

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "CITY"), ACCEPTING, BY DONATION, CERTAIN REAL PROPERTIES LOCATED WITHIN THE CITY FROM THE FIRST BANK AS SET FORTH HEREIN.

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 improvement purposes that is currently owned by private property, The First Bank.
2. The City is authorized to acquire real property pursuant to Miss. Code Ann. §21-17-1.
3. The private property owner, executed Deeds of Dedication from The First Bank to donate the property legally described in the Deeds of Dedication with surveys executed by said property owner attached hereto as Exhibit "A".
4. The City is willing to accept the donation of the aforementioned properties.

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

SECTION 1. That the Governing Body of the City hereby accepts the donation of the aforementioned property.

SECTION 2. That the Governing Body of the City does hereby authorizes its Mayor to execute the Dedication Deeds on behalf of the City attached collectively hereto as Exhibit "A".

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	✓	—	—
Councilmember Moran	✓	—	—

Councilmember Morgan

— —

Ward 4 Vacant

— — —

Councilmember L'Ecuyer

— —

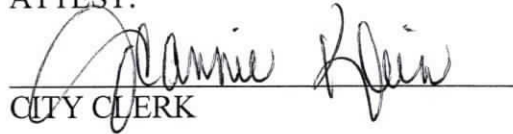
Mayor Schafer

— —

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 21<sup>st</sup> day of January, 2020.

  
MAYOR

ATTEST:

  
CITY CLERK



PREPARED BY & RETURN TO:  
DEREK R. CUSICK (MS BAR#10653)  
SYMMES, ESTES, CUSICK, PLLC  
1720 23<sup>RD</sup> AVENUE  
GULFPORT, MS 39501  
(228) 896-8962  
(228) 205-4457 facsimile

INDEXING INSTRUCTIONS:

SW CORNER LOT 22, BLOCK 13,  
UNIT 1, PHASE 1, DIAMONDHEAD  
SUBDIVISION, DIAMONDHEAD,  
HANCOCK COUNTY, MISSISSIPPI

GRANTOR'S ADDRESS  
THE FIRST  
P.O. BOX 15549  
HATTIESBURG, MS 39404  
( )

GRANTEE'S ADDRESS  
CITY OF DIAMONDHEAD, MS  
5000 DIAMONDHEAD CIRCLE  
DIAMONDHEAD MS 39525  
(228) 222-4626

STATE OF MISSISSIPPI  
COUNTY OF Hancock

**DEED OF DEDICATION**

This DEED OF DEDICATION ("Deed") is made this 22nd day of January,  
2020, by and between THE FIRST, GRANTOR, and THE CITY OF DIAMONDHEAD, a  
municipality created and existing under the State of Mississippi ("City"), GRANTEE.

\*\*WITNESSETH\*\*

WHEREAS, The First wishes to dedicate, grant and convey the following property to the City and be relieved of the cost and responsibilities associated with maintaining same; and

WHEREAS, the City wishes to acquire the property for a public street and assume the cost and responsibilities for maintaining same; and

WHEREAS, on November 5, 2019, the Diamondhead City Council passed a resolution and order accepting the dedication of the property conveyed herein and agreeing to the terms contained herein, copy of which is attached hereto as Exhibit "B"; and

WHEREAS, on November 5, 2019, the Members of The First passed a resolution authorizing the dedication of the property herein and agreeing to the terms contained herein, copy of which is attached hereto as Exhibit "C"; and

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, The First hereby dedicates, grants, conveys, covenants and agrees as follows:

#### DEDICATION OF PROPERTY FOR PUBLIC RIGHT OF WAY

For and in consideration of the City accepting the property and maintaining a public street, The First, being the sole owner of, and the only party having any interest in, the street, does hereby dedicate, grant and convey unto the City, its successors and assigns, in fee simple, for the use of the general public as a public street and right-of-way, the property described herein below and improvements thereon and appurtenances thereto. This dedication of the property is made without warranties of any kind.

The City specifically accepts the dedication of the property without warranty and subject to the following conditions:

The conveyance herein is made subject to such valid mineral reservations and/or conveyances, if any, as may have been heretofore made on the property, or filed in the land records of the Office of the Chancery Clerk of Hancock County, Mississippi.

The conveyance herein is made subject to any and all easements located on, over and across the property, or filed in the land records of the Office of the Chancery Clerk of Hancock County, Mississippi.

The conveyance herein is made subject to any and all rights-of-way and/or easements for public utilities in, on and under the property.

Legal Description of the Property:

See attached Exhibit "A"-Survey adopted herein by reference.

IT IS FURTHER UNDERSTOOD AND AGREED that this instrument constitutes the entire agreement between Grantor and Grantee, there being no other oral agreements or representations of any kind or nature whatsoever.

EXECUTED, this the 6<sup>th</sup> day of January, ~~2019~~ 2020

GRANTOR:

THE FIRST

BY: [Signature]

STATE OF MISSISSIPPI  
COUNTY OF Mississippi

Personally appeared before me, the undersigned Notary Public, the within named Eric Krowette, who acknowledged that he is Gulfport Division Manager THE FIRST, and that in said capacity he signed and delivered this instrument on the day and year herein mentioned, after first having been duly authorized to do so.



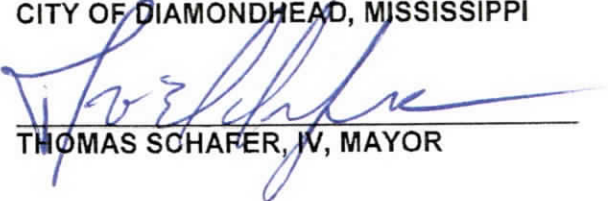
GIVEN UNDER MY HAND AND SEAL this the 6<sup>th</sup> day of January, 2019. 2020

[Signature]  
NOTARY PUBLIC

GRANTEE:

CITY OF DIAMONDHEAD, MISSISSIPPI

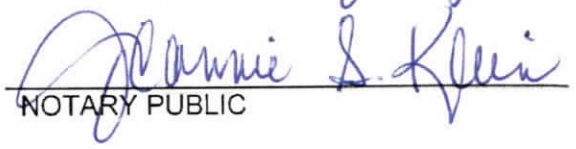
BY:

  
THOMAS SCHAFFER, IV, MAYOR

STATE OF MISSISSIPPI  
COUNTY OF HANCOCK

Personally appeared before me, the undersigned Notary Public, the within named Thomas Schafer, IV, who acknowledged that he is Mayor of the City of Diamondhead, Mississippi, and that in said representative capacity he signed and delivered this instrument on the day and year herein mentioned, after first having been duly authorized to do so.

GIVEN UNDER MY HAND AND SEAL this the 2nd day of January, ~~2019~~ <sup>2020</sup>.

  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_



