

are annexed, and made a part and parcel of this deed, To wit: we reserve the right to erect a dam at a point below said lots of land on Richland Creek, and cover any portion of said lots of land with water that such dam may submerge, to be built at any time and at any height that we may elect. Second we reserve the right to convey water over or through said lots and strip of land by means of a ditch - canal race or other aqueduct - entering said lots and strip of land at any point or points, taking any line or direction and changing the direction or line at any point or points and emerging from said parcels or lots of land at any point or points and constructing such ditch canal race or other aqueduct at any time he may elect. Third to incur no expense in fencing or enclosing said lots or parcels of land, said James B Black agreeing to fence the same. said James B Black is allowed the privilege of fencing the above described strip of land of twenty feet in width and cultivating it until such time as we may choose to commit it into a street or road and should we never choose to use it for such purpose then said James B Black is to retain it as his own together with the other two lots. Together with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining. To have and to hold all and singular the said premises before mentioned unto the said James B Black his heirs and assigns forever, subject nevertheless to the conditions herein before mentioned written and it is also agreed that it shall be optional with the said James B Black whether he shall sell and convey the said portion or acre of land which shall be placed under water on the said lot or lots as herein before specified to the said parties Emma B Jones Elizabeth E Jones or their legal representatives, and in the event he or his legal representatives shall desire to sell the same acre of land he hereby and herein binds himself to sell and convey the same at the same price per acre which he now pays, to wit Eighty seven dollars per acre, and it is hereby understood and agreed that the conditions and reservations hereinbefore specified shall not only apply to the present owners on either side but that they shall inhere in the land and apply to all future owners as well. In the event of the resale and reconveyance of that area of land under water by said James B Black as above specified he is not to chance any title rest as the use of the land is regarded by both parties as equivalent to any interest which might otherwise accrue and we do hereby bind our heirs executors and administrators to warrant and forever defend all and singular the said premises unto the said James B Black his heirs and assigns against us and our heirs and all other persons lawfully claiming or to claim the same or any part thereof.

Witness our hands and seals this 11<sup>th</sup> day of December