

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON DRAINAGE/UTILITY EASEMENTS IN A PORTION OF LOTS 25 AND PART OF THE NORTH HALF OF LOT 26, DEVIL'S ELBOW PHASE 2 HANCOCK COUNTY, MS LOCATED WITHIN THE CITY OF DIAMONDHEAD

WHEREAS, the Mayor and City Council (the Governing Body) of the City of Diamondhead, Mississippi (the City), acting for and on behalf of the City, hereby finds and determines as follows:

1. The City currently possesses a 3' and 5' drainage and utility easements in lots 25 and 26, Devil's Elbow, Phase 2. The request is to abandon all of the 3' and 5' drainage and utility easements on lots 25 and the north half of lot 26, Devil's Elbow, Phase 2 (see Exhibit A dated 10-28-15 by Duke Levy).
2. Edward Sutherland is the owner of lots 25 and the north half of lot 26, Devil's Elbow, Phase 2. The physical address has not been assigned yet. The ad valorem tax parcel numbers are 068Q-2-41-027.000 (lot 25) and 068Q-2-41-028.000 (lot 26). The purpose of this request is for the construction of a single family home on this vacant lot.
3. Comments from the Diamondhead Water and Sewer District reflect no water and sewer in the selected easement. Comments from the Diamondhead Public Works Department has no problem. Comments from Jeremy Yarber with CEPA agrees to abandon the easements.
4. Further, the City hereby abandons and/or vacates the drainage/utility easements as petitioned allow for the construction of a new home as described in bullet #1 and a new easement will be donated to the City of Diamondhead (see Exhibit A dated 10-28-15 by Duke Levy).
5. The City is willing to accept the donation of the all the 3' and 5' drainage and utility easements for the newly created lot of lot 25 and the north half of lot 26, Devil's Elbow, Phase 2 described in legal survey by Duke Levy dated 12-08-15 (see Exhibit D).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements as described in bullet #1.

SECTION 2. That the Governing Body of the City will hereby accept the donation of the selected drainage/utility easements as described in bullet #5.

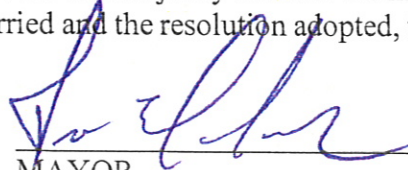
SECTION 3. That the Governing Body of the City does hereby authorize the City Attorney to prepare any and all documentation related to the acquisition of the aforementioned drainage easements by donation and for the City Manager to execute any necessary documentation to effectuate the donation of the subject drainage easements.

SECTION 4. It is agreed and understood that Edward Sutherland or his representative will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember Lopez, seconded by Councilmember Sislow and the question being put to a roll call vote, the result was as follows:


	Aye	Nay	Absent
Councilmember Knobloch	✓	—	—
Councilmember Lopez	✓	—	—
Councilmember Woolbright	✓	—	—
Councilmember Sislow	✓	—	—
Councilmember Rech	✓	—	—
Mayor Schafer	✓	—	—

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the 16th day of February, 2016.



MAYOR

ATTEST:



CITY CLERK

