

THIS AGREEMENT, made this 13th day of February, 1979, by and between TEMPO HOMES, INC., a Virginia corporation, hereinafter known as "Tempo", and the CITY OF ROANOKE, VIRGINIA, a municipal corporation, hereinafter referred to as the "City".

W I T N E S S E T H

THAT, WHEREAS, by instrument dated May 18, 1951, recorded in the Clerk's Office of the Circuit Court of Roanoke County, Virginia in Deed Book 456, page 438, the City was granted an easement through the property then owned by H. M. Bush for the purpose of constructing, and thereafter maintaining, a 10-inch waterline for the benefit of the Town of Vinton and the property owners adjacent to said line; and

WHEREAS, Tempo, by deed dated September 29, 1978, of record in the Clerk's Office aforesaid in Deed Book 1107, page 599, acquired a tract of land containing 124.85 acres, a part of which is crossed by the said 10-inch waterline; and

WHEREAS, Tempo is in the process of developing said property and in doing so has found it necessary to relocate said waterline, and the City has agreed to said relocation.

NOW, THEREFORE, IN CONSIDERATION of the premises, and ONE DOLLAR (\$1.00), cash in hand paid by Tempo to the City, and the mutual benefits to the parties and the property, it is agreed as follows:

1. City agrees that it will relocate, using City of Roanoke Public Works utility line facilities crews, the waterline as more particularly shown on the plan and profile dated December 11, 1978, attached hereto and made a part hereof as Exhibit A.

2. Tempo agrees to grant to the City a perpetual easement for the purpose of constructing and installing and thereafter maintaining, operating and relaying a 10-inch waterline, with all necessary appurtenances thereto, in, on, over, through and across the property of Tempo as shown on the plan attached as Exhibit A, together with the right of ingress, egress and