

**MINUTES OF THE BOARD OF SUPERVISORS  
OF MADISON COUNTY, MISSISSIPPI**

REGULAR MEETING OF AUGUST 17, 2009  
Recessed from regular meeting conducted on August 3, 2009

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on August 17, 2009, in the Board Room on the first floor of the new addition to the Chancery and Administrative Building, 125 W. North Street, in Canton, Mississippi, as follows, to-wit:

The President of the Board, Mr. Paul Griffin, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor John Bell Crosby  
Supervisor Tim Johnson  
Supervisor D. I. Smith  
Supervisor Karl M. Banks  
Supervisor Paul Griffin  
Sheriff Toby Trowbridge  
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller Mark Houston  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
Board Attorney Eric Hamer  
State Aid and LSBP Engineer John Granberry  
County Road Manager Lawrence Morris  
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green  
County Purchase Clerk Hardy Crunk  
County Zoning Administrator Brad Sellers  
County Fire Coordinator Mack Pigg

Special Guests:

Hon. Guy Bowering, Alderman, City of Madison  
Hon. John Howland, Alderman, City of Madison

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. County Administrator Donnie Caughman opened the meeting with a prayer and Supervisor Tim Johnson led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Public Hearing on Petition of Livingston Township, LLC  
to Rezone and Reclassify Real Property and Establish a Planned  
Unit Development***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and reported that Ms. Nell B. Wade had registered an appeal with his office pertaining to the decision of the Madison County Planning and Zoning Commission of June 22, 2009 granting the Petition of Livingston Township, LLC to Rezone and Reclassify Real Property and establish a Planned Unowned by it in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, and

WHEREAS, said property is more particularly described as follows:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 1 of 35 (8/17/09)***

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 108.65 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 348.95 feet; thence run N 31 degrees 05 minutes 12 seconds E for a distance of 99.24 feet; thence run N 30 degrees 47 minutes 08 seconds E for a distance of 20.00 feet to a point on the southerly right-of-way of Highway 22; thence run easterly along said southerly right-of-way for the following calls: S 59 degrees 12 minutes 52 seconds E for a distance of 100.00 feet; S 30 degrees 47 minutes 08 seconds W for a distance of 20.00 feet; S 59 degrees 12 minutes 52 seconds E for a distance of 58.70 feet; S 61 degrees 18 minutes 07 seconds E for a distance of 87.12 feet; S 68 degrees 45 minutes 26 seconds E for a distance of 223.76 feet; S 76 degrees 41 minutes 00 seconds E for a distance of 107.09 feet; easterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 19 degrees 05 minutes 10 seconds, a chord bearing of S 88 degrees 47 minutes 09 seconds E, a chord length of 396.54 feet, and an arc length of 398.38 feet, for a distance of 398.38 feet to the intersection of the southerly right-of-way of Highway 22 with the westerly right-of-way of Highway 463; thence run southerly along the westerly right-of-way of said Highway 463 for the following calls: S 56 degrees 14 minutes 27 seconds E for a distance of 265.42 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 11 degrees 50 minutes 21 seconds, a chord bearing of S 25 degrees 57 minutes 41 seconds E, a chord length of 246.68 feet, and an arc length of 247.12 feet, for a distance of 247.12 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 21 degrees 15 minutes 00 seconds, a chord bearing of S 42 degrees 30 minutes 30 seconds E, a chord length of 441.01 feet, and an arc length of 443.55 feet, for a distance of 443.55 feet; S 53 degrees 08 minutes 00 seconds E for a distance of 341.74 feet; southeasterly along the arc of a curve to the right having a radius of 1382.39 feet, a delta angle of 28 degrees 12 minutes 34 seconds, a chord bearing of S

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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39 degrees 01 minutes 43 seconds, a chord length of 673.76 feet, and an arc length of 680.61 feet, for a distance of 680.61 feet; S 24 degrees 55 minutes 26 seconds E for a distance of 365.49 feet to the Point of Beginning. This parcel contains 47.20 acres, more or less; and

PROPERTY DESCRIPTION (COMMERCIAL PORTION)

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 108.65 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 348.95 feet; thence run N 31 degrees 05 minutes 12 seconds E for a distance of 99.24 feet; thence run N 30 degrees 47 minutes 08 seconds E for a distance of 20.00 feet to a point on the southerly right-of-way of Highway 22; thence run easterly along said southerly right-of-way for the following calls: S 59 degrees 12 minutes 52 seconds E for a distance of 100.00 feet; S 30 degrees 47 minutes 08 seconds W for a distance of 20.00 feet; S 59 degrees 12 minutes 52 seconds E for a distance of 58.70 feet; S 61 degrees 18 minutes 07 seconds E for a distance of 87.12 feet; S 68 degrees 45 minutes 26 seconds E for a distance of 223.76 feet; S 76 degrees 41 minutes 00 seconds E for a distance of 107.09 feet; easterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 19 degrees 05 minutes 10 seconds, a chord bearing of S 88 degrees 47 minutes 09 seconds E, a chord length of 396.54 feet, and an arc length of 398.38 feet, for a distance of 398.38 feet to the intersection of the southerly right-of-way of Highway 22 with the westerly right-of-way of Highway 463; thence run southerly along the westerly right-of-way of said Highway 463 for the following calls: S 56 degrees 14 minutes 27 seconds E for a distance of 265.42 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 11 degrees 50 minutes 21 seconds, a chord bearing of S 25 degrees 57 minutes 41 seconds E, a chord length of 246.68 feet,

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and an arc length of 247.12 feet, for a distance of 247.12 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 21 degrees 15 minutes 00 seconds, a chord bearing of S 42 degrees 30 minutes 30 seconds E, a chord length of 441.01 feet, and an arc length of 443.55 feet, for a distance of 443.55 feet; S 53 degrees 08 minutes 00 seconds E for a distance of 341.74 feet; southeasterly along the arc of a curve to the right having a radius of 1382.39 feet, a delta angle of 28 degrees 12 minutes 34 seconds, a chord bearing of S 39 degrees 01 minutes 43 seconds, a chord length of 673.76 feet, and an arc length of 680.61 feet, for a distance of 680.61 feet; S 24 degrees 55 minutes 26 seconds E for a distance of 365.49 feet to the Point of Beginning. This parcel contains 47.20 acres, more or less.

**LESS AND EXCEPT:**

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 108.65 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 348.95 feet; thence run N 31 degrees 05 minutes 12 seconds E for a distance of 99.24 feet; thence run N 30 degrees 47 minutes 08 seconds E for a distance of 20.00 feet to a point on the southerly right-of-way of Highway 22; thence run easterly along said southerly right-of-way for the following calls: S 59 degrees 12 minutes 52 seconds E for a distance of 100.00 feet; S 30 degrees 47 minutes 08 seconds W for a distance of 20.00 feet; S 59 degrees 12 minutes 52 seconds E for a distance of 58.70 feet; S 61 degrees 18 minutes 07 seconds E for a distance of 87.12 feet; S 68 degrees 45 minutes 26 seconds E for a distance of 223.76 feet; S 76 degrees 41 minutes 00 seconds E for a distance of 107.09 feet; easterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 19 degrees 05 minutes 10 seconds, a chord bearing of S 88 degrees 47 minutes 09 seconds E, a chord length of 396.54 feet, and an arc length of 398.38 feet, for a distance of 398.38 feet to the intersection of

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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the southerly right-of-way of Highway 22 with the westerly right-of-way of Highway 463; thence run S 56 degrees 14 minutes 27 seconds E, along the westerly right-of-way of said Highway 463, for a distance of 265.42 feet; thence run S 02 degrees 02 minutes 49 seconds E for a distance of 290.14 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 47 degrees 33 minutes 22 seconds E for a distance of 132.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 86.00 feet; thence run N 47 degrees 33 minutes 22 seconds W for a distance of 132.00 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 86.00 feet to the Point of Beginning. This parcel contains 0.26 acres, more or less.

**LESS AND EXCEPT:**

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 72.92 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence N 47 degrees 25 minutes 20 seconds W for a distance of 35.73 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 262.63 feet; thence run southeasterly along the arc of a curve to the left having a radius of 1379.38 feet, a delta angle of 23 degrees 20 minutes 07 seconds, a chord bearing of S 65 degrees 43 minutes 59 seconds E, a chord length of 557.92 feet, and an arc length of 561.79 feet, for a distance of 561.79 feet; thence run N 12 degrees 35 minutes 58 seconds E for a distance of 135.46 feet; thence run southeasterly along the arc of a curve to the left having a radius of 1243.92 feet, a delta angle of 09 degrees 43 minutes 58 seconds, a chord bearing of S 82 degrees 16 minutes 01 seconds E, a chord length of 211.05 feet, and an arc length of 211.30 feet, for a distance of 211.30 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 687.98 feet to the Point of Beginning. This parcel contains 5.41 acres, more or less.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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LESS AND EXCEPT:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 515.35 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 89 degrees 48 minutes 21 seconds W for a distance of 84.78 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 31.47 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence N 42 degrees 26 minutes 38 seconds E for a distance of 145.99 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 172.00 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 110.00 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 92.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 57.43 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 194.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 417.08 feet; thence run N 62 degrees 06 minutes 50 seconds E for a distance of 159.99 feet; thence run S 62 degrees 10 minutes 48 seconds E for a distance of 72.21 feet; thence run S 08 degrees 40 minutes 56 seconds E for a distance of 180.80 feet; thence run S 05 degrees 27 minutes 50 seconds W for a distance of 57.85 feet; thence run S 36 degrees 50 minutes 11 seconds E for a distance of 78.49 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 75.59 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 408.48 feet; thence run N 83 degrees 41 minutes 44 seconds E for a distance of 61.16 feet; thence run northeasterly along the arc of a curve to the right having a radius of 123.94 feet, a delta angle of 89 degrees 04 minutes 55 seconds, a chord bearing of N 39 degrees 29 minutes 25 seconds E, a chord length of 173.86 feet, and an arc length of 192.69 feet, for a distance of 192.69 feet; thence run northeasterly along the arc of a curve to the left having a radius of 27.23 feet, a delta angle of 137 degrees 09 minutes 52 seconds, a chord bearing of N 15 degrees 26 minutes 56 seconds E, a chord length of 50.71 feet, and an arc length of 65.20 feet, for a distance of 65.20 feet; thence run N 53 degrees 08 minutes 00 seconds W for a distance of 25.57 feet; thence run N 36 degrees 52 minutes 00 seconds E for a distance of 112.85 feet to a point on the westerly right-of-way of Highway 463; thence run southerly along the westerly right-of-way of said Highway 463 for the following calls: S 53 degrees 08 minutes 00 seconds E for a distance of 61.71 feet; southeasterly along the arc of a curve to the right having a radius of 1382.39 feet, a delta angle of 23 degrees 19 minutes 57 seconds, a chord bearing of S 41 degrees 28 minutes 01 seconds E, a chord length of 559.07 feet, and an arc length of 562.95 feet, for a distance of 562.95 feet; thence leaving said

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westerly right-of-way, run S 60 degrees 11 minutes 57 seconds W for a distance of 232.07 feet; thence run southwesterly along the arc of a curve to the right having a radius of 123.94 feet, a delta angle of 29 degrees 47 minutes 02 seconds, a chord bearing of S 75 degrees 05 minutes 28 seconds W, a chord length of 63.70 feet, and an arc length of 64.42 feet, for a distance of 64.42 feet; thence run S 89 degrees 58 minutes 59 seconds W for a distance of 8.95 feet; thence run S 01 degrees 11 minutes 31 seconds W for a distance of 89.16 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 121.58 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 182.60 feet to the Point of Beginning. This parcel contains 17.58 acres, more or less.

#### PROPERTY DESCRIPTION (RESIDENTIAL PORTION)

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 108.65 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 348.95 feet; thence run N 31 degrees 05 minutes 12 seconds E for a distance of 99.24 feet; thence run N 30 degrees 47 minutes 08 seconds E for a distance of 20.00 feet to a point on the southerly right-of-way of Highway 22; thence run easterly along said southerly right-of-way for the following calls: S 59 degrees 12 minutes 52 seconds E for a distance of 100.00 feet; S 30 degrees 47 minutes 08 seconds W for a distance of 20.00 feet; S 59 degrees 12 minutes 52 seconds E for a distance of 58.70 feet; S 61 degrees 18 minutes 07 seconds E for a distance of 87.12 feet; S 68 degrees 45 minutes 26 seconds E for a distance of 223.76 feet; S 76 degrees 41 minutes 00 seconds E for a distance of 107.09 feet; easterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 19 degrees 05 minutes 10 seconds, a chord bearing of S 88 degrees 47 minutes 09 seconds E, a chord length of 396.54 feet, and an arc length of 398.38 feet, for a distance of 398.38 feet to the intersection of

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the southerly right-of-way of Highway 22 with the westerly right-of-way of Highway 463; thence run S 56 degrees 14 minutes 27 seconds E, along the westerly right-of-way of said Highway 463, for a distance of 265.42 feet; thence run S 02 degrees 02 minutes 49 seconds E for a distance of 290.14 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 47 degrees 33 minutes 22 seconds E for a distance of 132.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 86.00 feet; thence run N 47 degrees 33 minutes 22 seconds W for a distance of 132.00 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 86.00 feet to the Point of Beginning. This parcel contains 0.26 acres, more or less.

AND ALSO:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 72.92 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence N 47 degrees 25 minutes 20 seconds W for a distance of 35.73 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 262.63 feet; thence run southeasterly along the arc of a curve to the left having a radius of 1379.38 feet, a delta angle of 23 degrees 20 minutes 07 seconds, a chord bearing of S 65 degrees 43 minutes 59 seconds E, a chord length of 557.92 feet, and an arc length of 561.79 feet, for a distance of 561.79 feet; thence run N 12 degrees 35 minutes 58 seconds E for a distance of 135.46 feet; thence run southeasterly along the arc of a curve to the left having a radius of 1243.92 feet, a delta angle of 09 degrees 43 minutes 58 seconds, a chord bearing of S 82 degrees 16 minutes 01 seconds E, a chord length of 211.05 feet, and an arc length of 211.30 feet, for a distance of 211.30 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 687.98 feet to the Point of Beginning. This parcel contains 5.41 acres, more or less.

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AND ALSO:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 515.35 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 89 degrees 48 minutes 21 seconds W for a distance of 84.78 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 31.47 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence N 42 degrees 26 minutes 38 seconds E for a distance of 145.99 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 172.00 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 110.00 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 92.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 57.43 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 194.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 417.08 feet; thence run N 62 degrees 06 minutes 50 seconds E for a distance of 159.99 feet; thence run S 62 degrees 10 minutes 48 seconds E for a distance of 72.21 feet; thence run S 08 degrees 40 minutes 56 seconds E for a distance of 180.80 feet; thence run S 05 degrees 27 minutes 50 seconds W for a distance of 57.85 feet; thence run S 36 degrees 50 minutes 11 seconds E for a distance of 78.49 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 75.59 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 408.48 feet; thence run N 83 degrees 41 minutes 44 seconds E for a distance of 61.16 feet; thence run northeasterly along the arc of a curve to the right having a radius of 123.94 feet, a delta angle of 89 degrees 04 minutes 55 seconds, a chord bearing of N 39 degrees 29 minutes 25 seconds E, a chord length of 173.86 feet, and an arc length of 192.69 feet, for a distance of 192.69 feet; thence run northeasterly along the arc of a curve to the left having a radius of 27.23 feet, a delta angle of 137 degrees 09 minutes 52 seconds, a chord bearing of N 15 degrees 26 minutes 56 seconds E, a chord length of 50.71 feet, and an arc length of 65.20 feet, for a distance of 65.20 feet; thence run N 53 degrees 08 minutes 00 seconds W for a distance of 25.57 feet; thence run N 36 degrees 52 minutes 00 seconds E for a distance of 112.85 feet to a point on the westerly right-of-way of Highway 463; thence run southerly along the westerly right-of-way of said Highway 463 for the following calls: S 53 degrees 08 minutes 00 seconds E for a distance of 61.71 feet; southeasterly along the arc of a curve to the right having a radius of 1382.39 feet, a delta angle of 23 degrees 19 minutes 57 seconds, a chord bearing of S 41 degrees 28 minutes 01 seconds E, a chord length of 559.07 feet, and an arc length of 562.95 feet, for a distance of 562.95 feet; thence leaving said

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westerly right-of-way, run S 60 degrees 11 minutes 57 seconds W for a distance of 232.07 feet; thence run southwesterly along the arc of a curve to the right having a radius of 123.94 feet, a delta angle of 29 degrees 47 minutes 02 seconds, a chord bearing of S 75 degrees 05 minutes 28 seconds W, a chord length of 63.70 feet, and an arc length of 64.42 feet, for a distance of 64.42 feet; thence run S 89 degrees 58 minutes 59 seconds W for a distance of 8.95 feet; thence run S 01 degrees 11 minutes 31 seconds W for a distance of 89.16 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 121.58 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 182.60 feet to the Point of Beginning. This parcel contains 17.58 acres, more or less.

WHEREAS, proof of publication of the notice of said hearing is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. David Landrum, principal in the firm of Livingston Township, LLC, appeared before the Board and presented his ideas for a development on the above-described property and introduced various professionals to speak in support of the Petition, and

WHEREAS, Mrs. Jill Landrum, Mr. Tracy Ward, and Powell G. "Gee" Ogletree, Esq., all appeared before the Board in support of the Petition, and

WHEREAS, John Robinson, Esq. appeared before the Board in opposition thereto, urging the Board to remand the matter to the Planning and Zoning Commission because the Petition for Re-zoning had been modified since its original filing, and

WHEREAS, Mr. Robinson argued that there was no public need for the change in zoning, nor was there a change in character or circumstances in the area which would warrant a re-zoning; thus, the Petition should be denied, and

WHEREAS, Ms. Nell Ward also appeared before the Board and also argued that there was no change in the character of the area, nor was there a public need for the development, in light of substantial development in the Bozeman Road and Highway 463 area, just down the road, and

WHEREAS, Ms. Rita McGuffie appeared before the Board and requested the Board continue this matter or remand the matter to the Planning Commission in light of the revised Petition presented to the Board, which she and her organization have not had an opportunity to review, and

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to close the public hearing and admit the following documents into evidence in the matter, all of which may be found in the Miscellaneous Appendix to these Minutes and marked by the Clerk as follows:

Exhibit 1 – Compilation of Documents presented by County Zoning Administrator Brad Sellers, containing Rezoning Petition – May 21, 2009; Revised Rezoning Petition – June 11, 2009; Mannsdale – Livingston Heritage Preservation Article XVI; Mannsdale – Livingston Heritage Preservation Questions/Answers – June 25, 2009; Architectural Character; Original Town Plat and Board of Supervisors Re-zoning Hearing August 17, 2009 all as separately tabbed therein and found on the Table of Contents thereof.

Exhibit 2 – Memorandum to the Board of Supervisors from County Zoning Administrator Brad Sellers dated August 4, 2009

Exhibit 3 – Memorandum to the Board of Supervisors from Mannsdale-Livingston Heritage Preservation District dated August 12, 2009 and the District's Findings and Recommendations compiled in a white, three ring binder

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Exhibit 4 – Memorandum dated August 13, 2009 from Rita McGuffie, Chairperson of the Mannsdale-Livingston Heritage Preservation District

Exhibit 5 – Compilation of Documents presented by Petitioner, containing a Cover letter, a Position Paper, Presentation Notes, Presentation Drawings, Town of Flora Resolution, Adjoining Landowners Consent Letters/Map; Surrounding Neighbors Consent Letters, Zoning Map, all as separately tabbed therein and found on the Table of Contents thereof.

Exhibit 6 – Correspondence dated August 10, 2009 from “xi builders” together with a proposed Declaration of Covenants.

Exhibit 7 – Correspondence dated August 17, 2009 from Nell B. Wade with attachments.

Exhibit 8 – Correspondence dated August 17, 2009 from John W. Robinson, III (3 pages).

Exhibit 9 – Emailed Correspondence dated August 17, 2009 from Cherry Deddens.

Exhibit 10 – Proposed Master Plan.

Exhibit 10-A – Master Plan as approved without reflecting variances

The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and the public hearing on said Petition was and is hereby closed and the aforesaid exhibits admitted into evidence in this cause.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Petition of Livingston Township, LLC to Rezone and Reclassify Real Property and Establish A Planned Unit Development***

**ORDINANCE BY THE BOARD OF SUPERVISORS  
OF MADISON COUNTY, MISSISSIPPI,  
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, Supervisor Tim Johnson stated that in his estimation, requiring the Petitioners to return to the Planning and Zoning Commission would unnecessarily delay this matter, which has already been pending for quite some time, and

WHEREAS, Mr. Johnson noted that the Board had before it today all the materials and information it needed to render a decision, with the changes having been made in order to accommodate some of the concerns previously raised, and

WHEREAS, in response to supervisors’ questions, Mr. Sellers reported that it was not unusual at all for a re-zoning petition to evolve as the matter proceeds through the approval process, and

WHEREAS, in response to supervisors’ questions, County Fire Coordinator Mack Pigg reported that it was already difficult for the county’s volunteer fire units to reach heights of 40 feet, much less 45 feet as requested by the Petitioners as a part of their filing in the nature of a request for a variance, and

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WHEREAS, Mr. Ogletree responded to direct questions of the Board and its attorney regarding specific facts that support a change in character of the neighborhood and public need for the re-zoning and the development in question, and

WHEREAS, in particular, Mr. Ogletree stated that, as to change in character, materials exhibited to his client's Petition demonstrated the continued growth in the area, particularly with respect to the voluminous increase in the number of residential developments along Highway 463, the construction of new schools in the area, and the clear change from a pastoral and agricultural area to an area replete with platted subdivisions and unplatted residential areas as demonstrated by numerous other zoning changes from A-1 Agricultural to R-1A and R-1 Residential in the area, and

WHEREAS, as to public need, Mr. Ogletree pointed out that this increase in residential development was accompanied by virtually no readily accessible commercial properties nearby, which itself demonstrated a public need for the proposed mixed use PUD, and

WHEREAS, in addition, as to the matter of public need, Mr. Ogletree explained that given the historical significance of the Livingston Township itself as being one of the earliest settlements in the county, there was a significant need to preserve that history as the development and re-zoning in question would achieve while simultaneously allowing for appropriate and limited commercial development, and

WHEREAS, Mr. Ogletree also noted that additional support for a change in character of the neighborhood and in support of a public need for the development in question could be found in footnotes 17 and 18 of his client's Petition, and

WHEREAS, Supervisor Tim Johnson stated that he knew from his own personal experience that the area is in need of reasonable commercial development in light of the tremendous increase in residential density and development in the area, including but not limited to the numerous additional subdivision plats in the area put on record since he began his term of office in 2004, and

WHEREAS, Supervisor Karl M. Banks pointed out that in his experience, the character of the area has indeed changed and changed significantly, and he pointed out that in his own neighborhood of Lake Caroline, nearby to the development in question, the density alone was sufficient to support a reasonable level of commercial development at the corner of Highway 22 and Highway 463,

Following further discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to grant the request, approve the re-zoning of the property as sought by the Petitioner, amend the county's Land Use Plan accordingly, approve the Master Plan as depicted on Exhibit 10 herein above, and adopt the following Ordinance, to-wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That appropriate public need and change in character of the neighborhood having been demonstrated by clear and convincing evidence for the reasons set forth herein above and in the Exhibits set forth above, the following described tract of real property be, and the same is hereby, re-zoned from its present R-1 residential use classification and C-2 commercial use classification property to a Planned Unit Development District superimposed over a R-1B Zoning District, to-wit:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the

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Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 108.65 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 348.95 feet; thence run N 31 degrees 05 minutes 12 seconds E for a distance of 99.24 feet; thence run N 30 degrees 47 minutes 08 seconds E for a distance of 20.00 feet to a point on the southerly right-of-way of Highway 22; thence run easterly along said southerly right-of-way for the following calls: S 59 degrees 12 minutes 52 seconds E for a distance of 100.00 feet; S 30 degrees 47 minutes 08 seconds W for a distance of 20.00 feet; S 59 degrees 12 minutes 52 seconds E for a distance of 58.70 feet; S 61 degrees 18 minutes 07 seconds E for a distance of 87.12 feet; S 68 degrees 45 minutes 26 seconds E for a distance of 223.76 feet; S 76 degrees 41 minutes 00 seconds E for a distance of 107.09 feet; easterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 19 degrees 05 minutes 10 seconds, a chord bearing of S 88 degrees 47 minutes 09 seconds E, a chord length of 396.54 feet, and an arc length of 398.38 feet, for a distance of 398.38 feet to the intersection of the southerly right-of-way of Highway 22 with the westerly right-of-way of Highway 463; thence run southerly along the westerly right-of-way of said Highway 463 for the following calls: S 56 degrees 14 minutes 27 seconds E for a distance of 265.42 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 11 degrees 50 minutes 21 seconds, a chord bearing of S 25 degrees 57 minutes 41 seconds E, a chord length of 246.68 feet, and an arc length of 247.12 feet, for a distance of 247.12 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 21 degrees 15 minutes 00 seconds, a chord bearing of S 42 degrees 30 minutes 30 seconds E, a chord length of 441.01 feet, and an arc length of 443.55 feet, for a distance of 443.55 feet; S 53 degrees 08 minutes 00 seconds E for a distance of 341.74 feet; southeasterly along the arc of a curve to the right having a radius of 1382.39 feet, a delta angle of 28 degrees 12 minutes 34 seconds, a chord bearing of S 39 degrees 01 minutes 43 seconds, a chord length of 673.76 feet, and an arc length of 680.61 feet, for a distance of 680.61 feet; S 24 degrees 55 minutes 26 seconds E for a distance of 365.49 feet to the Point of Beginning. This parcel contains 47.20 acres, more or less; and

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PROPERTY DESCRIPTION (COMMERCIAL PORTION)

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 108.65 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 348.95 feet; thence run N 31 degrees 05 minutes 12 seconds E for a distance of 99.24 feet; thence run N 30 degrees 47 minutes 08 seconds E for a distance of 20.00 feet to a point on the southerly right-of-way of Highway 22; thence run easterly along said southerly right-of-way for the following calls: S 59 degrees 12 minutes 52 seconds E for a distance of 100.00 feet; S 30 degrees 47 minutes 08 seconds W for a distance of 20.00 feet; S 59 degrees 12 minutes 52 seconds E for a distance of 58.70 feet; S 61 degrees 18 minutes 07 seconds E for a distance of 87.12 feet; S 68 degrees 45 minutes 26 seconds E for a distance of 223.76 feet; S 76 degrees 41 minutes 00 seconds E for a distance of 107.09 feet; easterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 19 degrees 05 minutes 10 seconds, a chord bearing of S 88 degrees 47 minutes 09 seconds E, a chord length of 396.54 feet, and an arc length of 398.38 feet, for a distance of 398.38 feet to the intersection of the southerly right-of-way of Highway 22 with the westerly right-of-way of Highway 463; thence run southerly along the westerly right-of-way of said Highway 463 for the following calls: S 56 degrees 14 minutes 27 seconds E for a distance of 265.42 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 11 degrees 50 minutes 21 seconds, a chord bearing of S 25 degrees 57 minutes 41 seconds E, a chord length of 246.68 feet, and an arc length of 247.12 feet, for a distance of 247.12 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 21 degrees 15 minutes 00 seconds, a chord bearing of S 42 degrees 30 minutes 30 seconds E, a chord length of 441.01 feet, and an arc length of 443.55 feet, for a distance of 443.55 feet; S 53 degrees 08 minutes 00

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seconds E for a distance of 341.74 feet; southeasterly along the arc of a curve to the right having a radius of 1382.39 feet, a delta angle of 28 degrees 12 minutes 34 seconds, a chord bearing of S 39 degrees 01 minutes 43 seconds, a chord length of 673.76 feet, and an arc length of 680.61 feet, for a distance of 680.61 feet; S 24 degrees 55 minutes 26 seconds E for a distance of 365.49 feet to the Point of Beginning. This parcel contains 47.20 acres, more or less.

LESS AND EXCEPT:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 108.65 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 348.95 feet; thence run N 31 degrees 05 minutes 12 seconds E for a distance of 99.24 feet; thence run N 30 degrees 47 minutes 08 seconds E for a distance of 20.00 feet to a point on the southerly right-of-way of Highway 22; thence run easterly along said southerly right-of-way for the following calls: S 59 degrees 12 minutes 52 seconds E for a distance of 100.00 feet; S 30 degrees 47 minutes 08 seconds W for a distance of 20.00 feet; S 59 degrees 12 minutes 52 seconds E for a distance of 58.70 feet; S 61 degrees 18 minutes 07 seconds E for a distance of 87.12 feet; S 68 degrees 45 minutes 26 seconds E for a distance of 223.76 feet; S 76 degrees 41 minutes 00 seconds E for a distance of 107.09 feet; easterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 19 degrees 05 minutes 10 seconds, a chord bearing of S 88 degrees 47 minutes 09 seconds E, a chord length of 396.54 feet, and an arc length of 398.38 feet, for a distance of 398.38 feet to the intersection of the southerly right-of-way of Highway 22 with the westerly right-of-way of Highway 463; thence run S 56 degrees 14 minutes 27 seconds E, along the westerly right-of-way of said Highway 463, for a distance of 265.42 feet; thence run S 02 degrees 02 minutes 49 seconds E for a distance of 290.14 feet to the Point of Beginning of the parcel herein described. From said Point of

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Beginning run thence S 47 degrees 33 minutes 22 seconds E for a distance of 132.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 86.00 feet; thence run N 47 degrees 33 minutes 22 seconds W for a distance of 132.00 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 86.00 feet to the Point of Beginning. This parcel contains 0.26 acres, more or less.

LESS AND EXCEPT:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 72.92 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence N 47 degrees 25 minutes 20 seconds W for a distance of 35.73 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 262.63 feet; thence run southeasterly along the arc of a curve to the left having a radius of 1379.38 feet, a delta angle of 23 degrees 20 minutes 07 seconds, a chord bearing of S 65 degrees 43 minutes 59 seconds E, a chord length of 557.92 feet, and an arc length of 561.79 feet, for a distance of 561.79 feet; thence run N 12 degrees 35 minutes 58 seconds E for a distance of 135.46 feet; thence run southeasterly along the arc of a curve to the left having a radius of 1243.92 feet, a delta angle of 09 degrees 43 minutes 58 seconds, a chord bearing of S 82 degrees 16 minutes 01 seconds E, a chord length of 211.05 feet, and an arc length of 211.30 feet, for a distance of 211.30 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 687.98 feet to the Point of Beginning. This parcel contains 5.41 acres, more or less.

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LESS AND EXCEPT:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 515.35 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 89 degrees 48 minutes 21 seconds W for a distance of 84.78 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 31.47 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence N 42 degrees 26 minutes 38 seconds E for a distance of 145.99 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 172.00 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 110.00 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 92.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 57.43 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 194.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 417.08 feet; thence run N 62 degrees 06 minutes 50 seconds E for a distance of 159.99 feet; thence run S 62 degrees 10 minutes 48 seconds E for a distance of 72.21 feet; thence run S 08 degrees 40 minutes 56 seconds E for a distance of 180.80 feet; thence run S 05 degrees 27 minutes 50 seconds W for a distance of 57.85 feet; thence run S 36 degrees 50 minutes 11 seconds E for a distance of 78.49 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 75.59 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 408.48 feet; thence run N 83 degrees 41 minutes 44 seconds E for a distance of 61.16 feet; thence run northeasterly along the arc of a curve to the right having a radius of 123.94 feet, a delta angle of 89 degrees 04 minutes 55 seconds, a chord bearing of N 39 degrees 29 minutes 25 seconds E, a chord length of 173.86 feet, and an arc length of 192.69 feet, for a distance of 192.69 feet; thence run northeasterly along the arc of a curve to the left having a radius of 27.23 feet, a delta angle of 137 degrees 09 minutes 52 seconds, a chord bearing of N 15 degrees 26 minutes 56 seconds E, a chord length of 50.71 feet, and an arc length of 65.20 feet, for a distance of 65.20 feet; thence run N 53 degrees 08 minutes 00 seconds W for a distance of 25.57 feet; thence run N 36 degrees 52 minutes 00 seconds E for a distance of 112.85 feet to a point on the westerly right-of-way of Highway 463; thence run southerly along the westerly right-of-way of said Highway 463 for the following calls: S 53 degrees 08 minutes 00 seconds E for a distance of 61.71 feet; southeasterly along the arc of a curve to the right having a radius of 1382.39 feet, a delta angle of 23 degrees 19 minutes 57 seconds, a chord bearing of S 41 degrees 28 minutes 01 seconds E, a chord length of 559.07 feet, and an arc length of 562.95 feet, for a distance of 562.95 feet; thence leaving said

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westerly right-of-way, run S 60 degrees 11 minutes 57 seconds W for a distance of 232.07 feet; thence run southwesterly along the arc of a curve to the right having a radius of 123.94 feet, a delta angle of 29 degrees 47 minutes 02 seconds, a chord bearing of S 75 degrees 05 minutes 28 seconds W, a chord length of 63.70 feet, and an arc length of 64.42 feet, for a distance of 64.42 feet; thence run S 89 degrees 58 minutes 59 seconds W for a distance of 8.95 feet; thence run S 01 degrees 11 minutes 31 seconds W for a distance of 89.16 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 121.58 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 182.60 feet to the Point of Beginning. This parcel contains 17.58 acres, more or less.

PROPERTY DESCRIPTION (RESIDENTIAL PORTION)

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 108.65 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 348.95 feet; thence run N 31 degrees 05 minutes 12 seconds E for a distance of 99.24 feet; thence run N 30 degrees 47 minutes 08 seconds E for a distance of 20.00 feet to a point on the southerly right-of-way of Highway 22; thence run easterly along said southerly right-of-way for the following calls: S 59 degrees 12 minutes 52 seconds E for a distance of 100.00 feet; S 30 degrees 47 minutes 08 seconds W for a distance of 20.00 feet; S 59 degrees 12 minutes 52 seconds E for a distance of 58.70 feet; S 61 degrees 18 minutes 07 seconds E for a distance of 87.12 feet; S 68 degrees 45 minutes 26 seconds E for a distance of 223.76 feet; S 76 degrees 41 minutes 00 seconds E for a distance of 107.09 feet; easterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 19 degrees 05 minutes 10 seconds, a chord bearing of S 88 degrees 47 minutes 09 seconds E, a chord length of 396.54 feet, and an arc length of 398.38 feet, for a distance of 398.38 feet to the intersection of

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the southerly right-of-way of Highway 22 with the westerly right-of-way of Highway 463; thence run S 56 degrees 14 minutes 27 seconds E, along the westerly right-of-way of said Highway 463, for a distance of 265.42 feet; thence run S 02 degrees 02 minutes 49 seconds E for a distance of 290.14 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 47 degrees 33 minutes 22 seconds E for a distance of 132.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 86.00 feet; thence run N 47 degrees 33 minutes 22 seconds W for a distance of 132.00 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 86.00 feet to the Point of Beginning. This parcel contains 0.26 acres, more or less.

AND ALSO:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 72.92 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence N 47 degrees 25 minutes 20 seconds W for a distance of 35.73 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 262.63 feet; thence run southeasterly along the arc of a curve to the left having a radius of 1379.38 feet, a delta angle of 23 degrees 20 minutes 07 seconds, a chord bearing of S 65 degrees 43 minutes 59 seconds E, a chord length of 557.92 feet, and an arc length of 561.79 feet, for a distance of 561.79 feet; thence run N 12 degrees 35 minutes 58 seconds E for a distance of 135.46 feet; thence run southeasterly along the arc of a curve to the left having a radius of 1243.92 feet, a delta angle of 09 degrees 43 minutes 58 seconds, a chord bearing of S 82 degrees 16 minutes 01 seconds E, a chord length of 211.05 feet, and an arc length of 211.30 feet, for a distance of 211.30 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 687.98 feet to the Point of Beginning. This parcel contains 5.41 acres, more or less.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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AND ALSO:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet; thence run S 89 degrees 48 minutes 21 seconds W for a distance of 515.35 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 89 degrees 48 minutes 21 seconds W for a distance of 84.78 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet; thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 31.47 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence N 42 degrees 26 minutes 38 seconds E for a distance of 145.99 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 172.00 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 110.00 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 92.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 57.43 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 194.00 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 417.08 feet; thence run N 62 degrees 06 minutes 50 seconds E for a distance of 159.99 feet; thence run S 62 degrees 10 minutes 48 seconds E for a distance of 72.21 feet; thence run S 08 degrees 40 minutes 56 seconds E for a distance of 180.80 feet; thence run S 05 degrees 27 minutes 50 seconds W for a distance of 57.85 feet; thence run S 36 degrees 50 minutes 11 seconds E for a distance of 78.49 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 75.59 feet; thence run N 42 degrees 26 minutes 38 seconds E for a distance of 408.48 feet; thence run N 83 degrees 41 minutes 44 seconds E for a distance of 61.16 feet; thence run northeasterly along the arc of a curve to the right having a radius of 123.94 feet, a delta angle of 89 degrees 04 minutes 55 seconds, a chord bearing of N 39 degrees 29 minutes 25 seconds E, a chord length of 173.86 feet, and an arc length of 192.69 feet, for a distance of 192.69 feet; thence run northeasterly along the arc of a curve to the left having a radius of 27.23 feet, a delta angle of 137 degrees 09 minutes 52 seconds, a chord bearing of N 15 degrees 26 minutes 56 seconds E, a chord length of 50.71 feet, and an arc length of 65.20 feet, for a distance of 65.20 feet; thence run N 53 degrees 08 minutes 00 seconds W for a distance of 25.57 feet; thence run N 36 degrees 52 minutes 00 seconds E for a distance of 112.85 feet to a point on the westerly right-of-way of Highway 463; thence run southerly along the westerly right-of-way of said Highway 463 for the following calls: S 53 degrees 08 minutes 00 seconds E for a distance of 61.71 feet; southeasterly along the arc of a curve to the right having a radius of 1382.39 feet, a delta angle of 23 degrees 19 minutes 57 seconds, a chord bearing of S 41 degrees 28 minutes 01 seconds E, a chord length

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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of 559.07 feet, and an arc length of 562.95 feet, for a distance of 562.95 feet; thence leaving said westerly right-of-way, run S 60 degrees 11 minutes 57 seconds W for a distance of 232.07 feet; thence run southwesterly along the arc of a curve to the right having a radius of 123.94 feet, a delta angle of 29 degrees 47 minutes 02 seconds, a chord bearing of S 75 degrees 05 minutes 28 seconds W, a chord length of 63.70 feet, and an arc length of 64.42 feet, for a distance of 64.42 feet; thence run S 89 degrees 58 minutes 59 seconds W for a distance of 8.95 feet; thence run S 01 degrees 11 minutes 31 seconds W for a distance of 89.16 feet; thence run S 47 degrees 33 minutes 22 seconds E for a distance of 121.58 feet; thence run S 42 degrees 26 minutes 38 seconds W for a distance of 182.60 feet to the Point of Beginning. This parcel contains 17.58 acres, more or less.

2. That the Madison County Zoning Ordinance, the Zoning District Map, and the county's Land Use Plan be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.
3. That, however, the variances sought in said Petition be, and they are hereby denied.
4. That the Master Plan of Livingston Township be, and it is hereby adopted as depicted on Exhibit 10-A.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 17<sup>th</sup> day of August, 2009,

The foregoing question having been called on the foregoing motion, and the foregoing Ordinance was submitted to the Board of Supervisors for passage or rejection on roll call vote, said vote being as follows, to wit:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of the Board (4-1) and said Ordinance was and is hereby adopted.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Approval of Consent Agenda Items***

WHEREAS, the Board President announced that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (2) through (17) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any item be removed from the Consent Agenda, and

WHEREAS, Supervisor D. I. Smith did request that Consent Item Nos. 3 and 4 be removed from the Consent Agenda and addressed separately, and

WHEREAS, Supervisor Tim Johnson requested that Item No. 17 be removed from the Consent Agenda and withheld from further consideration at present,

Therefore, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to take the following actions on the Consent Agenda:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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2. **Acknowledge Legal Holiday - Monday, September 7, 2009, Labor Day. All county offices and courthouses are authorized to close on said date.**
5. **Authorize Fee Increase for Right of Way Acquisition -ROW Consultants, Inc.- Bouldin Property**  
(A true and correct copy of that certain email dated August 6, 2009 from Woody Sample of Right of Way Consultants, Inc. is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
6. **Approve Application to Expend Avails of One Mill Levy - Section 27-39-329(b) Mississippi Code of 1972**  
(A true and correct copy of which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
7. **Declare Certain Inventory Items as Surplus and Delete from Inventory**  
(A true and correct copy of that certain memorandum dated August 13, 2009 from Inventory Control Clerk Loretta Phillips is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
8. **Authorize All Supervisors, County Administrator, Comptroller, Board Attorney, and Chancery Clerk to Attend the MAS Fall County Government Workshop October 12-14, 2009, Starkville, Mississippi and Approve Travel and Registration Expenses Related Thereto.**
9. **Authorize Renewal of Annual Maintenance and Support - DRV Technologies Inc. For the Tax Assessor's Office**  
(A true and correct copy of invoice is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
10. **Approve Right of Way Acquisition and Relocation Work - Joe Carter and Twin Harbors Drainage Projects**  
(A true and correct copy of that certain memorandum dated August 11, 2009 from Mr. Woody Sample of ROW Consultants, Inc. is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
11. **Acknowledge Clerk of the Board Report**  
(A true and correct copy of which is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
12. **Approve *En Masse* Petitions for Increases of Assessments of Real Property for the 2008 Tax Year**  
(A true and correct copy of Petitions, as accepted by taxpayers, are attached hereto as Collective Exhibit H, spread hereupon and incorporated herein by reference.)
13. **Approve *En Masse* Petition for Reduction of Assessments of Real Property for the 2008 Tax Year**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit I, spread hereupon and incorporated herein by reference.)
14. **Approve *En Masse* Petition for Reduction of Assessments of Personal Property for the 2008 Tax Year**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference.)
15. **Approve Amended Homestead Applications - 2008 Tax Year**  
(A true and correct copy of said Applications are attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference.)

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**16. Approve Refund for Overpayment of Taxes - John M. Louis, Parcel No. 081A-01-001/01.80 for 2007 taxes**

(A true and correct copy of that certain memorandum from Deputy Tax Assessor Howard Snyder, setting forth the basis for such refund is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and each item was and is hereby approved, adopted, acknowledged, and/or authorized as set forth herein above.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Consideration and Approval of Certain  
Amendment to 16<sup>th</sup> Section Commercial Property Lease Contracts  
And Renewal and Extension of Development Lease Contract***

WHEREAS, the Madison County School Board has approved the following Amendments to 16<sup>th</sup> Section Commercial Property Lease Contracts and forwarded them to the Board for review and approval, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes:

Lessees: Magnolia Laundry Services, LLC  
Description: South ½ of Lot 2 and all of Lot 3, Jones Addition, Town of Flora  
Lease Term: Annual rentals in advance in the amount of \$450.00 beginning with June 25, 2009 payment, subject to the rent adjustment clause included in lease

Lessees: Magnolia Laundry Services, LLC  
Description: Approx. 4.472± acres with leasehold title vested in the Flora Gin and Mill Company, in Section 16, T8N, R1W, Madison county, Mississippi  
Lease Term: Annual rentals in advance in the amount of \$3,384.00 beginning with June 26, 2009 payment, subject to the rent adjustment clause included in lease

Lessees: Magnolia Laundry Services, LLC  
Description: .27± acres being a lot or parcel of land fronting 40.0 feet on the South side of Main Street 60 feet off of the West side of Lot 6, Block 27 Jones Addition, Town of Flora AND a lot or parcel of land fronting 40.0 feet on the South side of Main Street as same now exists, and Lot 7, Block 27 Jones Addition, Town of Flora  
Lease Term: Annual rentals in advance in the amount of \$835.00 beginning with August 17, 2009 payment, subject to the rent adjustment clause included in lease

Lessees: Livingston Development Corporation  
Description: Lots 5, 8, 11, 12, 13, 14, 24, 25, 31, 32, 35, 37, 40, 41, 45, 46, 52, 54, 55, 56 and 57, Livingston Subdivision, Part 1  
Lease Term: See Lease for Terms of Payment

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the 16th Section Leases as set forth above, as submitted by the Madison County School Board. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) and said leases were and are hereby approved.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Acknowledge Region 8 Mental Health Annual Report***

WHEREAS, Director of Region 8 Mental Health, Mr. Dave Vann appeared before the Board and presented the annual report for Region 8 Mental Health and further expressed his appreciation for the relationship between Madison County and Region 8,

Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of the aforementioned report, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said report was and is hereby acknowledged.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Approve Appointment to Pearl River Valley Water Supply District Board***

Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to appoint Mr. Trey Bobinger to the Pearl River Valley Water Supply District Board to fill the unexpired term of Mr. Charles Porter. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye <sup>1</sup>
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Bobbinger was and is hereby appointed to fill said unexpired term.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

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<sup>1</sup>After casting his vote on this matter, Mr. Crosby excused himself from the meeting.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_



**In re: Authorize Building Permit -  
Lot 11, West Madison Estates**

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented that certain correspondence dated August 6, 2009 from Priester Law Firm, LLC requesting Madison County allow Horizon Development Company, LLC to convey Parcel B, as depicted on ROW Plat - Johnson Line Road, attached hereto as Exhibit M spread hereupon and incorporated herein by reference, as a permanent right of way to Hinds County to replace Johnson Line Bridge, and

WHEREAS, a true and correct copy of that certain correspondence from Priester Law Firm, LLC is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize Mr. Sellers to issue a building permit for right of way for bridge replacement program for Hinds County. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Sellers was and is hereby authorized.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

**In re: Request to Conduct Revival Services  
Marabella Estates**

WHEREAS, Mr. Edward Jones appeared before the Board and requested permission to place a tent for a three day revival in the Marabella Estates Subdivision on King Ranch Road on September 14-16, 2009,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the placement of a tent for a three day revival on September 14-16, 2009 in the Marabella Estates Subdivision subject to Mr. Jones working with the Zoning Administrator on the parking issues. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Jones was and is hereby authorized with the aforementioned proviso.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

**In re: Consideration of Zoning Violation -  
Tommie & Diane Lumpkin**

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and advised the Board of what he deemed to be a zoning violation of Tommie and Diane Lumpkin regarding grazing of a horse on their property located at 399 Highway 17, and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the Board Attorney to send a demand letter to Mr. and Mrs. Lumpkin of the zoning violation on their property. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Board Attorney was and is hereby authorized.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Discussion of Angeline Development (King Ranch Road)***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented certain correspondence dated August 17, 2009 from Mr. C. R. Montgomery of Montgomery McGraw Collins & O’Cain, PLLC on behalf of Angeline Development, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Sellers reported that Angeline Development has submitted a revised development plan that includes the construction of a lake as part of the development, and

WHEREAS, Angeline Development is requesting permission to remove dirt from this site *via* an easement east to Railroad Street to Green Acres and to Highway 16,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to allow Angeline Development to haul excess dirt from the site on King Ranch Road following the aforementioned route and subject to said project being completed with an eighteen (18) month period and the posting of a bond of a sufficient amount to be determined by the County Engineer for the protection of public roads. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Angeline Development was and is hereby authorized subject to the aforementioned proviso.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Request to Advertise for Bids -  
South Madison Fire Protection District Station #2***

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested permission to advertise for bids for the construction of the South Madison Fire Protection District Station #2 , and

WHEREAS, Mr. Pigg also presented a design as a model for all future fire stations and requested the Board adopt same, a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference,

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) authorize the advertising for bids for the construction of the South Madison Fire Protection District Station #2 and (2) adopt the design as a model for the construction of future volunteer fire stations. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Pigg was and is hereby authorized and the design for volunteer fire stations was and is hereby adopted.

SO ORDERED this the 17<sup>th</sup> day of August , 2009.

***In re: Report on Mississippi State Health Department Grant for Mosquito Control and Authorization to Disburse Insurance Rebate Monies***

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested the Board enter into a contract with the Mississippi State Health Department for grant monies to be used for mosquito control, and

WHEREAS, Mr. Pigg reported that the county would receive a maximum payout of \$38,586.85 that would be required to be expended between September 1, 2009 and December 31, 2009,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to enter into a contract with Mississippi State Health Department for grant monies to be used for mosquito control. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Pigg was so authorized.

SO ORDERED this the 17<sup>th</sup> day of August , 2009.

Thereafter, Mr. Pigg requested permission to distribute insurance rebate monies to those districts that are in compliance with state insurance rebate regulations. Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the distribution of insurance rebate monies to those districts that are in compliance with state insurance rebate regulations. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 17<sup>th</sup> day of August , 2009.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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***In re: Request to Purchase Chain Saws***

WHEREAS, Emergency Management Director Butch Hammack, appeared before the board and requested the Board authorize him to purchase four (4) chain saws for the Volunteer Fire Departments within the county,

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to approve the requested purchase, with the money used to be taken from the budget of the Emergency Management Agency. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Hammack was and is hereby authorized.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Request to Set a Public Hearing on the Budget and Tax Levy FY 2010***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and requested permission to set a public hearing for consideration of the county’s FY 2010 Budget and Tax Levy,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to declare, set and establish September 8, 2009 at 9:00 a.m. as the date for holding a public hearing on the county’s proposed budget for FY 2010 and the 2010 tax levy concurrently and to direct the Chancery Clerk to advertise the same by publication. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said public hearing was and is hereby set for September 8, 2009 and the Chancery Clerk was and is hereby authorized.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Request to Install Handicap Parking Spaces***

WHEREAS, County Administrator Donnie Caughman appeared before the board and requested permission to add two handicap parking spaces on the north side of the Courthouse Square,

Following discussion, Mr. Tim Johnson did offer and Mr. D.I. Smith did second a motion to authorize placement of one handicap parking space on the north side of the Courthouse Square. The voting on the matter is as follows:

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said request was and is hereby approved.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: West Sowell Road Project–Illinois Central Railroad***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and informed the Board of the need to begin closing Old Jackson Road due to concerns about public safety

WHEREAS, Mr. Warnock did provide an agreement made with the Illinois Central Railroad Company that would allow the Road Manager to begin the aforesaid closing is attached as Exhibit Q, and

WHEREAS, Mr. Warnock did request the Board approve and adopt said agreement and authorize the Board President to execute the same,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve and adopt of the agreement to close Old Jackson Road, in the interest of public safety, between the Madison County Board of Supervisors and the Illinois Central Railroad and authorized the President of the Board to execute the same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and previously discussed agreement between the Illinois Central Railroad and the Madison County Board of Supervisors, allowing the closing of Old Jackson Road to commence, was and is accepted and adopted and the Board President was and is authorized to execute the same.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Discussion of the Madison County Road Department Wash Out Facility***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the authorization to move the Madison County Road Department Wash Out Facility from the Justice Court to the Road Department due to environmental concerns,

Following discussion, Mr. Karl M. Banks did offer and Tim Johnson did second a motion to direct Mr. Warnock to develop a cost estimate of the move under and pursuant to his general services contract with Madison County. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

the matter carried by the unanimous vote of those present and Mr. Warnock was and is authorized.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: State Aid Project SAP 45(15)S changes***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and relayed a need for altering the already approved contract relating to State Aid Project SAP 45(15)S

WHEREAS, Mr. Warnock provided an accounting, attached as Exhibit R of the original quantities and costs of materials relating to the execution of said State Aid Project,

WHEREAS, Mr. Warnock demonstrated that monies exceeding that allocated to the project in the amount of \$86,606 remained,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to amend the originally approved contract by reducing the cost allowed from \$413,503.15 to \$367,665.25 and allow the Board President to execute the same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not present and not voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said request was and is hereby approved.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Proposal of Hemphill Construction Regarding the Old Rice Road Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the proposal from Hemphill Construction Company with regards to the Old Rice Road Project

WHEREAS, Mr. Warnock demonstrated that the proposal, attached as Exhibit S, spread hereupon and incorporated herein by reference, allows a savings to the taxpayers of Madison County of approximately \$75,000 after an initial expenditure of \$1,200

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the aforementioned proposal, to authorize Mr. Warnock and Board Attorney Eric Hamer to draft a contract specifically regarding the closure of the road in accordance to the terms outlined in the proposal, and to authorize an expenditure of \$1,200.00. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

the matter carried by the unanimous vote of those present and Mr. Warnock and Mr. Hamer were and are hereby authorized as previously outlined.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Order Correcting, Nunc Pro Tunc,  
the Minutes of July 20, 2009***

ORDER

WHEREAS, the Board has reviewed its Minutes from the July, 2009 term, in particular, the Minutes of the July 20, 2009 meeting and determined that, although correct in all other details, the matter appearing on page 9 of 16 thereof contains an error in that it recites that the Board designated County Administrator Donnie Caughman as the LPA Officer for ARRA Funding Overlay project(s) and directed him to execute certain certificates and any and all other documentation pertaining to said projects, when in fact, it was the intention of the Board to designate Board President Paul Griffin as the LPA Officer for said project and authorize him to execute such certificates, and

WHEREAS, it was further the Board's intention that Mr. Griffin be authorized and directed to request the activation of the ARRA Funding Overlay project(s),

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion (1) to correct, *nunc pro tunc*, the Minutes of the July 20, 2009 meeting of the Board so as to reflect that Board President Paul Griffin was designated as the LPA Officer for ARRA Funding Overlay project(s), and that Mr. Griffin, in such capacity, was directed to execute certain certificates and any and all other documentation pertaining to said projects and to request activation of said project(s); (2) to direct the Chancery Clerk to provide a certified copy of the Minutes of said July 20, 2009 meeting to State Aid and LSBP Engineer John Granberry containing and reflecting the change as directed by this Order as to the item that appears on page 9 of 16 thereof, in such manner as may be satisfactory to the appropriate state and federal Departments of Transportation, including, if necessary the substitution of pages in such certification; and (3) to direct Mr. Granberry to submit such certified copy unto said officials forthwith. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Minutes were and are hereby so corrected and the Chancery Clerk and the State Aid and LSBP Engineer were and are so directed.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Discussion of Drainage at Highway 22/First Street in Flora, MS***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a spreadsheet outlining the cost of the drainage project at Highway 22/First Street in Flora, and

WHEREAS, Mr. Warnock requested an amendment to the road budget in order to provide labor and equipment for this project, and

WHEREAS, it was determined County Administrator Donnie Caughman should draft a letter directed to the mayor of Flora outlining the expenditures the city would be responsible for, specifically the supplies, materials, and items on the spreadsheet

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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WHEREAS, it was determined that six months would be adequate time to accept bids from contractors,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize an amendment to the road budget allowing the County to pay for labor and equipment on the Highway 22/First Street project, to direct Mr. Caughman to outline the City of Flora's responsibilities for the project in a letter, and to authorize the time in which to accept bids as being six (6) months:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Not Present and Not Voting <sup>2</sup>
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the amendment was and is hereby so authorized, Mr. Caughman was and is hereby directed, and the time frame to accept bids was and is hereby authorized.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Approval of Claims Docket for August 17, 2009***

WHEREAS, the Board reviewed the claims docket for August 17, 2009; and

WHEREAS, the Comptroller did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

Fund	Claim Nos.	No. of Claims	Amount
001	3334 to 3400, 3402 to 3412, 3414 to 3454	119	222,782.58
002	16 to 16	1	507.00
012	227 to 231	5	1,688.86
013	30 to 30	1	375.00
051	35 to 35	1	129,374.77
097	348 to 354	7	7,868.08
105	42 to 42	1	10,967.70
114	20 to 20	1	9,025.00
115	91 to 93	3	178.60
116	51 to 53	3	315.67
120	91 to 94	4	294.30
121	46 to 48	3	377.13
150	867 to 888	22	34,085.62
160	339 to 344	6	21,738.27
190	172 to 174	3	2,261.48
302	75 to 76	2	187,637.62
401	17 to 17	1	5,401.61
	TOTAL ALL FUNDS	183	634,879.29

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<sup>2</sup>Prior to call of the question, Mr. Johnson excused himself from the meeting and departed the room.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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**HELD CLAIMS**

Fund	Claim No.	Payee	Amount
001	3401	Bottrell Insurance Agency	\$3,500.00

**REJECTED CLAIMS**

Fund	Claim No.	Payee	Amount
001	3413	Edwards Reporting, Inc.	\$49.00

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the claims docket as presented, less and except the above noted held claims. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit T, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said Claims Docket was and is hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Confirmation of Status and Tax Identification Number  
for the Madison County Nursing Home***

**ORDER**

WHEREAS, on March 7, 2002 this Board entered into a long-term Lease Agreement by and among Madison County, Mississippi, (as Lessor), a political subdivision of the State of Mississippi acting through the Madison County Board of Supervisors, Madison HMA, Inc., a Mississippi corporation (as Lessee), and Health Management Associates, Inc., a Delaware Corporation, and

WHEREAS, said Lease Agreement is recorded in the land records of Madison County, Mississippi in the office of the Chancery Clerk at Book 525, Page 44, together with subsequent amendments thereto, which are also of record, and may be found elsewhere in said land records, and

WHEREAS, as a result of said Lease Agreement and the transaction pertaining thereto, the entity formerly known as the Madison County General Hospital, a non-profit agency of Madison County, Mississippi was conveyed in its entirety unto Madison HMA, Inc. and Health Management HMA, Inc. and became the Madison County Medical Center, a for-profit corporation or entity; however, as a further consequence of said transaction, Madison County, Mississippi, acting through this Board, retained ownership of the Madison County Nursing Home, formerly a branch or subsidiary of the non-profit Madison County General Hospital, and

WHEREAS, in view of the foregoing facts, there is, and has been since March 7, 2002, no such entity known as the Madison County General Hospital, and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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WHEREAS, the Madison County Nursing Home was then and now remains a non-profit agency of Madison County, Mississippi, and

WHEREAS, it was then and now remains the intention of the Board of Supervisors of Madison County, Mississippi that the Madison County Nursing Home, as a non-profit agency of Madison County, Mississippi, and formerly a subsidiary of the Madison County General Hospital, assume and retain tax identification number 64-6009597, formerly assigned to the now non-existent Madison County General Hospital, for its sole use and benefit, and

WHEREFORE, PREMISES CONSIDERED, the Board of Supervisors of Madison County, Mississippi does find and order as follows:

1. The Madison County General Hospital no longer exists, but the Madison County Nursing Home, which was formerly a subsidiary of the Madison County General Hospital does, in fact, exist as a non-profit agency of Madison County, Mississippi.
2. To the extent allowed by law, the Madison County Nursing Home, as a non-profit agency of Madison County, Mississippi, should be allowed to assume and retain tax identification number 64-6009597, which was formerly assigned to the Madison County General Hospital, and
3. The Board of Directors of the Madison County Nursing Home by and through its Executive Director shall immediately provide a certified copy of this Order to the appropriate authorities of the federal government as proof of the status of the Madison County Nursing Home and its existence as a non-profit agency of Madison County, Mississippi.

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve, adopt and enter the foregoing Order. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the above and foregoing Order was and is hereby approved, adopted and entered.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Approval of Amendment to Agreement to Make Payments in Lieu of Ad Valorem Taxes with Nissan North America and Authorize Board President and Tax Assessor to Same***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented the “Amendment to Agreement to Make Payments in Lieu of Ad Valorem Taxes” with Nissan North America and requested the Board authorize the Board President and himself to execute same, and

WHEREAS, Mr. Johnston did explain to the Board that said agreement had previously been approved on May 4, 2009 and forwarded to the City of Canton for their board’s approval but that the city had never received the agreement,

WHEREAS, a true and correct copy of said Amendment is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference,

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to re-approve and re-adopt the foregoing Amendment and authorize the Board President and the Tax Assessor to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the above and foregoing Amendment was and is hereby approved and adopted.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Accept Resignation of Mr. Robert Winn  
Madison County Citizen Service Agency***

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to accept the resignation of Mr. Robert Winn from the Madison County Citizen Service Agency of Directors effective immediately. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the resignation of Mr. Winn was and is hereby accepted.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

***In re: Acknowledge Receipt of Funds for  
Housing Prisoners and Other Services;  
Approve Donation of Vehicle and Authorize  
Board President Execute Contract***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks representing funds received from various agencies for housing of prisoners and other services as follows:

<u>Entity</u>	<u>Amount</u>
Evercom	\$ 13,090.09
City of Flowood	\$ 1,850.00
Valley Foods	\$ 1,888.65
Insurance Proceeds	\$ 195.17

WHEREAS, Sheriff Trowbridge requested permission to declare three (3) certain vehicles bearing VIN #s 2FAFP71W17X140240; 2FAFP71W76X136529 and 2FAFP71W83X169616 be declared surplus and donated to Canton Public School District to be used for security,

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of said checks and approve the donation of said vehicles to Canton Public School District. The vote on the matter being as follows:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said checks were and are hereby acknowledged and the aforementioned vehicles were and are hereby declared surplus and are hereby donated to the Canton Public School District.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

Thereafter, Sheriff Trowbridge requested the Board approve a contract with Southern Health Partners for the use of medical treatment at the jail and authorize and direct the Board President to execute the same.

Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the same and so authorize the Board President. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Board President was and is hereby authorized.

SO ORDERED this the 17<sup>th</sup> day of August, 2009.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, August 24, 2009 for the purpose of consideration of protests and objections to the 2009 real and personal property assessments as previously noticed and any other business which may properly come before the Board.

\_\_\_\_\_  
Paul Griffin, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_