

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY,  
MISSISSIPPI, TO ACCEPT A GRANT OF RIGHT-OF-WAY EASEMENT; TO  
DEDICATE A ROAD AS A PUBLIC COUNTY ROAD AND TO ACCEPT THE  
OBLIGATION TO MAINTAIN AND REPAIR SUCH PUBLIC ROAD**

WHEREAS, the Board of Supervisors of Madison County, Mississippi (the "Board" of the "County"), acting for and on behalf of the County, hereby finds, determines, adjudicates and declares as follows:

1. The Board of Education of the Madison County School District (the "Board of Education"), acting for and on behalf of the Madison County School District (the "District"), are Trustees of the District's Sixteenth Section School Lands Trust, charged with the responsibility to manage all Sixteenth Section School Trust Lands located within the boundaries of the District;

2. The Board of Education determined a new road was necessary to provide access to and on sixteenth section land at the East ½ of Section 16, Township 8 North, Range 2 East, Madison County, Mississippi, and that the new road would enhance the value of the sixteenth section land;

3. The Board of Education requested that the County construct the road, which is now known as "Thomas Johnson Road and is more particularly described on **Exhibit "A"** hereto (the "Road"), and now requests that the County also maintain the Road and accept dedication of the road for public use in accordance with and ratification of the original intent of the parties expressed in the development leases described below, approved by the County;

4. The Board of Education and the Madison County Economic Development Authority ("MCEDA") entered that certain Sixteenth Section Lease for Commercial/Industrial Development Part of Section 16, T8N, R2E, Madison County, East of I-55, dated July 10, 2006, and filed of record in the Office of the Chancery Clerk of Madison County, Mississippi as Instrument No. 508782 in Book 2081 at Page 548, as amended by virtue of that certain Amendment to the 16<sup>th</sup> Section Property Lease Contract, dated March 24, 2008, and filed of record in the Office of the Chancery Clerk of Madison County, Mississippi, as Instrument No. 564922 in Book 2320 at Page 929, for the purpose of constructing infrastructure improvements on the property more particularly described on **Exhibit "A"** hereto, which lease and the amendment thereto were approved by the Board, and was later terminated effective December 31, 2010, by virtue of that certain Notice of Termination of Sixteenth Section Lease filed of record in the Office of the Chancery Clerk of Madison County, Mississippi, in Book 2652 at Page 2;

5. The Board of Education also entered that certain Sixteenth Section Commercial Property Lease related to sixteenth section land more particularly described in the lease with Fore Investments, LLC as lessor, dated November 7, 2005, and filed of record in the Office of the Chancery Clerk of Madison County, Mississippi, as Instrument No. 491885 and 491397, in Book 2004 Page 354 and also in Book 2006 at Page 571, which lease provided that a public road would be built, and which lease was approved by the County and by MCEDA;

6. The County did construct the Road shown and described on **Exhibit "A"** hereto;

7. Construction of the Road made the Sixteenth Section property marketable for lease or sale by the District in benefit of the public trust;

8. Construction of the Road enhances the value of the land as evidenced by the recent purchase by Fastenal Company of approximately 33.92 acres of Sixteenth Section property that is located south of the Road, as described on **Exhibit "B"** hereto, allowing an in-lieu land transaction that has already been approved by the Board of Education and the Mississippi Development Authority, thereby enhancing value to the District and the public trust, and enhancing the potential for future development of the remaining portions of the Sixteenth Section;

9. The Road currently requires and will continue to require regular maintenance;

10. The initial cost of constructing the new road totaled approximately \$953,964, which exceeds the value of the right-of-way, which value was determined to total \$90,600 by the appraisal of Brent L. Johnston, Old Town Realty & Appraisal Services, Inc., Mississippi licensed real estate appraiser, GA #135, dated as of June 19, 2018;

11. The Board of Education had sole discretion in determining and did determine and agree to the location of the Road;

12. The Board desires to agree to accept a perpetual easement or right-of-way across sixteenth section land located within the District for the purposes of having constructed and hereafter maintaining the public Road;

13. Pursuant to Miss. Code Ann. § 29-3-91(2), the Board of Education is authorized to grant easements and rights-of-way across its sixteenth section land or lieu land to the County;

14. Upon execution and delivery thereof by the Board of Education, the Board is desirous of accepting and executing the Right-of-Way Easement, the form of which is attached hereto as **Exhibit "C"** (the "Right-of-Way Easement"), for public use in favor of the County in accordance with the Resolutions adopted herein; and

15. The Board wishes to adopt this Resolution as a permanent record of the Board's action with respect to Right-of-Way Easement and to dedicate the Road and utilities in the right-of-way thereof to the public use.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby find, determine, adjudicate, resolve, and declare the following:

1. The matters and facts stated in the preamble of this Resolution are found, determined, adjudicated, and resolved to be true and correct.

2. The Road is necessary to provide access to and on sixteenth section land located within the District and enhances the value of the sixteenth section land.

3. As a public road located in the County and not in any municipality, the County will bear all costs of construction and on-going maintenance of the Road.

4. The initial cost of constructing the Road (approximately \$953,964) exceeds the value of the right-of-way easement, which value is based upon a professional appraisal by Brent L. Johnston, Old

Town Realty & Appraisal Services, Inc., GA #135, Mississippi Licensed Certified General Real Estate Appraiser, dated June 19, 2018, and totals \$90,600 for the approximately 1.51 acre tract.

5. Pursuant to Miss. Code Ann. § 29-3-91(2), the Board of Education has authority to provide a right-of-way for the Road (known as “Thomas Johnson Road”) without compensation from the County, and the Board has the authority, pursuant to Miss. Code Ann. §§ 29-3-91(2) and 65-7-1 *et seq.*, to accept the grant of such right-of-way for the Road from the Board of Education and to cause such Road to be included in the official record of the County road system registry and in the official County road map.

6. The Right-of-Way Easement is hereby approved, and the President of the Board and the Clerk of the Board are hereby authorized, upon receipt thereby of a signed original of such instrument executed by the Board of Education, to accept, execute and record the Right-of-Way Easement in substantially the form attached as **Exhibit “C”** hereto with such completions, changes, insertions and modifications as shall be approved by the President of the Board and the Board attorney, the execution thereof by the President of the Board to be conclusive evidence of such approval; all provisions of the Right-of-Way Easement, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the extent as if separately set out verbatim herein; and in the event of any conflict between the provisions of this resolution and the provisions of the Right-of-Way Easement, the provisions of the Right-of-Way Easement shall govern.

7. The Clerk of the Board is hereby directed to update or cause the County Road Manager to update the County road registry so as to include the Road as a public road in the County road system registry and in the official County road map.

*[VOTING RECORD AND RESOLUTION SIGNATURE PAGE FOLLOWS]*

The motion to adopt the foregoing Resolution was made by Supervisor \_\_\_\_\_ and was duly seconded by Supervisor \_\_\_\_\_. The motion was put to a vote, and the results were as follows:

Supervisor Trey Baxter	voted _____
Supervisor David Bishop	voted _____
Supervisor Sheila Jones	voted _____
Supervisor Paul Griffin	voted _____
Supervisor Gerald Steen	voted _____

Having received a majority of the affirmative votes of the Board, the Resolution passed on \_\_\_\_\_, 2018, at a regular meeting of the Board.

**MADISON COUNTY BOARD OF SUPERVISORS**

By: \_\_\_\_\_  
Sheila Jones,  
President of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

[SEAL]

**Exhibit A**

*Survey of Road*

(see attached)

**Exhibit B**

*Survey Showing Property Purchased by Fastenal*

(see attached)

**Exhibit C**

*Form of Right-of-Way Easement*

(see attached)

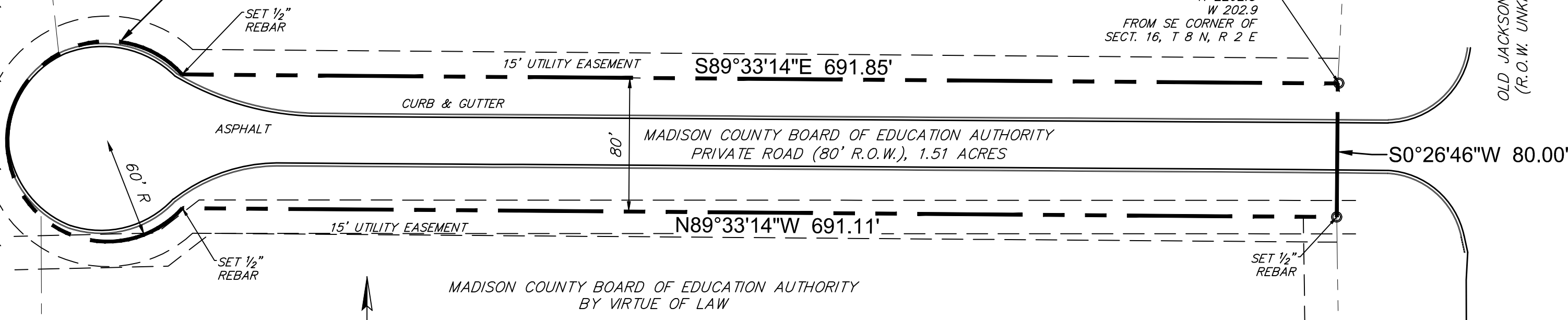
FORE INVESTMENTS, LLC  
 BK. 2004, PG. 354; BK. 2006, PG. 571; BK. 3288, PG. 505

L: 289.42'  
 R: 60.00'  
 T: 53.67'  
 CH.BRNG: N0°05'11"W  
 CH.DIST: 80.00'

MADISON COUNTY BOARD OF EDUCATION AUTHORITY  
 BY VIRTUE OF LAW

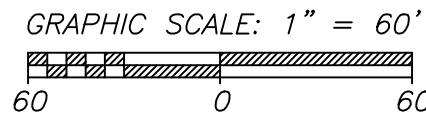
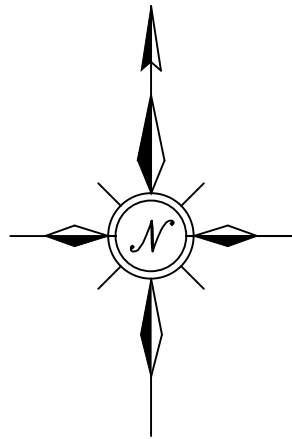
P.O.B.  
 FOUND 1/2" REBAR  
 N 2262.3  
 W 202.9  
 FROM SE CORNER OF  
 SECT. 16, T 8 N, R 2 E

OLD JACKSON ROAD  
 (R.O.W. UNKNOWN)



MADISON COUNTY BOARD OF EDUCATION AUTHORITY  
 BY VIRTUE OF LAW

**Revision:**  
**Revision #1 Dated 6-26-18:**  
 Added previous deed information to the description regarding "Fore Investments".  
**Revision #2 Dated 6-28-18:**  
 Removed Book and Page reference from MCBEA property and description



**Surveyor Description**

Description of a part the Madison County Board of Education Authority (MCBEA) property by virtue of law, located in Section 16, Township 8 North, Range 2 East, in Madison County, Mississippi and is further described as:

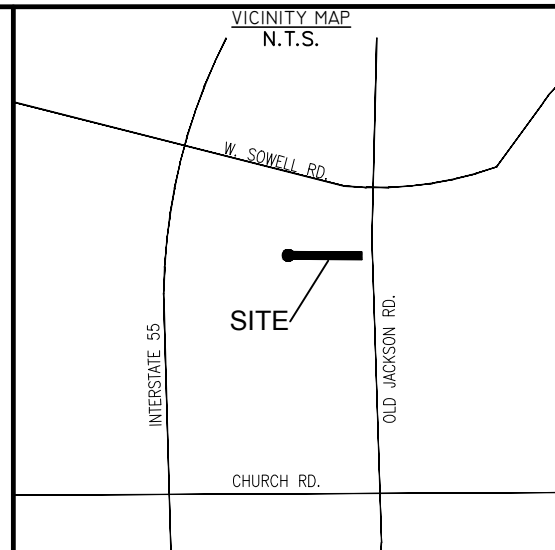
Beginning at a found 1/2" rebar being North 2262.3' and West 202.9' from a set pk nail at the accepted Southeast corner of said Section 16, said 1/2" rebar being in the west line of Old Jackson Road (R.O.W. unknown); thence South 0°26'46" West, along said west line, a distance of 80.00 feet to a set 1/2" rebar; thence across said MCBEA property and along the Fore Investments lease line recorded in Book 2004, Page 354, as re-recorded at Book 2006, Page 571 and as amended at Book 3288, Page 505, the following calls: North 89°33'14" West, a distance of 691.11 feet to a set 1/2" rebar in a curve; thence along a curve to the right having a radius of 60.00 feet a chord bearing of North 0°05'11" West, a chord length of 80.00 feet and a distance along its arc of 289.42 feet to a set 1/2" rebar; thence South 89°33'14" East, a distance of 691.85 feet to the Point of Beginning and containing 1.51 acres of land more or less.



PIROSCHKA L. SPENCER, PLS#3273

BEARINGS REFERENCED TO THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83, GEOID 12A BY RTK GPS OBSERVATION AT THE AT THE \* FOUND 1/2" REBAR (P.O.B.) SCALE FACTOR: 0.99995644 CONVERGENCE ANGLE: 0°07'51"

**SURVEY DATA:**  
 CLASS OF SURVEY: CLASS 'A' SURVEY  
 DRAWING DATE: JUNE 19, 2018  
 FIELD SURVEY DATE: APRIL 2018  
 REFERENCE MATERIAL: BK. 2320, PG. 929; BK. 2652, PG. 1; BK.3288, PG. 505



PREPARED BY:



5779 GETWELL RD, BLDG B  
 SOUTHAVEN, MS 38672  
 OFFICE: 662-510-2169

RIGHT-OF-WAY PLAT  
 OF A PART OF THE  
 MADISON COUNTY MISSISSIPPI  
 BOARD OF EDUCATION AUTHORITY  
 BY VIRTUE OF LAW

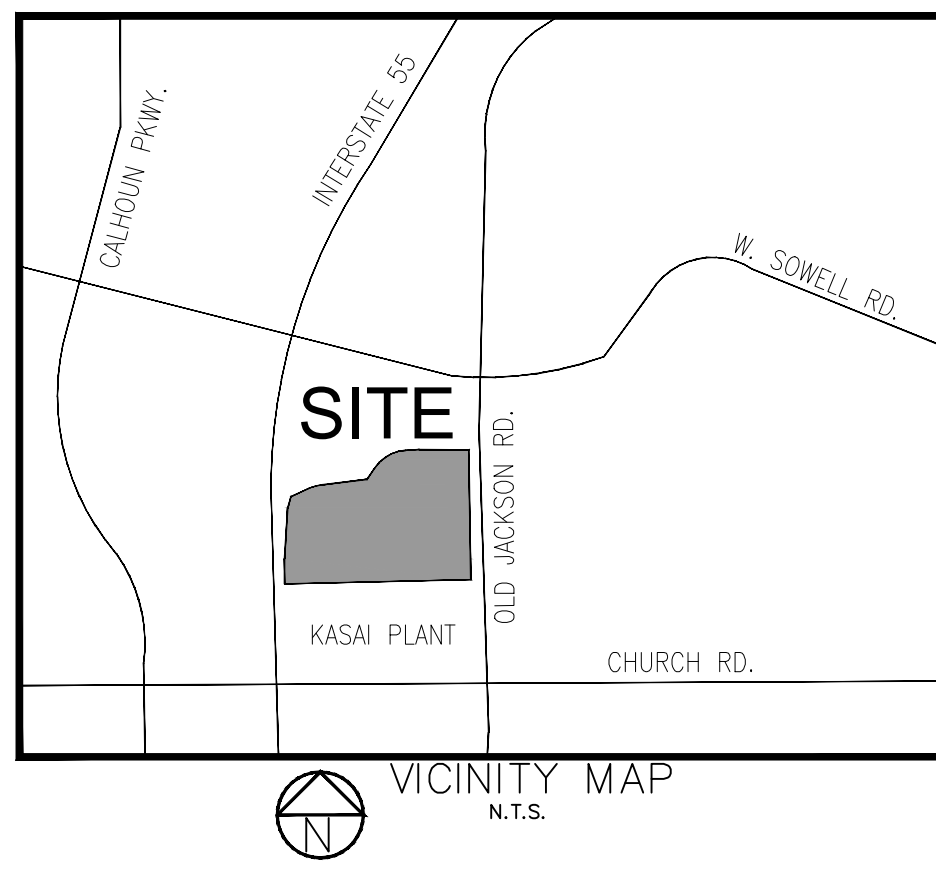
PREPARED FOR THE MADISON COUNTY  
 BOARD OF EDUCATION AUTHORITY

LOCATED IN SECTION 16,  
 TOWNSHIP 8 NORTH, RANGE 2 EAST,  
 IN MADISON COUNTY, MISSISSIPPI  
 JUNE 2018

- |  |  |  |  |
|--|--|--|--|
| <ul style="list-style-type: none"> <li>⊙ SEWER MANHOLE</li> <li>⊕ FIRE HYDRANT</li> <li>⊗ WATER VALVE</li> <li>⊕ POWER POLE</li> <li>⊙ LIGHT POLE</li> <li>○ 1/2" IRON ROD FOUND</li> <li>● 1/2" X 18" IRON ROD SET WITH CAP BEARING "CIVIL-LINK"</li> </ul> | <p>P.O.B. = POINT OF BEGINNING<br/>         P.O.C. = POINT OF COMMENCEMENT<br/>         R/W = RIGHT OF WAY<br/>         IRF = IRON ROD FOUND<br/>         IRS = IRON ROD SET (1/2" X 18")<br/>         DB = DEED BOOK<br/>         PB = PLAT BOOK<br/>         PG = PAGE</p> <p>REFERENCE MATERIALS<br/>         (1) PB 74 PG 28</p> | <p>LP = LIGHT POLE<br/>         CONC = CONCRETE<br/>         TRANS = TRANSFORMER<br/>         FH = FIRE HYDRANT<br/>         WV = WATER VALVE<br/>         U.E. = UTILITY EASEMENT</p> | <p>PROPERTY LINE</p> <p>BUILDING SETBACK</p> <p>OVERHEAD UTILITY</p> <p>FENCE</p> <p>UTILITY EASEMENT</p> <p>GRAVEL CONCRETE</p> |
|--|--|--|--|



VICINITY MAP—GLUCKSTADT, MISSISSIPPI



Utility Notes

- A. The location of Utilities shown hereon are from observed evidence of above ground appurtenances, in conjunction with underground plans and surface ground markings.
- B. There may be underground or non-visible utilities drain and/or sewer lines across this property, that are not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.
- C. There are multiple overlapping easements located on the subject property.

Lake Lorman Utility District  
Water Utility Company  
Madison County  
(601) 856-5969

Description

Surveyor Description

Description of a part the Madison County Board of Education, a Body Politic, property (by virtue of law), unrecorded remaining parts of Section 16, Township 8 North, Range 2 East, in Madison County, Mississippi and is further described as:

Beginning at a found 1/2" rebar being North 1088.90' and West 188.48' from a set pk nail at the accepted Southeast corner of said Section 16, said 1/2" rebar being the northeast corner of the M-TEK property recorded in Deed Book 510, Page 174 and the Point of Beginning; thence South 88°42'45" West, along the north line of said M-TEK property, a distance of 1570.74 feet to a found 1/2" rebar in the east line of Interstate 55; thence along said east line the following calls: North 0°05'48" East, a distance of 211.48 feet to a set 1/2" rebar; thence North 3°34'24" East, a distance of 428.64 feet to a set 1/2" rebar; thence North 16°12'40" East, a distance of 180.34 feet to a set 1/2" rebar; thence across said Board of Education property the following calls: North 89°30'37" East, a distance of 702.91 feet to a set 1/2" rebar; thence North 0°15'40" West, a distance of 310.55 feet to a set 1/2" rebar in a curve in the south line of the Madison County Board of Education Private Road; thence along said south line the following calls: along a curve to the left having a radius of 60.00 feet, a chord bearing of North 86°38'18" East, a chord length of 84.72 feet and a distance along its arc of 94.06 feet to a set 1/2" rebar; thence South 89°33'14" East, a distance of 691.11 feet to a found 1/2" rebar in the west line of Old Jackson Road; thence South 0°49'39" East, along said west line; a distance of 1093.42 feet to the Point of Beginning and containing 33.92 Acres of land more or less.

ALTA/ACSM LAND TITLE SURVEY

Madison County Mississippi Board of Education  
Authority, a Body Politic, Property (by virtue of law),  
unrecorded remaining parts of Section 16,  
Township 8 North, Range 2 East,  
in the Madison County Chancery's Office, in Jackson,  
Mississippi

ALTA/NSPS Land Title Survey

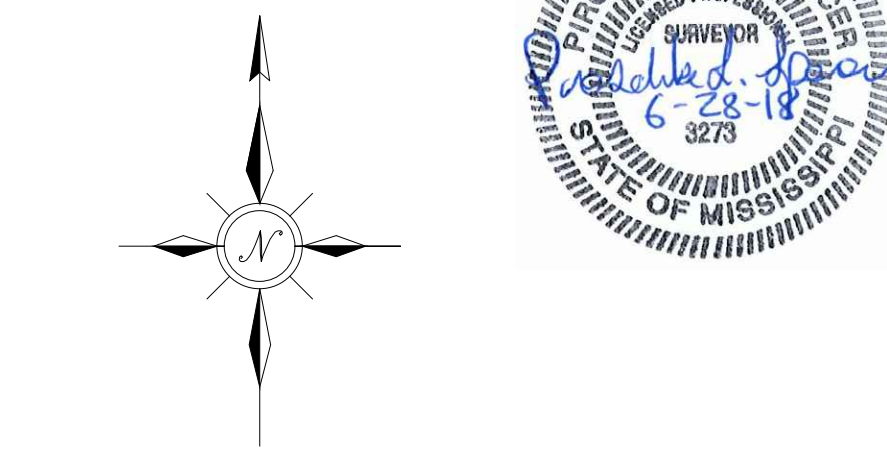
To: Madison County Board of Education Authority; Fastenal Company; Jones Walker LLP and Old Republic National Title Insurance Company its successors and assigns, as to the extent that they have an interest in this property.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", jointly established and adopted by ALTA and the National Society of Professional Surveyors ("NSPS") in 2016 and includes Items 1, 3, 4, 5, 8, 11, 13, and 19 in Table A contained therein. The field work was completed on 4-13-18.

Piroschka "Lynn" Spencer  
Professional Land Surveyor No. 3273  
In the State of Mississippi  
Date of Survey: 6-20-18  
Civil-Link Project #180404-001

Revision:

- Revision #1, Dated, 6-26-18  
- changing deed reference for MCBEA ownership
- Revision #2, Dated, 6-28-18  
- removing deed reference from survey for MCBEA



GRAPHIC SCALE: 1" = 100'  
100 0 100

BEARINGS REFERENCED TO THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83, GEOID 12A BY RTK GPS OBSERVATION AT THE FOUND 1/2" REBAR (TBM) NORTH OF THE SUBJECT PROPERTY SCALE FACTOR: 0.9999664 CONVERGENCE ANGLE: 0°07'51"

SITE CONTROL

- 1 FOOT CONTOURS AS SHOWN HEREON DERIVED FROM TOPCON DS 203 ROBOTIC TOTAL STATION NAADS, GEOID 12A BY RTK GPS OBSERVATION AT THE FOUND 1/2" REBAR (TBM) NORTH OF THE SUBJECT PROPERTY SCALE FACTOR: 0.9999664 CONVERGENCE ANGLE: 0°07'51"
- SITE PROJECT CONTROL:  
TBM FOUND 1/2" REBAR  
N 1105031.810  
E 2371617.180  
ELEV.: 271.26
- CONTROL AS SHOWN HEREON DERIVED FROM GCGC REAL TIME NETWORK USING TOPCON HIPER-2 DUAL FREQUENCY RECEIVERS  
CONTROL SET PK NAIL IN ASPHALT  
N 1104980.860  
E 2371596.873

CURRENT CONDITIONS:

LAND AREA:  
33.92 acres  
vacant land

Special Note:

There is no gap between to 33.92 acre cutout and the proposed Roadway (80' R.O.W.) to the north. These 2 parcels share a common line.

Schedule B-Section 2 Notes

All title information referenced hereon from Old Republic National Title Insurance Company, Commitment No. VX763748, Effective Date: June 6, 2018, at 8:00 am. All title references shown hereon obtained from said Title Commitment. Exemptions as listed in Schedule B - Section 2:  
The following items all affect the subject property, unless noted otherwise.

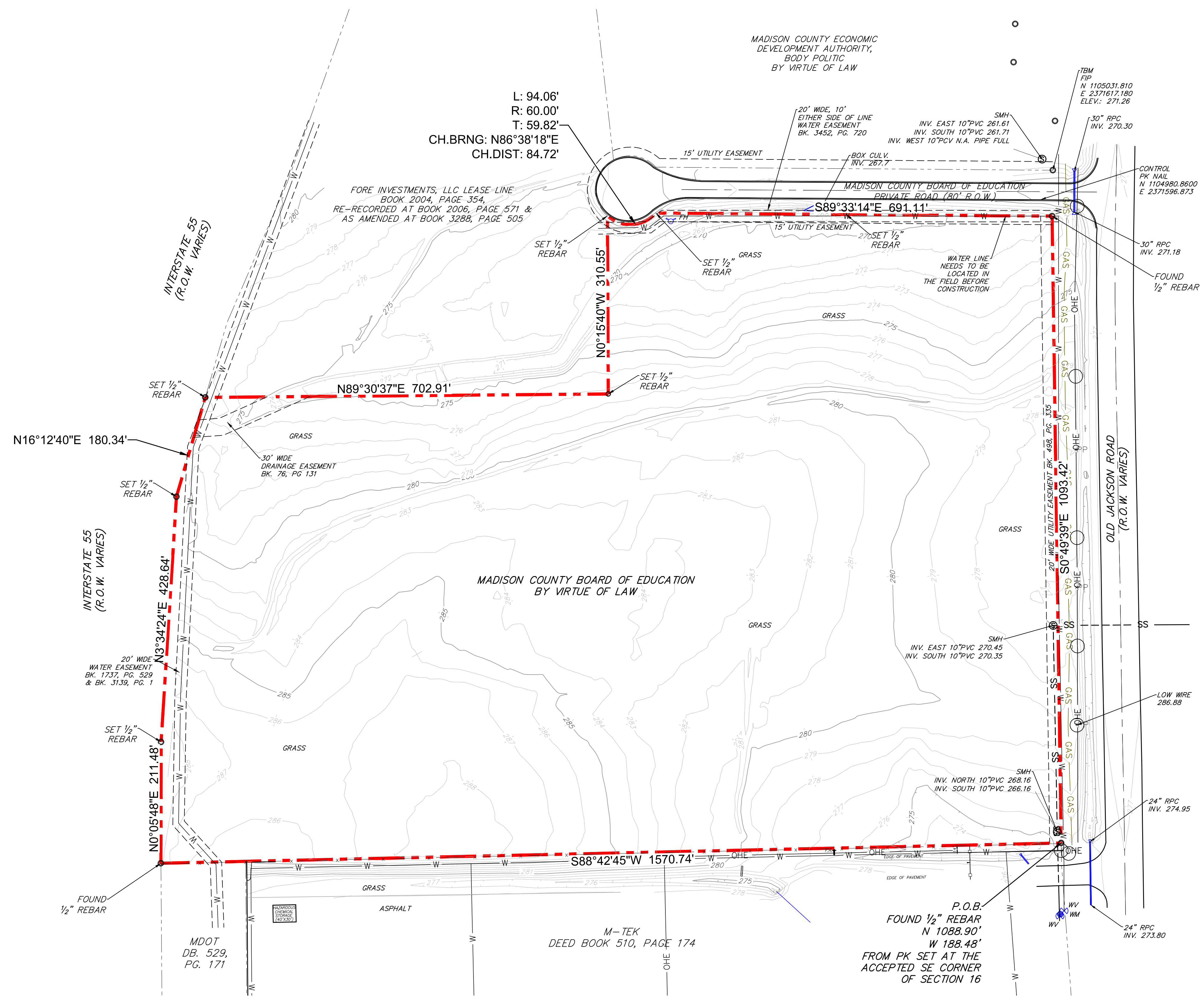
- Drainage Easement to Mississippi State Highway Commission recorded in Book 76 at Page 131. (30' wide easement, shown on plat)
- Drainage Easement to Mississippi State Highway Commission recorded in Book 76 at Page 354. (is to the north and does not affect the subject property)
- Easement to Mississippi Power & Light Company recorded in Book 215 at Page 181. (is to the northwest and does not affect the subject property)
- Easement to Mississippi Transportation Commission recorded in Book 496 at Page 16. (is to the east and does not affect the subject property)
- Easement to Mississippi Major Economic Impact Authority for utilities recorded in Book 498 at Page 335. (20' wide easement, shown on plat)
- Easement to Mississippi Transportation Commission recorded in Book 498 at Page 347 for relocation of Old Jackson Road. (is to the east and does not affect the subject property)
- Road Right of Way Easement to Madison County, Mississippi recorded in Book 523 at Page 169. (is to the south and does not affect the subject property)
- Easement to Mississippi Transportation Commission recorded in Book 532 at Page 299. (is to the west and does not affect the subject property)
- 16th Section Property Agreement for Water Transmission Line Right of Way recorded in Book 1737 at Page 529. (20' wide easement, shown on survey)
- Renegotiated 16th Section Public School Trust Lands Other Classification Property Lease Contract for Water Transmission Line Right of Way recorded in Book 3139 at Page 1. (20' wide easement, shown on survey)
- Utility easement for sewer services to Bear Creek Water Association, Inc. of Madison County, Mississippi recorded in Book 3452 at Page 718. (is to the north and does not affect the subject property)
- Utility easement for sewer services to Bear Creek Water Association, Inc. of Madison County, Mississippi recorded in Book 3452 at Page 720. (20' wide easement, shown on survey)

General Notes

- Survey prepared for: Fastenal Company
- This survey was prepared from information contained in Old Republic National Title Insurance Company, Commitment No. VX763748, Effective Date: June 6, 2018, at 8:00 a.m. All title references shown hereon obtained from said Title Commitment.
- The subject is located on Old Jackson Road, Gluckstadt, Mississippi. There is no address.
- There may be underground or non-visible utilities drain and/or sewer lines across this property that is not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.
- There are no buildings located on the subject property.
- There are no parking spaces on the subject property.
- It is the opinion of this surveyor that there is not any right-of-way changes planned or expected for either road.
- On the date of this survey, there was no observable evidence of site used as a solid waste dump, sump or sanitary landfill.
- There were no marked wetlands on the subject property at the time of the field survey.
- All field measurements matched record dimensions within the precision requirements of Mississippi Standards of Practice for Land Surveying and ALTA/NSPS Land Survey Requirements.
- The property is located in the Section 16, Township 8 North, Range 2 East, City of Gluckstadt, Madison County, Mississippi.
- According to Federal Emergency Management Agency Flood Insurance Rate Map No. 28089C0415F, dated: March 17, 2010, the surveyed property is located within Zone "X" and is not in a flood hazard area. See flood map for definitions of flood areas.
- All known easements and right-of-ways are shown hereon.

Legend

- SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- POWER POLE
- LIGHT POLE
- 1/2" IRON ROD FOUND WITH "CAP" BEARING "CIVIL-LINK"
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R.O.W. = RIGHT OF WAY
- IRF = IRON ROD FOUND
- IRS = IRON ROD SET (1/2" X 18")
- DB = DEED BOOK
- PB = PLAT BOOK
- PG = PAGE
- SMH = SEWER MANHOLE
- DMH = DRAIN MANHOLE
- CO = CLEANOUT
- WM = WATER METER
- PP = POWER POLE
- TRFD = TELEPHONE PEDESTAL
- IN = INLET
- LP = LIGHT POLE
- CONC = CONCRETE
- TRANS = TRANSFORMER
- PH = FIRE HYDRANT
- WV = WATER VALVE
- U.E. = UTILITY EASEMENT
- PROPERTY LINE
- BUILDING SETBACK
- OVERHEAD UTILITY
- FENCE
- UTILITY EASEMENT
- GRAVEL
- CONCRETE



PREPARED BY:

5779 GETWELL RD, BLDG B  
SOUTHAVEN, MS 38672  
OFFICE: 662-510-2169

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**Prepared by:**

Holmes S. Adams  
Adams and Reese LLP  
1018 Highland Colony Pkwy, Ste. 800  
Ridgeland, MS 39157  
(601) 353-3234  
MB #1126

**After Recording Return To:**

Holmes S. Adams  
Adams and Reese LLP  
1018 Highland Colony Pkwy, Ste. 800  
Ridgeland, MS 39157  
(601) 353-3234

**Indexing Instructions:** East ½ of Section 16, Township 8 North, Range 2 East, Madison County, Mississippi.

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**RIGHT-OF-WAY EASEMENT**

MADISON COUNTY, MISSISSIPPI, BOARD OF EDUCATION,  
TRUSTEES OF THE MADISON COUNTY SCHOOL DISTRICT  
16<sup>TH</sup> SECTION SCHOOL LANDS TRUST  
476 Highland Colony Parkway  
Ridgeland, Mississippi 39157  
(601) 499-0800  
("Grantor")

AND

MADISON COUNTY, MISSISSIPPI,  
a body politic  
125 West North Street  
Canton, MS 39046  
(601) 855-5500  
("Grantee")

Pertaining to Property in Madison County, Mississippi

## **RIGHT-OF-WAY EASEMENT**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, MADISON COUNTY, MISSISSIPPI, BOARD OF EDUCATION, TRUSTEES OF THE MADISON COUNTY SCHOOL DISTRICT 16<sup>TH</sup> SECTION SCHOOL LANDS TRUST, having an address of 476 Highland Colony Parkway, Ridgeland, Mississippi 39157, (601) 499-0800 (“Grantor”), does hereby grant, bargain, sell and convey, subject to the conditions and covenants herein, to MADISON COUNTY, MISSISSIPPI, a body politic, having an address of 125 West North Street, Canton, Mississippi 39046, (601) 855-5500 (“Grantee”) a perpetual right-of-way easement for the purpose of locating, extending, constructing, removing, maintaining, renewing, repairing and/or replacing one or more public roadways, bridges, drainage ditches, culverts, pipes and/or drain lines, and all appliances, appurtenances, fixtures, utilities, and equipment necessary or desirable in connection with such public roadway, on, over or across that real property described in the attached Exhibit “A” and depicted in the plat of survey of Piroshka L. Spencer, PLS #3273, dated June 28, 2018, attached as Exhibit “A-1” (the “Property”).

This grant shall include the right of locating, extending, constructing, removing, maintaining, renewing, repairing and/or replacing of the public roadway, utilities, appliances, appurtenances, fixtures and equipment, on said Property provided however, no rights the holder of an existing utility easement shall be adversely affected without the consent of that party. Grantee shall take all such necessary and proper actions to dedicate the roadway located upon the Property as a public county road, include such roadway as part of Grantee’s public road system maintained by Grantee, and at Grantee’s sole cost and expense keep and maintain the Property in

the same manner that Grantee keeps and maintains all public roads thereof such that said public roadway is (a) usable by ordinary passenger automobiles or trucks; (b) surfaced with an appropriate surface material; (c) in safe and clean condition; and (d) in a manner so as to prevent waste, nuisance or unnecessary injury to said Property or to Grantor's other property or to the commercial values thereof.

Grantor covenants and agrees that Grantor shall not grant such other easements or use of the Property in a manner that materially interferes with the purposes of this instrument. Grantor shall provide written notice to Grantee prior to granting any easement or other use of the Property and shall work with Grantee in good faith to address any issues pertaining thereto presented by Grantee to Grantor.

Grantor is granting this right-of-way easement to Grantee without any warranties, representations, or guaranties, either express or implied, of any kind, nature or type whatsoever from or on behalf of Grantor. Nothing herein shall be construed as a conveyance of any part of the ownership of the Property or title to the timber, minerals, oil, and gas on the Property, which are expressly reserved by Grantor. Grantor is granting this right-of-way easement in accordance with Miss. Code Ann. § 29-3-91(2). Title to the right-of-way easement on the Property shall automatically revert back to the Grantor if the Property shall cease to be used for the public purposes for which it is hereby conveyed to Grantee (*e.g.*, if Grantee abandons said roadway in accordance with applicable Mississippi law).

This conveyance is a perpetual right-of-way easement, and Grantee accepts this right-of-way as-is, in its present condition, with all faults. The grant of this right-of-way is subject to all matters of record on file with the Chancery Clerk of Madison County, Mississippi, and matters showing on a survey of the right-of-way by Piroshka L. Spencer, P.L.S. #3273 dated June 19,

2018, including but not limited to, the improved road, utilities, and other improvements. Grantee reserves the right to make curb cuts on the right-of-way in a manner that is consistent with good engineering and safety practices to facilitate ingress and egress to and the use of any property owned by the Madison County School District adjoining the right-of-way.

[remainder of page intentionally left blank]

WITNESS MY SIGNATURE this the \_\_\_\_ day of \_\_\_\_\_, 2018.

**Madison County, Mississippi, Board of Education,  
Trustees of the Madison County School District 16<sup>th</sup>  
Section School Lands Trust**

By: \_\_\_\_\_  
Name: Philip Huskey  
Its: President

**ATTEST:**

\_\_\_\_\_  
Secretary

**APPROVED AND AGREED BY:**

Reviewed and approved by the Madison County Board of Supervisors, this the \_\_\_\_  
day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Sheila Jones, President

**ATTEST:**

\_\_\_\_\_  
Ronny Lott, Clerk

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the \_\_\_\_ day of \_\_\_\_\_, 2018, the within named Philip Huskey and \_\_\_\_\_, who having been duly sworn by me acknowledged that they are the President and Secretary, respectively, of the Madison County, Mississippi, Board of Education, Trustees of the Madison County School District 16<sup>th</sup> Section School Lands Trust, and that for and on behalf of the said Madison County, Mississippi, Board of Education, and as its act and deed, they executed the above and foregoing instrument, after first having been authorized so to do.

WITNESS MY HAND AND OFFICIAL SEAL on this, the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

STATE OF MISSISSIPPI  
COUNTY OF \_\_\_\_\_

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the \_\_\_\_ day of \_\_\_\_\_, 2018, within my jurisdiction, the within named Sheila Jones and Ronny Lott, who acknowledged that they are the President and Clerk, respectively, of the Board of Supervisors of Madison County, Mississippi, and that for and on behalf of Madison County, Mississippi, and as its act and deed, they executed the above and foregoing instrument in their respective capacities, after first having been duly authorized by the Board of Supervisors of Madison County so to do.

WITNESS MY HAND AND OFFICIAL SEAL on this, the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_



*Exhibit "A"*  
*Legal Description of Right of Way Parcel*

Description of a part the Madison County Board of Education Authority (MCBEA) property by virtue of law, located in Section 16, Township 8 North, Range 2 East, in Madison County, Mississippi and is further described as:

Beginning at a found ½" rebar being North 2262.3' and West 202.9' from a set pk nail at the accepted Southeast corner of said Section 16, said ½" rebar being in the west line of Old Jackson Road (R.O.W. unknown); thence South 0°26'46" West, along said west line, a distance of 80.00 feet to a set ½" rebar; thence across said MCBEA property and along the Fore Investments lease line recorded in Book 2004, Page 354, as re-recorded at Book 2006, Page 571 and as amended at Book 3288, Page 505, the following calls: North 89°33'14" West, a distance of 691.11 feet to a set ½" rebar in a curve; thence along a curve to the right having a radius of 60.00 feet a chord bearing of North 0°05'11" West, a chord length of 80.00 feet and a distance along its arc of 289.42 feet to a set ½" rebar; thence South 89°33'14" East, a distance of 691.85 feet to the Point of Beginning and containing 1.51 acres of land more or less.

*Exhibit "A-1"*  
*Plat of Survey of Piroshka L. Spencer*