

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO ACQUIRE, BY DONATION, TWO DRAINAGE/UTILITY EASEMENTS VACATE FOUR DRAINAGE/UTILITY EASEMENTS OF REPLAT OF FAIRWAYS VILLAS SUBDIVISION LOCATED WITHIN THE CITY FROM DONOR, FAIRWAY VILLAS, L.L.C.

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 possess 5' drainage easements on two lots owned by Fairway Villas, L.L.C. (specifically Lot 4 and Lot 5 Replat of Fairway Villas Subdivision);
2. The City is authorized to acquire real property pursuant to Miss. Code Ann '21-17-1;
3. Fairway Villas, L.L.C, has combined lots 4, 5 and 6 into 2 larger lots. Lot 4A is the combination of Lot 4 and the west ½ of Lot 5. Lot 5A is the combination of Lot 6 and the east ½ of Lot 5. Fairways Villas, LLC has expressed a willingness to donate a new drainage/utility easement which is 5' in width and the entire length of the eastern lot line of newly created lot 4A. Fairways Villas, LLC has also expressed a willingness to donate a new drainage/utility easement which is 5' in width and the entire length of the western lot line of newly created lot 5A. These drainage/utility easements are legally described in two surveys completed by Seymour Engineering and attached hereto as Exhibit "A" to this resolution;
4. The City is willing to accept the donation of the aforementioned drainage easements described in two surveys completed by Seymour Engineering and attached hereto as Exhibit "A" and, further, the City hereby abandons and/or vacates the drainage/utility easements previously donated by Fairway Villas, L.L.C. These drainage/utility easements, 5' in width, are along the east property line of Lot 4, the east and west property lines of Lot 5 and the west property line of Lot 6 except for the north 15' and the south 10' of Lots 4, 5, and 6 of Replat of Fairway Villas Subdivision.

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

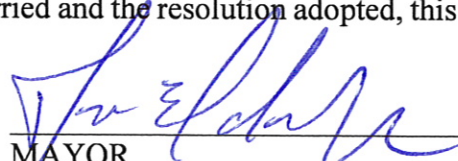
SECTION 1. That the Governing Body of the City will accept the donation of the aforementioned drainage easements on newly created lots identified as Lot 4A and Lot 5A Replat of Fairway Villas Subdivision described in bullet #3 and the Governing Body of the City will hereby abandon the previous drainage easements with respect to Lots 4, 5 and 6 described in bullet #4.

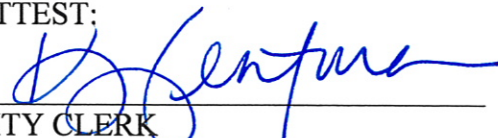
SECTION 2. That the Governing Body of the City does hereby authorize the City Attorney to prepare any and all documentation related to the acquisition of the aforementioned drainage easements by donation and for the City Manager to execute any necessary documentation to effectuate the donation of the subject drainage easements. It is agreed and understood that Fairway Villas, L.L.C. 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 Rich, seconded by Councilmember Sislow 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 LaFontaine	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Rech	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Sislow	<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 4th day of August, 2015.


MAYOR

ATTEST:

CITY CLERK



7/27/2015

Fairway Villas, LLC
1079 Tina Ladner Vic Faye Rd
Pass Christian MS 39571

Diamondhead City Council
5000 Diamondhead Cr
Diamondhead, MS 39525

Dear Sirs

I am combining 3 lots, (lots 4, 5, and 6 Fairway Villas), into 2 lots and am requesting the city of Diamondhead vacate the existing 5' drainage and utility easements along the east property line of lot 4, the east and west property lines of lot 5 and the west property line of lot 6, less and except for the north 15' and the south 10' of said property lines.

Upon the city vacating the above easements, I David Malley (Fairway Villas, LLC) grant to the city a new 5' drainage and utility easement along the east and west side of the property lines of the newly created lots, (Lots 4A and 5A) See attached plat.

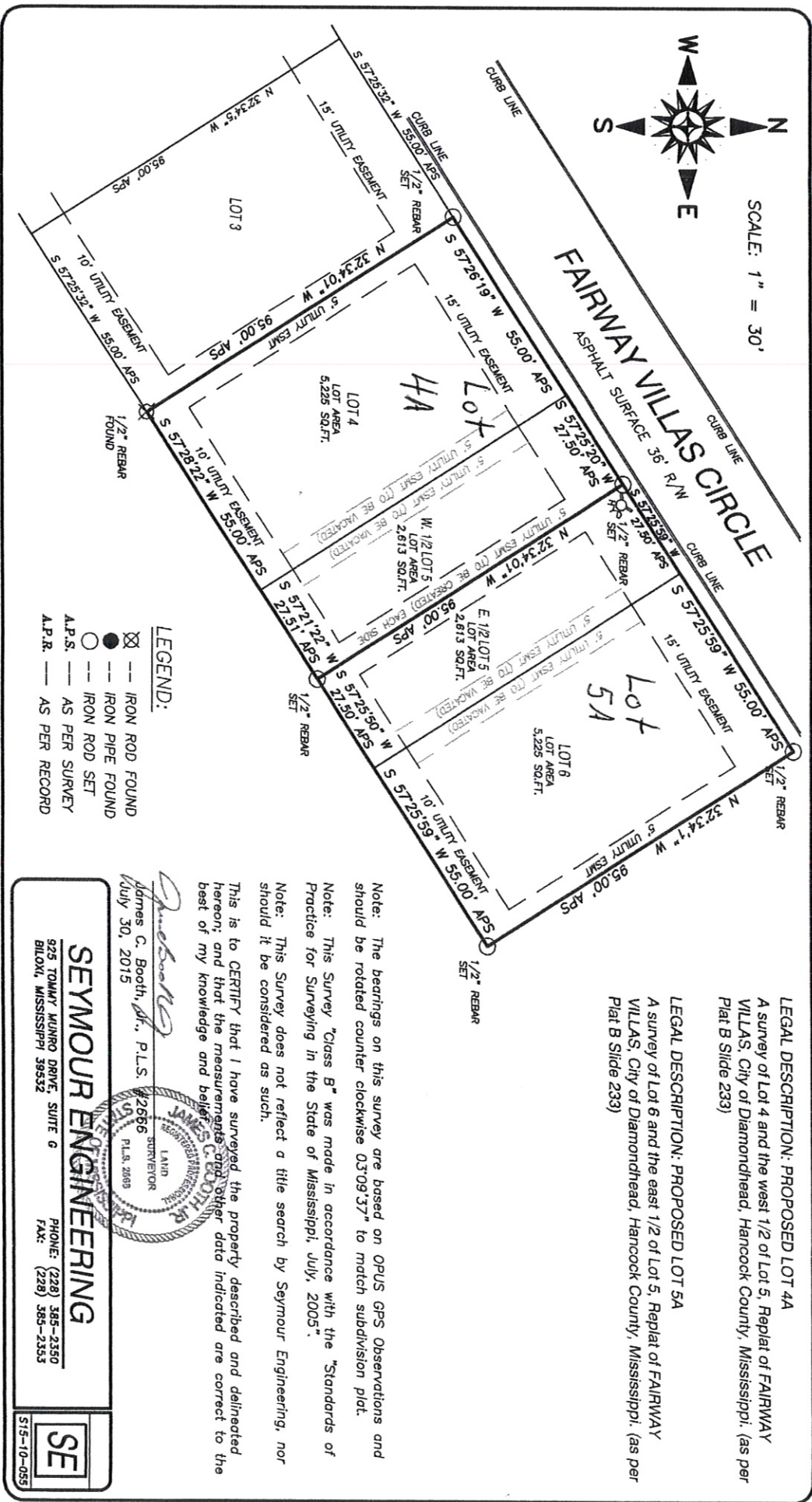
Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'David Malley', written over a horizontal line.

David Malley

Exhibit A



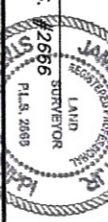
LEGAL DESCRIPTION: PROPOSED LOT 4A
 A survey of Lot 4 and the west 1/2 of Lot 5, Replat of FAIRWAY VILLAS, City of Diamondhead, Hancock County, Mississippi. (as per Plat B Slide 233)

LEGAL DESCRIPTION: PROPOSED LOT 5A
 A survey of Lot 6 and the east 1/2 of Lot 5, Replat of FAIRWAY VILLAS, City of Diamondhead, Hancock County, Mississippi. (as per Plat B Slide 233)

Note: The bearings on this survey are based on OPUS GPS Observations and should be rotated counter clockwise 0.30937" to match subdivision plat.
 Note: This Survey "Class B" was made in accordance with the "Standards of Practice for Surveying in the State of Mississippi, July, 2005".
 Note: This Survey does not reflect a title search by Seymour Engineering, nor should it be considered as such.

This is to CERTIFY that I have surveyed the property described and delineated hereon, and that the measurements and other data indicated are correct to the best of my knowledge and belief.

James C. Booth, Jr.
 James C. Booth, Jr., P.L.S. #2666
 SURVEYOR
 P.L.S. 2669
 July 30, 2015



SEYMOUR ENGINEERING
 925 TOMMY MUNRO DRIVE, SUITE 0
 BILOXI, MISSISSIPPI 38532
 PHONE: (228) 385-2350
 FAX: (228) 385-2353

- LEGEND:**
- ☒ IRON ROD FOUND
 - IRON PIPE FOUND
 - IRON ROD SET
 - A.P.S. AS PER SURVEY
 - A.P.R. AS PER RECORD



515-10-055