

STATE OF MISSISSIPPI
COUNTY OF DESOTO

PERMANENT UTILITY EASEMENT
TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made and entered into on this the 11th day of ^{December} ~~November~~, 2009, by and between **HAROLD AND SHIRLEY PENNINGTON**, party of the first part, and the **CITY OF SOUTHAVEN, MISSISSIPPI**, a municipal corporation and body politic, party of the second part.

WITNESSETH

J. P.
2,840 HLP

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 the Northwest Quarter (NW ¼) 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:

Said centerline begins on the South property line of the Pennington property as recorded in Deed Book 475, Page 463, on file in the Chancery Clerk's Office of DeSoto County, Mississippi, 362 feet, more or less, West of the Southeast corner along the south property line of the Pennington property, as recorded in Deed Book 475, Page 463, on file in the Chancery Clerk's Office, DeSoto County, Mississippi, thence N 19°13'03" W a distance of 111.44 feet, more or less to a manhole; thence N 3°26'58" W, a distance of 65.13 feet, more or less to the North property line of Pennington Property and containing 0.16 acres, more or less.

TOGETHER WITH a fifteen (15) foot wide **temporary easement** located along, adjoining, and East of the above described permanent utility easement and containing 0.06 acres, more or less.

TOGETHER WITH a fifteen (15) foot wide **temporary easement** located along, adjoining, and West of the above described permanent utility easement and containing 0.06 acres, more or less.

City of SH

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.


HAROLD PENNINGTON


SHIRLEY PENNINGTON

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for said county and state, on this the 11th day of ~~November~~ ^{December}, 2009, within my jurisdiction, the within named, Harold and Shirley Pennington who acknowledged before me that he witnessed the execution of the above and foregoing instrument.



Pam Meyer

Notary Public

My Commission Expires:

INDEXING INSTRUCTIONS: NW ¼ SECTION 29, T2S, R7W, DESOTO COUNTY, MS

Grantor's Address: Harold and Shirley Pennington
1776 Swinnea Road
Nesbit, MS 38651
662-449-3431

Grantee's Address: 8710 Northwest Dr.
Southaven, MS 38671
662-280-2489

INSTRUMENT PREPARED BY: ROZIER HAYES, PLLC
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