

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 ALONG THE EACH SIDE PROPERTY LINE OF LOT 23, DIAMONDHEAD SUBDIVISION PHASE 1 AMENDED PLAT OF UNITS 2 AND 3, BLOCK 5, 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 7' drainage and utility easements on each side property line of lot 23, Diamondhead Subdivision Phase 1, Amended Plat of Units 2 and 3, Block 5;
2. Shane Finley is the owner of lot 23, Diamondhead Subdivision Phase 1, Amended Plat of Units 2 and 3, Block 5;

The physical address is 7328 Ahi Court. The ad valorem tax parcel number is 068Q-1-41-045.000. A building permit has been approved for the construction of a single family home.

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 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 7' in width drainage and utility easements on each side of the property lines of lot 23, Diamondhead Subdivision Phase 1, Amended Plat of Units 2 and 3, Block 5 except the full width and length of the 10' drainage easements of the front and rear property lines.

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

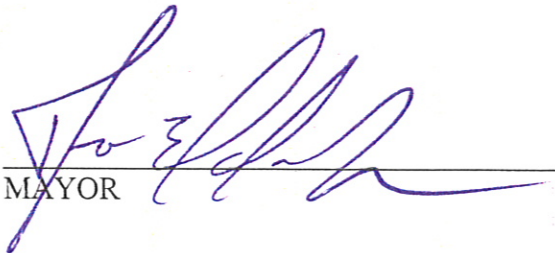
SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements with respect to Lot 23 described in bullet #4.

SECTION 2. It is agreed and understood that Shane Finley 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 Knobloch, seconded by Councilmember Rech 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 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 August, 2016.


MAYOR

ATTEST:

CITY CLERK





5000 Diamondhead Circle • Diamondhead, MS 39525-3261

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: August 12, 2016

SUBJECT: Request to abandon drainage and utility easements by Shane Finley; 7328 Ahi Court

Shane Finley has submitted a request to abandon drainage and utility easements located at 7328 Ahi Court for the purpose of constructing a bulkhead to bring in fill dirt for the construction of a new single family home. He would like to construct the bulkhead as close to the side and rear property lines as possible. The tax parcel number is 068Q-1-41-045.000. The legal description is Diamondhead Phase 1, Amended Plat of Units 2 and 3, Block 5, Lot 23.

The drainage and utility easement on the side lot lines are 7' in width according to the plat. The rear drainage easement is 10' in width. Diamondhead Public Works, DWSD and CEPA have no future use or need for the drainage/utility easements. Therefore, the staff does recommend the abandonment of drainage and utility easements for the full width along each side property lines. However, the staff recommends to continue to retain the 10' drainage and utility easement for its full width and length along the rear property line for drainage purposes. See attached comments and pictures.

attachments

**PETITION FOR RIGHT-OF-WAY/
UTILITY EASEMENT ABANDONMENT**

CONTENTS:

- 1) General Public Summary Information
- 2) Petition Form

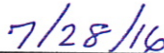
RECEIVED
JUL 28 2016
BY: _____

ACKNOWLEDGEMENT STATEMENT:

I have received and read the Public Summary Information which outlines the procedure for a right-of-way/utility easement abandonment.



Applicant's Signature




Date

Note: This cover sheet must be submitted with the application.

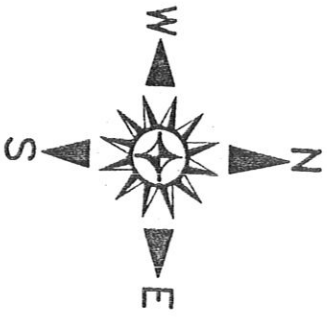
PETITION FOR
RIGHT-OF-WAY/UTILITY EASEMENT ABANDONMENT

PART I. APPLICANT INFORMATION
(Part I to be submitted in triplicate.)

1. APPLICANT'S NAME	<u>Shane Firley</u>
Address	<u>7328 AHI COURT</u>
Telephone No. (<u>228</u>)	<u>586-5771 (H) 228-324-1819 (C)</u>
<i>(If more than one applicant, please attach list and signatures.)</i>	
2. CURRENT PROPERTY OWNER'S NAME(S)	<u>Same</u>
Address	_____
Telephone No. (_____)	_____
<i>(Provide for each owner of real property that is subject to petition; please attach list and signatures.)</i>	
3. AGENT'S NAME	<u>N/A</u>
Address	_____
Telephone No. (_____)	_____
<i>(If more than one agent, please attach list.)</i>	
4. REQUEST STATEMENT:	
I (We) <u>Shane Firley</u> of <u>Diamondhead MS</u> hereby petition the	
City of <u>Diamondhead, MS</u> to review a request for:	
<input checked="" type="checkbox"/> RIGHT-OF-WAY ABANDONMENT	
<input type="checkbox"/> UTILITY EASEMENT ABANDONMENT	
5. APPLICATION CERTIFICATION:	
I certify that, to the best of my knowledge, the submitted information and statements are true and correct. <i>(Attach signatures as required.)</i>	
<u></u>	<u>7/28/16</u>
Applicant's Signature	Date

NOTE: Any desire to amend or withdraw application must be submitted in writing to the Public Works Department. If ownership of any part of or all of the real property subject to the petition shall change during

the pendency of the petition, the petitioning owner who has conveyed said parcel of real property shall be required to immediately advise the Public Works Department in writing.



- LEGEND:**
- CENTERLINE
 - IRON ROD FOUND
 - IRON ROD SET
 - ⊗ IRON PIPE FOUND
 - ⊠ FENCE CORNER POST
 - ⊘ POWER POLE



LEGAL DESCRIPTION:
 A survey of Lot 23, Block 5, Diamondhead, Phase 1, Amended Plat of Units 2 and 3, City of Diamondhead, Hancock County, Mississippi

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
 Duke Levy, PLS #1722

DUKE LEVY & ASSOCIATES, P.A.
 1711 WAVELAND AVENUE
 WAVELAND, MS 39576
 (228) 467-5212 PHONE

SCALE:	1" = 40'	DATE:	05-17-16
DRAWING:	16-0117	CLIENT:	SHANE FINLEY

REFERENCES:
 DEED BOOK 2007 PAGE 7488
 PLAT OF DIAMONDHEAD, PHASE 1, AMENDED

NOTES:
 Surveyor has made no investigation or independent search for assessments 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 valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS