

STATE OF MISSISSIPPI
COUNTY OF DESOTO)

PERMANENT UTILITY EASEMENT
TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made and entered into on this the 18TH day of JUNE, 2009, by and between **DAN E. ROWLAND, TRUSTEE OF THE DAN E. ROWLAND LIVING TRUST, DATED THE 6TH DAY OF OCTOBER, 1998**, 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 (\$10.00) 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 part of the first part, all situated in DeSoto County, Mississippi and described as follows, to-wit:

TRACT 1

A forty (40) foot wide permanent utility easement located in the ~~West Half (W 1/2)~~ N/W 1/4 & THE S/W 1/4 of Section 20, 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 Rowland property as recorded in Deed Book 352, Page 193; DB 352, Page 390; DB 352, Page 396, on file in the Chancery Clerk's Office of DeSoto County, Mississippi, 172 feet, more or less, West of the Southeast corner along the south property line of the Rowland property, as recorded in Deed Book 352, Page 193; DB 352, Page 390; DB 352, Page 396, on file in the Chancery Clerk's Office, DeSoto County, Mississippi, thence N 24°26'32" E a distance of 256.21 feet, more or less to a manhole; thence N 1°52'52" E a distance of 400 feet, more or less to a manhole; thence N 44°04'36" W a distance of 229.10 feet, more or less to a manhole; thence N 21°00'13" W a distance of 314 feet, more or less to a manhole; thence N 53°14'44" W a distance of 58.1 feet, more or less to the West property line of the Rowland property, containing 1.15 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 0.45 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 0.42 acres, more or less.

TRACT 2

A forty (40) foot wide permanent utility easement located in the West Half (W 1/2) of Section 20, 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 North property line of the Ronnie L Rowland property as recorded in Deed Book 233, Page 702, on file in the Chancery Clerk's Office of DeSoto County, Mississippi, 867 feet, more or less, East of the Northwest corner along the north property line of the Ronnie L. Rowland property, as recorded in Deed Book 233, Page 702, on file in the Chancery Clerk's Office, DeSoto County, Mississippi, thence N 53°14'44" W a distance of 572.99 feet, more or less to a manhole; thence N 58°22'02" W a distance of 479.74 feet, more or less to the West property line of the Rowland Living Trust property, containing 0.97 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 0.42 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 0.34 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.

Party of the second part agrees to restore the easement area granted herein to its original condition. 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.

Dan E. Rowland
DAN E. ROWLAND, TRUSTEE

STATE OF MISSISSIPPI
COUNTY OF LAFAYETTE

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, within my jurisdiction, the within named, Dan E. Rowland who acknowledged that he is Trustee of the Dan E. Rowland Living Trust, Dated the 6th Day of October, 1998 and for and on behalf of said Trust executed and delivered the above foregoing instrument on the day and in the year therein mentioned, for the consideration therein recited, being duly authorized so to do.

GIVEN UNDER MY HAND AND SEAL on this, the 18th day of June 2009.

Cynthia J. Reeves
CYNTHIA J. REEVES
STATE OF TENNESSEE
NOTARY PUBLIC
SHELBY COUNTY
MY COM. EXPIRES 12/21/2011

INDEXING INSTRUCTIONS: W 1/2 SECTION 20, TOWNSHIP 12N, RANGE 10E, MISSISSIPPI COUNTY, MS

Grantor's Address: 2436 Swinnea Road
Nesbit, MS 38651
TEL: N/A

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

INSTRUMENT PREPARED BY: Neel-Schaffer
5740 Getwell Road, Building 2
Southaven, Mississippi 38672
Phone No. (662) 890-6404