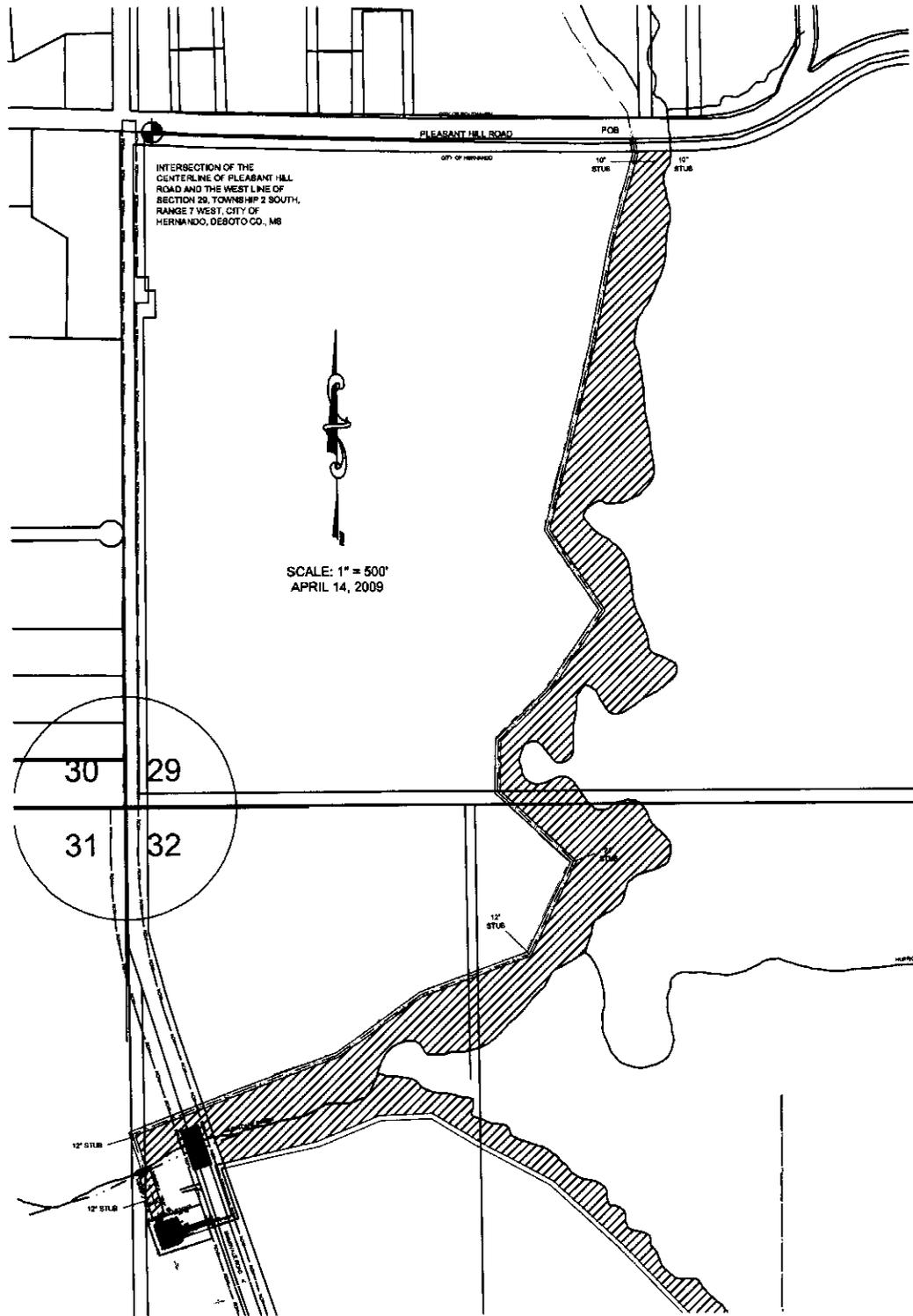
*Melissa S. Bittner*  
NOTARY PUBLIC

9-22-2012  
MY COMMISSION EXPIRES # 21808  
MELISSA S. BITTNER  
Commission Expires  
Sept. 22, 2012  
DE SOTO COUNTY

Prepared By: Joe Lauderdale, 231 W. Center St., Hernando, MS 38632; 662-429-2780  
Grantor Address: 6240 Meadow Grove, Memphis, TN 38120; 662-393-4450  
Grantee Address: 475 West Commerce, Hernando, MS 38632 ; 662-429-9092



GERBER PROPERTY, SHOWING PROPOSED GRAVITY LINE EASEMENT IN REFERENCE TO CENTERLINE OF EXISTING DITCH, LOCATED IN SECTIONS 29, 31 AND 32, TOWNSHIP 2 SOUTH, RANGE 7 WEST, DESOTO COUNTY MISSISSIPPI.



*WEA*  
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