

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 EASEMENT ALONG THE COMMON PROPERTY LINE BETWEEN LOTS 6 AND 7, DIAMONDHEAD SUBDIVISION PHASE 2, HANCOCK COUNTY LOCATED WITHIN THE CITY

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 and utility easement on each side of the common property line between lots 6 and 7, Diamondhead Subdivision Phase 2, Unit 7A, Block 3;
2. George Fouts and Laurie Henry are the owners of lots 6 and 7, Diamondhead Subdivision Phase 2, Unit 7A, Block 3;

The physical address is 8938 Hanalei Circle. The ad valorem tax parcel numbers are 067J-3-36-048.000 and 067J-3-36-049.00. Construction and site plans and a building permit application have not been submitted for the construction of the addition.

3. Comments from the Diamondhead Water and Sewer District reflect no water and sewer in the selected easements. Comments from the Diamondhead Public Works Department, Diamondhead POA and CEPA reflect selected easements are not needed (See attached comments).
4. Further, the City hereby abandons and/or vacates the drainage/utility easement as petitioned due to no apparent need for the drainage/utility easement. These drainage/utility easements are 5' drainage and utility easements on each side of the common property line between lots 6 and 7, Diamondhead Subdivision Phase 2, Unit 7A, Block 3 except the width of the 10' drainage easement of the front and rear property lines.

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

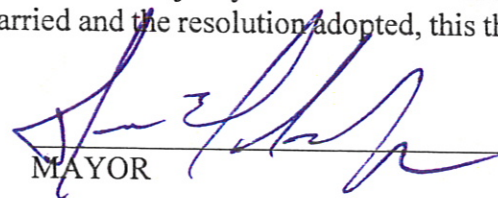
SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements with respect to Lots 6 and 7 described in bullet #4.

SECTION 2. It is agreed and understood that George Fouts and Laurie Henry or their representative will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi.

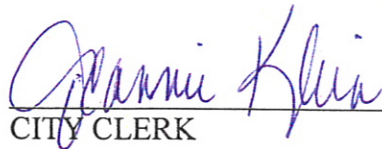
The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember Rech, seconded by Councilmember Knobloch and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Knobloch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Lopez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Woolbright	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 5th day of July, 2016.


MAYOR

ATTEST:


CITY CLERK





5000 Diamondhead Circle · Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, CBO *Ronald*
Building Official

DATE: June 30, 2016

SUBJECT: Request to abandon drainage and utility easements by George Fouts and Laurie Henry; 8938 Hanalei Court

George Fouts and Laurie Henry have submitted a request to abandon drainage and utility easements located at 8938 Hanalei Court for the purpose of constructing an addition to their house. The tax parcel number is 067J-3-36-048.000.

They have requested to abandon the 5' drainage and utility easement on either side along the common property line between lots 6 and 7 of Diamondhead Phase 2, Unit 7A, Block 3. Public Works, DWSD, Diamondhead POA and CEPA have no future use or need for the drainage/utility easements. See attached comments.

attachments

June 17, 2016

Mr Ronald Jones
Diamondhead City Council
City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525

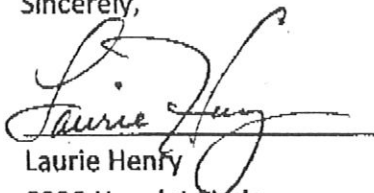
Mr Jones and City Council Members,

Respectfully we request the full length + width drainage and utility easement, (five foot width for each lot of the common property line) between Phase 2, Unit 7A, Block 3, Lots 6 & 7 to be vacated, as we wish to renovate and extend our home onto our vacant property.

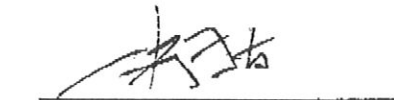
Attached please find our lot descriptions with the highlighted easement.

Your immediate attention regarding our urgent situation would be greatly appreciated so we may proceed with our building plans.

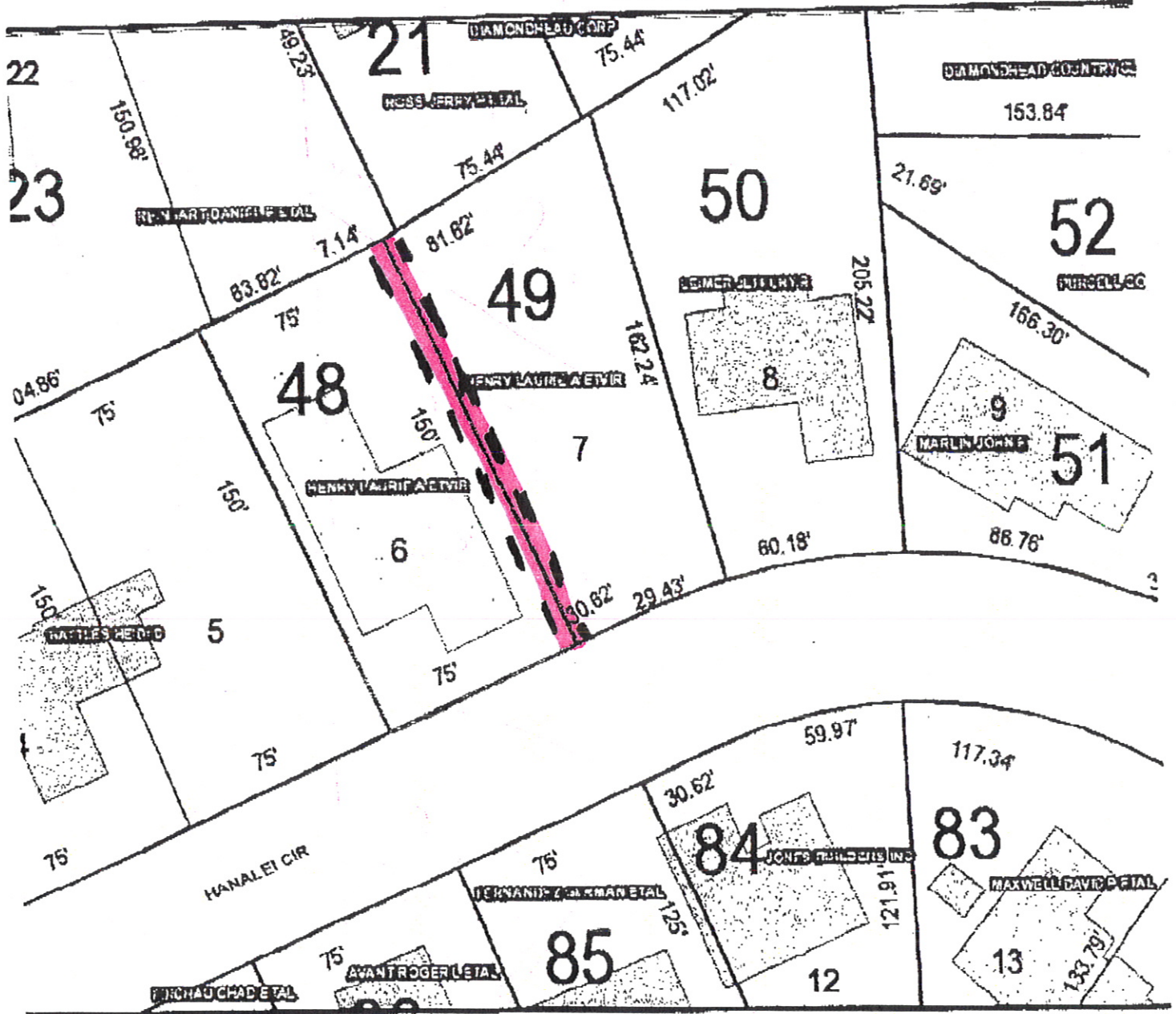
Sincerely,



Laurie Henry
8938 Hanalei Circle
Diamondhead, MS 39525
(228) 222-7090
Laurie@LifeSolutionsLLC.com



George Fouts
8938 Hanalei Circle
Diamondhead, MS 39525
(228) 326-0933
George@LifeSolutionsLLC.com



DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.



067J-3-34-048.000

PHASE 2, UNIT 7A, BLOCK 3, LOTS 6 & 7

Ronald Jones

From: Darrell Kinchen 2 <darrellkinchen@cableone.net>
Sent: Tuesday, June 21, 2016 2:16 PM
To: Ronald Jones
Subject: RE: Scanned image from MX-6201N

Ronald: Concerning the request for abandonment of Easement between Phase 2 Unit 7A Block 3 Lot 6 & 7. The Diamondhead Country Club & Property Owner does not see a future need for this side easement. We agree with the abandonment of easement , conditional to the submittal and approval of a site plan and building plan to POA.

Regards,

Darrell Kinchen
Diamondhead P.O.A.
Architectural Department
5300 Diamondhead Circle
Diamondhead, MS 39525
(228) 255-1900 ext. 125
Fax: (228) 255-4296

-----Original Message-----

From: Ronald Jones [mailto:rjones@diamondhead.ms.gov]
Sent: Tuesday, June 21, 2016 9:36 AM
To: Kendall Ladner (kendallladner@coastepa.com); Richard Sullivan; Nancy Depreo (ndepreo@seymourenge.com); Darrell Kinchen (DARRELLKINCHEN@CABLEONE.NET); Mark Boyd (mb2939@gmail.com)
Cc: Clovis Reed; Jeannie Klein
Subject: FW: Scanned image from MX-6201N

Good morning,

An abandonment of easement request has been made by George Fouts and Laurie Henry at 8938 Hanalei Circle. A drainage and utility easement 5' in width is located on each side of the common property line between Lots 6 & 7, Diamondhead Phase 2, Unit 7A, Block 3. Does your company or association need the selected easements to provide current and future services? Could you provide me your written comments no later than Thursday, June 30, 2016?

If you have any comments or questions, please advise.

Sincerely,

Ronald R. Jones
City of Diamondhead

-----Original Message-----

From: sharp.scanner@diamonhead.ms.gov [mailto:smbmsscanner@gmail.com]
Sent: Tuesday, June 21, 2016 10:04 AM
To: Ronald Jones <rjones@diamondhead.ms.gov>
Subject: Scanned image from MX-6201N

Ronald Jones

From: Nancy Depreo <ndepreo@seymouren.com>
Sent: Tuesday, June 21, 2016 2:02 PM
To: Ronald Jones
Subject: Fwd: FW: Scanned image from MX-6201N
Attachments: Hanalei Circle Lot 6_7.pdf

Ron,

The District does not have any utilities in this easement.

Thank you,
Nancy

----- Forwarded message -----

From: **John Cumberland** <jcumberland@thewaterutility.com>
Date: Tue, Jun 21, 2016 at 11:41 AM
Subject: RE: FW: Scanned image from MX-6201N
To: Nancy Depreo <ndepreo@seymouren.com>

Nancy,

The District has no utilities in this easement.

Please see attached. The map is also saved on the server.

Thank you,

John J. Cumberland, Project Director / GIS

Diamondhead Water & Sewer District

4425 Park Ten Drive

Diamondhead, MS 39525

(228) 255-5813 ext. 225



Diamondhead Water & Sewer District
Phase 2, Unit 7A, Block 3, Lots 6 & 7

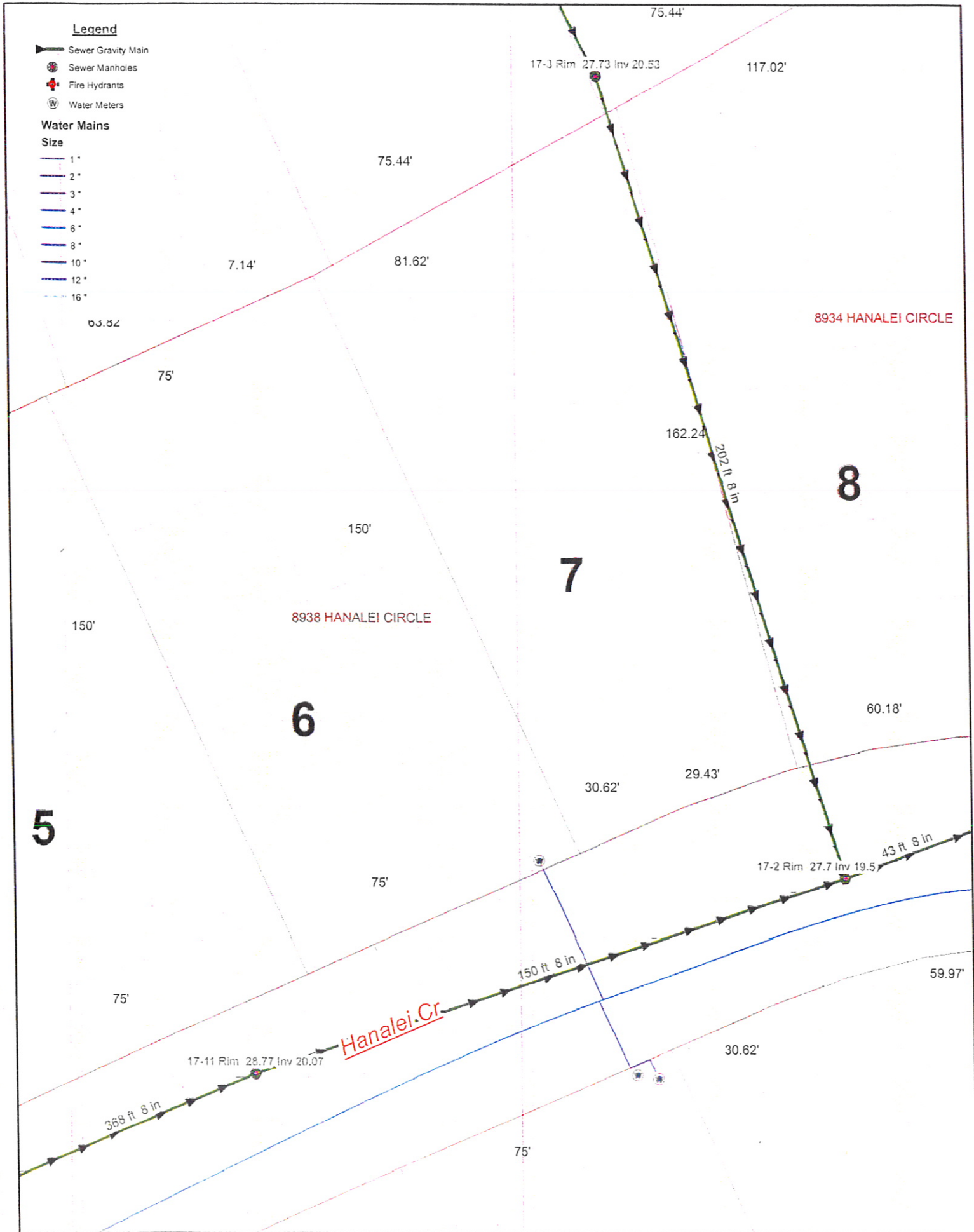
Legend

- Sewer Gravity Main
- Sewer Manholes
- Fire Hydrants
- Water Meters

Water Mains

Size

- 1"
- 2"
- 3"
- 4"
- 6"
- 8"
- 10"
- 12"
- 16"



Mr. Ronald Jones,

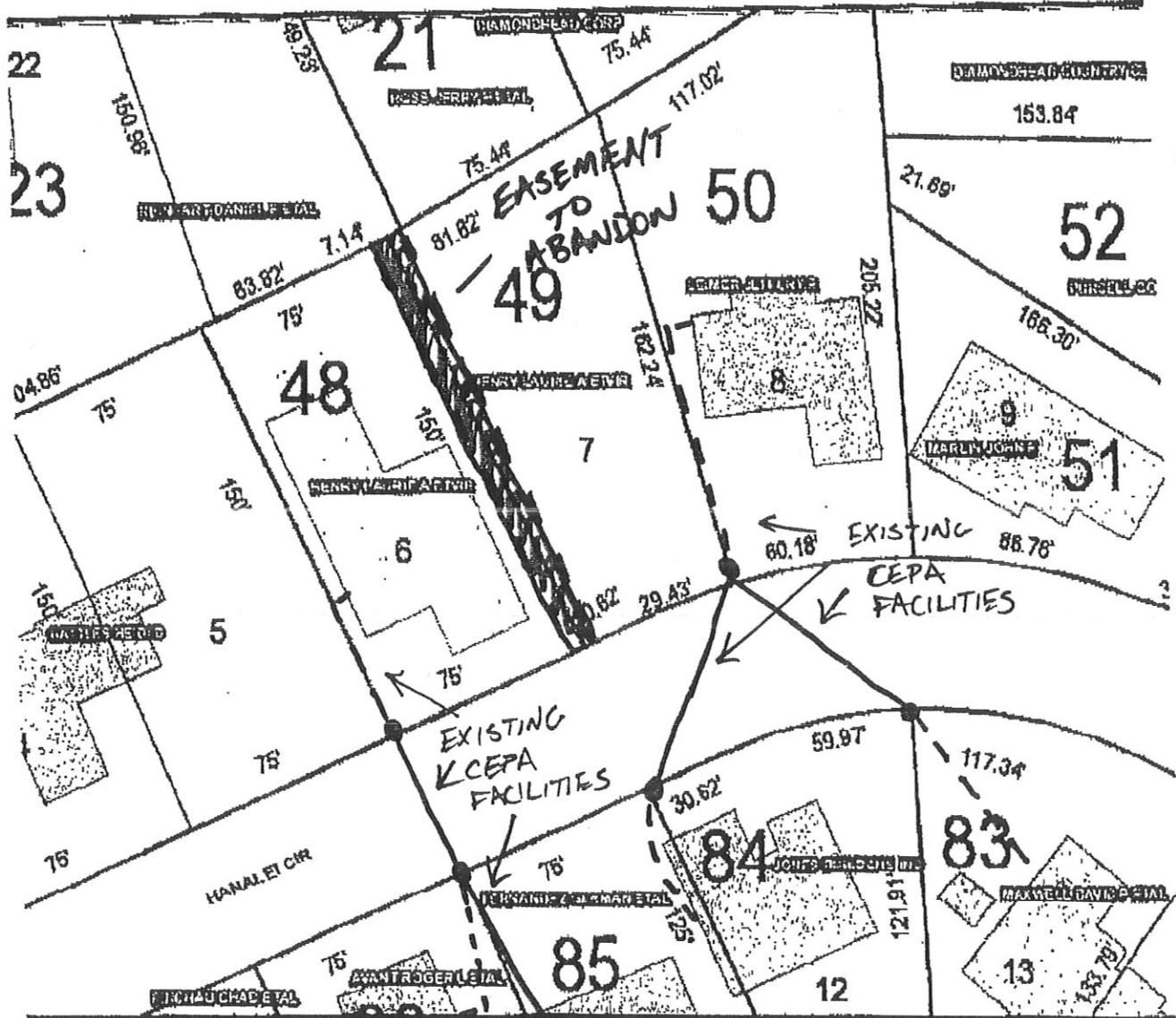
I have reviewed the request to abandon the easement on Hanalei Circle (between lots 6 & 7). Coast Electric Power Association agrees to abandon the easement as described above and shown in the original attached request letter and Geoportal Map. If you have any additional questions or concerns, please contact me.

Regards,

Jeremy Yarber

System Engineer

(228) 860-7966

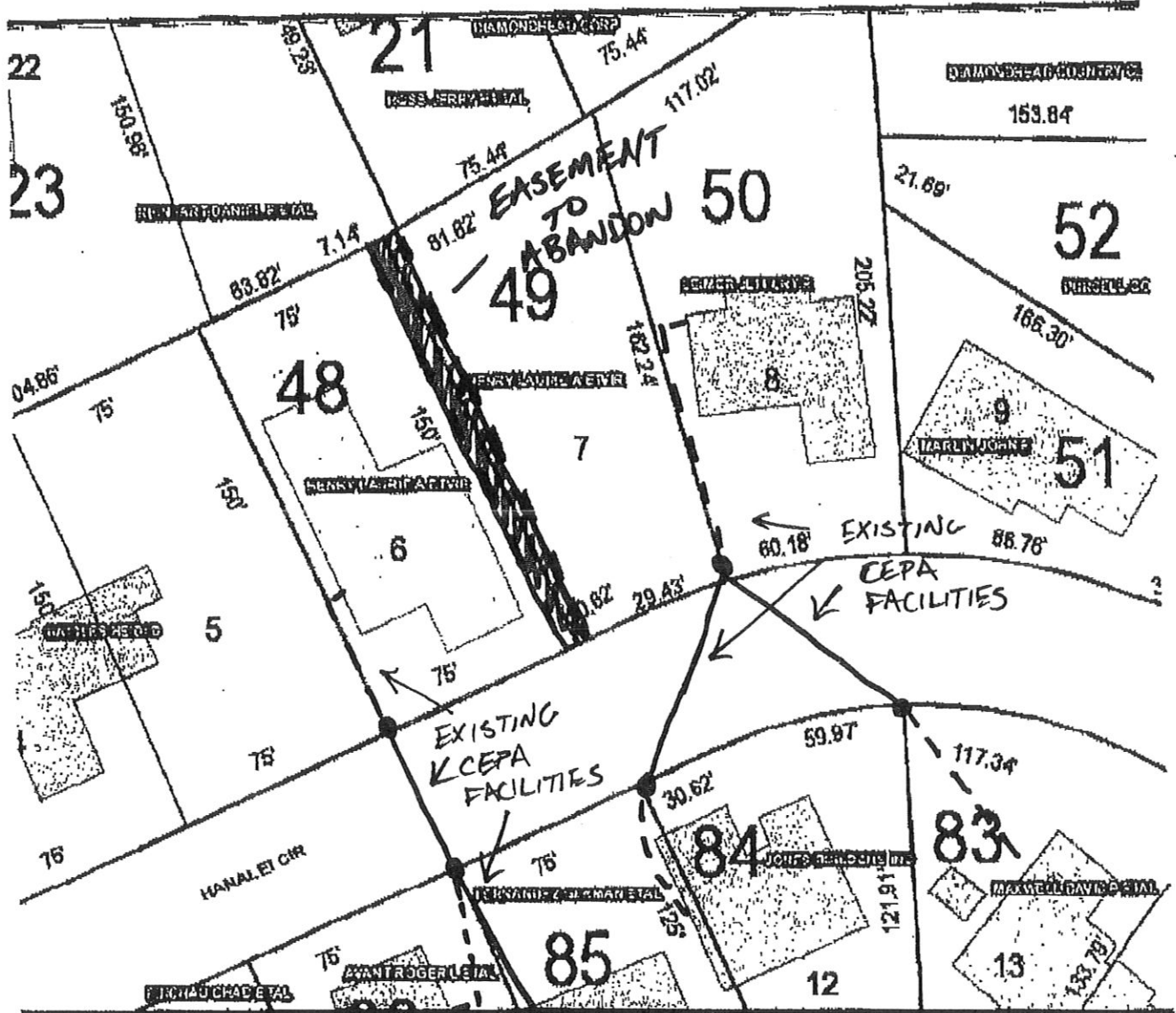


DISCLAIMER: Any user of this map product accepts its limits and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.



0675-3-36-048.000

PHASE 2, UNIT 7A, BLOCK 3, LOTS 6 & 7



DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.

0675-3-36-048,000

PHASE 2, UNIT 7A, BLOCK 3, LOTS 6 & 7