

to Huguenin conveying said small triangular-shaped lot referred to hereinabove; and

WHEREAS, Huguenin is the owner of a 50-foot strip which runs between Lots Nos. 6 and 7 as shown on said plats, as evidenced by deed of T. Frank Huguenin and John T. Douglas to Huguenin, which deed is recorded in Deed Book 493, Page 249; and

WHEREAS, Sisk has heretofore, with the consent of Huguenin and Gunter, erected a dam, which dam is located on the property of Huguenin and Sisk. The purpose of erecting said dam was to cause the formation of a lake which would abut the property of Gunter, Sisk and Huguenin. Said dam and lake are shown on said revised plat; and

WHEREAS, The said 50-foot strip has never been dedicated to the public or used as a road and is covered by a part of said lake, and the parties hereto are desirous of using a portion of said strip for the lake; and

WHEREAS, The parties hereto desire to enter into this agreement with reference to the erection and maintenance of said dam and lake and the flooding of said 50-foot strip owned by Huguenin;

NOW, THEREFORE, In consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

(1) That the said dam shall be deemed to have been originally erected and shall be deemed to remain hereafter erected as aforesaid with the express license and consent of the said Huguenin, Sisk and Gunter.

(2) That the said Sisk, or her heirs and assigns, shall have the right to maintain said dam at its present height of 16.5 feet and to flood the 50-foot strip hereinabove referred to and the respective properties of the parties hereinabove referred to with the waters impounded by said dam.