Resolution # 2019-056
Agenda Item 2019-331

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 PRIVATE PROPERTY OWNERS 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 properties for roadway improvement purposes that are currently owned by private property owners.

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 Diamondhead Community Development, LLC and GEM City Properties, LLC to donate the properties legally described in the Deeds of Dedication with surveys executed by said property owner attached hereto as Exhibit "A" and Exhibit "B".

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 properties.

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 and Exhibit "B."

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	✓	___	___
Councilmember Koenenn	✓	___	___
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 17th day of December, 2019.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

Exhibit A

PREPARED BY & RETURN TO:
DEREK R. CUSICK (MS BAR#10653)
SYMMES, ESTES, CUSICK, PLLC
1720 23RD 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
DIAMONDHEAD COMM DEV, LLC
4405 ALOHA DRIVE
DIAMONDHEAD, MS 39525
( )

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 ___ day of _____, 2019, by and between DIAMONDHEAD COMM DEV, LLC (DCD) GRANTOR, and THE CITY OF DIAMONDHEAD, a municipality created and existing under the State of Mississippi ("City"), GRANTEE.

WITNESSETH

WHEREAS, DCD 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 Diamondhead Comm Dev, LLC 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, DCD 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, DCD, 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 22 day of November, 2019.

GRANTOR:

DIAMONDHEAD COMM DEV, LLC

BY: _____

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

Personally appeared before me, the undersigned Notary Public, the within named James Grotkowski, who acknowledged that he is President of the DIAMONDHEAD COMM DEV, LLC, 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 22nd day of November, 2019.

Debra Batchelor

NOTARY PUBLIC

My Commission Expires: 3/28/21

STATE OF MISSISSIPPI
DEBORA T. BATCHELOR
ID No 46335
Comm Expires March 28, 2021
NOTARY PUBLIC
HARRISON COUNTY

GRANTEE:

CITY OF DIAMONDHEAD, MISSISSIPPI

BY: _____

THOMAS SCHAFER, 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.

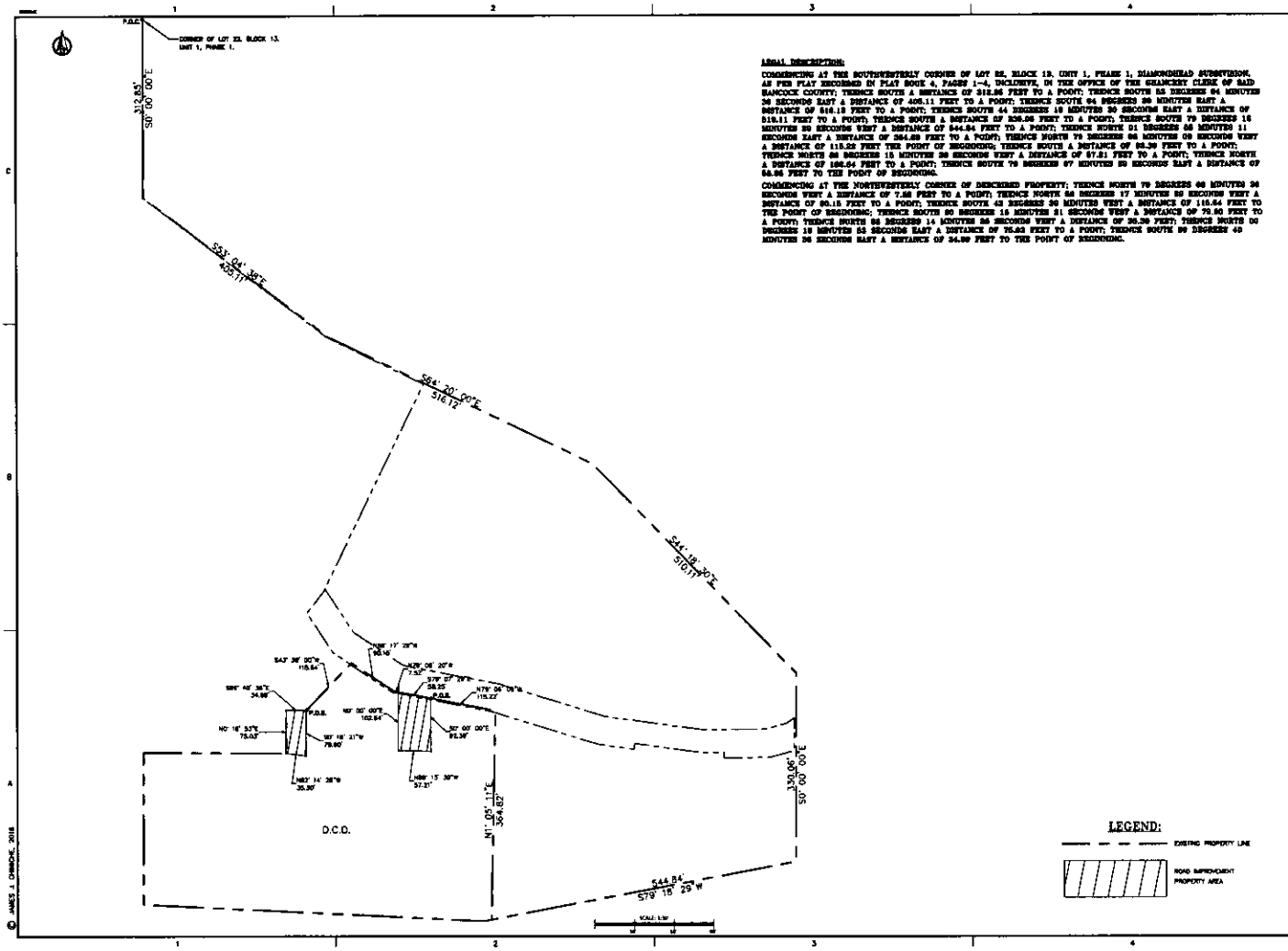
GIVEN UNDER MY HAND AND SEAL this the _____ day of _____, 2019.

_____

NOTARY PUBLIC

My Commission Expires:

_____



LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 22, BLOCK 13, UNIT 1, PHASE 1, DIAMONDHEAD SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 4, PAGES 1-4, INCLUSIVE, IN THE OFFICE OF THE CHANCERY CLERK OF SAID HANCOCK COUNTY; THENCE SOUTH A DISTANCE OF 312.85 FEET TO A POINT; THENCE SOUTH 53 DEGREES 04 MINUTES 39 SECONDS EAST A DISTANCE OF 405.11 FEET TO A POINT; THENCE SOUTH 84 DEGREES 20 MINUTES EAST A DISTANCE OF 516.12 FEET TO A POINT; THENCE SOUTH 44 DEGREES 18 MINUTES 20 SECONDS EAST A DISTANCE OF 510.11 FEET TO A POINT; THENCE SOUTH A DISTANCE OF 330.06 FEET TO A POINT; THENCE SOUTH 79 DEGREES 15 MINUTES 29 SECONDS WEST A DISTANCE OF 544.84 FEET TO A POINT; THENCE NORTH 01 DEGREES 05 MINUTES 11 SECONDS EAST A DISTANCE OF 364.62 FEET TO A POINT; THENCE NORTH 79 DEGREES 06 MINUTES 08 SECONDS WEST A DISTANCE OF 115.22 FEET THE POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF 92.30 FEET TO A POINT; THENCE NORTH 88 DEGREES 15 MINUTES 30 SECONDS WEST A DISTANCE OF 57.21 FEET TO A POINT; THENCE NORTH A DISTANCE OF 102.64 FEET TO A POINT; THENCE SOUTH 79 DEGREES 07 MINUTES 20 SECONDS EAST A DISTANCE OF 58.25 FEET TO THE POINT OF BEGINNING.

COMMENCING AT THE NORTHWESTERLY CORNER OF DESCRIBED PROPERTY; THENCE NORTH 79 DEGREES 46 MINUTES 38 SECONDS WEST A DISTANCE OF 7.58 FEET TO A POINT; THENCE NORTH 54 DEGREES 17 MINUTES 20 SECONDS WEST A DISTANCE OF 90.15 FEET TO A POINT; THENCE SOUTH 43 DEGREES 36 MINUTES WEST A DISTANCE OF 110.64 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES 16 MINUTES 21 SECONDS WEST A DISTANCE OF 79.80 FEET TO A POINT; THENCE NORTH 84 DEGREES 14 MINUTES 35 SECONDS WEST A DISTANCE OF 30.30 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 53 SECONDS EAST A DISTANCE OF 75.63 FEET TO A POINT; THENCE SOUTH 89 DEGREES 49 MINUTES 06 SECONDS EAST A DISTANCE OF 34.88 FEET TO THE POINT OF BEGINNING.

LEGEND:

EXISTING PROPERTY LINE

ROAD IMPROVEMENT PROPERTY AREA

412 Hwy 90, Suite 4
Bay St. Louis, MS. 39520
Office - (228) 467-6236
Email - jwalsh@jc-eng.com
Website - www.jc-eng.com

PROJECT TITLE

EAST ALOHA IMPROVEMENTS
EAST ALOHA DRIVE
DIAMONDHEAD, MS, Zip

SHEET TITLE

PROPERTY LINE EXHIBIT

MARK	DATE	DESCRIPTION
SCALE		
PROJECT NO.	2018-JUN	
DATE	2018-06-12	
DRAWN BY:	TBB	
CHECKED BY:	JR	
SHEET COUNT	1	
SHEET NUMBER	1	

© JAMES J. CHIMICHE, 2018

Exhibit B

PREPARED BY & RETURN TO:
DEREK R. CUSICK (MS BAR#10653)
SYMMES, ESTES, CUSICK, PLLC
1720 23RD 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
GEM CITY PROPERTIES, LLC
758 AUGUSTA WAY
DIAMONDHEAD, MS 39525
( )

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 ___ day of _____, 2019, by and between GEM CITY PROPERTIES, LLC (Gem City) GRANTOR, and THE CITY OF DIAMONDHEAD, a municipality created and existing under the State of Mississippi ("City"), GRANTEE.

WITNESSETH

WHEREAS, Gem City 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 Gem City Properties, LLC 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, Gem City 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, Gem City, 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 22nd day of November, 2019.

GRANTOR:

GEM CITY PROPERTIES, LLC

BY: _____

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

Personally appeared before me, the undersigned Notary Public, the within named James Grotkowski, who acknowledged that he is President of the GEM CITY PROPERTIES, LLC, 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 22nd day of November, 2019.

Debra Batchelor
NOTARY PUBLIC

My Commission Expires: 3/28/21

STATE OF MISSISSIPPI
DEBORA T. BATCHELOR
ID No 46335
Comm Expires March 28, 2021
NOTARY PUBLIC
HARRISON COUNTY

GRANTEE:

CITY OF DIAMONDHEAD, MISSISSIPPI

BY: _____

THOMAS SCHAFER, 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.

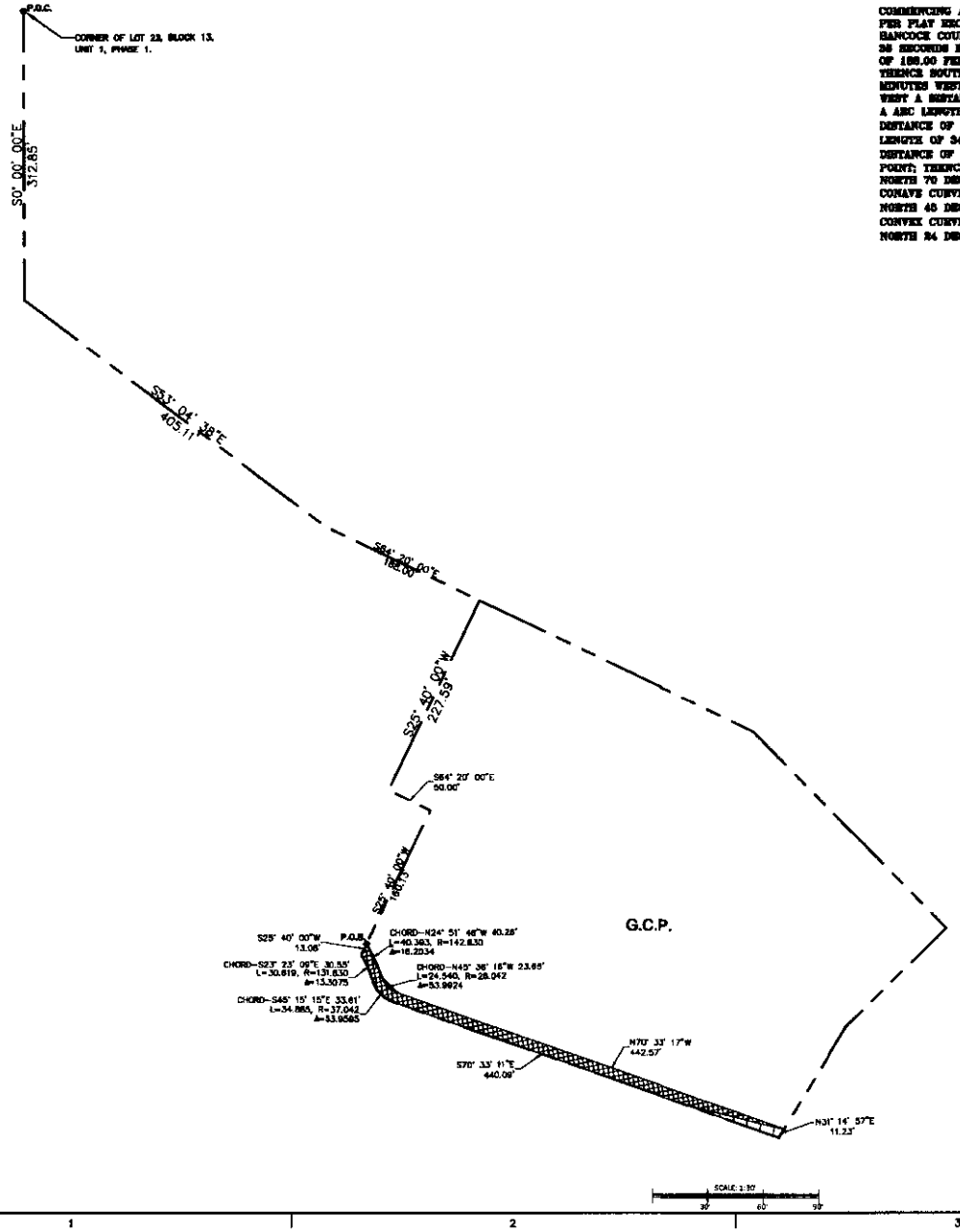
GIVEN UNDER MY HAND AND SEAL this the _____ day of _____, 2019.

_____

NOTARY PUBLIC

My Commission Expires:

_____



LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 23, BLOCK 13, UNIT 1, PHASE 1, DIAMONDHEAD SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 4, PAGES 1–4, INCLUSIVE, IN THE OFFICE OF THE CHANCERY CLERK OF SAID HANCOCK COUNTY; THENCE SOUTH A DISTANCE OF 312.85 FEET TO A POINT; THENCE SOUTH 33 DEGREES 04 MINUTES 38 SECONDS EAST A DISTANCE OF 405.11 FEET TO A POINT; THENCE SOUTH 64 DEGREES 20 MINUTES EAST A DISTANCE OF 186.00 FEET TO A POINT; THENCE SOUTH 25 DEGREES 40 MINUTES WEST A DISTANCE OF 227.59 FEET TO A POINT; THENCE SOUTH 64 DEGREES 20 MINUTES EAST A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 25 DEGREES 40 MINUTES WEST A DISTANCE OF 160.13 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 25 DEGREES 40 MINUTES WEST A DISTANCE OF 13.06 FEET TO A POINT; THENCE SOUTHEASTERLY CONVEX CURVE WITH A RADIUS OF 131.63 FEET A ARC LENGTH OF 30.62 A DELTA ANGLE OF 13.31 FEET (CHORD– SOUTH 23 DEGREES 23 MINUTES 09 SECONDS EAST A DISTANCE OF 30.55 FEET) TO A POINT; THENCE SOUTHEASTERLY CONCAVE CURVE WITH A RADIUS OF 37.04 FEET ARC LENGTH OF 34.99 FEET A DELTA ANGLE OF 53.96 FEET (CHORD– SOUTH 45 DEGREES 15 MINUTES 15 SECONDS EAST A DISTANCE OF 33.61 FEET) TO A POINT; THENCE SOUTH 70 DEGREES 33 MINUTES 11 SECONDS EAST 440.09 FEET TO A POINT; THENCE NORTH 31 DEGREES 14 MINUTES 57 SECONDS EAST A DISTANCE OF 11.23 FEET TO A POINT; THENCE NORTH 70 DEGREES 33 MINUTES 17 SECONDS WEST A DISTANCE OF 442.57 FEET TO A POINT; THENCE NORTHWESTERLY CONAVE CURVE WITH A RADIUS OF 28.04 FEET ARC LENGTH OF 24.54 FEET A DELTA ANGLE OF 54.00 FEET (CHORD– NORTH 45 DEGREES 36 MINUTES 16 SECONDS WEST A DISTANCE OF 23.66 FEET) TO A POINT; THENCE NORTHWESTERLY CONVEX CURVE WITH A RADIUS OF 142.83 FEET ARC LENGTH OF 40.39 FEET A DELTA ANGLE OF 16.20 FEET (CHORD– NORTH 24 DEGREES 51 MINUTES 45 SECONDS WEST A DISTANCE OF 40.28 FEET) TO THE POINT OF BEGINNING.

LEGEND:

- EXISTING PROPERTY LINE
- PROPERTY IMPOVEMENT AREA
- ROAD IMPROVEMENT PROPERTY AREA

412 Hwy 90, Suite 4
Bay St. Louis, MS, 39520
Office - (228) 467-6755
Email - jason@jp-eng.com
Website - www.jp-eng.com

PROJECT TITLE

EAST ALOHA IMPROVEMENTS
EAST ALOHA DRIVE
DIAMONDHEAD, MS, ZIP

SHEET TITLE

PROPERTY LINE EXHIBIT

MARK	DATE	DESCRIPTION

ISSUE

PROJECT NO.	[illegible]
DATE	[illegible]
DRAWN BY:	[illegible]
CHECKED BY:	[illegible]
SCALE:	1"=60'

SHEET COUNT
1

SHEET NUMBER
1

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