

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE GOVERNING BODY OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY)), TO ABANDON ITS EXISTING DRAINAGE EASEMENT AND TO ACQUIRE, BY DONATION, A NEW DRAINAGE/UTILITY EASEMENT LOCATED WITHIN THE CITY FROM DONORS, ELLIOTT HOMES AND PAUL AND LINDA MELANCON

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 5' drainage/utility easement on each side of the common property line between two lots owned by Elliott Homes and Paul and Linda Melancon (specifically Lots 58 and 59, Diamondhead Phase 1, Unit 8, Block 4);
2. The City is authorized to acquire real property pursuant to Miss. Code Annotated '21-17-1;
3. Elliott Homes and Paul and Linda Melancon, due to the sizes of the aforementioned lots, have a need to relocate said drainage/utility easement and have expressed a willingness to donate the new drainage/utility easement legally described in a survey completed by Crosby Surveying and attached hereto as Exhibit A to this resolution;
4. The City is willing to accept the donation of the aforementioned drainage/utility easement described in a survey completed by Crosby Surveying and attached hereto as Exhibit A and, further, the City hereby abandons the drainage/utility easement previously donated by owners of Lots 58 and 59, Diamondhead Phase 1, Unit 8, Block 4).

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

SECTION 1. That the Governing Body of the City will accept the donation of the aforementioned drainage/utility easement on Lots 58 and 59, Diamondhead Phase I, Unit 8, Block 4 and the Governing Body of the City will hereby abandon the previous drainage/utility easement with respect to said lots identified in paragraph 1 above.

SECTION 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

drainage easement by donation and for the City Manager to execute any necessary documentation to effectuate the donation of the subject drainage easement. It is agreed and understood that Elliott Homes and Paul and Linda Melancon will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi and further will be responsible for the expense of physically moving the drainage on said lots to reflect the new survey.

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

	Aye	Nay	Absent
Councilmember Depreo	<u>✓</u>	<u> </u>	<u> </u>
Councilmember Moran	<u>✓</u>	<u> </u>	<u> </u>
Councilmember Morgan	<u>✓</u>	<u> </u>	<u> </u>
Councilmember Koennen	<u>✓</u>	<u> </u>	<u> </u>
Councilmember L'Ecuyer	<u>✓</u>	<u> </u>	<u> </u>
Mayor Schafer	<u>✓</u>	<u> </u>	<u> </u>

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 2nd day of July, 2019.

[Signature]
 MAYOR

ATTEST:
[Signature]
 CITY CLERK



