

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 ALONG THE EACH SIDE PROPERTY LINE OF LOT 23, DIAMONDHEAD SUBDIVISION PHASE 1 AMENDED PLAT OF UNITS 2 AND 3, BLOCK 5, HANCOCK COUNTY LOCATED WITHIN THE CITY

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 7' drainage and utility easements on each side property line of lot 23, Diamondhead Subdivision Phase 1, Amended Plat of Units 2 and 3, Block 5;
2. Shane Finley is the owner of lot 23, Diamondhead Subdivision Phase 1, Amended Plat of Units 2 and 3, Block 5;

The physical address is 7328 Ahi Court. The ad valorem tax parcel number is 068Q-1-41-045.000. A building permit has been approved for the construction of a single family home.

3. Comments from the Diamondhead Water and Sewer District reflect no water and sewer in the selected easements. Comments from the Diamondhead Public Works Department and CEPA reflect selected easements are not needed (See attached comments).
4. Further, the City hereby abandons and/or vacates the drainage/utility easement as petitioned due to no apparent need for the drainage/utility easement. These drainage/utility easements are 7' in width drainage and utility easements on each side of the property lines of lot 23, Diamondhead Subdivision Phase 1, Amended Plat of Units 2 and 3, Block 5 except the full width and length of the 10' drainage easements of the front and rear property lines.

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 with respect to Lot 23 described in bullet #4.

SECTION 2. It is agreed and understood that Shane Finley or their 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 August, 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 R. Jones, CBO *Ronald*  
Building Official

DATE: August 12, 2016

SUBJECT: Request to abandon drainage and utility easements by Shane Finley; 7328 Ahi Court

Shane Finley has submitted a request to abandon drainage and utility easements located at 7328 Ahi Court for the purpose of constructing a bulkhead to bring in fill dirt for the construction of a new single family home. He would like to construct the bulkhead as close to the side and rear property lines as possible. The tax parcel number is 068Q-1-41-045.000. The legal description is Diamondhead Phase 1, Amended Plat of Units 2 and 3, Block 5, Lot 23.

The drainage and utility easement on the side lot lines are 7' in width according to the plat. The rear drainage easement is 10' in width. Diamondhead Public Works, DWSD and CEPA have no future use or need for the drainage/utility easements. Therefore, the staff does recommend the abandonment of drainage and utility easements for the full width along each side property lines. However, the staff recommends to continue to retain the 10' drainage and utility easement for its full width and length along the rear property line for drainage purposes. See attached comments and pictures.

attachments

**PETITION FOR RIGHT-OF-WAY/  
UTILITY EASEMENT ABANDONMENT**

**CONTENTS:**

- 1) General Public Summary Information
- 2) Petition Form

**RECEIVED**  
JUL 28 2016  
BY: \_\_\_\_\_

**ACKNOWLEDGEMENT STATEMENT:**

I have received and read the Public Summary Information which outlines the procedure for a right-of-way/utility easement abandonment.

  
\_\_\_\_\_  
Applicant's Signature

7/28/16  
Date

**Note: This cover sheet must be submitted with the application.**

**PETITION FOR  
RIGHT-OF-WAY/UTILITY EASEMENT ABANDONMENT**

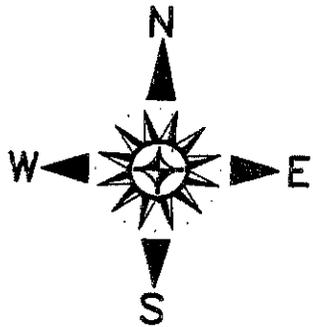
**PART I. APPLICANT INFORMATION**

(Part I to be submitted in triplicate.)

1. APPLICANT'S NAME	<u>Shane Firley</u>
Address	<u>7328 AHI COURT</u>
Telephone No.	<u>(228) 586-5771 (H) 228-324-1819 (C)</u>
<i>(If more than one applicant, please attach list and signatures.)</i>	
2. CURRENT PROPERTY OWNER'S NAME(S)	<u>Same</u>
Address	_____
Telephone No.	<u>( )</u>
<i>(Provide for each owner of real property that is subject to petition; please attach list and signatures.)</i>	
3. AGENT'S NAME	<u>N/A</u>
Address	_____
Telephone No.	<u>( )</u>
<i>(If more than one agent, please attach list.)</i>	
4. REQUEST STATEMENT:	
I (We)	<u>Shane Firley</u> of <u>Diamondhead MS</u> hereby petition the
City of <del>Walden, Florida</del>	<u>Diamondhead MS</u> to review a request for:
	<input checked="" type="checkbox"/> RIGHT-OF-WAY ABANDONMENT
	<input type="checkbox"/> UTILITY EASEMENT ABANDONMENT
5. APPLICATION CERTIFICATION:	
I certify that, to the best of my knowledge, the submitted information and statements are true and correct. <i>(Attach signatures as required.)</i>	
<u></u>	<u>7/28/16</u>
Applicant's Signature	Date

**NOTE:** Any desire to amend or withdraw application must be submitted in writing to the Public Works Department. If ownership of any part of or all of the real property subject to the petition shall change during

the pendency of the petition, the petitioning owner who has conveyed said parcel of real property shall be required to immediately advise the Public Works Department in writing.



**LEGEND:**

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

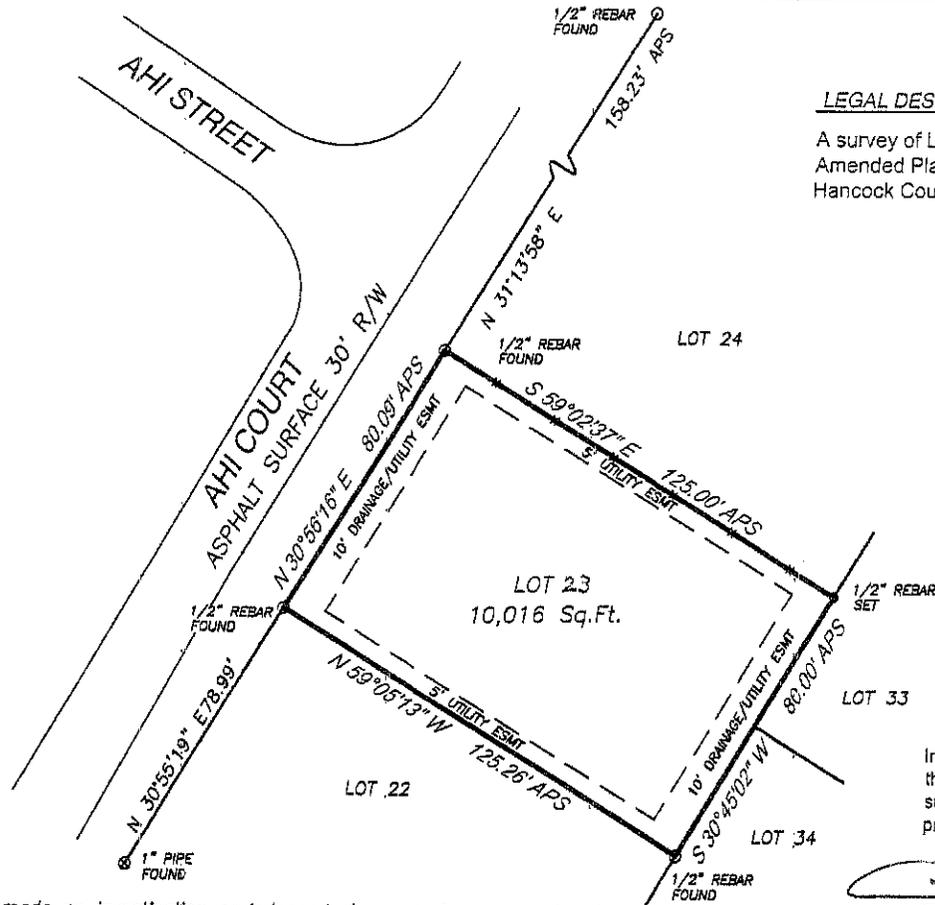
**NOTES:**

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.

**REFERENCES:**

DEED BOOK 2007 PAGE 7488  
 PLAT OF DIAMONDHEAD, PHASE 1, AMENDED

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS



**LEGAL DESCRIPTION:**

A survey of Lot 23, Block 5, Diamondhead, Phase 1, Amended Plat of Units 2 and 3, City of Diamondhead, Hancock County, Mississippi

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: 05-17-16
DRAWING: 16-0117	CLIENT: SHANE FINLEY

7328  
RHI Court



7328 AHI Court

08

20

08

## Ronald Jones

---

**From:** Ronald Jones  
**Sent:** Tuesday, August 02, 2016 1:52 PM  
**To:** Darrell Kinchen (DARRELLKINCHEN@CABLEONE.NET); Richard Sullivan; 'Jeremy Yarber'; Cheryl Ladner (cladner@thewaterutility.com); Nancy Depreo (ndepreo@seymouren.com); Robin Reiter (rreiter@thewaterutility.com)  
**Cc:** Clovis Reed (creed@diamondhead.ms.gov)  
**Subject:** FW: Scanned image from MX-6201N  
**Attachments:** SHANE FINLEY UTILITY ABANDONMET REQUEST.pdf

Good afternoon,

Mr. Shane Finley has requested an abandonment of drainage and utility easements for 7328 Ahi Court. The parcel number is 068Q-1-41-045.000. The legal description is Diamondhead Phase 1, Amended Plat of Units 2 and 3, Block 5, Lot 23. By the plat it is notg4ed that the side yard easement is 7' in width. Mr. Finley would like to construct a bulkhead and fill in his lot for the construction of a house. He would like to construct the bulkhead as close to the side and rear property lines as possible.

Does your company or agency have a current or future need for the platted drainage and utility easements? Your written opinion would be appreciated by Thursday, August 11th if not sooner.

Sincerely,  
Ronald Jones

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

From: sharp.scanner@diamonhead.ms.gov [mailto:smbmscanner@gmail.com]  
Sent: Tuesday, August 02, 2016 12:02 PM  
To: Ronald Jones <rjones@diamondhead.ms.gov>  
Subject: Scanned image from MX-6201N

Reply to: sharp.scanner@diamonhead.ms.gov <sharp.scanner@diamonhead.ms.gov> Device Name: City of Diamondhead Device Model: MX-6201N  
Location: City Admin

File Format: PDF MMR(G4)  
Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader4.0 or later version, or Adobe(R)Reader(TM) of Adobe Systems Incorporated to view the document.

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<http://www.adobe.com/>

## Ronald Jones

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**From:** Nancy Depreo <ndepreo@seymourengr.com>  
**Sent:** Wednesday, August 03, 2016 11:29 AM  
**To:** Ronald Jones  
**Subject:** Fwd: FW: Scanned image from MX-6201N  
**Attachments:** Lot 23 - Ahi Ct. - Shane Finley.pdf

Ron,

Please see the attached map, the District does not have utilities located in the side or rear easements.

Thank you,  
Nancy Depreo  
GM DWSD  
Seymour Engineering

----- Forwarded message -----

**From:** John Cumberland <jcumberland@dwds.us>  
**Date:** Tue, Aug 2, 2016 at 3:47 PM  
**Subject:** RE: FW: Scanned image from MX-6201N  
**To:** Nancy Depreo <ndepreo@seymourengr.com>

Nancy,

The District only has utilities along the front of Mr. Finley's property at 7328 Ahi Court, no utilities on the sides or back. Please see the attached map.

Thank you,

John

John J. Cumberland, Project Director / GIS

Diamondhead Water & Sewer District

4425 Park Ten Drive

Diamondhead, MS 39525

(228) 255-5813 ext. 225

The information contained in this message and any attachments are intended solely for the use of the individual to whom they are addressed.

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of the sender and the use or copying of it without their consent is strictly forbidden.

**From:** Nancy Depreo [mailto:[ndepreo@seymouren.com](mailto:ndepreo@seymouren.com)]  
**Sent:** Tuesday, August 02, 2016 1:55 PM  
**To:** John Cumberland  
**Subject:** Fwd: FW: Scanned image from MX-6201N

----- Forwarded message -----

**From:** Ronald Jones <[rjones@diamondhead.ms.gov](mailto:rjones@diamondhead.ms.gov)>  
**Date:** Tue, Aug 2, 2016 at 1:52 PM  
**Subject:** FW: Scanned image from MX-6201N  
**To:** "Darrell Kinchen (DARRELLKINCHEN@CABLEONE.NET)" <[DARRELLKINCHEN@cableone.net](mailto:DARRELLKINCHEN@cableone.net)>, Richard Sullivan <[rsullivan@diamondhead.ms.gov](mailto:rsullivan@diamondhead.ms.gov)>, Jeremy Yarber <[jeremyyarber@coastepa.com](mailto:jeremyyarber@coastepa.com)>, "Cheryl Ladner ([cladner@thewaterutility.com](mailto:cladner@thewaterutility.com))" <[cladner@thewaterutility.com](mailto:cladner@thewaterutility.com)>, "Nancy Depreo ([ndepreo@seymouren.com](mailto:ndepreo@seymouren.com))" <[ndepreo@seymouren.com](mailto:ndepreo@seymouren.com)>, "Robin Reiter ([rreiter@thewaterutility.com](mailto:rreiter@thewaterutility.com))" <[rreiter@thewaterutility.com](mailto:rreiter@thewaterutility.com)>  
**Cc:** Clovis Reed <[creed@diamondhead.ms.gov](mailto:creed@diamondhead.ms.gov)>

Good afternoon,

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Does your company or agency have a current or future need for the platted drainage and utility easements? Your written opinion would be appreciated by Thursday, August 11th if not sooner.

Sincerely,  
Ronald Jones

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

**From:** [sharp.scanner@diamonhead.ms.gov](mailto:sharp.scanner@diamonhead.ms.gov) [mailto:[smbmscanner@gmail.com](mailto:smbmscanner@gmail.com)]



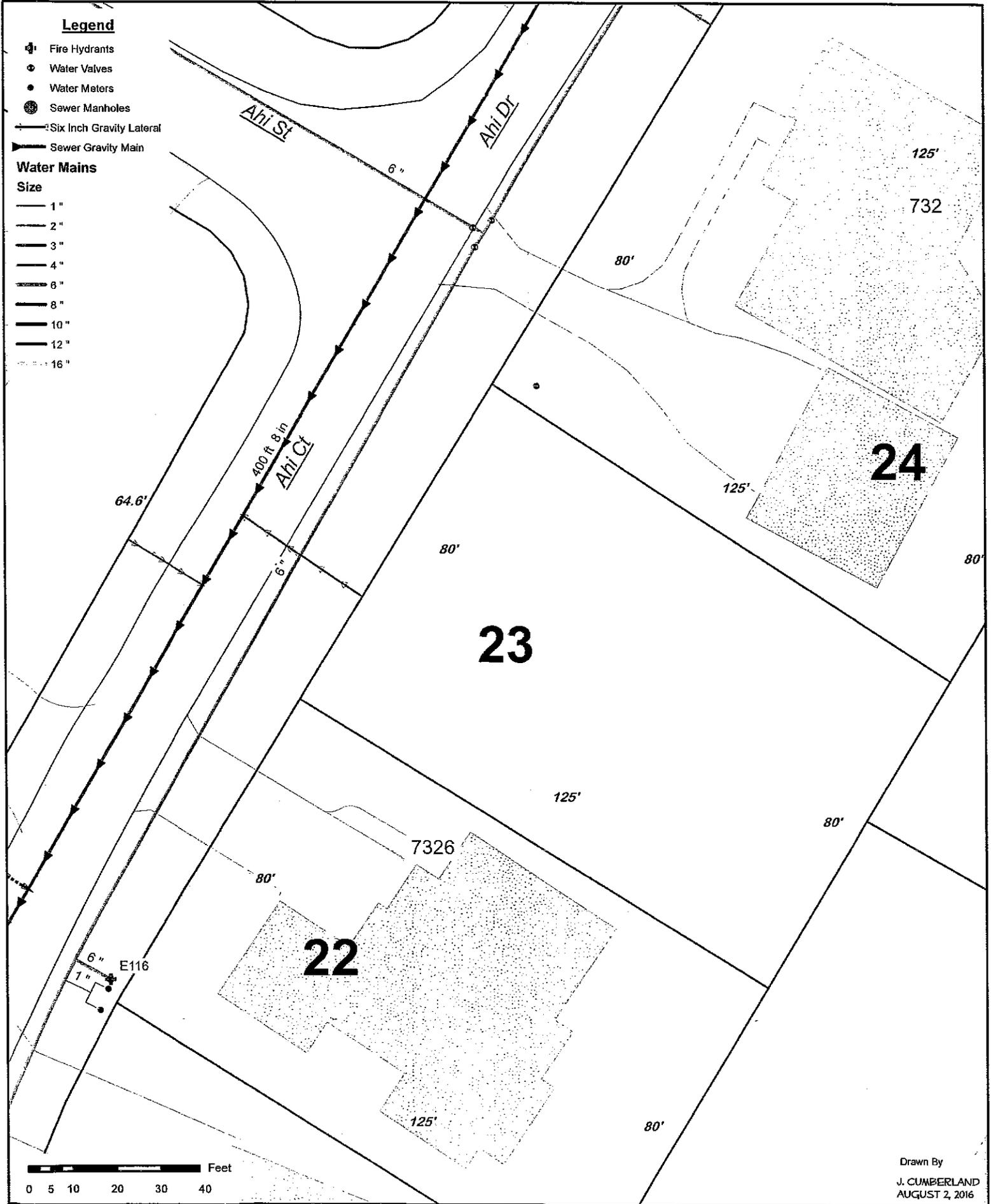
# Diamondhead Water & Sewer District

## Legend

- Fire Hydrants
- Water Valves
- Water Meters
- Sewer Manholes
- Six Inch Gravity Lateral
- Sewer Gravity Main

## Water Mains

- Size
- 1"
  - 2"
  - 3"
  - 4"
  - 6"
  - 8"
  - 10"
  - 12"
  - 16"



Drawn By  
J. CUMBERLAND  
AUGUST 2, 2016

## Ronald Jones

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**From:** Jeremy Yarber <jeremyyarber@coastepa.com>  
**Sent:** Wednesday, August 03, 2016 4:07 PM  
**To:** Ronald Jones  
**Subject:** RE: Scanned image from MX-6201N  
**Attachments:** Ahi Court (Shane Finley).pdf

Please see attached documentation as requested.

Thank you,

Jeremy Yarber

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

**From:** Ronald Jones [mailto:rjones@diamondhead.ms.gov]  
**Sent:** Tuesday, August 02, 2016 1:52 PM  
**To:** Darrell Kinchen (DARRELLKINCHEN@CABLEONE.NET); Richard Sullivan; Jeremy Yarber; Cheryl Ladner (cladner@thewaterutility.com); Nancy Depreo (ndepreo@seymoureng.com); Robin Reiter (rreiter@thewaterutility.com)  
**Cc:** Clovis Reed  
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Sincerely,  
Ronald Jones

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**Sent:** Tuesday, August 02, 2016 12:02 PM  
**To:** Ronald Jones <rjones@diamondhead.ms.gov>  
**Subject:** Scanned image from MX-6201N

Reply to: sharp.scanner@diamonhead.ms.gov <sharp.scanner@diamonhead.ms.gov> Device Name: City of Diamondhead Device Model: MX-6201N  
Location: City Admin

File Format: PDF MMR(G4)  
Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.

Mr. Ronald Jones,

I have reviewed the request to abandon the easement on Ahi Court (Diamondhead Phase 1, Amended Plat of Units 2 and 3, Block 5, Lot 23), also described as Parcel Number 068Q-1-41-045.000. Coast Electric Power Association agrees to abandon the two 5' easements on each side and one 10' easement at the rear of Lot 23. Coast Electric Power Association requires keeping and maintaining the easement at the front of Lot 23 due to existing facilities in the easement. Additional details for the information described above are shown in the attached image (Exhibit A). I have also attached the original request letter and documentation. If you have any additional questions or concerns, please contact me.

Regards,

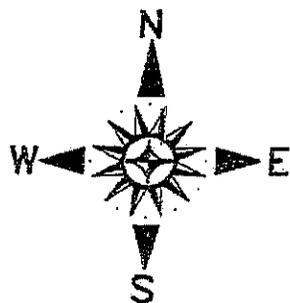
A handwritten signature in black ink, appearing to read "Jeremy Yarber". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

DO NOT  
ABANDON 10' EASEMENT  
AT FRONT OF LOT

ABANDON ALL  
MARKED EASEMENTS

LEGAL DESCRIPTION:

A survey of Lot 23, Block 5, Diamondhead, Phase 1, Amended Plat of Units 2 and 3, City of Diamondhead, Hancock County, Mississippi

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.

*[Signature]*  
Duke Levy, RLS #1722

REFERENCES:

DEED BOOK 2007 PAGE 7488  
PLAT OF DIAMONDHEAD, PHASE 1, AMENDED

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS

DUKE LEVY & ASSOCIATES, P.A.	
1711 WAVELAND AVENUE WAVELAND, MS 38576 (228) 467-5212 PHONE	
SCALE: 1" = 40'	DATE: 05-17-18
DRAWING: 18-0117	CLIENT: SHANE FINLEY

