

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON 5' DRAINAGE/UTILITY EASEMENTS ON EACH SIDE OF THE COMMON LOT LINE BETWEEN LOTS 63 AND 64 AS WELL AS LOTS 64 AND 65, BLK 9, UNIT 5, 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 5' drainage and utility easements on Lots 63, 64 and 65, Blk 9, Unit 5, Phase 2. The request is to abandon 5' of drainage and utility easements on each side of the common lot line between 63 and 64 as well as between 64 and 65 Phase 2, Unit 5, Block 9. (see Exhibit A dated 7-9-2020 by Duke Levy).
2. Casey and Michael Marcotte are the owners of this property and have submitted plans to construct a house. The newly assigned address is 6812 Aupuni Place.
3. Comments from the Diamondhead Water and Sewer District, Diamondhead Public Works Department, Coast Electric Power Association have no objections.
4. Further, the City hereby abandons and/or vacates the 5' of drainage and utility easements on each side of the common lot line between 63 and 64 as well as between 64 and 65 Phase 2, Unit 5, Block 9, Lot 6. (see Exhibit A dated 7-9-2020 by Duke Levy), notwithstanding, retaining the 10' drainage and utility easements on the front and rear of the property.

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 #4.

SECTION 2. It is agreed and understood that Casey and Michael Marcotte 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 Cecuyer, seconded by Councilmember Morgan

Resolution 2020-061
Agenda Item 2020-263

and the question being put to a roll call vote, the result was as follows:

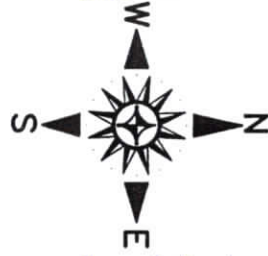
| | Aye | Nay | Absent |
|------------------------|-----|-----|--------|
| Councilmember Depreo | ✓ | — | — |
| Councilmember Moran | ✓ | — | — |
| Councilmember Morgan | ✓ | — | — |
| Councilmember Clark | ✓ | — | — |
| Councilmember L'Ecuyer | ✓ | — | — |

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor Pro Tem declared the motion carried and the resolution adopted, this the 04th day of October, 2020.

Nancy Depreo
MAYOR PRO TEM

ATTEST:
Ramie Klein
CITY CLERK





Hancock County
I certify this instrument was filed on
10-12-2020 09:26:12 AM
and recorded in Deed Book
2020 at Pages 12017 - 12019
Timothy A Kellar



Handwritten: Exhibit A

- LEGEND:**
- ☉ CENTERLINE
 - IRON ROD FOUND
 - IRON ROD SET
 - ⊗ IRON PIPE FOUND
 - ⊠ FENCE CORNER POST
 - ⊘ POWER POLE
 - ⊙ AS PER SURVEY
 - ⊚ AS PER RECORD

- REFERENCES:**
- 1) DEED BOOK 2015 PAGE 2281
 - 2) PLAT OF DIAMONDHEAD, PHASE 2, UNIT 5

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 void only if print has original seal and signature of surveyor. No flood zone determination has been performed as a part of this survey. An accurate flood determination can be made by ordering a FEMA Elevation Certificate.



LEGAL DESCRIPTION:
A survey of Lots 63, 64 and 65, Block 9, Diamondhead Subdivision, Phase 2, Unit 5, City of Diamondhead, Hancock County, Mississippi.

BEARINGS RETRIEVED TO GEODETIC BY GPS OBSERVATIONS

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



| | |
|--|--|
| DUKE LEVY & ASSOCIATES, P.A. | |
| 4412 LEISURE TIME DRIVE DIAMONDHEAD, MS 39525 (228) 343-9691 PHONE | |
| SCALE: 1" = 30' | DATE: 07-09-2020 |
| DRAWING: WO# 2020-169 | CLIENT: Casey Marcotte & Michael Husband |