

11/18/10 4:40:54
DK # BK 647 PG 91
DE SOTO COUNTY, MS
W.E. DAVIS, CH CLERK

This instrument prepared by:
Joseph D. Neyman, Jr. - MS Bar #10399
Smith Phillips Mitchell Scott & Nowak, LLP
2545 Caffey St.
Hernando, MS 38632
662-429-5041

GRANTOR(S): ROSIE LEE BERRYHILL
GRANTOR(S) ADDRESS & PHONE:
Rosie Lee Berryhill
5777 Londonberry, Southaven, MS 38671
Home Phone: 662-342-1364
Business Phone: N/A

GRANTEE(S): HORN LAKE CREEK WATERSHED DRAINAGE DISTRICT
GRANTEE(S) ADDRESS & PHONE:
2535 Highway 51
Hernando, MS 38632
Home Phone: N/A
Business Phone: 662-429-5011

INDEXING INSTRUCTIONS: Northwest Quarter of Section 1, Township 2 South, Range 8 West, DeSoto County, Mississippi

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the sum of \$10.00 cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **ROSIE LEE BERRYHILL**, does hereby grant and convey a temporary construction easement to **HORN LAKE CREEK WATERSHED DRAINAGE DISTRICT** its employees, agents, contractors, and cooperation parties, such as the Natural Resources Conversation Service of the United States Department of Agriculture, with the right to enter upon the following described lands as a construction and work area, including the right to move, store, and remove equipment and supplies, and to perform any other work necessary and incident to the improving of drainage ditches, together with the right to grade land, install rip rap or similar materials, trim, cut, fell and remove therefrom all snags, trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the easement:

Beginning at the southwest corner of Lot 248 of Section C, of the DeSoto Woods Subdivision located in Section 1, Township 2 South, Range 8 West in DeSoto County, Mississippi said point being the point of beginning of a Temporary Easement for Construction and Maintenance of Bank Stabilization along an Un-Named Tributary to Horn Lake Creek in the Vicinity of Lot 248, Section C, DeSoto Woods Subdivision and being more particularly described as follows:

Beginning at the southwest corner of said Lot 248 of said subdivision, said point also being on the north right-of way of Tuscany Way; thence in a easterly direction along the south line of said Lot 248 and said north right-of-way along a concave curve with a radius of 478.66 feet, a delta angle of 17°-20' and a length of 144.81 feet, a distance of approximately 35 feet to a point on said south line and said right-of-way; thence in a northeast direction and parallel to the west line of said Lot 248, a distance of approximately 111 feet to a point on the north line of said Lot 248; thence in a westerly direction and along the north line of said Lot No. 248, a distance of approximately 37 feet to a point said point being the northwest corner of said Lot 248; thence in a southwesterly direction and along the west line of said Lot 248, a distance of 110.29 feet to the point of beginning of a Temporary

Easement for Construction and Maintenance of Bank Stabilization along an Un-Named Tributary to Horn Lake Creek in the Vicinity of Lot 248, Section C, DeSoto Woods Subdivision; subject description also encompasses a 20 foot Drainage and Utility Easement as shown on the recorded plat of DeSoto Woods Subdivision, Section C as recorded in Plat Book 7 pages 15 and 16 of the Chancery Clerk's Office of DeSoto County, Mississippi. Said property being located in the Northwest Quarter.

I fully understand that I have the right to receive just compensation for the real property herein described based on an appraisal of said property. I hereby waive my right to just compensation and donate the real property herein described to Horn Lake Creek Watershed Drainage District. I further understand that I have the right to request that a fair market value appraisal of the property be made and I hereby waive that right.

The temporary construction easement shall last for two years or until the completion of the project, whichever comes first.

WITNESS MY SIGNATURE, on the date as set forth below.

Rosie Lee Berryhill
ROSIE LEE BERRYHILL

Dated: 6/9/2010

STATE OF Mississippi
COUNTY OF DeSoto

This day, personally appeared before me, the undersigned authority in and for said county and state, the above named ROSIE LEE BERRYHILL, who acknowledged that she signed and delivered the above and foregoing easement on the day and year therein mentioned as her free and voluntary act and deed and for the purposes therein expressed.

GIVEN under my hand and official seal of office, this the 9th day of June, 2010.

My commission expires: 4/5/2011



Felicia D. Maclin
Notary Public