

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

BAIN FOOTE

PETITIONER

PETITION TO AMEND THE PLAT OF THE J.R. DAVIS SUBDIVISION

Bain Foote (“Petitioner”), by counsel, hereby respectfully petitions the County of Madison, pursuant to Mississippi Code Section 17-1-23(4), to amend the plat of the J.R. Davis Subdivision (the “Subdivision”) in order to subdivide Lot No. 3 of the Subdivision as described below.

1.

The existing plat of the J.R. Davis Subdivision was filed on September 25, 1945 and is attached as **Exhibit “A”** (the “Plat”). As shown on the Plat, the Subdivision is comprised of 10 individual lots that are bordered on the East by U.S. Highway 51 and on the West by the Illinois Central Railroad.

2.

Petitioner, Bain Foote, is the owner of Lot No. 3, which is approximately 4.147 acres. Mr. Foote operates a medical business on the Eastern half of Lot No. 3. For the Board’s reference, a street-view photograph of the property taken from Highway 51 on the West and facing East is attached as **Exhibit “B”**. Mr. Foote's business operates in the building shown in the photo.

3.

Mr. Foote does not meaningfully use the Western half of Lot No. 3 (which is the land located behind the building shown in the photo attached as Exhibit “B”). Therefore, he desires to subdivide and sell a one (1) acre parcel on the farthest Western end of Lot No. 3. In connection with the proposed subdivision of said one acre parcel, Mr. Foote will grant an access easement over his remaining property to provide ingress and egress from Highway 51 to that parcel. Said easement will be located in an area where there is already a driveway constructed (see driveway on the left/south side of the building shown in the photo attached as Exhibit “B”). The exact location and size of the proposed subdivided one (1) acre parcel and access easement are shown on the Plat of Survey attached hereto as **Exhibit “C”**.

4.

Such subdivision of Lot No. 3 will allow for a better, more productive use of this land and, as a result, will likely generate greater property tax revenues for the County. Petitioner is not aware of any compelling reason why this lot subdivision should not be allowed. According to the tax maps available online, it appears that various other Lots in the Subdivision have been subdivided previously.

5.

For these reasons, Mr. Foote respectfully requests that the Board of Supervisors approve the amendment of the Plat to allow for the above described subdivision of Lot No. 3 as set forth in the proposed *Amendment to Plat*, which is attached hereto as **Exhibit "D"**. Should the Board grant this Petition, Petitioner will record the attached *Amendment to Plat* in the land records as is required by Mississippi Code Section 17-1-23(4).


6.

Under Mississippi Code Section 17-1-23(4), the Board of Supervisors has the authority to grant this Petition and amend the Plat as requested because all parties directly interested in the Plat - specifically all of the owners of all of the lots in the Subdivision - have been made aware of this action and have unanimously agreed in writing to the proposed amendment. The unanimous agreement of the interested parties/lot owners is evidenced by their signatures on the proposed *Amendment to Plat*. See Exhibit "D".

7.

Petitioner respectfully requests that the County consider and grant this Petition as soon as possible. Time is of the essence with respect to this matter because Petitioner currently has a willing and able buyer for the proposed one acre parcel.

Respectfully submitted: March 13, 2017.

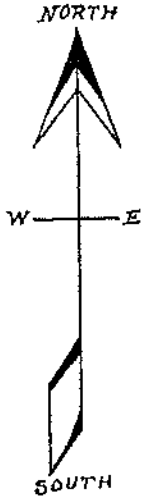


Petitioner, by Counsel

Presented by counsel for the Petitioners:
Matthew T. Vitart, Esq.
MS Bar# 103552
RANDALL, SEGREST, WEEKS, REEVES &
SONES, PLLC
992 Northpark Drive, Suite A
Ridgeland, MS 39157
(601) 362-1015 (office)
mvitart@randallsegrest.com

EXHIBIT A
EXISTING PLAT

[SEE ATTACHED]

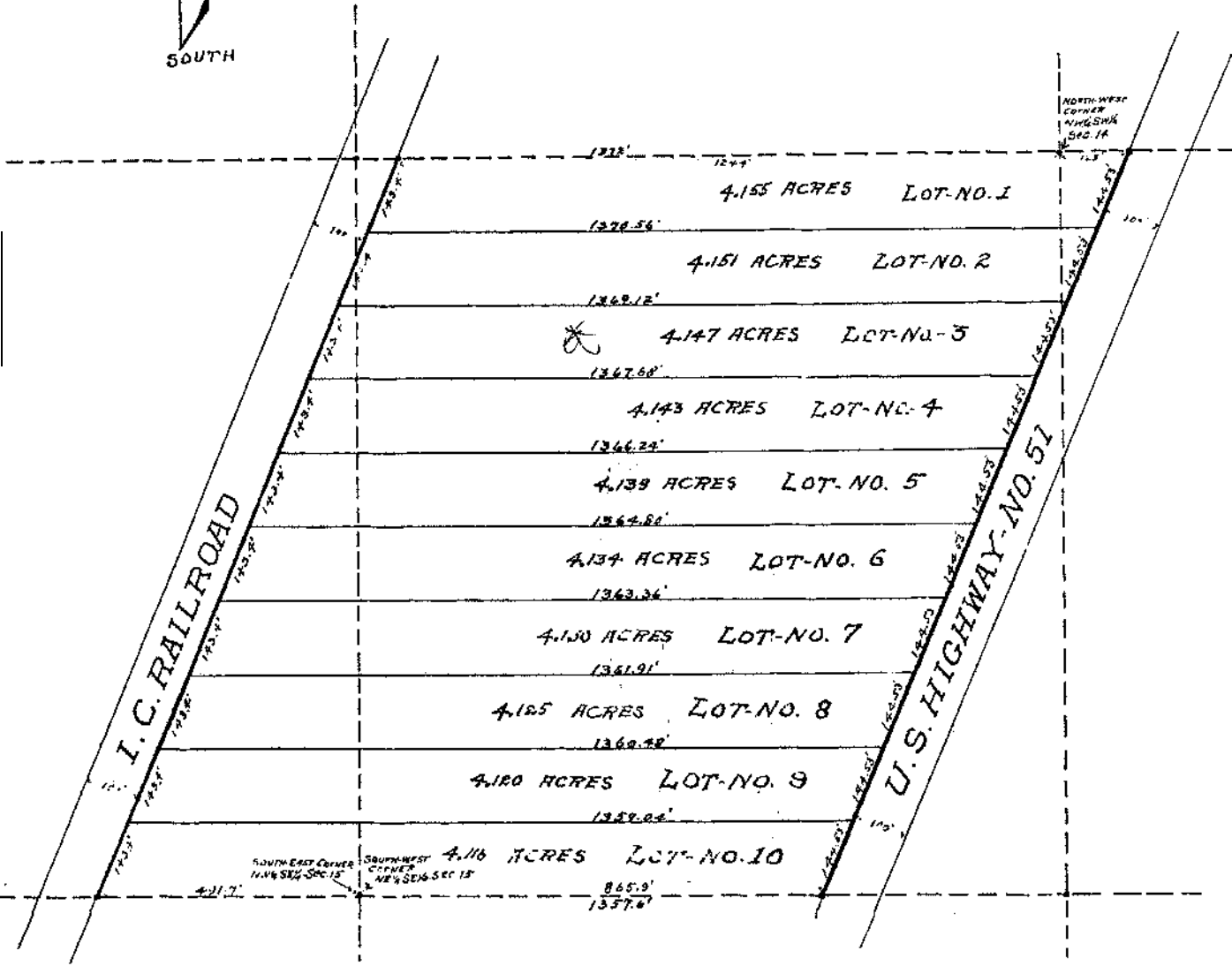


**PLAT OF
J. R. DAVIS-SUB-DIVISION
SOUTH OF CANTON
MADISON COUNTY, MISSISSIPPI.**

SCALE = 1-INCH = 150 FEET

T-8-N-R-2-E.

Exhibit "A"



We, A. C. Alsworth, Chancery Clerk in and for the County of Madison, State of Mississippi, and H. R. Covington, Surveyor, do hereby certify that we have carefully compared this duplicate plat of J. R. DAVIS-SUB-DIVISION, south of Canton, Miss., to the original plat thereof and that it is an exact copy thereof, and of the whole of said plat.

Signed A. C. Alsworth
Chancery Clerk.

H. R. Covington
Surveyor.

SURVEYORS CERTIFICATE

I hereby certify that I have sub-divided into LOTS the following described tract of land, lying between the Illinois Central Railroad right-of-way and the right-of-way of U. S. Highway # 51, in The County of Madison, State of Mississippi and particularly described as:

All that part of the NW 1/4 SE 1/4, which lies east of the I. C. Railroad right-of-way in Section 15, containing 6.43 acres, more or less; and all that part of the NW 1/4 SE 1/4, which lies east of the right-of-way of the I. C. Railroad and WEST of the right-of-way of U. S. Highway # 51, in Section 15, containing 34.46 acres, more or less; and all that part of the NW 1/4 SE 1/4, which lies west of the right-of-way of U. S. Highway # 51, in Section 14, containing 0.42 acre, more or less, all in T-8-N-R-2-E, Madison County, Mississippi.

And I further certify that the within plat is a correct representation of said property and said sub-division. Witness my hand and seal this the 25th day of Sept., 1945.

Signed H. R. Covington
Surveyor.

OWNERS CERTIFICATE

I, J. R. Davis, owner of the tract of land described in the Surveyors Certificate attached hereto, of H. R. Covington, Surveyor, do hereby certify that I have caused the same to be SUB-DIVIDED and PLOTTED in the manner shown on the within plat of J. R. Davis-Sub-division, and that such sub-division is my free act and deed, in witness thereof I have hereunto set my hand and seal this the 25th day of Sept., 1945.

Signed J. R. Davis
Owner.

County of Madison
State of Mississippi
Personally appeared before me, Chancery Clerk in and for Madison County, Miss., the within named J. R. Davis, who executed the attached owners certificate and acknowledged the signing of same on the day and year therein mentioned as his voluntary act and deed; and at the same time and place appeared H. R. Covington who executed the attached Surveyors Certificate and acknowledged that he signed the same as his free act and deed, and each of them acknowledged that they signed and delivered as their free act and deed. Witness my hand and official seal this the 25th day of September, 1945.

Signed A. C. Alsworth
Chancery Clerk.

Filed Sept. 25-1945.

EXHIBIT B
PHOTO OF PROPERTY FROM HIGHWAY 51

[SEE ATTACHED]

2131 US-51

Exhibit "B"

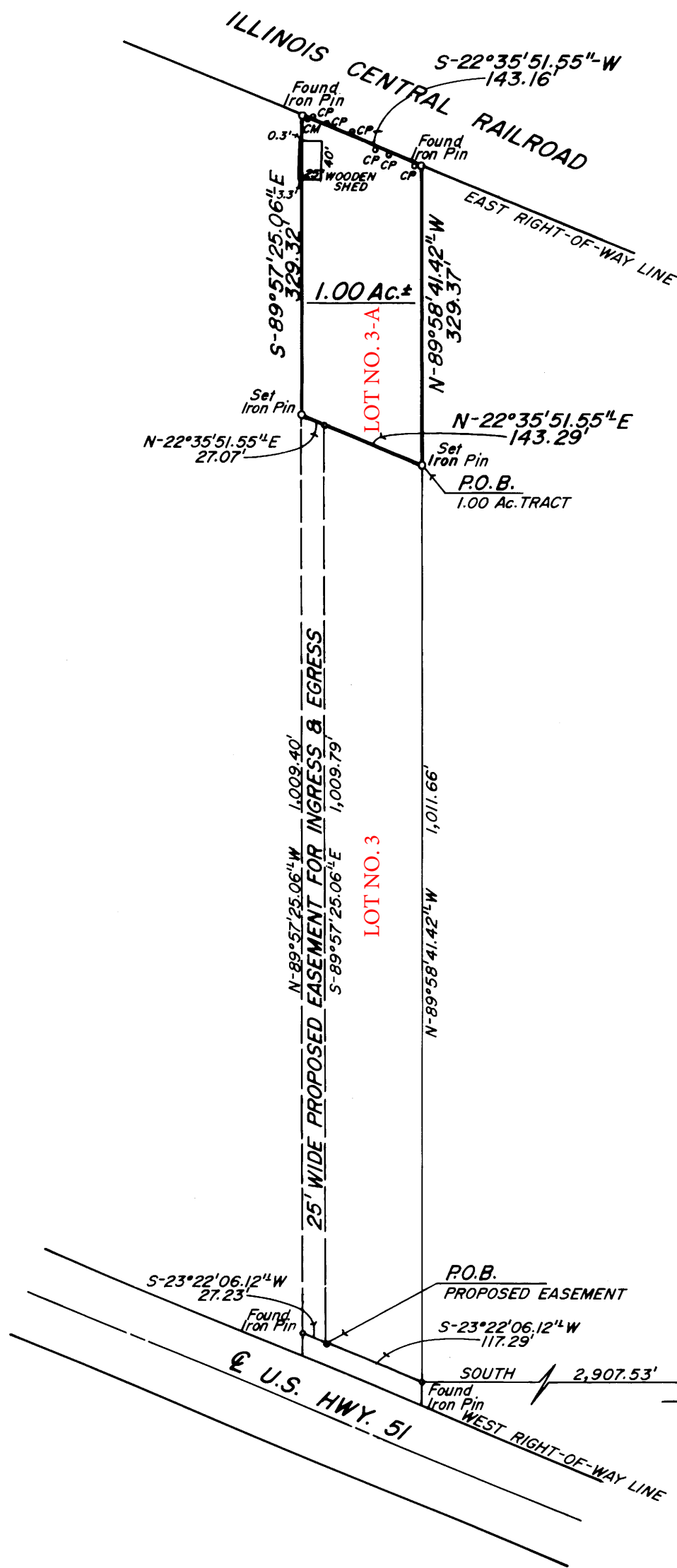


Image capture: May 2016 © 2017 Google

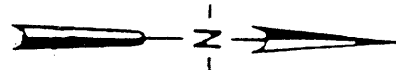
Madison, Mississippi
Street View - May 2016

EXHIBIT C
SURVEY OF PROPOSED
AMENDMENT LOT NO. 3 AND NEW
LOT NO. 3-A

[SEE ATTACHED]



LEGEND
 ○ CP-CONCRETE POST
 ○ CM-CONCRETE MONUMENT



SURVEYORS NOTES:

1. A title search of the Public Records has not been performed by Bailey Engineering & Land Surveying, LLC, and the lands shown hereon were not abstracted for recorded or unrecorded easements and/or rights-of-way and rights-of-way and easements may differ from those shown.
2. The position/location and existence of underground features such as foundation footings, storm sewer piping, sanitary sewer piping, water piping and other utilities shown hereon are based on above ground features or on information furnished to us and the actual position/location and existence of said features may differ from what is shown.
3. This survey does not address zoning, setback or other restriction which the lands shown hereon may be subject to.

Surveyor's Certificate

I, J. Thomas Bailey, Registered Professional Land Surveyor, do hereby certify that the survey depicted hereon was actually made upon the ground and that to the best of my knowledge it and the information, courses and distances shown thereon are correct.

BAILEY ENGINEERING & LAND SURVEYING, LLC
 2112 CROSSBRIDGE BOULEVARD
 JACKSON, MISSISSIPPI 39272

By: J. Thomas Bailey, PLS 1994
 Registered Professional Land Surveyor
 Phone No.: (601) 373-9621

Date:

NOTE:
 REFERENCE BEARING FROM SURVEY
 FOR CALYX MEDICAL SERVICES, LLC
 BY MENDROP ENGINEERING SERVICES
 DATED: 06/26/13.

SURVEY-CLASS "B"

DESIGNED:		SCALE: 1"=150'			
DRAWN: R. DALE		DWG. NO: 17-201			
APPROVED: T. BAILEY					
DATE: JANUARY, 2017					
REV. NO.	DATE	NATURE OF REVISION	BY	CHKD.	APPD.

BAILEY ENGINEERING & LAND SURVEYING, LLC
 BYRAM, MISSISSIPPI

PLAT OF SURVEY
 OF 1.00 ACRE PARCEL OF LAND LOCATED ON
 U.S. HWY. 51 IN THE SOUTHEAST QUARTER OF
 SECTION 15, T-8-N, R-2-E
 MADISON COUNTY, MISSISSIPPI

EXHIBIT D
PROPOSED AMENDMENT TO PLAT

[SEE ATTACHED]

Exhibit "D"

Prepared by and Return to:

Matthew Vitart, Esq.
Randall, Segrest, Weeks, Reeves &
Sones, PLLC
992 Northpark Drive, Suite A
Ridgeland, MS 39157
601-956-2615
www.randallsegrest.com
File No. 824-02

Indexing Instructions:

Plat Book ____, Page ____
J.R. Davis Subdivision
Madison County, Mississippi

Marginal Notation:

Book ____, Page ____

AMENDMENT TO PLAT

WHEREAS, a Plat of the J.R. Davis Subdivision, a subdivision of Madison County, Mississippi (the "Subdivision"), was filed on September 25, 1945 in the land records of the Chancery Clerk of Madison County, Mississippi (the "Plat"); and

WHEREAS, the current owner of existing Lot No. 3 of the Subdivision as shown on the Plat desires to subdivide a one (1) acre parcel from the western end of existing Lot No. 3 in order to create a new one (1) acre lot as shown on the Plat of Survey dated January 2017 prepared by Bailey Engineering & Land Surveying, LLC, which is attached hereto as **Exhibit "A"**, such new lot to be known and described as "Lot No. 3-A" of the Subdivision; and

WHEREAS, the undersigned, being all of the owners of all lots in the J.R. Davis Subdivision, approve amending the Plat in order to alter existing Lot No. 3 and to create said new Lot No. 3-A; and

WHEREAS, this document is executed for amending the Plat in order to alter existing Lot No. 3 and to create said new Lot No. 3-A as described above, and for the purpose of perfecting and ratifying said Plat and the changes to the Plat set forth in this amendment.

NOW, THEREFORE, the Plat of the J.R. Davis Subdivision is hereby amended as follows:

- 1) Lot No. 3 is amended to the dimensions set forth on the Plat of Survey attached hereto as Exhibit "A";
- 2) A new lot to be known and described as "Lot No. 3-A" is hereby established on the Plat according to the dimensions set forth on the Plat of Survey attached as Exhibit "A"; and
- 3) A perpetual, non-exclusive 25 foot wide easement appurtenant for ingress and egress as described on the Plat of Survey attached hereto as Exhibit "A" is granted by the undersigned owner of Lot No. 3 for the benefit of the current and future owners of Lot No. 3-A, and said easement is hereby established on the Plat.

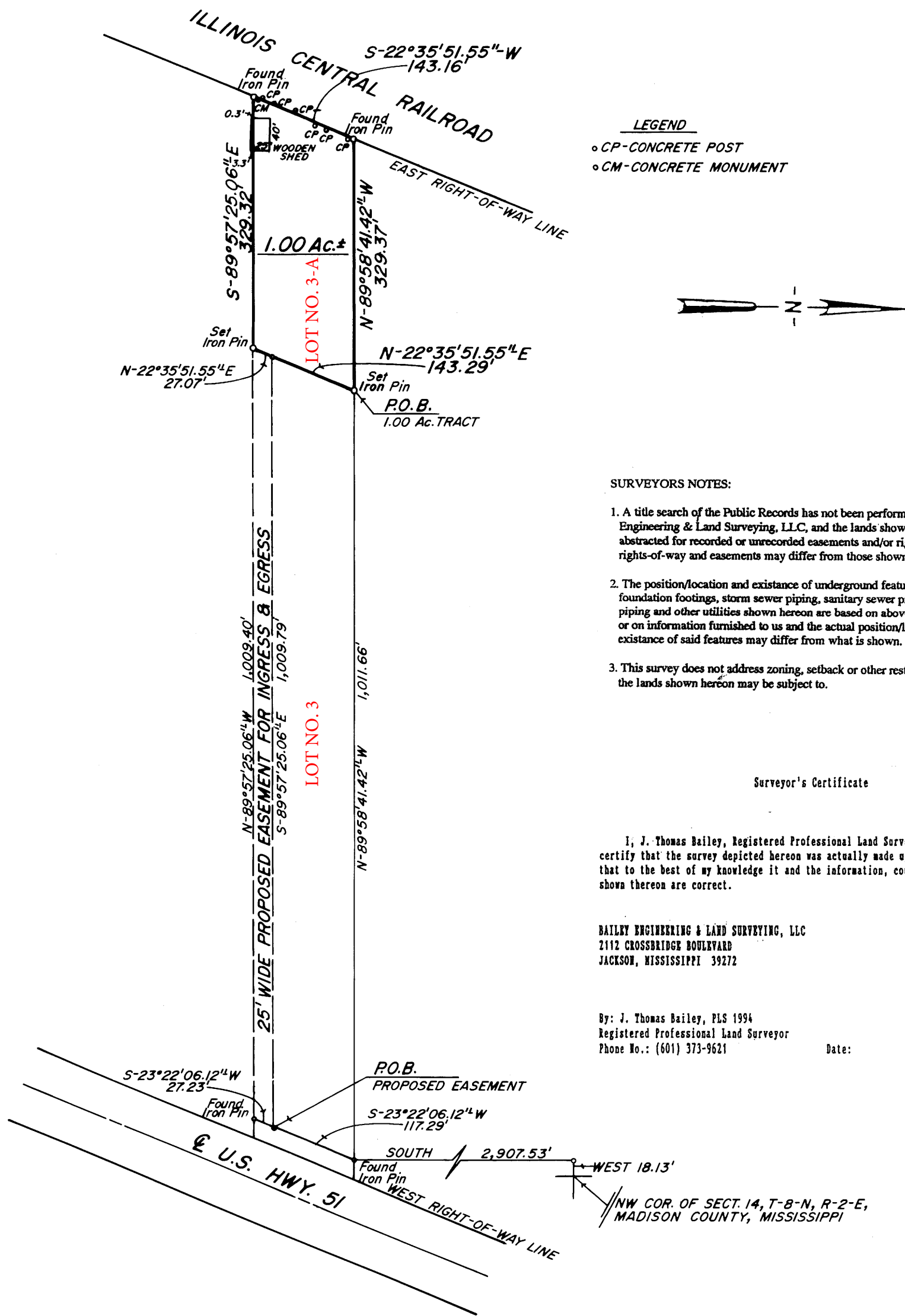
The undersigned do hereby authorize, appoint and direct the Chancery Clerk of Madison County as their attorney-in-fact to note this ratification on the Plat.

This instrument may be executed in counterparts, each of which constitutes an original and all of which taken together shall constitute one and the same document.

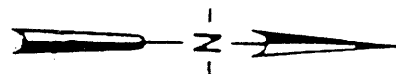
[Remainder of page left blank. Exhibit "A" and signature pages follow.]

EXHIBIT "A"
PLAT OF SURVEY OF ALTERED LOT NO. 3 AND
NEW LOT NO. 3-A

[SEE ATTACHED]



LEGEND
 ○ CP - CONCRETE POST
 ○ CM - CONCRETE MONUMENT



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 JACKSON, MISSISSIPPI 39272

By: J. Thomas Bailey, PLS 1994
 Registered Professional Land Surveyor
 Phone No.: (601) 373-9621

Date:

NOTE:
 REFERENCE BEARING FROM SURVEY
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 DATED: 06/26/13.

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DESIGNED:		SCALE: 1" = 150'			
DRAWN: R. DALE		DWG. NO: 17-201			
APPROVED: T. BAILEY					
DATE: JANUARY, 2017					
REV. NO.	DATE	NATURE OF REVISION	BY	CHKD.	APPD.

BAILEY ENGINEERING & LAND SURVEYING, LLC
 BYRAM, MISSISSIPPI

PLAT OF SURVEY
 OF 1.00 ACRE PARCEL OF LAND LOCATED ON
 U.S. HWY. 51 IN THE SOUTHEAST QUARTER OF
 SECTION 15, T-8-N, R-2-E
 MADISON COUNTY, MISSISSIPPI

WITNESS THE SIGNATURE of the undersigned this 2 day of March, 2017.

Owner Lot No. 1

IMAJ, LLC

By: IMAJ, LLC
Name: George Whitten
Title: Director

STATE OF MISSISSIPPI

COUNTY OF Madison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 2nd day of March 2017, within my jurisdiction, the within named George Whitten, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that he executed the same in his representative capacity, and that by his signature on the instrument, and as the act and deed of the person or entity upon behalf of which he acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

Rhonda J. Foxx
Notary Public
Printed Name: Rhonda J. Foxx

My commission expires: August 3, 2020

(Affix official seal, if applicable)



[Signature page of Owner of Lot No. 1 to *Amendment of Plat* of J.R. Davis Subdivision]

WITNESS THE SIGNATURE of the undersigned this 15 day of February, 2017.

Owner of Lot No. 2

Gluckstadt Security Storage, LLC

By: [Signature]
Name: Broadus V. Stewart Jr.
Title: President

STATE OF MISSISSIPPI

COUNTY OF Madison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 15th day of February 2017, within my jurisdiction, the within named Broadus V Stewart Jr who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that he executed the same in his representative capacity, and that by his signature on the instrument, and as the act and deed of the person or entity upon behalf of which he acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

[Signature]
Notary Public
Printed Name: Renee Hutchison

My commission expires: 2/19/2017

(Affix official seal, if applicable)



[Signature page of Owner of Lot No. 2 to Amendment of Plat of J.R. Davis Subdivision]

WITNESS THE SIGNATURE of the undersigned this 15th day of February, 2017.

Owner of Lot No. 3

Signature: [Handwritten Signature]
Printed Name: Bain Foote

STATE OF MISSISSIPPI
COUNTY OF Madison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 15th day of February, 2017, within my jurisdiction, the within named Bain Foote, who acknowledged that he executed the above and foregoing instrument.

[Handwritten Signature]
Notary Public
Printed Name: Renee Hutchison

My commission expires: 2/19/2017
(Affix Seal)



[Signature page of Owner of Lot No. 3 to *Amendment of Plat* of J.R. Davis Subdivision]

WITNESS THE SIGNATURE of the undersigned this 15 day of February, 2017.

Owner of Part of Lot Nos. 4, 5, 6, 7, 8, 9 and 10

MMC Materials, Inc.

By: MMC Materials Inc.
Name: MARK Mc Cormick
Title: Safety + Environmental Manager

STATE OF MISSISSIPPI

COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 15 day of February 2017, within my jurisdiction, the within named MARK Mc Cormick who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that he executed the same in his representative capacity, and that by his signature on the instrument, and as the act and deed of the person or entity upon behalf of which he acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

Wendy C. Yoakum
Notary Public
Printed Name: Wendy C. Yoakum
My commission expires: June 18, 2017

(Affix official seal, if applicable)



[Signature page of Owner of Part of Lot Nos. 4, 5, 6, 7, 8, 9 and 10 to *Amendment of Plat* of J.R. Davis Subdivision]

WITNESS THE SIGNATURE of the undersigned this 13 day of February, 2017.

Owner of Part of Lot Nos. 4 and 5

Keeling Company

By: [Signature]
Name: Joe E. Keeling Jr.
Title: CEO

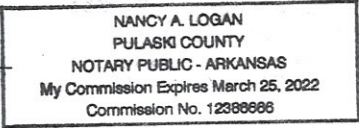
Arkansas

STATE OF ~~MISSISSIPPI~~

COUNTY OF Pulaski

Personally appeared before me, the undersigned authority in and for the said county and state, on this 13 day of February 2017, within my jurisdiction, the within named Owner, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that he executed the same in his representative capacity, and that by his signature on the instrument, and as the act and deed of the person or entity upon behalf of which he acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

[Signature]
Notary Public
Printed Name: Nancy A. Logan
My commission expires: 3-25-22



(Affix official seal, if applicable)

[Signature page of Owner of Part of Lot Nos. 4 and 5 to *Amendment of Plat* of J.R. Davis Subdivision]

WITNESS THE SIGNATURE of the undersigned this 3rd day of March, 2017.

Owner of Part of Lot Nos. 6, 7, 8, 9 and 10

Deviney Brothers, Inc.

By: [Signature]
Name: Billy Deviney
Title: Owner

STATE OF MISSISSIPPI

COUNTY OF Madison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 3rd day of March 2017, within my jurisdiction, the within named Billy Deviney, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that he executed the same in his representative capacity, and that by his signature on the instrument, and as the act and deed of the person or entity upon behalf of which he acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

[Signature]
Notary Public
Printed Name: Jonathan McMillan

My commission expires: June 9th 2017

(Affix official seal, if applicable)



[Signature page of Owner of Part of Lot Nos. 6, 7, 8, 9 and 10 to Amendment of Plat of J.R. Davis Subdivision]