

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 27 AND PART OF THE SOUTH 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' drainage and utility easements in lots 27 and part of 26, Devil's Elbow, Phase 2. The request is to abandon the 3' drainage and utility easements on either side along the common lot line between lots 27 and the south half of lot 26, Devil's Elbow, Phase 2 (see Exhibit A dated 10-27-15 by Duke Levy).
2. Mark N. and Jo Anne L. Dubos are the owners of lots 27 and the south 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 26 in part) and 068Q-2-41-029.000 (lot 27). 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, Diamondhead Public Works Department, Coast Electric Power Association and Diamondhead Property Owners Association reflect no problem to abandon.
4. Further, the City hereby abandons and/or vacates the drainage/utility easements as petitioned to allow for the construction of a new home as described in bullet #1 notwithstanding retaining the 5' drainage and utility easements on the front and rear of the property (see Exhibit A dated 10-27-15 by Duke Levy).

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

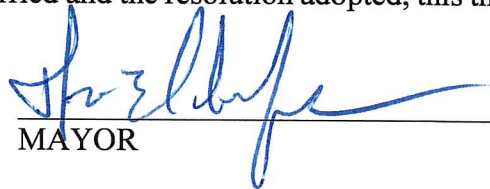
SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements as described in bullet #1.

SECTION 2. It is agreed and understood that Mr. and Ms. Dubos 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 Depreo, seconded by Councilmember Morgan and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Depreo	<input checked="" type="checkbox"/>	___	___
Councilmember Moran	<input checked="" type="checkbox"/>	___	___
Councilmember Morgan	<input checked="" type="checkbox"/>	___	___
Councilmember Koenenn	<input checked="" type="checkbox"/>	___	___
Councilmember L'Ecuyer	<input checked="" type="checkbox"/>	___	___
Mayor Schafer	<input checked="" type="checkbox"/>	___	___

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 5th day of June, 2018.



MAYOR

ATTEST:

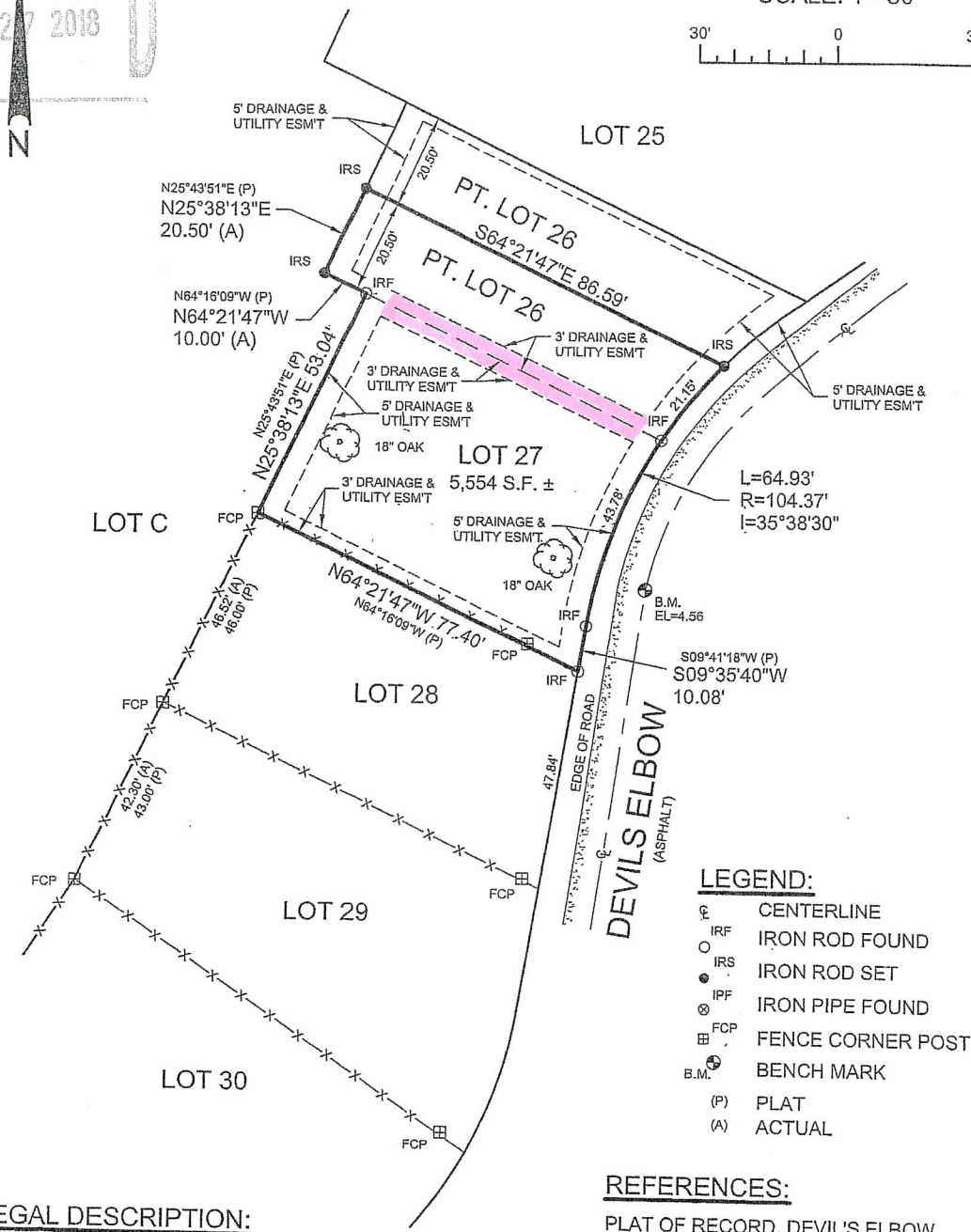
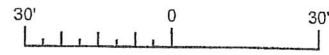

CITY CLERK



RECEIVED
 APR 27 2018
 BY: _____

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

LEGAL DESCRIPTION:

SURVEY MAP OF LOT 27 & THE SOUTH
 1/2 OF LOT 26, DEVIL'S ELBOW, PHASE
 2, DIAMONDHEAD, HANCOCK CO., MS

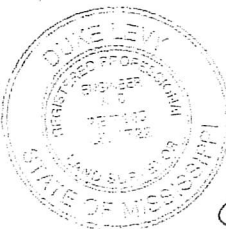
REFERENCES:

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, RLS #1722

DATE: 10-27-2015

PROJECT NO. 1001247 10 A, CLIENT: MARK DUBOS