

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON A DRAINAGE/UTILITY EASEMENTS IN A PORTION OF LOTS 25 AND 26, BLOCK 4, DIAMONDHEAD SUBDIVISION PHASE 2 UNIT 06 AND A PORTION OF LOTS 47 AND 48, BLOCK 4, DIAMONDHEAD SUBDIVISION PHASE 2 UNIT 11 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 15' drainage and utility easement in a portion of lots 25 and 26, Block 4, Diamondhead Subdivision Phase 2 Unit 06 and a 10' drainage and utility easement in a portion of lots 47 and 48, Block 4, Diamondhead Subdivision Phase 2, Unit 11. The portion of those 2 easements to be abandoned is legally described as commencing at a ½" rebar set at the southeast corner of said Lot 48; thence 20 degrees 15'13" W 15.66 feet to the Point of Beginning; thence S 60 degrees 50'45" W 10.00 feet to a point; thence N 29 degrees 15'13" W 84.93 feet to a point; thence N 15 degrees 44'47" E 35.36 feet to a point; thence S 29 degrees 15'13" E 110.00 feet to a point; thence S 60 degrees 50'45" W 15.00 feet to the Point of Beginning. Said parcel of land contains 2, 437 square feet, more or less. (See attached legal survey "EASEMENT ABANDONMENT" by Duke Levy dated 1-26-16 Exhibit 1)
2. David Dreher is the owner of of lots 25 and 26, Block 4, Diamondhead Subdivision Phase 2 Unit 06 and lots 47 and 48, Block 4, Diamondhead Subdivision Phase 2, Unit 11. The physical address is 8438 Kimo Court. The ad valorem tax parcel number is 067M-1-35-175.000. The purpose of this request is for the construction of a pool and pool house; (See attached legal survey "NEW EASEMENT" by Duke Levy dated 1-26-16 Exhibits 2 and 3)
3. Comments from the Diamondhead Water and Sewer District reflect no water and sewer in the selected easement. Comments from the Diamondhead Public Works Department has no problem with the relocation. Comments from Jeremy Yarber with CEPA agrees to abandon the easement.
4. Further, the City hereby abandons and/or vacates the drainage/utility easement as petitioned because the drainage pipe will be relocated and a new easement will be donated to the City of Diamondhead. This drainage/utility easement is legally described as commencing at a ½" rebar set at the southeast corner of said Lot 48;

thence 20 degrees 15'13" W 15.66 feet to the Point of Beginning; thence S 60 degrees 50'45" W 10.00 feet to a point; thence N 29 degrees 15'13" W 84.93 feet to a point; thence N 15 degrees 44'47" E 35.36 feet to a point; thence S 29 degrees 15'13" E 110.00 feet to a point; thence S 60 degrees 50'45" W 15.00 feet to the Point of Beginning. Said parcel of land contains 2, 437 square feet, more or less. (See attached legal survey "EASEMENT ABANDONMENT" by Duke Levy dated 1-26-16 Exhibit 1)

5. The City is willing to accept the donation of the "NEW DRAINAGE AND UTILITY EASEMENT" described as survey of a parcel of land situated and being located in a portion of Lots 47 and 48, Block 4, Diamondhead Subdivision, Phase 2, Unit 1, City of Diamondhead, Hancock County, MS, to-wit: Commencing at a ½" rebar set at the southeast corner of said Lot 48; thence S 6- degrees 44'47" W 45.06 feet to the point of Beginning; thence 29 degrees 15'13" W 5.00 feet to a ½" rebar set at Point of Beginning; thence S 60 degrees 44'47" W 20.00 feet to a point; thence N 29 degrees 15'13" W 68.86 feet to a point; thence N 15 degrees 44'47" E 58.18 feet to a point; thence N 60 degrees 44'47" E 13.92 feet to a point; thence S 29 degrees 15'13" E 14.37 feet to a point; thence S 15 degrees 44'47" W 49.58 feet to a point; thence S 29 degrees 15'13" E 60.58 feet to the point of Beginning. Said parcel of land contains 2,472 square feet, more or less. (See attached legal survey "NEW EASEMENT" by Duke Levy dated 1-26-16 Exhibits 2 and 3)

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 easement as described in bullet #1 and #4.

SECTION 2. That the Governing Body of the City will hereby accept the donation of the selected drainage/utility easement as described in bullet #5.

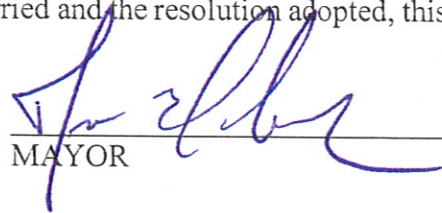
SECTION 3. That the Governing Body of the City does hereby authorize the City Attorney to prepare any and all documentation related to the acquisition of the aforementioned drainage easements by donation and for the City Manager to execute any necessary documentation to effectuate the donation of the subject drainage easements.

SECTION 4. It is agreed and understood that David Dreher or his representative will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi.

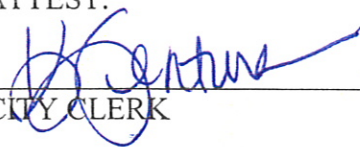
The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember Sislow, seconded by Councilmember Lopez and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Knobloch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Woolbright	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Sislow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Rech	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Schafer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 16th day of February, 2016.


MAYOR

ATTEST:


CITY CLERK

