



February 12, 2016

Mayor, Councilmembers and Clovis Reed, City Manager
5000 Diamondhead Circle
Diamondhead, MS 39525

Dear Mayor, Councilmembers and Mr. Reed:

Earlier Council action reduced the variance fee from \$500 to \$100. At such time, I was asked to review other fees and make a recommendation.

I have reviewed the current assessments, in order to bring the remaining fees in-line with prior Council action, it is my recommendation to revise the Fee Schedule for Planning and Development Fees as follows:

	Current (\$)	Proposed (\$)
Planning Commission Review	\$ 250	\$ 100
Conditional Use	\$ 500	\$ 100
Appeal from Zoning Admin	\$ 150	\$ 100
Appeal from Planning Com	\$ 125	\$ 100
Text Amendment	\$ 600	\$ 200
Map Amendment	\$ 600	\$ 200
Planned Unit Development	\$ 600	\$ 200
Amend PUD	\$ 600	\$ 200
Billboard annual Inspection	300	delete in its entirety

If you find the recommendation to be acceptable and in order, please proceed with the amendment to Ordinance 2013-032.3.

Sincerely,

Ronald Jones
Building Official

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF
DIAMONDHEAD, MISSISSIPPI REVISING THE FEE SCHEDULE FOR PLANNING
AND DEVELOPMENT FEES AND RELATED PURPOSES

WHEREAS, the City of Diamondhead has developed certain land use regulations in an effort to provide services to its citizens and in support of one of the purposes for incorporation of said city; and,

WHEREAS, the administration and implementation of said land use regulations requires the utilization of persons trained and skilled in the field of urban development, building and development practices, urban planning and administration, engineering, and other related skills, all of which come at a cost to the City of Diamondhead; and,

WHEREAS, the City is empowered to levy fees and charges related to the administration of its land use regulations and for the various review processes and applications associated therewith, and to establish a method for collecting such fees and charges.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council for the City of Diamondhead as follows:

SECTION 1: There is hereby established a schedule of fees and charges related to the administration of the *Zoning Ordinance* for the City of Diamondhead, Mississippi. Said schedule of fees and charges shall be as follows:

For the application, review and issuance of a Development Permit	
1 acre or less.....	\$100.00
10 acres or less.....	\$250.00
More than 10 acres.....	\$500.00
For the application, review and issuance of a Certificate of Zoning Compliance	\$100.00
For the application, review and issuance of a Temporary Certificate of Zoning Compliance.....	\$100.00
For the application and review process for Planning Commission Review	\$100.00
For the application and review process for a Conditional Use	\$100.00

For the application and review process for a Variance (REV 11/4/14)	\$100.00
For an administrative appeal from the decision of the Zoning Administrator	\$100.00
For an appeal from the decision of the Planning Commission	\$100.00
plus costs of transcript if necessary	
For an application and review process for a text amendment to the Zoning Ordinance	\$200.00
For an application and review process for a Rezoning (Map Amendment)	\$200.00
For an application and review process to establish a Planned Unit Development	\$200.00
For an application and review process to amend an Outline Plan (PUD)	\$200.00
For the application, review and issuance of a Temporary Use Permit.....	\$50.00
For the application, review and issuance of a Garage / Yard Sale Permit	-0-
For the application, review and issuance of a Fence Permit	\$XXXX
No additional fee above that which is required by the adopted building code	
For the application, review and issuance of a Sign Permit	\$XXXX
no additional fee above that which is required by the adopted building code	
For the application, review and issuance of a Temporary Sign Permit.....	\$25.00
No additional fee above that which is required by the adopted building code	
For the application, review and issuance of a Protected Tree Removal Permit (REV. 1/20/15)	\$50.00
For the application, review and issuance of a Screening Permit.....	\$XXXX
No additional fee above that which is required by the adopted building code	

For the application, review and issuance
of a Telecommunications Facility Permit.....\$XXXX

SECTION 2: In addition to the schedule of fees and charges as prescribed hereinabove, the applicant shall be responsible for the payment of the direct cost of postage and publication for any matter requiring the same.

SECTION 3: If, in the process of reviewing and evaluating any application or request for a permit filed or sought pursuant to the *Zoning Ordinance* it becomes necessary or desirable for the City to seek the consultation of a professional engineer or other professional to aid in the review of said application or request for a permit, then the applicant shall be liable to the city for the direct cost of such professional engineer or other professional.

SECTION 4: Upon filing for any application or request for a permit pursuant to the *Zoning Ordinance*, the applicant shall pay to the city one-half (1/2) of the required fee as prescribed in Section 1 hereinabove and such payment shall be nonrefundable. Upon approval of the requested application or permit, the remaining one-half (1/2) of the required fee, along with any additional fee pursuant to Section 2 and Section 3 hereinabove shall be paid to the city. Neither the Zoning Administrator nor any other city official shall issue any permit, approval, certifications, or otherwise authorize the building, development process, or use of property until all fees have been settled to the city.

SECTION 5: Because the City of Diamondhead is a newly-incorporated municipality in urgent need of an ordinance establishing a fee schedule for planning and development fees and related purposes, immediate passage and effect of this Ordinance is needed for the immediate and temporary preservation of the public peace and safety in accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007). Thus, this Ordinance moved for adoption by Councilmember _____ and seconded by Councilmember _____ is adopted by unanimous vote of all members of the City Council of the City of Diamondhead and is effective from and after its passage by a unanimous vote of all members of the City Council. In accordance with

Miss. Code Ann. § 21-13-11 (Rev. 2007), this Ordinance shall become effective immediately upon the adoption thereof, and prior to being recorded and published in the ordinance book in the same manner as required by state law of other ordinances and supersedes Ordinance 2012-020.

	Aye	Nay
Mayor Schafer	_____	_____
Councilmember Lopez	_____	_____
Councilmember Woolbright	_____	_____
Councilmember Sislow	_____	_____
Councilmember Rech	_____	_____
Councilmember Knobloch	_____	_____

SO ORDAINED, THIS THE _____ DAY OF FEBRUARY, 2016.

Thomas E. Schafer, IV, Mayor

ATTEST: _____
Kristin Ventura, City Clerk

SEAL

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON A DRAINAGE/UTILITY EASEMENTS IN A PORTION OF LOTS 25 AND 26, BLOCK 4, DIAMONDHEAD SUBDIVISION PHASE 2 UNIT 06 AND A PORTION OF LOTS 47 AND 48, BLOCK 4, DIAMONDHEAD SUBDIVISION PHASE 2 UNIT 11 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 15' drainage and utility easement in a portion of lots 25 and 26, Block 4, Diamondhead Subdivision Phase 2 Unit 06 and a 10' drainage and utility easement in a portion of lots 47 and 48, Block 4, Diamondhead Subdivision Phase 2, Unit 11. The portion of those 2 easements to be abandoned is legally described as commencing at a ½" rebar set at the southeast corner of said Lot 48; thence 20 degrees 15'13" W 15.66 feet to the Point of Beginning; thence S 60 degrees 50'45" W 10.00 feet to a point; thence N 29 degrees 15'13" W 84.93 feet to a point; thence N 15 degrees 44'47" E 35.36 feet to a point; thence S 29 degrees 15'13" E 110.00 feet to a point; thence S 60 degrees 50'45" W 15.00 feet to the Point of Beginning. Said parcel of land contains 2, 437 square feet, more or less. (See attached legal survey "EASEMENT ABANDONMENT" by Duke Levy dated 1-26-16 Exhibit 1)
2. David Dreher is the owner of of lots 25 and 26, Block 4, Diamondhead Subdivision Phase 2 Unit 06 and lots 47 and 48, Block 4, Diamondhead Subdivision Phase 2, Unit 11. The physical address is 8438 Kimo Court. The ad valorem tax parcel number is 067M-1-35-175.000. The purpose of this request is for the construction of a pool and pool house; (See attached legal survey "NEW EASEMENT" by Duke Levy dated 1-26-16 Exhibits 2 and 3)
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 with the relocation. Comments from Jeremy Yarber with CEPA agrees to abandon the easement.
4. Further, the City hereby abandons and/or vacates the drainage/utility easement as petitioned because the drainage pipe will be relocated and a new easement will be donated to the City of Diamondhead. This drainage/utility easement is legally described as commencing at a ½" rebar set at the southeast corner of said Lot 48;

thence 20 degrees 15'13" W 15.66 feet to the Point of Beginning; thence S 60 degrees 50'45" W 10.00 feet to a point; thence N 29 degrees 15'13" W 84.93 feet to a point; thence N 15 degrees 44'47" E 35.36 feet to a point; thence S 29 degrees 15'13" E 110.00 feet to a point; thence S 60 degrees 50'45" W 15.00 feet to the Point of Beginning. Said parcel of land contains 2, 437 square feet, more or less. (See attached legal survey "EASEMENT ABANDONMENT" by Duke Levy dated 1-26-16 Exhibit 1)

5. The City is willing to accept the donation of the "NEW DRAINAGE AND UTILITY EASEMENT" described as survey of a parcel of land situated and being located in a portion of Lots 47 and 48, Block 4, Diamondhead Subdivision, Phase 2, Unit 1, City of Diamondhead, Hancock County, MS, to-wit: Commencing at a ½" rebar set at the southeast corner of said Lot 48; thence S 6- degrees 44'47" W 45.06 feet to the point of Beginning; thence 29 degrees 15'13" W 5.00 feet to a ½" rebar set at Point of Beginning; thence S 60 degrees 44'47" W 20.00 feet to a point; thence N 29 degrees 15'13" W 68.86 feet to a point; thence N 15 degrees 44'47" E 58.18 feet to a point; thence N 60 degrees 44'47" E 13.92 feet to a point; thence S 29 degrees 15'13" E 14.37 feet to a point; thence S 15 degrees 44'47" W 49.58 feet to a point; thence S 29 degrees 15'13" E 60.58 feet to the point of Beginning. Said parcel of land contains 2,472 square feet, more or less. (See attached legal survey "NEW EASEMENT" by Duke Levy dated 1-26-16 Exhibits 2 and 3)

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 easement as described in bullet #1 and #4.

SECTION 2. That the Governing Body of the City will hereby accept the donation of the selected drainage/utility easement 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 David Dreher 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 _____, seconded by Councilmember _____ 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 _____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

(SEAL)



5000 Diamondhead Circle · Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald Jones, Building Official *Ronald*

DATE: February 11, 2016

SUBJECT: David Dreher; 8438 Kimo Court

Request to abandon selected drainage and utility easement

Relocation of drainage and utility easement and donation of same to City

David Dreher has requested to abandon selected drainage and utility easement and relocate drainage and utility easement. The “new” drainage and utility will be donated to City. The purpose of this request is for the installation of a pool and the construction of a pool house. As a pre-requisite to this request, Mr. Dreher hired the services of Duke Levy to design the installation and to size the drainage pipe. Mr. Levy also used the drainage area to calculate the flow.

Comments from the Public Works Department, DWSD and CEPA have agreed to the abandonment. If you have any questions or comments, please advise.

Attachments



To the Mayor and City Council,

I am writing today to request a motion to relocate an exiting drainage easement to accommodate an additional improvement to my property and for that to happen I have prepared a survey to show the abandonment of the current easement and the survey showing proposed new easement. I would be available to meet with you at any time to discuss this further.

Sincerely,

A handwritten signature in black ink, consisting of several large, overlapping loops and a long, thin tail extending to the right.

David Dreher

ADDRESS:

8438 Kimo Court Diamondhead, MS 39525

228-669-2304



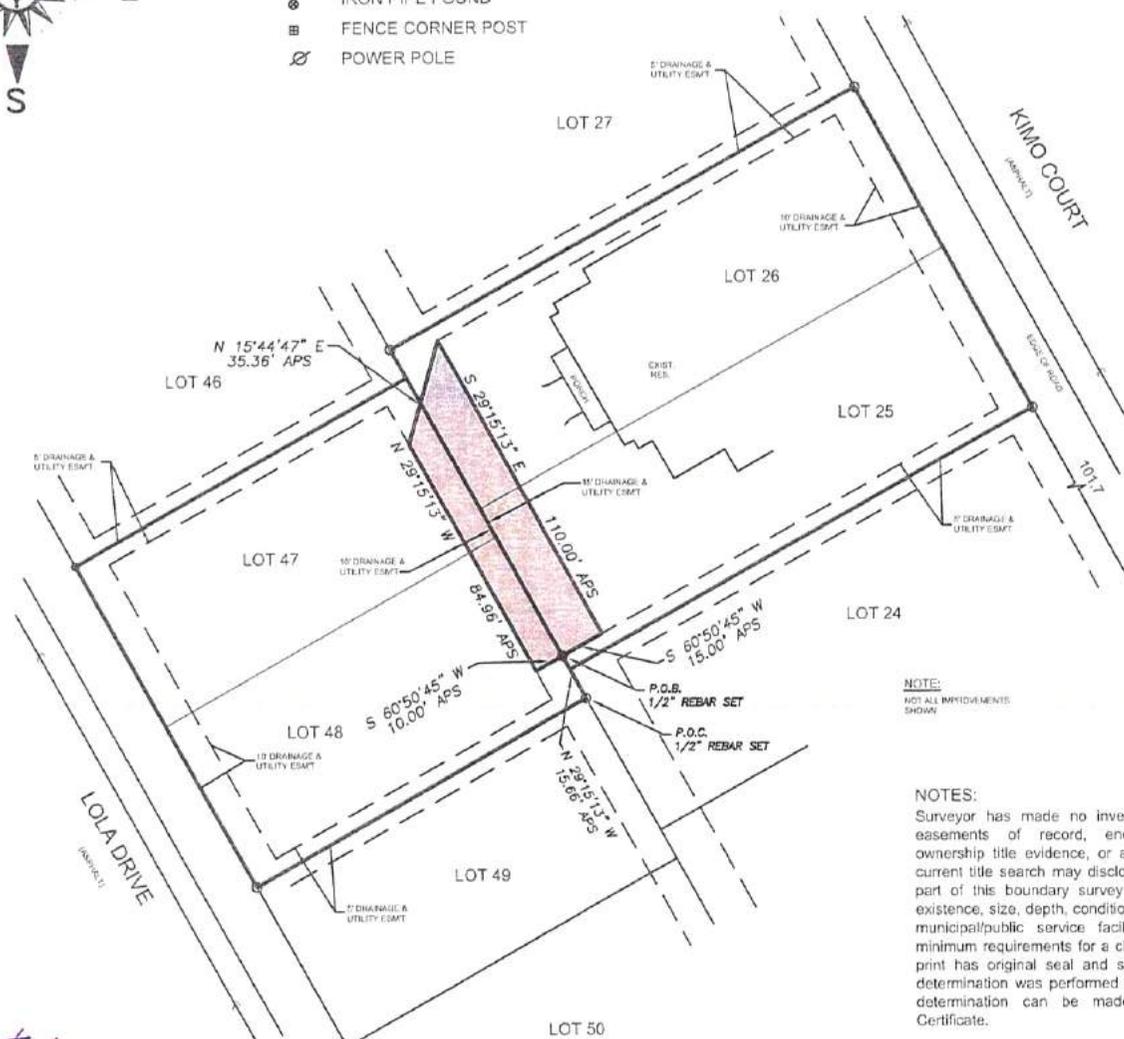
LEGEND:

- CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- FENCE CORNER POST
- ⊗ POWER POLE

LEGAL DESCRIPTION: EASEMENT ABANDONMENT

Survey of a parcel of land situated and being located in a portion of Lots 25 and 26, Block 4, Diamondhead Subdivision, Phase 2, Unit 6, and also a portion of Lots 47 and 48, Block 4, Diamondhead Subdivision, Phase 2, Unit 11, City of Diamondhead, Hancock County, Mississippi, to-wit:

Commencing at a 1/2" rebar set at the southeast corner of said Lot 48; thence N 29°15'13" W 15.66 feet to the Point of Beginning; thence S 60°50'45" W 10.00 feet to a point; thence N 29°15'13" W 84.96 feet to a point; thence N 15°44'47" E 35.36 feet to a point; thence S 29°15'13" E 110.00 feet to a point; thence S 60°50'45" W 15.00 feet to the Point of Beginning. Said parcel of land contains 2,437 square feet, more or less.



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

[Signature]
Duke Levy, RLS #1722

NOTE:
NOT ALL IMPROVEMENTS SHOWN

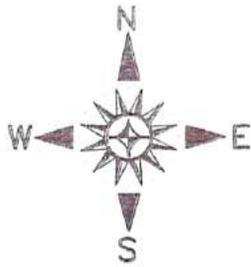
NOTES:
Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

DUKE LEVY & ASSOCIATES, P.A.

1711 WAVELAND AVENUE
WAVELAND, MS 39576
(228) 467-5212 PHONE

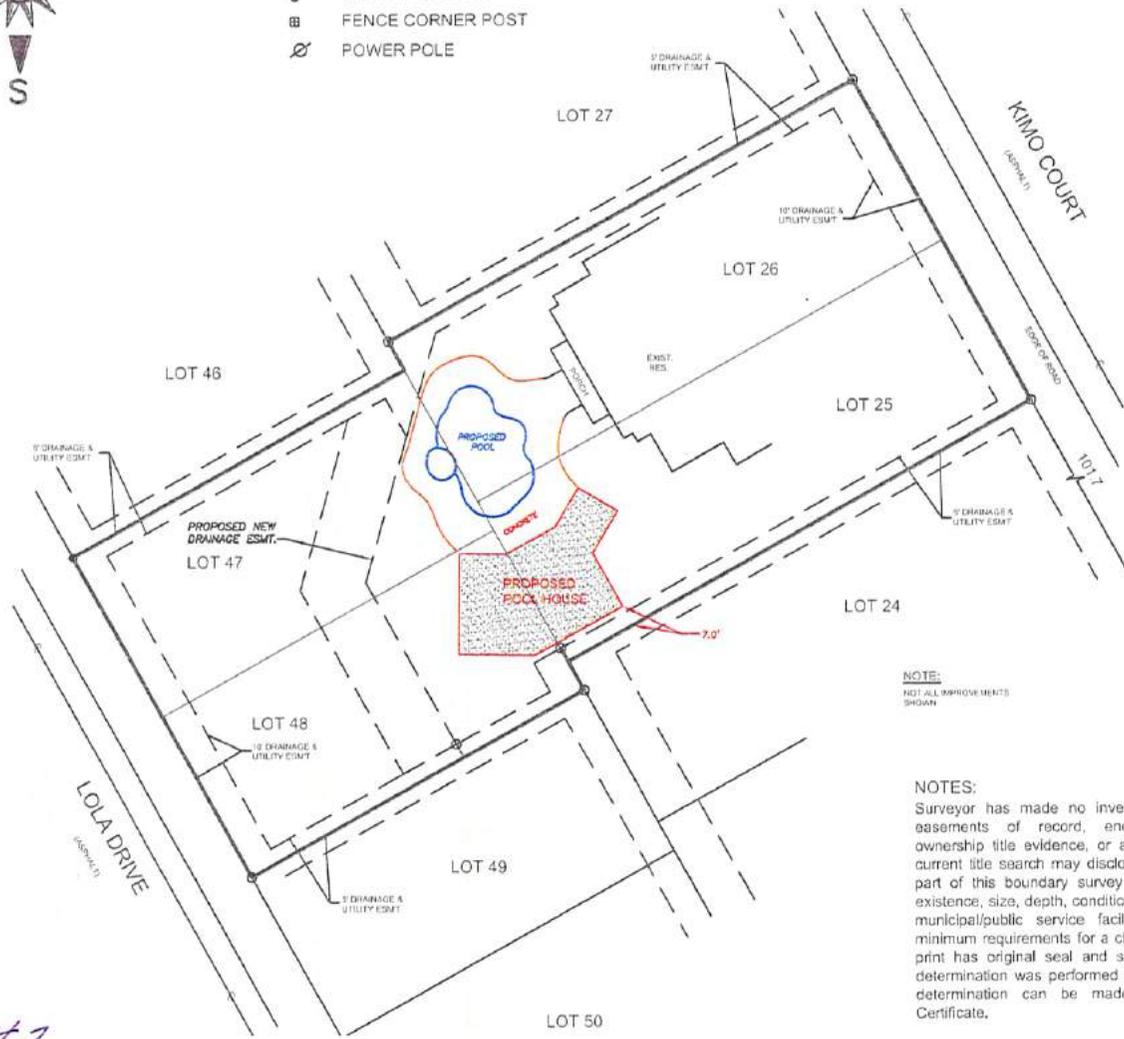
SCALE: 1" = 40'	DATE: 01-26-16
DRAWING: 16-0005	CLIENT: DAVID DREHER

Exhibit 1



LEGEND:

- ⊕ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊙ IRON PIPE FOUND
- ⊞ FENCE CORNER POST
- ⊗ POWER POLE



LEGAL DESCRIPTION: NEW EASEMENT

Survey of a parcel of land situated and being located in a portion of Lots 47 and 48, Block 4, Diamondhead Subdivision, Phase 2, Unit 11, City of Diamondhead, Hancock County, Mississippi, to-wit:

Commencing at a 1/2" rebar set at the southeast corner of said Lot 48; thence S 60°44'47" W 45.06 feet to the Point of Beginning; thence N 29°15'13" W 5.00 feet to a 1/2" rebar set at the Point of Beginning; thence S 60°44'47" W 20.00 feet to a point; thence N 29°15'13" W 68.86 feet to a point; thence N 15°44'47" E 58.18 feet to a point; thence N 60°44'47" E 13.92 feet to a point; thence S 29°15'13" E 14.37 feet to a point; thence S 15°44'47" W 49.58 feet to a point; thence S 29°15'13" E 60.58 feet to the Point of Beginning. Said parcel of land contains 2,472 square feet, more or less.

NOTE:
NOT ALL IMPROVEMENTS SHOWN

NOTES:

Surveyor has made no investigation or independent search for assessments of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

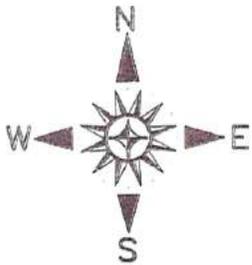


In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

[Signature]
Duke Levy, RLS #1722

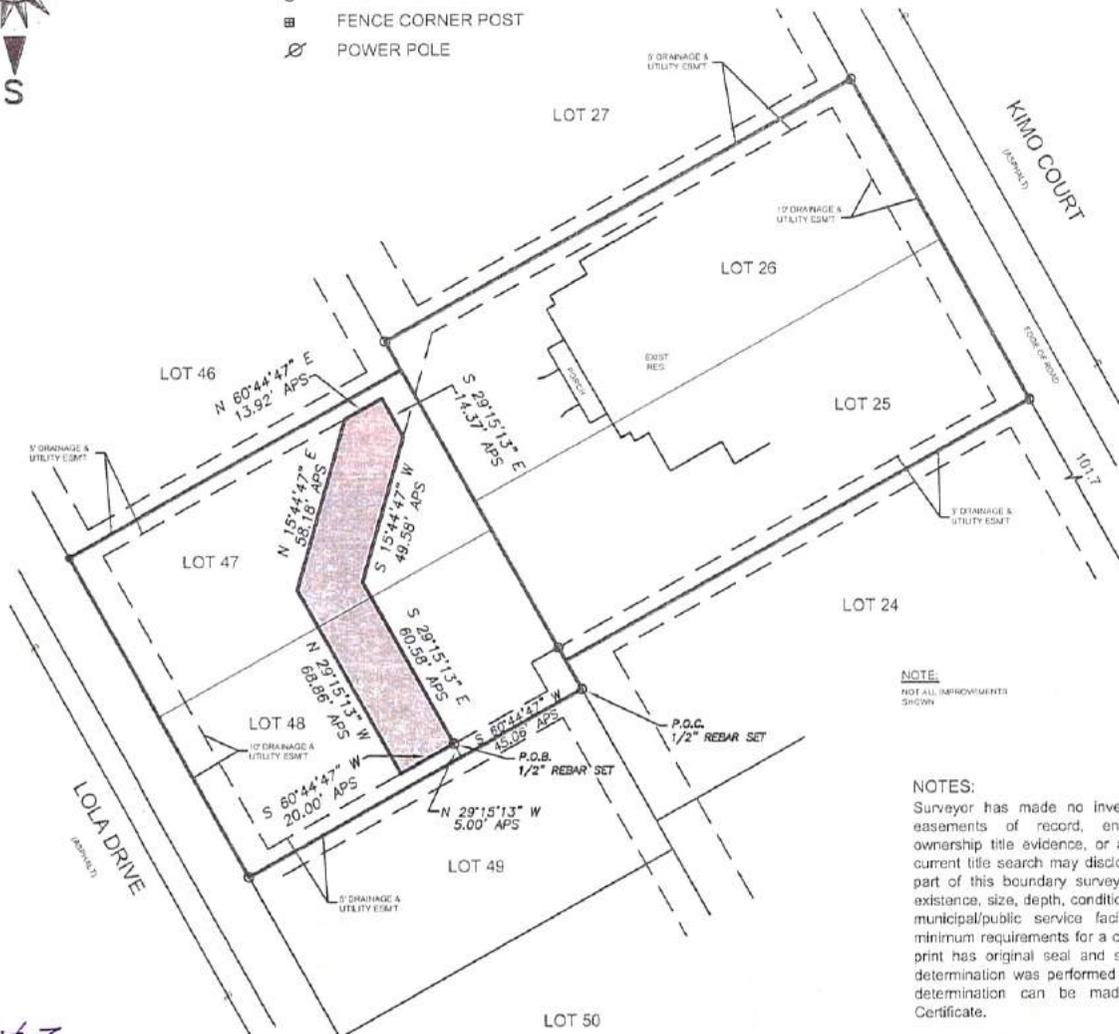
DUKE LEVY & ASSOCIATES, P.A.	
1711 WAVELAND AVENUE WAVELAND, MS 39576 (228) 467-5212 PHONE	
SCALE: 1" = 40'	DATE: 01-26-16
DRAWING: 16-0005	CLIENT: DAVID DREHER

Exhibit 2



LEGEND:

- ⊕ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊙ IRON PIPE FOUND
- ⊠ FENCE CORNER POST
- ⊗ POWER POLE



LEGAL DESCRIPTION: NEW EASEMENT

Survey of a parcel of land situated and being located in a portion of Lots 47 and 48, Block 4, Diamondhead Subdivision, Phase 2, Unit 11, City of Diamondhead, Hancock County, Mississippi, to-wit:

Commencing at a 1/2" rebar set at the southeast corner of said Lot 48; thence S 60°44'47" W 45.06 feet to the Point of Beginning; thence N 29°15'13" W 5.00 feet to a 1/2" rebar set at the Point of Beginning; thence S 60°44'47" W 20.00 feet to a point; thence N 29°15'13" W 68.86 feet to a point; thence N 15°44'47" E 58.18 feet to a point; thence N 60°44'47" E 13.92 feet to a point; thence S 29°15'13" E 14.37 feet to a point; thence S 15°44'47" W 49.58 feet to a point; thence S 29°15'13" E 60.58 feet to the Point of Beginning. Said parcel of land contains 2,472 square feet, more or less.

NOTE:
NOT ALL IMPROVEMENTS SHOWN

NOTES:
Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

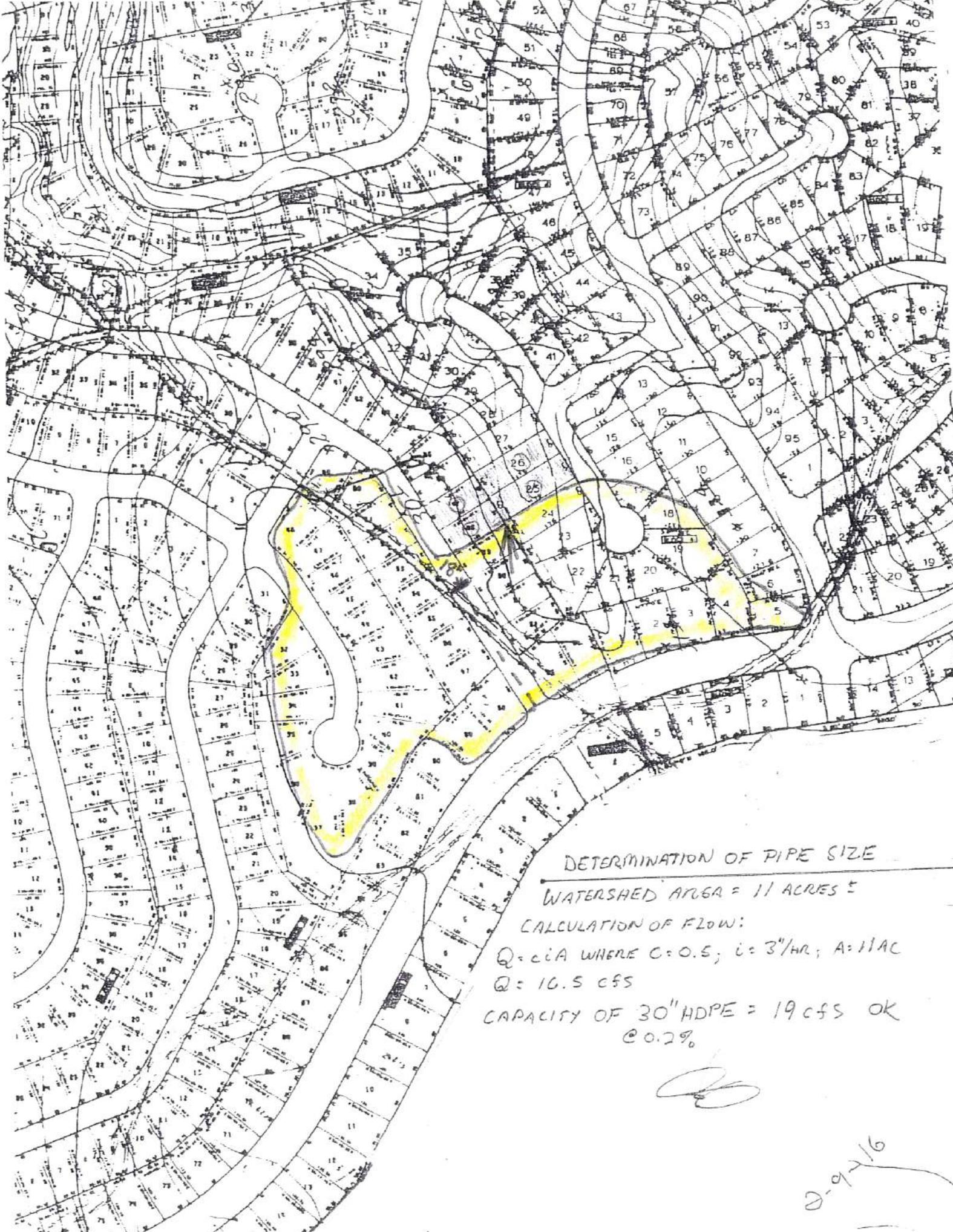


In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
Duke Levy, RLS #1722

DUKE LEVY & ASSOCIATES, P.A.	
1711 WAVELAND AVENUE WAVELAND, MS 39576 (228) 467-5212 PHONE	
SCALE: 1" = 40'	DATE: 01-26-16
DRAWING: 16-0005	CLIENT: DAVID DREHER

Exhibit 3



DETERMINATION OF PIPE SIZE

WATERSHED AREA = 11 ACRES ±

CALCULATION OF FLOW:

$Q = c i A$ WHERE $c = 0.5$; $i = 3"/hr$; $A = 11 AC$
 $Q = 16.5 cfs$

CAPACITY OF 30" HDPE = 19 cfs OK @ 0.29

2-9-16

Ronald Jones

From: Clovis Reed
Sent: Tuesday, October 13, 2015 11:16 AM
To: Ronald Jones
Subject: FW: 8384 KIMO COURT UTILITY EASEMENT RE-LOCATION;

-----Original Message-----

From: Richard Sullivan
Sent: Monday, October 05, 2015 2:47 PM
To: Clovis Reed <creed@diamondhead.ms.gov>
Subject: Re: 8384 KIMO COURT UTILITY EASEMENT RE-LOCATION;

I don't have a problem with him relocating the drain as long as we have an easement and access.

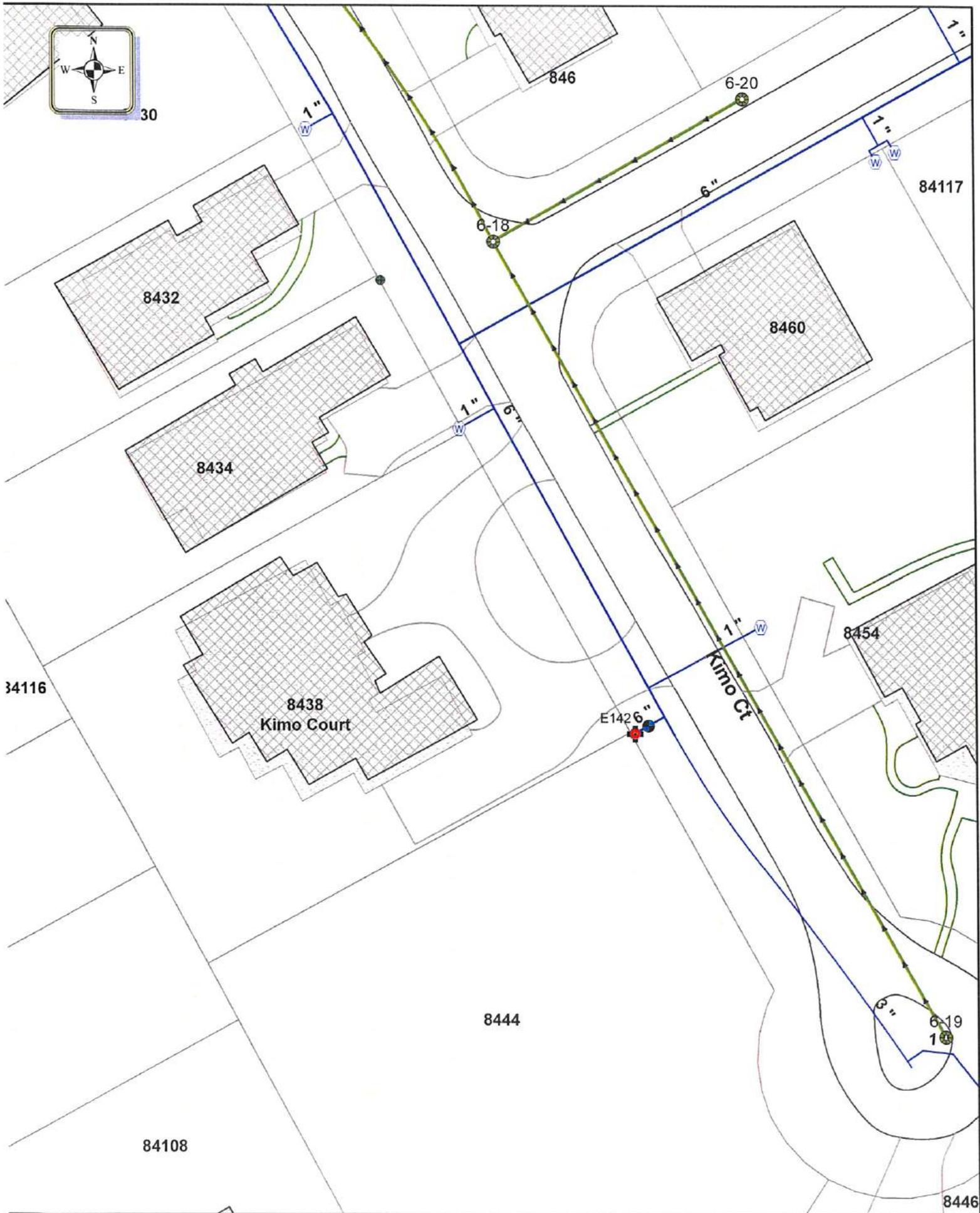
Ronald Jones

From: ndepreo@seymouren.com
Sent: Wednesday, February 10, 2016 10:05 AM
To: Ronald Jones
Subject: RE: RE: 8420 KIMO COURT;
Attachments: 8438 Kimo Court.pdf

Please find attached a PDF of the existing utilities. The District does not have any utilities in the easement requested to be vacated.

Thank you,
Nancy

Diamondhead water & Sewer District



Abandonment of Easement Request

Ronald,

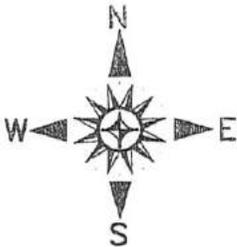
I have reviewed the request to abandon the easement behind 8438 Kimo Court (between rear of lots 25 & 26 and 47 & 48). Coast Electric agrees to abandon the easement as described above and shown in the attached survey drawing (Exhibit A). If you have any questions, please give me a call.

Jeremy Yarber

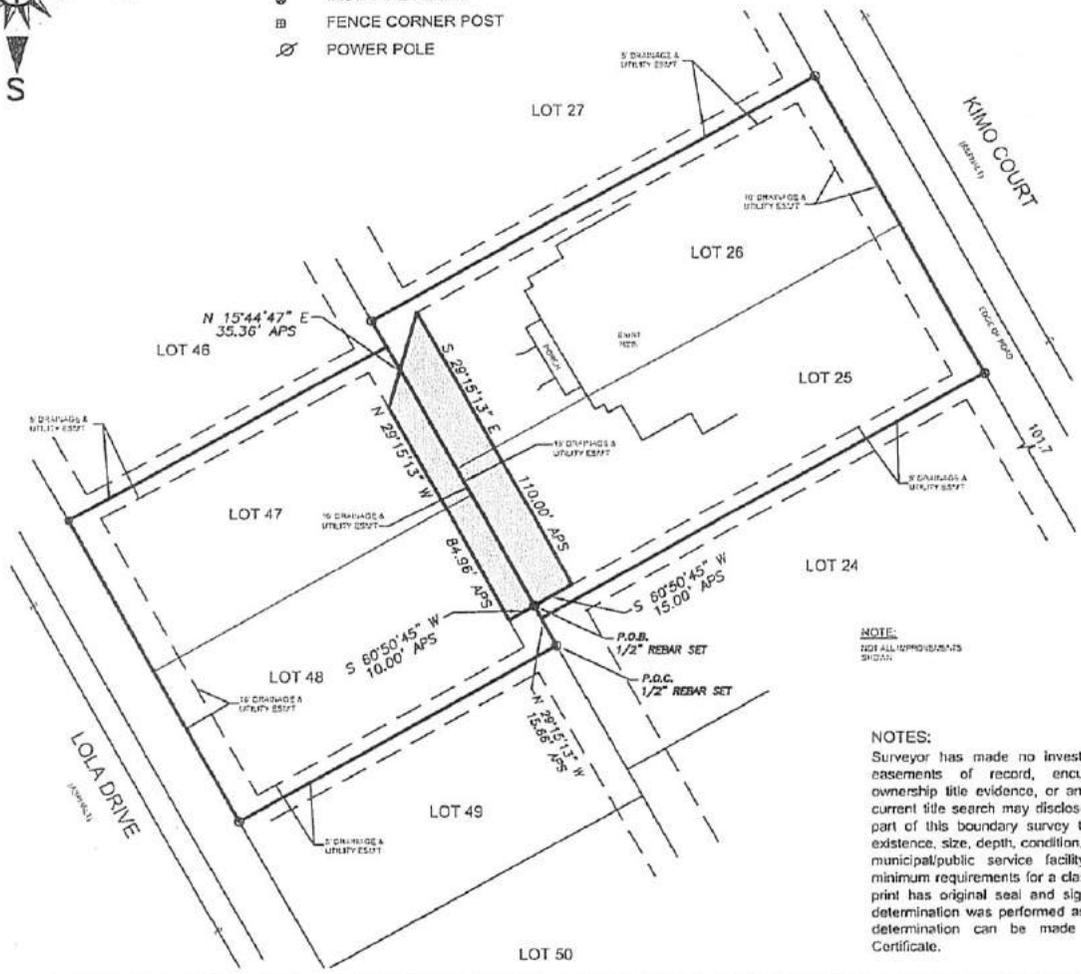
System Engineer

(228) 860-7966

EXHIBIT A



- LEGEND:**
- CENTERLINE
 - IRON ROD FOUND
 - IRON ROD SET
 - ⊙ IRON PIPE FOUND
 - ⊞ FENCE CORNER POST
 - ⊘ POWER POLE



LEGAL DESCRIPTION: EASEMENT ABANDONMENT

Survey of a parcel of land situated and being located in a portion of Lots 25 and 26, Block 4, Diamondhead Subdivision, Phase 2, Unit 6, and also a portion of Lots 47 and 48, Block 4, Diamondhead Subdivision, Phase 2, Unit 11, City of Diamondhead, Hancock County, Mississippi, to-wit:

Commencing at a 1/2" rebar set at the southeast corner of said Lot 48; thence N 29°15'13" W 15.66 feet to the Point of Beginning; thence S 60°50'45" W 10.00 feet to a point; thence N 29°15'13" W 84.96 feet to a point; thence N 15°44'47" E 35.36 feet to a point; thence S 29°15'13" E 110.00 feet to a point; thence S 60°50'45" W 15.00 feet to the Point of Beginning. Said parcel of land contains 2,437 square feet, more or less.



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
 Duke Levy, RLS #1722

NOTE:
 NOT ALL IMPROVEMENTS SHOWN.

NOTES:
 Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

DUKE LEVY & ASSOCIATES, P.A.	
1711 WAVELAND AVENUE WAVELAND, MS 39576 (228) 467-5212 PHONE	
SCALE: 1" = 40'	DATE: 01-26-16
DRAWING: 16-0005	CLIENT: DAVID DREHER

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 _____, seconded by Councilmember _____ 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	___	___	___

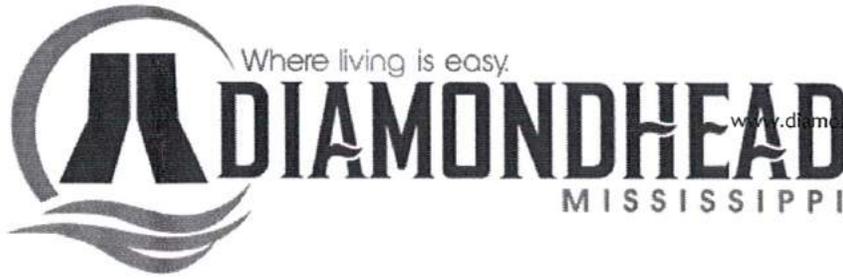
The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the _____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

(SEAL)



5000 Diamondhead Circle · Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald Jones, Building Official *Ronald*

DATE: February 12, 2016

SUBJECT: Edward P. Sutherland; newly assigned address #25 Devil's Elbow
Request to abandon selected drainage and utility easements
Establishment of new drainage and utility easements and donation of same to City

Edward P. Sutherland has requested to abandon selected drainage and utility easements and establishment of "new" drainage and utility easements. The "new" drainage and utility will be donated to City. The purpose of this request is for construction of a single family house on this vacant newly created lot.

Comments from the Public Works Department, DWSD and CEPA have agreed to the abandonment. If you have any questions or comments, please advise.

Attachments

LAW OFFICES OF EDWARD P. SUTHERLAND

7918 Wrenwood Boulevard, Suite C
Baton Rouge, Louisiana 70809
225.924.0207 telephone
225.924.0208 facsimile

*Cell phone
225-266-6406*

Edward P. Sutherland

February 3, 2016



Sarah Norwood Trouard

Diamondhead City Council
c/o Mr. Ronald Jones, Building Inspector

Re: Lots 25 and ½ lot 26 Devil's Elbow abandonment of drainage & utility easement
and acceptance and rededication of new easement

Dear City Council and Mr. Jones:

Please be advised that my wife, Diana, and I recently purchased Lot 25 and ½ of Lot 26 in Devil's elbow, Diamondhead Phase II. (See attached survey of 10-28-2015 conducted by Duke Levy, RLS #1722, filed of record in Hancock County on 11-09-2015 as 2015 12217, Attachment A.) The 10-28-2015 survey defines and describes a 3' -5' drainage and utility easement on the perimeter of all four sides of lots 25 and 26.

In connection with the purchase of the property, we agreed to donate and exchange Parcel A of Lots 25 to the Devil's elbow homeowner's association and the Devil's elbow Homeowner's association agreed to reciprocally donate and exchange Parcel B of common ground. (See attached plats of survey dated 12-08-2015 by Duke Levy, RLS #1722 See Attachments B and C.)

After consolidation of Lots 25 and our portion on Lot 26, and after the reciprocal exchange, the boundaries of our property are described as Lot C on the attached report of survey dated 12-08-2015 by Duke Levy, #1722. Please note that the Lot C survey redefines and describes the newly proposed drainage and utility easements on the perimeter all 4 sides of the newly drawn and described property (Attachment D).

We respectfully request that the city agree to abandon the utility and drainage easements as described and reported on the 10-28-2015 survey and, instead, accept the proposed rededication of the utility and drainage easements as described and reported on the 12-08-2015 survey.

We have hired a builder to construct a home on the property and he has advised that your approval of our request is required prior to the issuance of a building permit.

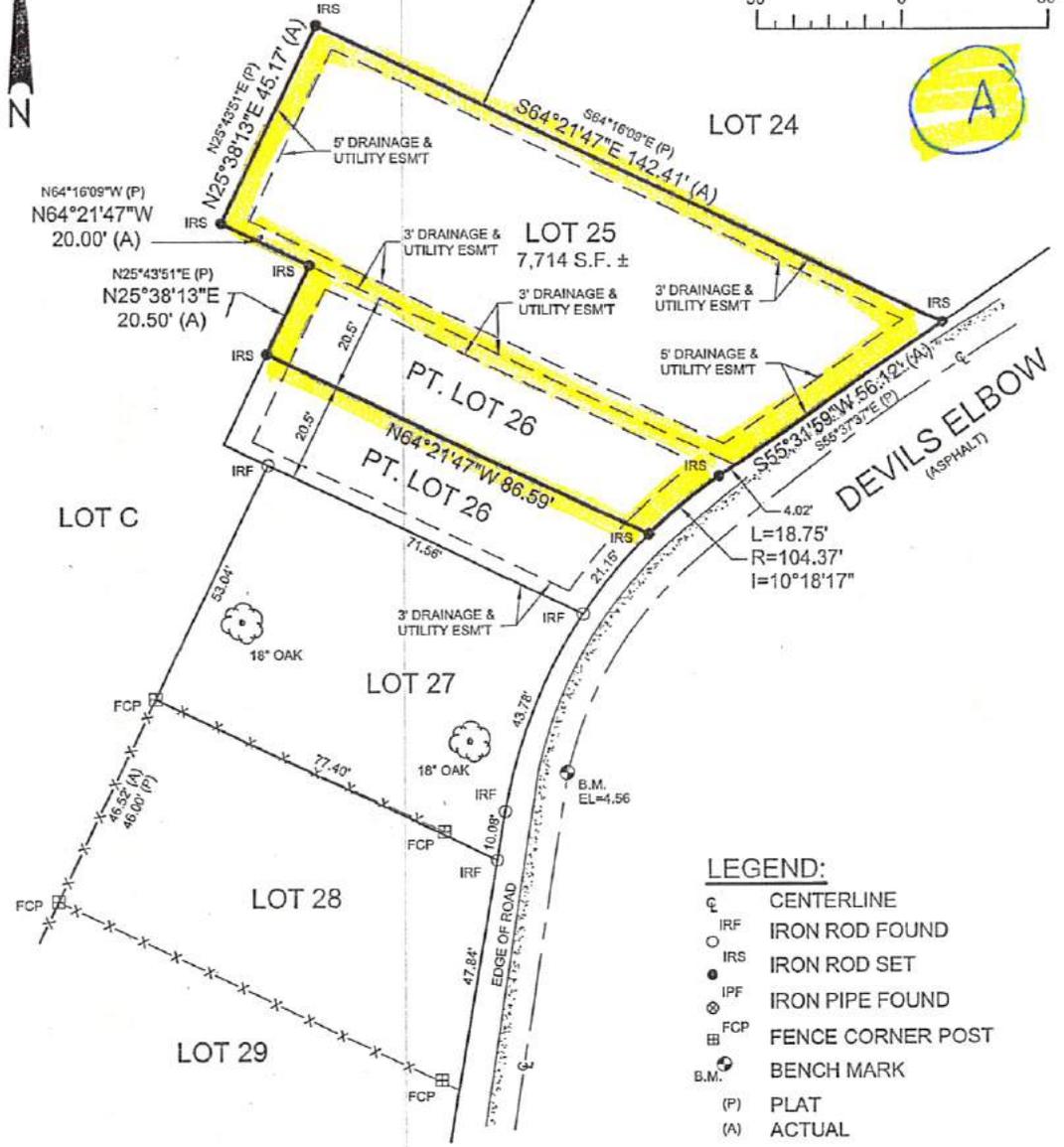
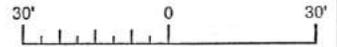
Please advise as soon as possible whether you will accept the abandonment and redefinition and rededication of the utility and drainage easements as proposed.

Thank you in advance for your consideration of this proposal.

Yours Very Truly

A handwritten signature in blue ink, appearing to read "Edward P. Sutherland".

Edward P. Sutherland



- LEGEND:**
- ⊕ CENTERLINE
 - IRF IRON ROD FOUND
 - IRS IRON ROD SET
 - IPF IRON PIPE FOUND
 - ⊕ FCP FENCE CORNER POST
 - ⊙ B.M. BENCH MARK
 - (P) PLAT
 - (A) ACTUAL

LEGAL DESCRIPTION:
 SURVEY MAP OF LOT 25 & THE NORTH
 1/2 OF LOT 26, DEVIL'S ELBOW, PHASE
 2, DIAMONDHEAD, HANCOCK CO., MS

REFERENCES:
 PLAT OF RECORD, DEVIL'S ELBOW,
 PHASE 2
 D.B. BB249, PG. 581
 SURVEY BY DIGITAL ENGINEERING,
 DUKE LEVY, PROJ. # 1001247

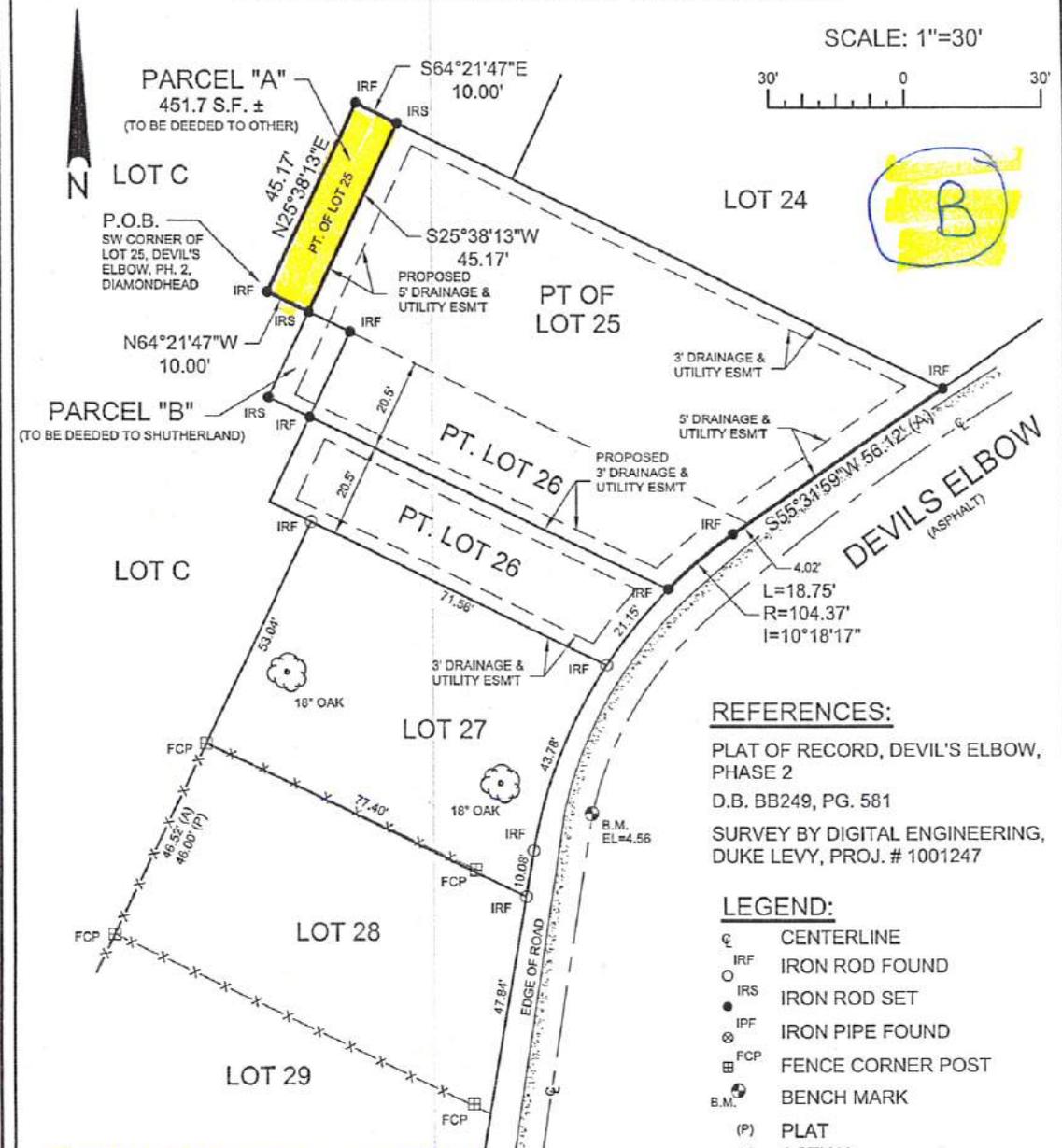
Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

digital engineering
DUKE LEVY
 PROFESSIONAL LAND SURVEYOR
 314 COLEMAN AVENUE, WAVELAND, MS 39576
 PH: (228) 463-0130 - FAX: (228) 463-0160



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
 Duke Levy, RLS #1722



- REFERENCES:**
- PLAT OF RECORD, DEVIL'S ELBOW, PHASE 2
 - D.B. BB249, PG. 581
 - SURVEY BY DIGITAL ENGINEERING, DUKE LEVY, PROJ. # 1001247
- LEGEND:**
- ⊕ CENTERLINE
 - IRF IRON ROD FOUND
 - IRS IRON ROD SET
 - ⊗ IPF IRON PIPE FOUND
 - ⊠ FCP FENCE CORNER POST
 - ⊙ B.M. BENCH MARK
 - (P) PLAT
 - (A) ACTUAL

LEGAL DESCRIPTION: (PARCEL "A")

A 10' STRIP OF LAND BEING PART OF LOT 25, DEVIL'S ELBOW, PHASE 2, DIAMONDHEAD, HANCOCK CO., MS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID LOT 25, SAID POINT BEING AN IRON ROD FOUND; THENCE N25°38'13"E ALONG THE WESTERLY LINE OF SAID LOT 25, 45.17' TO AN IRON ROD FOUND; THENCE S64°21'47"E ALONG THE NORTHERLY LINE OF SAID LOT 25, 10.00' TO AN IRON ROD; THENCE S25°38'13"W 45.17' TO AN IRON ROD, SAID POINT BEING ON THE SOUTHERLY LINE OF SAID LOT 25; THENCE N64°21'47"W ALONG THE SOUTHERLY LINE OF SAID LOT 25, 10.00' TO THE P.O.B., CONTAINING 451.7 S.F., MORE OR LESS.

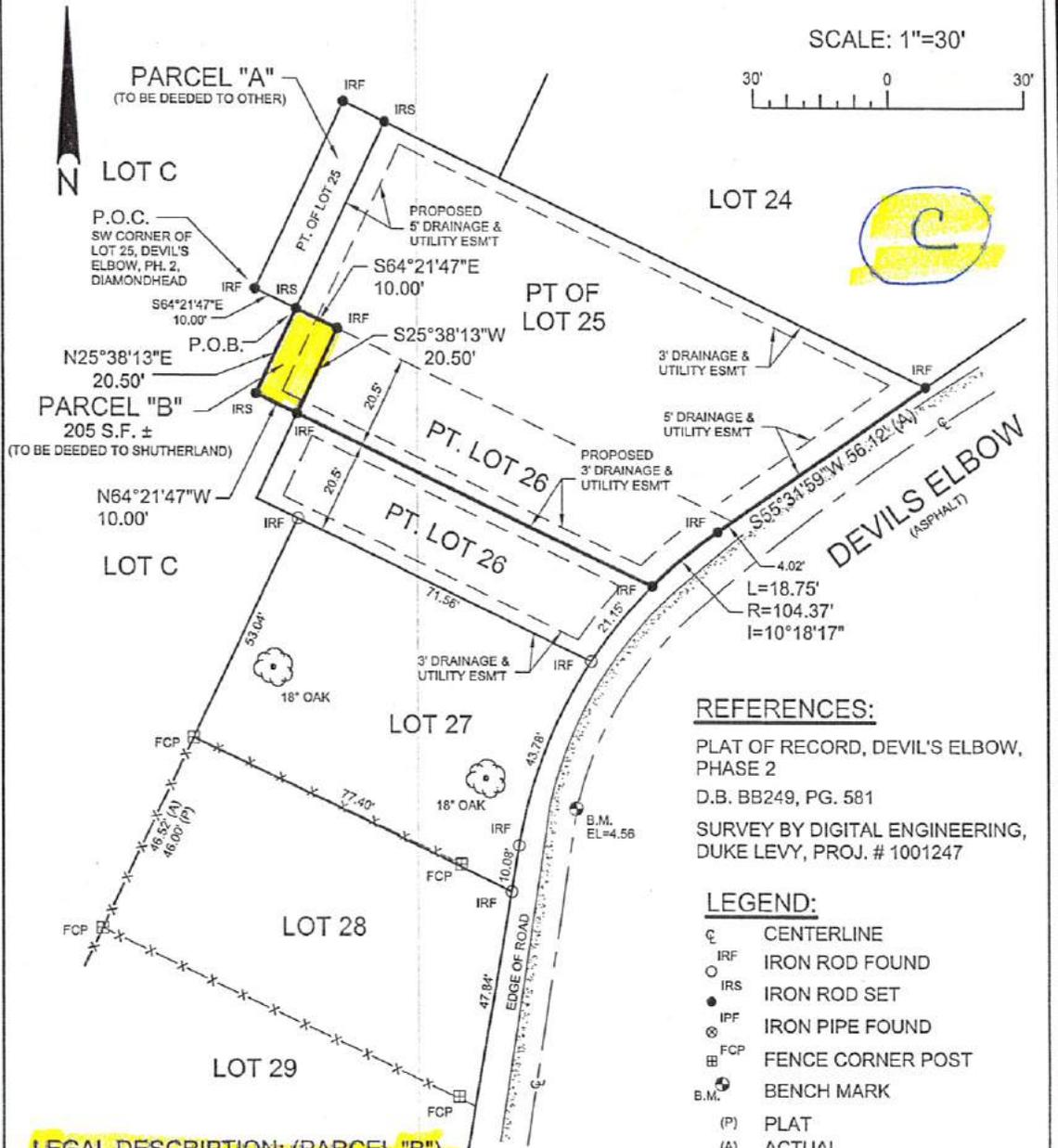
Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

digital engineering
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 PROFESSIONAL LAND SURVEYOR
 314 COLEMAN AVENUE, WAVELAND, MS 39576
 PH: (228) 463-0130 - FAX: (228) 463-0160



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy, RLS #1722



REFERENCES:

PLAT OF RECORD, DEVIL'S ELBOW, PHASE 2
 D.B. BB249, PG. 581
 SURVEY BY DIGITAL ENGINEERING, DUKE LEVY, PROJ. # 1001247

LEGEND:

- ⊕ CENTERLINE
- IRF
- IRS
- ⊗ IRP
- ⊠ FCP
- ⊙ B.M.
- (P) PLAT
- (A) ACTUAL

LEGAL DESCRIPTION: (PARCEL "B")

A 10' STRIP OF LAND BEING PART OF LOT C, DEVIL'S ELBOW, PHASE 2, DIAMONDHEAD, HANCOCK CO., MS, AND BEING MORE FULLY DESCRIBED AS FOLLOW:

COMMENCING AT THE SW CORNER OF LOT 25 OF SAID DEVIL'S ELBOW, SAID POINT BEING AN IRON ROD FOUND; THENCE S64°21'47"E ALONG THE SOUTHERLY LINE OF SAID LOT 25, 10.00' TO THE P.O.B.; THENCE CONTINUE S64°21'47"E ALONG THE SOUTHERLY LINE OF SAID LOT 25, 10.00' TO AN IRON ROD FOUND; THENCE S25°38'13"W ALONG THE WESTERLY LINE OF LOT 26 OF SAID DEVIL'S ELBOW 20.50' TO AN IRON ROD FOUND; THENCE N64°21'47"W 10.00' TO AN IRON ROD; THENCE N25°38'13"E 20.50' TO THE P.O.B., CONTAINING 205 S.F., MORE OR LESS

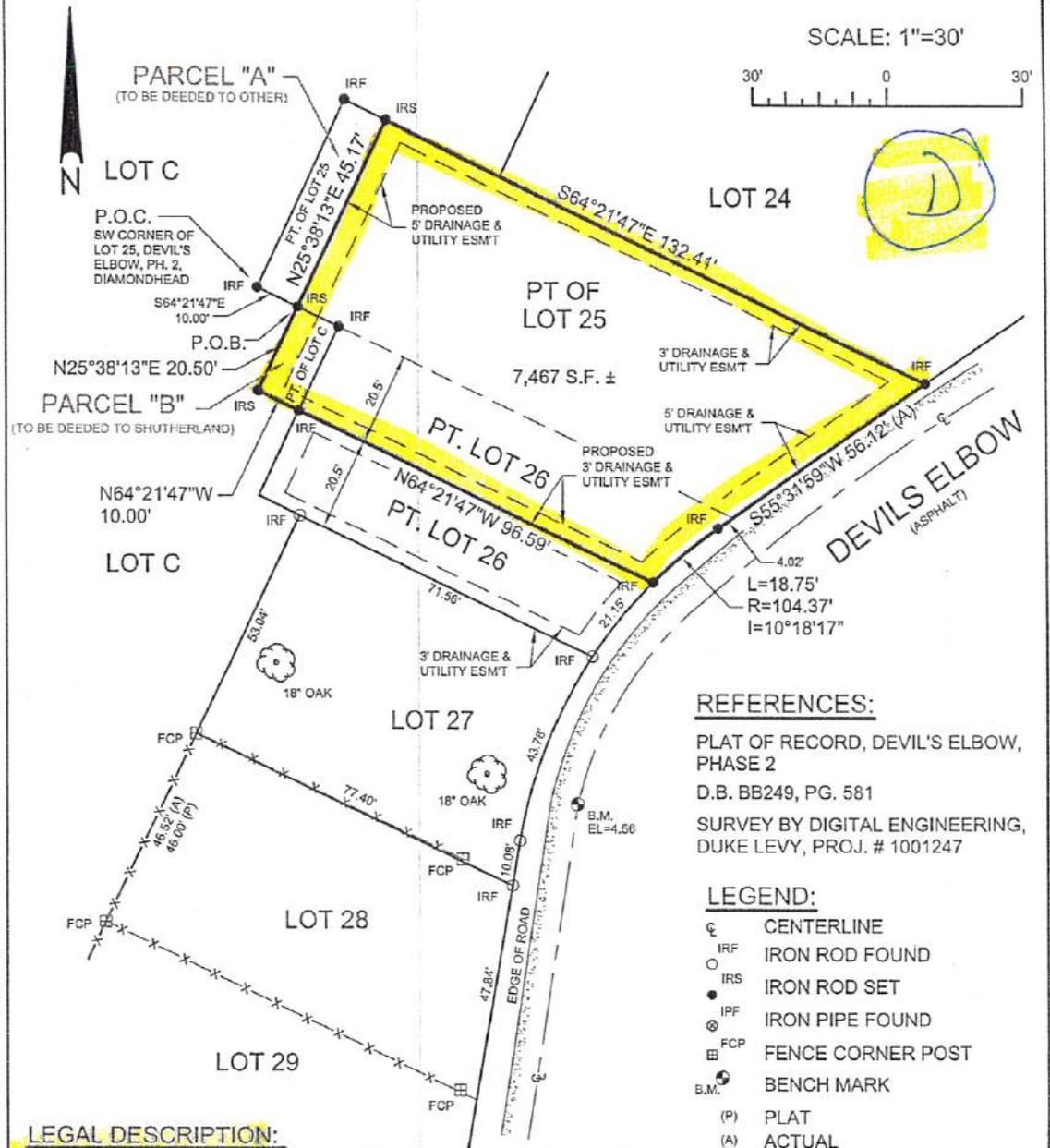
Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

digital engineering
DUKE LEVY
 PROFESSIONAL LAND SURVEYOR
 314 COLEMAN AVENUE, WAVELAND, MS 39576
 PH: (228) 463-0130 - FAX: (228) 463-0160



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy, RLS #1722



REFERENCES:

PLAT OF RECORD, DEVIL'S ELBOW, PHASE 2
 D.B. BB249, PG. 581
 SURVEY BY DIGITAL ENGINEERING, DUKE LEVY, PROJ. # 1001247

LEGEND:

- ⊕ CENTERLINE
- IRF IRON ROD FOUND
- IRS IRON ROD SET
- ⊙ IPF IRON PIPE FOUND
- ⊠ FCP FENCE CORNER POST
- ⊙ B.M. BENCH MARK
- (P) PLAT
- (A) ACTUAL

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PART OF LOT C, LOT 25 AND LOT 26, DEVIL'S ELBOW, PHASE 2, DIAMONDHEAD, HANCOCK CO., MS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF LOT 25 OF SAID DEVIL'S ELBOW, SAID POINT BEING AN IRON ROD FOUND; THENCE S64°21'47"E ALONG THE SOUTHERLY LINE OF SAID LOT 25, 10.00' TO THE P.O.B.; THENCE N25°38'13"E 45.17' TO AN IRON ROD, SAID POINT BEING OF THE NORTHERLY LINE OF SAID LOT 25; THENCE S64°21'47"E 132.41' TO AN IRON ROD, SAID POINT BEING ON THE NORTHERLY MARGIN OF DEVIL'S ELBOW; THENCE S55°31'59"W ALONG SAID DEVIL'S ELBOW 56.12' TO AN IRON ROD, SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 104.37'; THENCE SOUTHERLY ALONG SAID CURVE AND SAID DEVIL'S ELBOW 18.75' TO AN IRON ROD; THENCE N64°21'47"W 96.59' TO AN IRON ROD; THENCE N25°38'13"E 20.50' TO THE P.O.B., CONTAINING 7,467 S.F., MORE OR LESS.

Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

digital engineering
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 PROFESSIONAL LAND SURVEYOR
 314 COLEMAN AVENUE, WAVELAND, MS 39576
 PH: (228) 463-0130 - FAX: (228) 463-0160



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
 Duke Levy, RLS #1722

Ronald Jones

From: Richard Sullivan
Sent: Saturday, February 06, 2016 9:04 AM
To: Ronald Jones
Subject: Re: EDWARD SUTHERLAND EASEMENT ABANDONMENT; DEDICATION OF NEW UTILITY AND DRAINAGE EASMENT

I don't have a problem with the easements.

Sent from my iPhone

> On Feb 5, 2016, at 9:23 AM, Ronald Jones <rjones@diamondhead.ms.gov> wrote:

>

>

> EDWARD SUTHERLAND ABANDONMENT;

>

> GOOD MORNING,

>

> Mr. Edward Sutherland has request the abandonment of certain drainage and utility easement. He has acquired part of the adjacent lot and would donate a "new" drainage and utility easement along the perimeter of the newly created lot. His intent is to building a house on this vacant lot.

>

> WOULD YOU PLEASE REVIEW THE ATTACHMENTS AND EXPRESS A WRITTEN OPINION AS TO WHETHER THE CURRENT EASEMENTS ARE NEEDED NOW AND IN THE FUTURE? DO YOU RECOMMEND THE PROPOSED "NEW" DRAINAGE AND UTILITY EASEMENT?

>

> WOULD YOU LET ME KNOW BY THURSDAY, FEB 11TH IN ORDER TO BE ON THE FEB 16TH CITY COUNCIL AGENDA?

>

> Thanks,

>

> Ronald Jones

>

>

> <EDWARD SUTHERLAND ABANDONMENT.pdf>

Ronald Jones

From: ndepreo@seymourengr.com
Sent: Friday, February 05, 2016 2:02 PM
To: Ronald Jones
Cc: Richard Sullivan; Kendall Ladner (kendallladner@coastepa.com); Clovis Reed; Jeannie Klein
Subject: Re: EDWARD SUTHERLAND EASEMENT ABANDONMENT; DEDICATION OF NEW UTILITY AND DRAINAGE EASEMENT
Attachments: Devils Elbow Lot 25.pdf

Good Afternoon Ron,

The District does not have utilities located in the request for abandonment easement.

Thank you,
Nancy

Quoting Ronald Jones <rjones@diamondhead.ms.gov>:

>
> EDWARD SUTHERLAND ABANDONMENT;
>
> GOOD MORNING,
>
> Mr. Edward Sutherland has request the abandonment of certain drainage
> and utility easement. He has acquired part of the adjacent lot and
> would donate a "new" drainage and utility easement along the perimeter
> of the newly created lot. His intent is to building a house on this
> vacant lot.
>
> WOULD YOU PLEASE REVIEW THE ATTACHMENTS AND EXPRESS A WRITTEN OPINION
> AS TO WHETHER THE CURRENT EASEMENTS ARE NEEDED NOW AND IN THE FUTURE?
> DO YOU RECOMMEND THE PROPOSED "NEW" DRAINAGE AND UTILITY EASEMENT?
>
> WOULD YOU LET ME KNOW BY THURSDAY, FEB 11TH IN ORDER TO BE ON THE FEB
> 16TH CITY COUNCIL AGENDA?
>
> Thanks,
>
> Ronald Jones
>
>
>

Abandonment of Easement Request

Ronald,

I have reviewed the request to abandon the easement in Devils Elbow (between lots 25 & 26). Coast Electric agrees to abandon the easement as described above and shown in the attached survey drawing (Exhibit A). If you have any questions, please give me a call.

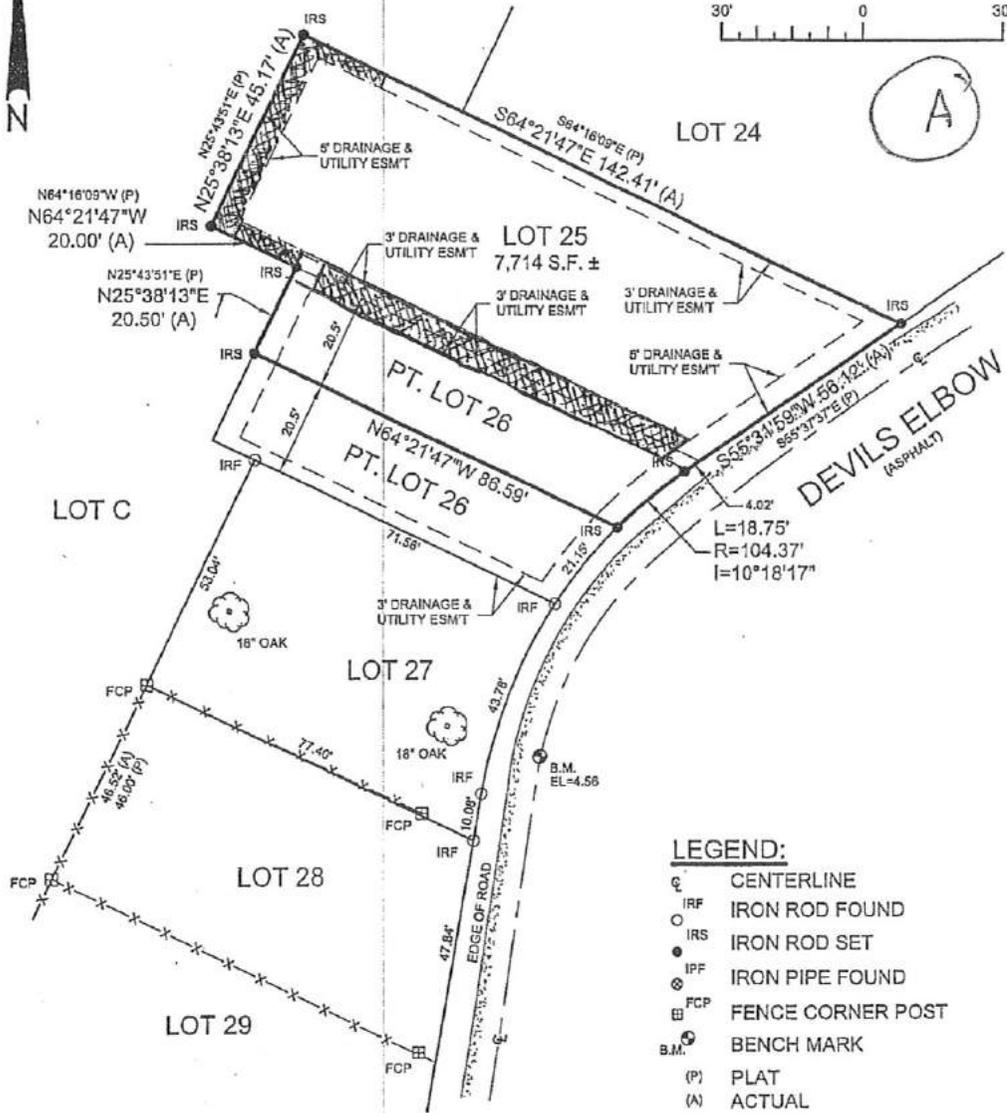
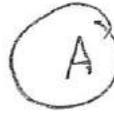
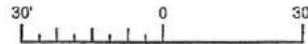
Jeremy Yarber

System Engineer

(228) 860-7966

BEARINGS REFERENCED MISSISSIPPI STATE PLANE NAD 83, EAST ZONE

SCALE: 1"=30'



LEGEND:

- ⊕ CENTERLINE
- IRF IRON ROD FOUND
- IRS IRON ROD SET
- ⊙ IPF IRON PIPE FOUND
- ⊞ FCP FENCE CORNER POST
- ⊙ B.M. BENCH MARK
- (P) PLAT
- (A) ACTUAL

REFERENCES:

PLAT OF RECORD, DEVIL'S ELBOW, PHASE 2
 D.B. BB249, PG. 581
 SURVEY BY DIGITAL ENGINEERING, DUKE LEVY, PROJ. # 1001247

LEGAL DESCRIPTION:
 SURVEY MAP OF LOT 25 & THE NORTH 1/2 OF LOT 26, DEVIL'S ELBOW, PHASE 2, DIAMONDHEAD, HANCOCK CO., MS

Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

digital engineering
DUKE LEVY
 PROFESSIONAL LAND SURVEYOR
 314 COLEMAN AVENUE, WAVELAND, MS 39576
 PH: (228) 463-0130 - FAX: (228) 463-0160



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

 Duke Levy, RLS #1722

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "CITY"), TO ACQUIRE BY DONATION, CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY FROM DONORS, PURCELL COMPANY, INC. AND ROUSE LAND COMPANY, LLC

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 is in need of acquiring certain real property for roadway purposes that is currently owned by Purcell Company, Inc. and Rouse Land Company, LLC.
2. The City is authorized to acquire real property pursuant to Miss.Code Ann. Sec. 21-17-1.
3. Purcell Company, Inc. and Rouse Land Company, LLC have expressed a willingness to donate property that each legally owns described in the surveys completed by Seymour Engineering and attached hereto as Exhibit "A" to this resolution.
4. The City is willing to accept the donations of the aforementioned properties.

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

1. That the Governing Body of the City will accept the donations of the aforementioned properties.
2. 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 properties by donation and for the City Manager to execute any necessary documentation to effectuate the donation of the subject properties.

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

	Aye	Nay	Absent
Councilmember Knobloch	—	—	—
Councilmember Woolbright	—	—	—
Councilmember Lopez	—	—	—
Councilmember Rech	—	—	—
Councilmember Sislow	—	—	—
Mayor Schaffer	—	—	—

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 ____ day of _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

(SEAL)

EXHIBIT A



SCALE: 1" = 50'

P.O.C.
1/2" REBAR FOUND AT
SW COR. LOT 22, BLOCK
13, UNIT 1, PHASE 1,
DIAMONDHEAD S/D

OWNER:
ROUSE LAND COMPANY, LLC
1301 ST. MARY STREET
THIBODAUX, LA 70301
TAX# 131E-1-13-006.003

SURVEY DESCRIPTION: 50 foot Right-of-Way

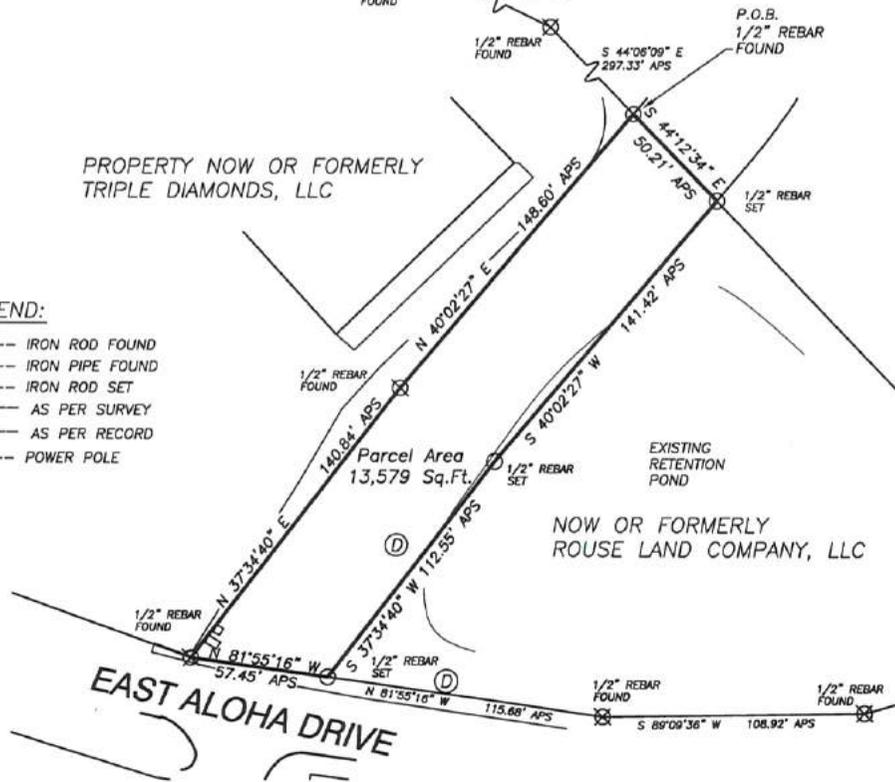
A parcel of land situated and being located in Section 13, Township 8 South, Range 14 West; and being a portion of that land conveyed to Rouse Land Company, LLC, as recorded in Deed Book 2010 Page 16607, located in the City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at a 1/2" rebar found at the southwest corner of Lot 22, Block 13, Unit 1, Phase 1, Diamondhead Subdivision, as recorded in Plat Book 4 at Page 1; thence S 00°09'39" W 312.85 feet to a 1/2" rebar found; thence S 52°54'59" E 405.11 feet to a 1/2" rebar found; thence S 64°11'38" E 516.27 feet to a 1/2" rebar found; thence S 44°06'09" E 297.33 feet to a 1/2" rebar found and being the Point of Beginning; thence S 44°12'34" E 50.21 feet to a 1/2" rebar set; thence S 40°02'27" W 141.42 feet to a 1/2" rebar set; thence S 37°34'40" W 112.55 feet to a 1/2" rebar set on the north right-of-way of East Aloha Drive; thence N 81°55'16" W 57.45 feet along said north right-of-way of East Aloha Drive to a 1/2" rebar found; thence N 37°34'40" E 140.84 feet to a 1/2" rebar found; thence N 40°02'27" E 148.60 feet to the Point of Beginning. Said parcel of land contains 13,579 square feet, more or less. The following legal description is based on Geodetic bearings from an OPUS observation on control points.

PROPERTY NOW OR FORMERLY
TRIPLE DIAMONDS, LLC

LEGEND:

- ⊗ --- IRON ROD FOUND
- ⊙ --- IRON PIPE FOUND
- --- IRON ROD SET
- A.P.S. --- AS PER SURVEY
- A.P.R. --- AS PER RECORD
- ∅ --- POWER POLE



Note: This Survey "Class B" was made in accordance with Rule 21 "Standards of Practice for Surveying in the State of Mississippi, August 1, 2015".

Note: Bearings are based on Geodetic bearings from OPUS Observations.

Note: This Survey does not reflect a title search by Seymour Engineering, nor should it be considered as such.

This is to CERTIFY that I have surveyed the property described and delineated hereon; and that the measurements and other data indicated are correct to the best of my knowledge and belief.

James C. Booth, Jr.
James C. Booth, Jr., P.L.S. #2666
February 8, 2016



SEYMOUR ENGINEERING

925 TOMMY MUNRO DRIVE, SUITE G
BILOXI, MISSISSIPPI 39532

PHONE: (228) 385-2350
FAX: (228) 385-2353



16-070.02