

STATE OF MISSISSIPPI

COUNTY OF DESOTO

PERMANENT UTILITY EASEMENT

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made and entered into on this the 27th day of October, 2009, by and between **SPENCER R. LEE II AND WIFE, CARRIE M. LEE**, party of the first part, and the **CITY OF SOUTHAVEN, MISSISSIPPI**, a municipal corporation and body politic, party of the second part.

WITNESSETH

That the party of the first part, for and in consideration of the sum of Ten Dollars (\$10) cash in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and other good and valuable considerations hereinafter recited, does hereby give, grant, and convey unto the part of the second party, its successors and assigns, a permanent utility easement along, across or under the hereinafter described property to be used as a general utility easement by the City of Southaven, Mississippi, and a temporary construction easement along, across or under lands of the party of the first part, all situated in DeSoto County, Mississippi and described as follows, to-wit:

A forty (40) foot wide **permanent utility easement** located in Lot 2, Cardona Subdivision, plat book 96, page 1, on file in the Chancery Clerk's Office of DeSoto County, Mississippi, Northwest Quarter (NW1/4) of Section 29, Township 2 South, Range 7 West, DeSoto County, Mississippi being twenty (20) feet either side of the centerline of a proposed sanitary sewer line more particularly described as:

City of SH

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Said centerline begins on the South property line of the Lee property as recorded in Deed Book 436, Page 664, on file in the Chancery Clerk's Office of DeSoto County, Mississippi, 313 feet, more or less, West of the Southeast corner along the south property line of the Lee property, as recorded in Deed Book 436, Page 664, on file in the Chancery Clerk's Office, DeSoto County, Mississippi, thence N 45°40'45'' E a distance of 134.58 feet, more or less to a manhole; thence N 14°14'04'' W, a distance of 215.38 feet, more or less to the North property line of Lee Property and containing 0.32 acres, more or less.

TOGETHER WITH a fifteen (15) foot wide **temporary easement** located along, adjoining, South and East of the above described permanent utility easement and containing 0.12 acres, more or less.

TOGETHER WITH a fifteen (15) foot wide **temporary easement** located along, adjoining, North and West of the above described permanent utility easement and containing 0.12 acres, more or less.

TOGETHER WITH all rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right of ingress and egress to and from said easement;

The temporary construction easement conveyed hereby shall be effective upon the date of execution hereof, but shall terminate upon the completion date of the utility project by the City of Southaven, Mississippi.

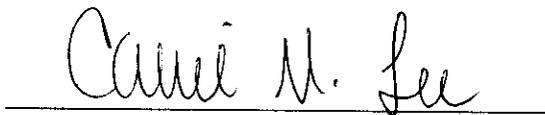
The consideration recited herein shall constitute payment in full for all damages sustained by Grantors by reason for the installation of the structures referred to herein and grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damage will result from its use of the grantor's premises. This agreement together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns. The Grantors do covenant that they are the Owners of the above mentioned land and that said land is free and clear

of all encumbrances and liens except the following:

IN WITNESS THEREOF, the party of the first part hereunto subscribed their names on the date first above written.



SPENCER R. LEE, II



CARRIE M. LEE

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for said county and state, on this the 27th day of October 2009, within my jurisdiction, the within named, Spencer R. Lee, II and Carrie M. Lee, who acknowledged before me that he witnessed the execution of the above and foregoing instrument.

Melissa S. Bittner

Notary Public



INDEXING INSTRUCTIONS: Lot 2 Cardona Subdivision, NW ¼ Section 29, T2S, R7W, DESOTO COUNTY, MS

Grantor's Address: Spencer and Carrie Lee
1930 Swinnea Road
Nesbit, MS 38651
HM TEL. N/A
WK TEL N/A

Grantee's Address: 8710 Northwest Dr.
Southaven, MS 38671
WK TEL. 662 280 2489
HM TEL. N/A

INSTRUMENT PREPARED BY: ROZIER HAYES, PLLC
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