

## CORRECTIVE PERMANENT EASEMENT AND RIGHT OF WAY

WHEREAS, on December 2, 1974, the Board of Supervisors for Madison County, Mississippi approved a plat for Rolling Hills subdivision, recorded in Book No. 5 at Page NO61 in the land records of Madison County, Mississippi, thereby accepting a permanent easement and right-of-way for roadway and drainage purposes over property identified on the plat as Second Avenue and Third Avenue<sup>1</sup>; and

WHEREAS, the Planning and Zoning Administrator discovered an error in the permanent easement and right-of-way description and the parties do further desire to correct the error by the execution of this document.

NOW, FOR AND IN CONSIDERATION of Ten and No/100 Dollars, cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, Stacy and Classie McKay, Grantors, do hereby grant, bargain, sell, convey and warrant, subject to the exceptions and conditions hereinafter set forth, unto MADISON COUNTY, MISSISSIPPI, a body politic and corporate duly organized and existing under the Constitution and laws of the State of Mississippi, Grantee, a permanent easement and right-of-way for roadway and drainage purposes over, across, and upon the following described land and property lying and being situated in the County of Madison, State of Mississippi, (the "Permanent Easement") to-wit:

See collective Exhibit A, attached hereto, the legal description of the Permanent Easement herein conveyed and a map depicting Permanent Easement.

Provided that, in the event that the above-described Permanent Easement ceases to be used for the purpose of a roadway and drainage in connection therewith, the above-described easement and right-of-way shall, without entry or suit, immediately terminate and the conveyance hereunder shall be null and void, and Granter, his/her successors and assigns, shall be entitled to immediate possession of said property.

This conveyance and the warranty here of are subject to the following exceptions:

1. Madison County, Mississippi zoning and subdivision regulation ordinances, if any.
2. All prior reservations, conveyances and leases of record regarding the oil, gas and minerals lying in, on and under the subject property.
3. All prior easements, rights-of-way, leases and restrictions, and covenants of record affecting the subject property.

The Grantor acknowledges the existence of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, and acknowledges that Grantors is aware of Grantor's rights under said Act, including, but not limited to:

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<sup>1</sup> The proposed streets identified as Second Avenue and Third Avenue, made part of the county's road system with the adoption of this plat, were later named Ward Road and Harrison Road upon completion of those roadways.

a). Notification the Grantee's desire to obtain the property and receipt of a copy of the above named Act;

b) the opportunity to receive an appraisal and to accompany the appraiser during the initial inspections; and

c) an opportunity to have the value of the property determined by a Court of competent jurisdiction and to be compensated therefore.

Grantors fully understands that he/she has the right to receive just compensation for the property herein conveyed based upon an appraisal of said property.

The Grantors does hereby waive all additional rights and privileges pursuant to Public Law 91-646, and under the "Real Property Acquisition Policies Law," plus any rights and privileges under the "Relocation Assistance Law," and Grantors further acknowledges that the Grantee has complied with any and all laws and procedures set forth above.

IN WITNESS WHEREOF, the GRANTORS and GRANTEE herein have executed this instrument on this the 18th day of March, 2019.

GRANTORS:

GRANTEE:

Indexing Instructions:

Instrument Prepared by:

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STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME the undersigned authority in and for the said county and state, on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, within my jurisdiction, the within named STACY AND CLASSIE MCKAY, Grantors, and that they executed the above and foregoing instrument.

SWORN TO AND SUBSCRIBED BEFORE ME, this is the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

My Commission Expires:

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this day of 18<sup>th</sup> day of March, 2019, within my jurisdiction, the within named TREY BAXTER, who acknowledged that he is a President of the Board of Supervisors for MADISON COUNTY, MISSISSIPPI, a body politic, Grantee, and that for and on behalf of the said body politic and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said body politic so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18<sup>th</sup> day of March, 2019.