

CITY OF DIAMONDHEAD

RESOLUTION ADOPTING A GENERAL PLAN FOR CONVEYANCE OF PRIVATE ROADS AND STREETS, LIGHTING AND DRAINAGE FROM THE DIAMONDHEAD COUNTRY CLUB AND POA, INC. THE PURCELL CO. INC., AND THE CITY OF DIAMONDHEAD

WHEREAS, the City of Diamondhead, Mississippi, was recently incorporated effective, January 30, 2012 and,

WHEREAS, within the corporate limits of the City, there are approximately 85 miles of private roads and streets, 300 miles of primary and secondary drainage and ancillary appurtenances as street lights, bridges, signs, etc. currently owned and maintained by the Diamondhead Country Club and Property Owners Association (POA), a Mississippi non-profit corporation, and

WHEREAS, it is in the best interests of the citizens of the City that the functions of ownership and maintenance of the private roads and streets, lighting, and drainage be conveyed to the City of Diamondhead from the POA, and

WHEREAS, The City, POA, and Purcell Co. Inc., have developed a preliminary plan which will, at no cost to the City, convey approximately 85 miles of roads, 300 miles of primary and secondary drainage, POA street lights and all ancillary appurtenances with a replacement value in excess of \$21,000,000, all the assets being located on about 300 acres of land. The conveyance will also include the assignment of any associated franchise fees and rebates to the City. Further, the POA has agreed to continue to maintain and operate the assets in the short term until the City is able to take over operation of the assets.

NOW, THEREFORE: Be it resolved by the Mayor and City Council of the City that the general plan outlined as follows is hereby adopted:

1. Date of Conveyance: January 1, 2013.
2. The POA will convey to the City the roads, street lights, right of ways, and drainage areas, comprising about 85 miles of roads, approximately 300 miles of primary and secondary drainage. The conveyance will also include assignment of any associated franchise fees and rebates to the City. Purcell Co. Inc. may, at their discretion, convey Harbor House roads and right-of-ways.
3. The City will enter into an agreement with the POA whereby;
 - a. The POA will use its personnel, equipment, and work area to operate and maintain the roads and drainage for one year or until the new City is organized sufficiently to take over the operation and maintenance of the conveyed assets. The assets will be maintained to the same level as has been maintained by the POA for the past 25 years.
 - b. The City will reimburse the POA its actual costs to perform the operation and maintenance services outlined in 3.(a). Further, the City will pay the POA for any new service or greater

service level the City may specify. An example might be cutting and policing the I-10 interchange.

4. Exceptions to this conveyance and not included in the plan are roads and drainage associated with any POA Amenity including buildings, parking areas, access roads, green areas, streets not owned by the POA or Purcell , cart paths, and golf courses and walking trails.
5. The City recognizes that the POA membership will vote to convey these amenities to the City at their June Annual Meeting. If the membership approves the conveyance, the City expects that the appropriate documents conveying property and finalizing an operating agreement will be developed and executed within the framework of this plan.

	AYE	NAY
Mayor Ingraham	<u>✓</u>	___
Councilmember Ackerman	<u>✓</u>	___
Councilmember Holcomb	<u>✓</u>	___
Councilmember Knobloch	<u>absent</u>	___
Councilmember Rech	<u>absent</u>	___
Councilmember Roberson	<u>✓</u>	___

APPROVED 
MAYOR

ATTEST: 
CITY CLERK

SEAL

THIS IS TO CERTIFY THAT THE FOREGOING RESOLUTION WAS ADOPTED BY THE CITY OF DIAMONDHEAD, MISSISSIPPI, ON THE 2nd DAY OF April, 2012.


CITY CLERK