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**Robert E. Smith, Phyllis Jean Smith, George C. Patterson, and Dorothy J. Patterson Easement**

Prepared by:

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Attn: Nicholas H. Manley MSB 101641  
6075 Poplar Avenue, Suite 500  
Memphis, TN 38119  
(901) 680-7200

To the Chancery Clerk of DeSoto County, Mississippi:

The real property described herein is situated in the Northwest Quarter of Section 11, Township 2 South, Range 9 West, Town of Walls, DeSoto County, Mississippi.

**PERMANENT UTILITY EASEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT**

Robert E. Smith, et al

GRANTOR

TO

DESOTO COUNTY REGIONAL UTILITY AUTHORITY

GRANTEE

In consideration of Ten Dollars (\$10.00) and other good and valuable consideration, **ROBERT E. SMITH, PHYLLIS JEAN SMITH, GEORGE C. PATTERSON and DOROTHY J. PATTERSON** (the "Grantors"), grant to **DESOTO COUNTY REGIONAL UTILITY AUTHORITY** ("Grantee"), a body politic, a perpetual and assignable easement and right-of-way in, on, over and across the land, for the location, operation, maintenance, alteration, repair, construction 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 receiving written approval from Grantee for any fence or similar structure which may be constructed over said easement by Grantee and existing easements for public roads and highways, public utilities, railroads and pipelines over the land in DeSoto County, Mississippi described as part Northwest Quarter of Section 11, Township 2 South, Range 9 West, Town of Walls, DeSoto County, Mississippi and being a fifty (50) foot wide permanent utility easement particularly described in Exhibit "A" attached hereto.

The Grantors further grants to Grantee two twenty five (25) foot wide temporary construction easements and right-of-way, as more specifically described on the attached Exhibit "A."

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

In the event any other utility or third party wishes to work or construct within this easement, said other utility or third party will be required to first give notice to the Grantee by reasonable means.

*Neil + Peter  
Desoto Co. Regional*

The Grantors acknowledge 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 acknowledges that they have received just compensation for the easement property. Grantors hereby convey the parcel of property herein described to DeSoto County Regional Utility Authority.

WITNESS MY SIGNATURE on the date set forth below.

The Address and Telephone  
Number of the Grantors:

George and Dorothy Patterson  
4165 Poplar Corner Road  
Lake Cormorant, MS 38641  
662-781-0096

Robert and Phyllis Jean Smith  
4440 Kristin Lane  
Lake Cormorant, MS 38641  
662-781-3863

The Address and Telephone  
Number of the Grantee:

365Loshier Street  
Suite 300  
Hernando, MS 38632  
(662) 429-5590

George C. Patterson  
George C. Patterson

Dorothy J. Patterson  
Dorothy J. Patterson

Robert E. Smith  
Robert E. Smith

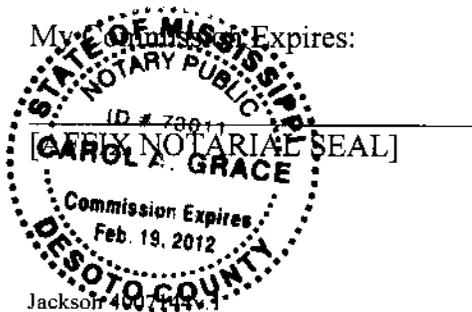
Phyllis Jean Smith  
Phyllis Jean Smith

**STATE OF MISSISSIPPI  
COUNTY OF DESOTO**

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 26<sup>th</sup> day of May, 2009, within my jurisdiction, the within named George C. Patterson, Dorothy J. Patterson, Robert E. Smith, and Phyllis Jean Smith, who executed the above and foregoing Agreement.

Carol A. Grace  
NOTARY PUBLIC

My Commission Expires:



REVISED MAY 15, 2009

LEGAL DESCRIPTION

PARCEL NUMBER LF-04 - UTILITY EASEMENT

TAX PARCEL NUMBER: 2091-1100.0-00002.08

PERMANENT UTILITY EASEMENT AND TWO TEMPORARY CONSTRUCTION EASEMENTS

BEING A LEGAL DESCRIPTION OF A PROPOSED FIFTY (50) FOOT WIDE PERMANENT UTILITY EASEMENT ACROSS PART OF THE ROBERT E. SMITH AND WIFE, PHYLLIS JEAN SMITH (ONE-HALF INTEREST) AND GEORGE C. PATTERSON AND WIFE, DOROTHY J. PATTERSON (ONE-HALF INTEREST) PROPERTY OF RECORD IN WARRANTY DEED AT BOOK 277 – PAGE 462 AT THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI, SAID PROPOSED EASEMENT TO BE DESCRIBED BY CENTERLINE AND TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS "PARCEL NUMBER LF-04", SAID PARCEL NUMBER LF-04 BEING DESCRIBED AS:

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 9 WEST, ALL IN WALLS, 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 A FOUND T POST AT THE WEST QUARTER CORNER OF SAID SECTION 11, SAID T POST ALSO BEING THE PLATTED NORTHEAST CORNER OF LOT 1, DELTA VIEW ESTATES SUBDIVISION OF RECORD IN PLAT BOOK 53 – PAGE 32, SAID POINT OF COMMENCEMENT LYING IN AN EASTERLY DEED LINE OF THE EAGLE LAND, LLC PROPERTY OF RECORD IN WARRANTY DEED AT BOOK 599 – PAGE 527, SAID POINT OF COMMENCEMENT LYING AT MISSISSIPPI STATE PLANE GRID COORDINATES OF NORTHING OF 1,974,035.03 FEET AND EASTING OF 2,357,124.74 FEET (SEE COORDINATE NOTE BELOW); THENCE NORTH 00 DEGREES 15 MINUTES 54 SECONDS WEST ALONG SAID EASTERLY DEED LINE OF EAGLE LAND, LLC PROPERTY – 2256.74 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT OF BEGINNING LYING AT MISSISSIPPI STATE PLANE GRID COORDINATES OF NORTHING OF 1,976,291.75 FEET AND EASTING OF 2,357,114.29 FEET (SEE COORDINATE NOTE BELOW); THENCE ALONG THE CENTERLINE OF SAID PARCEL NUMBER LF-04 THE FOLLOWING BEARINGS AND DISTANCES: NORTH 53 DEGREES 31 MINUTES 57 SECONDS EAST (LEAVING SAID EASTERLY DEED LINE OF AUSTIN, ET AL) - 369.32 FEET TO AN ANGLE POINT; THENCE NORTH 00 DEGREES 16 MINUTES 47 SECONDS WEST - 140.41 FEET TO THE POINT OF TERMINATION, SAID POINT OF TERMINATION LYING IN THE SOUTHERLY RIGHT OF WAY LINE OF CHURCH ROAD (PUBLIC, PAVED ROAD – 53 FEET TO CENTERLINE, NO DEED FURNISHED), SAID POINT OF TERMINATION LYING AT MISSISSIPPI STATE PLANE GRID COORDINATES OF NORTHING OF 1,976,651.67 FEET AND EASTING OF 2,357,410.62 FEET (SEE COORDINATE NOTE BELOW).

PARCEL LF-04 CONTAINING 0.585 ACRES OR 25,487 SQUARE FEET MORE OR LESS, SUBJECT TO RIGHT OF WAY IN ANY PUBLIC ROADS AND PUBLIC AND/OR PRIVATE EASEMENTS.

PAGE TWO

ALSO, A TWENTY-FIVE (25) FOOT WIDE EASEMENT, TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS TEMPORARY CONSTRUCTION EASEMENT "A", TO BE SITUATED ADJACENT TO AND PARALLEL TO THE WESTERLY LINE OF SAID PARCEL LF-04, SAID TEMPORARY CONSTRUCTION EASEMENT "A" BEING MORE PARTICULARLY DESCRIBED BY BEARINGS AND DISTANCES TO WIT: BEGINNING AT THE INTERSECTION OF ABOVE SAID SOUTHERLY RIGHT OF WAY LINE OF CHURCH ROAD AND THE WESTERLY LINE OF ABOVE DESCRIBED PERMANENT UTILITY EASEMENT PARCEL LF04, SAID POINT OF BEGINNING LYING AT MISSISSIPPI STATE PLANE GRID COORDINATES OF NORTHING OF 1,976,651.49 FEET AND EASTING OF 2,357,385.62 FEET (SEE COORDINATE NOTE BELOW); THENCE SOUTH 00 DEGREES 16 MINUTES 47 SECONDS EAST ALONG SAID WESTERLY LINE OF PARCEL LF04 A DISTANCE OF 100.18 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 13 SECONDS WEST (PERPENDICULAR TO SAID WESTERLY LINE) - 25.00 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 47 SECONDS WEST (PARALLEL TO SAID WESTERLY LINE) - 100.12 FEET TO THE SAID SOUTHERLY RIGHT OF WAY LINE CHURCH ROAD; THENCE NORTH 89 DEGREES 35 MINUTES 11 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE - 25.00 FEET TO THE POINT OF BEGINNING CONTAINING 2,504 SQUARE FEET OR 0.057 ACRES, MORE OR LESS.

ALSO, A TWENTY-FIVE (25) 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 LF-04, SAID TEMPORARY CONSTRUCTION EASEMENT "B" BEING MORE PARTICULARLY DESCRIBED BY BEARINGS AND DISTANCES TO WIT: BEGINNING AT THE INTERSECTION OF ABOVE SAID SOUTHERLY RIGHT OF WAY LINE OF CHURCH ROAD AND THE EASTERLY LINE OF ABOVE DESCRIBED PERMANENT UTILITY EASEMENT PARCEL LF04, SAID POINT OF BEGINNING LYING AT MISSISSIPPI STATE PLANE GRID COORDINATES OF NORTHING OF 1,976,651.85 FEET AND EASTING OF 2,357,435.61 FEET (SEE COORDINATE NOTE BELOW); THENCE NORTH 89 DEGREES 35 MINUTES 11 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF CHURCH ROAD - 25.00 FEET; THENCE SOUTH 00 DEGREES 16 MINUTES 47 SECONDS EAST (PARALLEL TO SAID EASTERLY LINE OF PARCEL LF04) A DISTANCE OF 87.74 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 13 SECONDS WEST - 25.00 FEET TO SAID EASTERLY LINE OF PARCEL LF04; THENCE NORTH 00 DEGREES 16 MINUTES 47 SECONDS WEST ALONG SAID EASTERLY LINE OF PARCEL LF04 A DISTANCE OF 87.68 FEET TO THE POINT OF BEGINNING CONTAINING 2,193 SQUARE FEET OR 0.050 ACRES, MORE OR LESS.

BY GRAPHIC DETERMINATION PART OF PARCEL LF-04 LIES WITHIN THE LIMITS OF THE SPECIAL FLOOD HAZARD AREA ZONE AE, INUNDATED BY 100 YEAR FLOOD, PER FIRM/FEMA MAP NUMBER 28033C0042G, REVISED JUNE 4, 2007.

ALL REFERENCES TO GRID BEARINGS AND MISSISSIPPI STATE PLANE GRID COORDINATES AS INDICATED IN THIS LEGAL DESCRIPTION AND ON THE ACCOMPANYING SURVEY EXHIBIT ARE UNADJUSTED, NAD 83 - WEST ZONE, SURVEY FEET, WITH A CONVERGENCE ANGLE OF 00 DEGREES 06 MINUTES 56 SECONDS AND A COMBINED FACTOR OF 0.999942111 AT THE POINT OF COMMENCEMENT OF LEGAL DESCRIPTION. GRID COORDINATE VALUES WERE DETERMINED BY GLOBAL POSITIONING SURVEY (GPS) OBSERVATION AND OPUS SOLUTION.

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

THIS LEGAL DESCRIPTION AND ITS ACCOMPANYING EXHIBIT ARE DERIVED FROM AN ACTUAL ON THE GROUND SURVEY ACROSS THE ABOVE DESCRIBED PARCEL NUMBER LF-04 AND ALL MEET THE MINIMUM ACCURACY REQUIREMENTS FOR A MISSISSIPPI CLASS "A" SURVEY.