

Letitia H. Reeves
16th Section Land Manager

MADISON COUNTY SCHOOLS

Ronnie L. McGehee
Superintendent of Education

117 Fourth Street • P.O. Box 159
Flora, Mississippi 39071
Toll Free: (800) 901-8379, Ext. 3005
Direct Line: (601) 879-3005
Receptionist: (601) 879-3000
Facsimile: (601) 879-8093
E-mail: lreeves@madison-schools.com

June 18, 2013

Madison County Board of Supervisors
ATTN: Ms. Cynthia Parker, Board Secretary
P.O. Box 404
Canton, MS 39046


RE: Document for Board Approval

Dear Cynthia:

Pursuant to discussions with Rudy Warnock, David Overby and Ronnie McGehee, the District requested the Panther Creek Road in our Gluckstadt section, with the understanding that Madison County would pay the appraisal fee of \$1,500.00 to Old Town Realty and Appraisal Services (invoice and appraisal have already been sent to Mr. Overby). This was agreed to due to the fact that the District was using the clause in the Statute by which the District could grant the right-of-way to the County at no cost, if the cost of construction exceeded the appraised value of the property involved.

The Board of Education approved the Right-of-Way Easement at its June 17, 2013 Board meeting and it is enclosed herewith. If everything meets with everyone's approval, the Board of Supervisors needs to formally accept the document and have Mr. Steen sign where indicated; then the document should be recorded in land records. I would appreciate it if someone would let me know when it has been recorded so I can pull a copy for my files.

Should you have any questions or need anything further in this regard, please let me know. Thank you.

Sincerely,

Letitia Reeves
16th Section Land Manager

/r

Enclosure

cc: Dr. Ronnie L. McGehee, Superintendent
Mr. Arthur Johnston, Chancery Clerk

Prepared by:
Jim McNamara
Adams and Reese LLP
1018 Highland Colony Pkwy, Ste. 800
Ridgeland, MS 39157
(601) 353-3234
MB #100690

After Recording Return To:
Jim McNamara
Adams and Reese LLP
1018 Highland Colony Pkwy, Ste. 800
Ridgeland, MS 39157
(601) 353-3234

Indexing Instructions: NW ¼ of Section 16, Township 8 North, Range 2 East, Madison County, Mississippi.

RIGHT-OF-WAY EASEMENT

MADISON COUNTY, MISSISSIPPI, BOARD OF EDUCATION,
TRUSTEES OF THE MADISON COUNTY SCHOOL DISTRICT
16TH SECTION SCHOOL LANDS TRUST
117 4th Street
Flora, MS 39071
(601) 879-3000
("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 16TH SECTION SCHOOL LANDS TRUST, having an address of 117 4th Street, Flora, Mississippi 39071, (601) 879-3000 (“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 Roger Thomas Ellison, PLS #2710, dated May 19, 2013, attached as Exhibit “A-1” (the “Property”).

For the same consideration, Grantee is further granted the right of use as temporary work spaces during the construction of the proposed public roadway temporary construction easements, each being twenty feet (20’) wide, running evenly off the North and South lines of the Property, all as more particularly described in the attached Exhibit “A” and depicted in the plat of survey of Roger Thomas Ellison, PLS #2710, dated May 19, 2013, attached as Exhibit “A-1,” for the earlier of (i) a period of eighteen (18) months from the date of this instrument or (ii) such period of time as it takes for Grantee to complete construction of the proposed public roadway.

This grant shall include the right of convenient ingress and egress by Grantee to and from the Property as is reasonably necessary in connection with the locating, extending, constructing, removing, maintaining, renewing, repairing and/or replacing of the public roadway, appliances, appurtenances, fixtures and equipment, on said Property. Grantee shall have the continuing right to cut and keep the Property clear of all trees, undergrowth, and other natural and man-made obstructions that may injure or endanger Grantee's public roadway, appliances, appurtenances, fixtures and equipment, or the operation and maintenance thereof.

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 purposes for which it is hereby conveyed to Grantee.

Grantee shall at all times and at Grantee's cost and expense keep and maintain the Property: (a) in good repair so to be usable by ordinary passenger automobiles or trucks on a county roadway; (b) level with appropriate fill; (c) in safe and clean condition; (d) free from any type of waste, broken equipment, used cans or containers, or other debris deposited by Grantee or others for or on behalf of Grantee; (e) free from erosion due to Grantee's use or the use of others for or on behalf of Grantee including but not limited to taking such actions that are necessary to control the drainage of water across and along the right-of-way easement on the Property and Grantor's other property (including the 16th Section school lands over which the Grantor has control and jurisdiction); and (f) 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. Grantee shall pay for all damages to Grantor's property (including the 16th Section school lands over which the Grantor has control and jurisdiction) that may be suffered by Grantor by reason of the exercise by Grantee of any of the rights and privileges hereby granted.

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).

Grantee is not granted the right and authority to lease, sell, assign, transfer and/or convey to others the right-of-way, estate, interests, rights and privileges hereby granted, in whole or in part of any interest herein, and to encumber the same, unless Grantor provides written consent.

[remainder of page intentionally left blank]

WITNESS MY SIGNATURE this the 17 day of June, 2013.

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

By: Shirley Simmons
Name: Shirley Simmons
Its: President

ATTEST:

William R. Grissett, Jr.
William R. Grissett, Jr., Secretary

Ronnie L. McGehee
Ronnie L. McGehee, Madison County
Superintendent of Education

APPROVED AND AGREED BY:

Reviewed and approved by the Madison County Board of Supervisors, this the ____
day of _____, 2013.

Gerald Steen, President

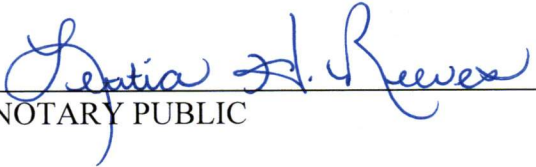
ATTEST:

Arthur Johnston, Clerk

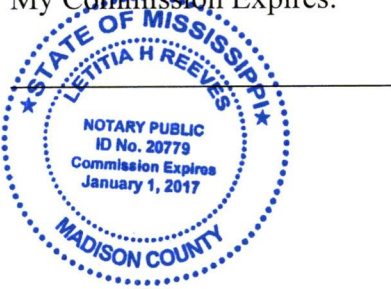
STATE OF MISSISSIPPI
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the 17 day of June, 2013, the within named Shirley Simmons, William R. Grisset, Jr., and Ronnie L. McGehee, who having been duly sworn by me acknowledged that they are the President, Secretary and Superintendent, respectively, of the Madison County, Mississippi, Board of Education, Trustees of the Madison County School District 16th 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 17 day of June, 2013.


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 _____, 2013, within my jurisdiction, the within named Gerald Steen and Arthur Johnston, 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 _____, 2013.

NOTARY PUBLIC

My Commission Expires:

LEGAL DESCRIPTION RIGHT OF WAY PARCEL:

A PARCEL OF LAND CONTAINING 4.30 ACRES (187,422.67 SQUARE FEET), MORE OR LESS BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 8 NORTH, RANGE 2 EAST, MADISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT A FOUND CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 16; RUN THENCE S89°15'48"W FOR A DISTANCE OF 821.12 FEET; THENCE S00°12'17"E FOR A DISTANCE OF 11.40 FEET TO THE POINT OF BEGINNING OF THE RIGHT OF WAY PARCEL HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, RUN S64°46'28"W FOR A DISTANCE OF 295.28 FEET; THENCE S89°39'24"W FOR A DISTANCE OF 871.98 FEET; THENCE RUN 302.70 FEET ALONG THE ARC OF A 435.42 FOOT RADIUS CURVE TO THE LEFT, SAID ARC HAVING A 296.64 FOOT CHORD BEARING S69°44'14"W; THENCE S49°17'27"W FOR A DISTANCE OF 43.93 FEET; THENCE RUN 261.62 FEET ALONG THE ARC OF A 355.27 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC HAVING A 255.75 FOOT CHORD BEARING S70°23'13"W; THENCE RUN 123.33 FEET ALONG THE ARC OF A 21486.97 FOOT RADIUS CURVE TO THE LEFT, SAID ARC HAVING A 123.33 FOOT CHORD BEARING N88°40'53"W; THENCE S00°42'31"E FOR A DISTANCE OF 80.04 FEET; THENCE RUN 120.277 FEET ALONG THE ARC OF A 21406.97 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC HAVING A 120.27 FOOT CHORD BEARING S88°40'41"E; THENCE RUN 320.53 FEET ALONG THE ARC OF A 435.27 FOOT RADIUS CURVE TO THE LEFT, SAID ARC HAVING A 313.33 FOOT CHORD BEARING N70°23'13"E; THENCE N49°17'27"E FOR A DISTANCE OF 43.54 FEET; THENCE RUN 246.73 FEET ALONG THE ARC OF A 355.41 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC HAVING A 241.81 FOOT CHORD BEARING N69°45'54"E; THENCE N89°39'24"E FOR A DISTANCE OF 871.49 FEET; THENCE S47°03'01"E FOR A DISTANCE OF 266.40 FEET; THENCE RUN N14°16'13"E FOR A DISTANCE OF 28.78 FEET; THENCE RUN 130.72 FEET ALONG THE ARC OF A 1460.02 FOOT RADIUS CURVE TO THE LEFT, SAID ARC HAVING A 130.68 FOOT CHORD BEARING N11°42'19"E; THENCE S80°51'35"E FOR A DISTANCE OF 20.00 FEET; THENCE RUN 235.68 FEET ALONG THE ARC OF A 1480.02 FOOT RADIUS CURVE TO THE LEFT, SAID ARC HAVING A 235.43 FOOT CHORD BEARING N04°34'42"E TO THE POINT OF BEGINNING.

ALONG WITH A 20' WIDE TEMPORARY CONSTRUCTION EASEMENT RUNNING EVENLY OFF THE NORTH AND SOUTH LINES OF THE ABOVE DESCRIBED RIGHT OF WAY PARCEL.



THIS IS A CLASS "B" SURVEY ACCORDING TO THE "STANDARDS OF PRACTICE FOR SURVEYING" IN THE STATE OF MISSISSIPPI, ESTABLISHED BY THE AUTHORITY OF SECTION 73-13-15(f), MISSISSIPPI CODE OF 1972 AS AMENDED.

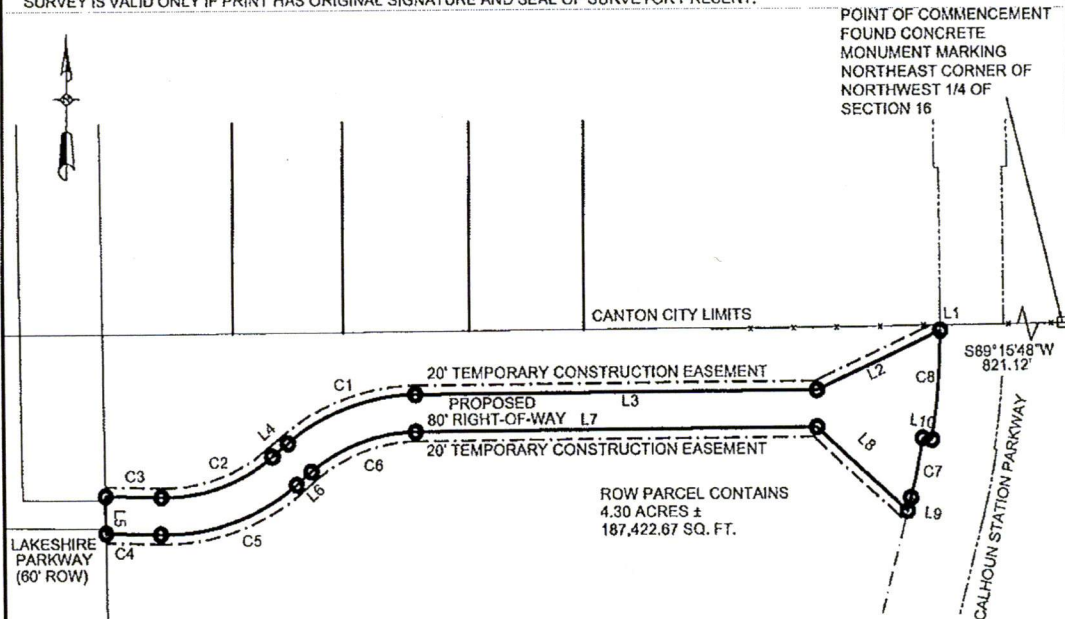
ONLY VISIBLE UTILITIES ARE SHOWN ON THIS PLAT.

REFERENCE MERIDIAN - REFERENCED TO THE RIGHT OF WAY LINE OF CALHOUN STATION PARKWAY.

○ INDICATES 1/2" X 18" FERROUS METAL ROD @ PROPERTY CORNERS. FIP INDICATES FOUND IRON PIN. SIP INDICATES SET IRON PIN.

A CURRENT TITLE REPORT WAS NOT FURNISHED TO US FOR OUR USE IN PREPARING THIS SURVEY. THEREFORE, THERE MAY BE ADDITIONAL EASEMENTS, AND / OR SERVITUDES EFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY.

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE AND SEAL OF SURVEYOR PRESENT.



LINE	LENGTH	BEARING
L1	11.40	S00°12'17"E
L2	295.28	S64°46'28"W
L3	871.98	S89°39'24"W
L4	43.93	S49°17'27"W
L5	80.04	S00°42'31"E
L6	43.54	N49°17'27"E
L7	871.49	N89°39'24"E
L8	266.40	S47°03'01"E
L9	28.78	N14°16'13"E
L10	20.00	S80°51'35"E

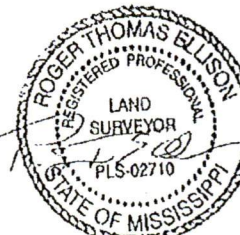
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	302.70'	435.42'	296.64'	S69°44'14"W
C2	261.62'	355.27'	255.75'	S70°23'13"W
C3	123.33'	21486.97'	123.33'	N88°40'53"W
C4	120.27'	21406.97'	120.27'	N88°40'41"W
C5	320.53'	435.27'	313.33'	N70°23'13"E
C6	246.73'	355.41'	241.81'	N69°45'54"E
C7	130.72'	1460.02'	130.68'	N11°42'19"E
C8	235.68'	1480.02'	235.43'	N04°34'42"E



WARNOCK & ASSOCIATES, L.L.C
 ENGINEERING, MANAGEMENT & PLANNING
 158 WEST CENTER STREET
 CANTON, MS 39046
 PH: (601) 855 - 2250

PROJECT TITLE:
 ROW SURVEY

I, Roger T. Ellison, P.L.S., do hereby certify that the survey shown hereon was performed under my supervision, and that the features depicted on this plat are a correct representation of conditions as they existed on 5/19/13, to the best of my knowledge and belief.



Roger T. Ellison, P.L.S. # 2710

SURVEY SHOWING:

RIGHT OF WAY PARCEL

SITUATED IN THE NW 1/4 SECTION 16, T-8-N, R-2-E, MADISON COUNTY, MS

* * * * *

DRAWN BY: DME	DATE: 05/19/13	SURVEY CLASS: B
CHECKED BY: RTE	SCALE: 1" = 300'	JOB #: AS-033-90-13

EXHIBIT

A-1



CITY OF MADISON

1004 MADISON AVENUE • POST OFFICE Box 40 • MADISON, MISSISSIPPI 39130-0040 • (601) 856-7116 • FAX (601) 856-8786

MAYOR
Mary Hawkins Butler

FAX TRANSMISSION

Date: 6/17/2013

Number of Pages: 3
(Including coversheet)

TO: Gerald Steen; Madison Co. Board of Supervisors

FAX #: 601-855-5759

FROM: Mayor Mary Hawkins Butler

FAX #: (601) 853-4766

Phone #: (601) 856-7116

SUBJECT: _____

COMMENTS: Records Request

If you do not receive the total number of pages indicated, please call our office at (601)856-7116. Thank you.

Madison County Board of Supervisors
146 West Center Street
Canton, Mississippi

Attention: Gerald Steen, President

Dear Gentlemen:

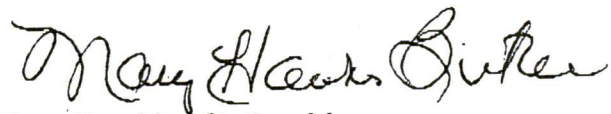
This is a formal request for records on behalf of the City of Madison, Mississippi pursuant to Miss. Code §25-61-1 et seq. Please provide for inspection and possible copying the following:

The correspondence dated October 14, 2011, from Butler Snow law firm and its opinion of July 27, 2005, which is found in the Miscellaneous Appendix to the Board of Supervisors' minutes dated October 24, 2011, **and incorporated therein by reference.**

If there is a cost for retrieval of these documents, please contact me at (601) 856-7116.

Thank you for your help.

Sincerely,



Mary Hawkins Butler, Mayor
City of Madison, Mississippi

CC: Chancery Clerk Arthur Johnston