LAW OFFICES OF ANDY J. CLARK, PLLC

567 HIGHWAY 51 NORTH, SUITE C RIDGELAND, MS 39110

P-601-622-7334 andy@andyjclark.com F-601-898-1025

September 1, 2017 VIA HAND DELIVERY

Mr. Carl Allen Zoning Administrator Madison County Planning and Zoning Commission P.O. Box 608 Canton, MS 39046

Re: Re-Zoning Petition / Peters Real Estate, LLC

Parcel No.: 082E-21-004/02 R-1 Residential to C-2 Highway Commercial

Dear Carl:

cc:

I have been retained by Peters Real Estate, LLC in regards to their application and petition to Re-Zone a portion of Parcel No.: 082E-21-004/02 from its current designation of R-1 Residential District to C-2 Highway Commercial District. Please see the attached documents:

- 1. Application for Re-Zoning with legal description and survey plat attached as Exhibit "A."
- 2. Warranty Deed showing ownership in the property to William Everett Tucker, II.
- 3. Letter of Authority from Mr. Tucker granting permission to Peters Real Estate, LLC to submit petition on the property.
- 4. Petition to Re-Zone and Re-Classify Real Property with legal description and survey plat attached as Exhibit "A," and list of changes to support re-zoning attached as Exhibit "B."
- 5. Verification of utilities from Bear Creek Water.
- 6. Notification letter to City of Canton, as their city limits are within one (1) mile of the property.

I will also send you a digital copy of the legal description under separate cover, and ask that this be advertised in the paper, and that a public hearing be set in front of the Planning and Zoning Commission at its October 2017 meeting.

With kindest personal regards, I remain

Very truly yours

Andy J. Clark, Esq.

Peters Real Estate, LLC-Mike and Sam Peters (via email only)

APPLICATION FOR RE-ZONING R-1 RESIDENTIAL TO C-2 HIGHWAY COMMERCIAL

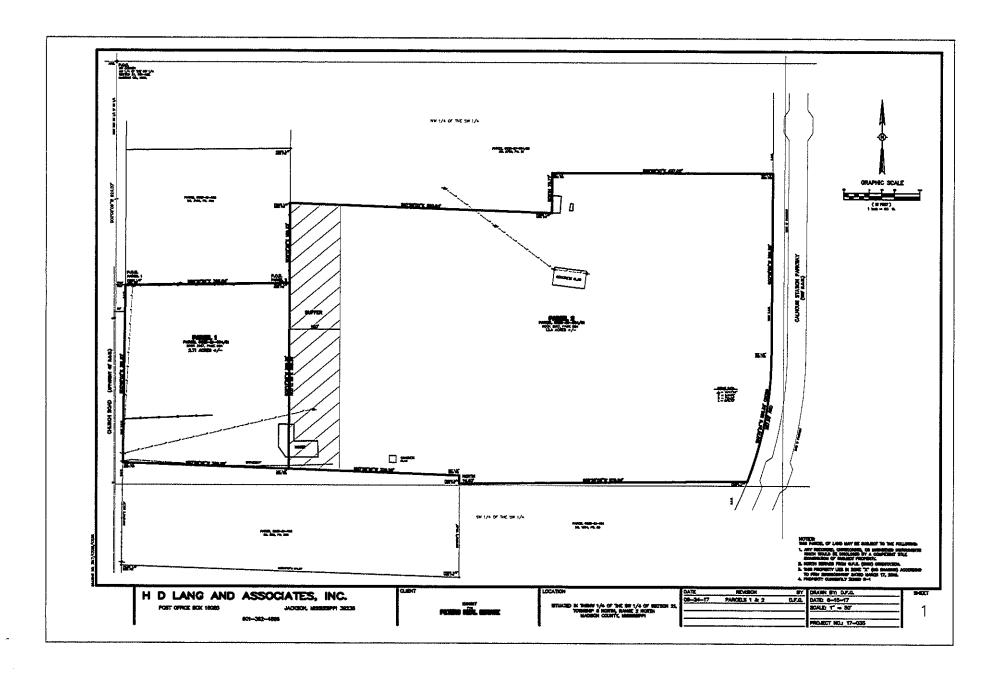
100

Street Address of Property (if different address): Name and Address of Applicant: PETERS REAL ESTATE, LLC 154 CHURCH ROAD 2906 NORTH STATE STREET, STE 201 MADISON, MS 39110 JACKSON, MS 39216 Legal Description FLOOD ZONE APPLICATION Present TAX PARCEL MAP/PLAT OF **PROPERTY** Zoning of of Property: NUMBER DATE Property R-1 See (Exhibit A) 082E-21-004/01 See (Exhibit A) 8/31/17 Other Comments: As per Article 2606 of the Madison County Zoning Ordinance. Comments Respectfully Submitted PETERS REALS ESTATE, LLC SAM PETERS Petition submitted to Madison County Planning and Development Commission on _____ Recommendation of Madison County Planning and Development Commission on Petition Public Hearing date as established by the Madison County Board of Supervisors _____ Final disposition of Petition

EXHIBIT "A"

A certain parcel of land situated in the Northwest ¼ of the Southwest ¼ of Section 21, T8N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Commence at an existing nail marking the Northwest corner of the aforesaid Northwest ¼ of the Southwest ¼ of Section 21, T8N-R2E and run thence South 00 degrees 09 minutes 09 seconds West along the West line of said Northwest ¼ of the Southwest ¼ of said Section 21 for a distance of 924.07 feet to a point; leaving said West line of the Northwest ¼ of the Southwest ¼ of Section 21, run thence East for a distance of 19.0 feet to an existing 1/2" iron pin on the East right-of-way line of Church Road; leaving said East right-of-way line of Church Road, run thence North 89 degrees 10 minutes 26 seconds East for a distance of 326.04 feet to an existing ½" iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, run thence North 00 degrees 12 minutes 28 seconds East for a distance of 159.33 feet to an existing ½" iron pin; run thence South 87 degrees 55 minutes 50 seconds East for a distance of 520.64 feet to an existing 1/2" iron pin; run thence North for a distance of 79.77 feet to a set 1/2" iron pin; run thence South 89 degrees 59 minutes 10 seconds East for a distance of 437.00 feet to a set ½" iron pin on the West right-of-way line of Calhoun Station Parkway; run thence South 00 degrees 19 minutes 05 seconds West along said West right-of-way line of Calhoun Station Parkway for a distance of 359.56 feet to a set ½" iron pin marking the Point of Curvature of a 8.0472 degree curve bearing to the right having a central angle of 70 degrees 47 minutes 35 seconds and a radius of 712.00 feet; run thence southwesterly along said West right-of-way line of Calhoun Station Parkway and along the arc of said curve an arc length of 257.93 feet to an existing 1/2" iron pin: said curve having a chord bearing of South 10 degrees 39 minutes 24 seconds West and a chord distance of 256.53 feet; leaving said West right-of-way line of Calhoun Station Parkway and the arc of said curve, run thence South 89 degrees 26 minutes 08 seconds West for a distance of 570.94 feet to an existing 1/2" iron pin; run thence North for a distance of 16.53 feet to a set ½" iron pin: run thence North 87 degrees 56 minutes 19 seconds West for a distance of 338.29 feet to a set ½" iron pin; run thence North 00 degrees 12 minutes 28 seconds East for a distance of 368.36 feet to the POINT OF BEGINNING, containing 12.4 acres, more or less.



534002

INDEXING INSTRUCTIONS:

NW 1/4 of the SW 1/4 of Section 21. Township 8 North, Range 2 East, Madison County. Mississippi

Grantor:

Emaly Schmidt Tucker

154 Church Road

Madison, Mississippi 39110

(601) 856-3749

Grantees:

William Everett Tucker, II

154 Church Road

Madison, Mississippi 39110

(601) 856-3749

Emaly Schmidt Tucker

154 Church Road

Madison, Mississippi 39110

(601) 856-3749

Prepared by:

Reeves Jones MB #3200

Attorney at Law

P. O. Box 742

Jackson, MS 39205-0742

(601) 354-3794

#110

WARRANTY DEED

FOR TEN DOLLARS (\$10.00) CASH IN HAND PAID, and other good and valuabled considerations received, the recipt and sufficiency of which are hereby acknowledged, the undersigned Emaly Schmidt Tucker, GRANTOR, hereby conveys, warrants and transfers unto William Everett Tucker, II, and wife, Emaly Schmidt Tucker, GRANTEES, as joint tenants with full rights of survivorship, the following described real property situated in Madison County, Mississippi, more particularly described as follows:

A parcel of land containing 16.0474 acres (699,022.83 square feet), more or less, being situated in the NorthWest 1/4 of the SouthWest 1/4 of Section 21, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at the South West corner of Section 21; run thence along the Western line of Section 21 North 00 degrees 20 minutes 42 seconds East for a distance of 1358.45 feet to the POINT OF BEGINNING for the parcel herein described; thence continue along said section line North 00 degrees 20 minutes 42 seconds East for a distance of 351.83 feet; thence leave said section line and run North 89 degrees 07 minutes 33 seconds East for a distance of 347.65 feet; thence North 00 degrees 13 minutes 12 seconds East for a distance of 159.23 feet; thence East for a distance of 519.58 feet; thence North for a distance of 79.77 feet; thence South 89 degrees 59 minutes 10 seconds East for a distance of 466.96 feet; thence South 00 degrees 00 minutes 50 seconds West for a distance of 625.37 feet; thence South 89 degrees 36 minutes 19 seconds West for a distance of 651.17 feet; thence North for a distance of 10.50 feet; thence North 88 degrees 03 minutes 00 seconds West for a distance of 685.97 feet to the POINT OF BEGINNING.

Grantor's title and interest in said property is recorded in Book536 at Page 935, in the Land Records of Madison County, in Canton, Mississippi; this conveyance is subject to any prior easements and/or mineral rights of record.

The Grantees assume all ad valorem taxes which may be due and owing on said property.

WITNESS MY SIGNATURE, this the day of May, 2007.

EMALY SCHMIDT TUCKER

ACKNOWLEDGEMENT

STATE OF MISSISSIPPI

COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **EMALY SCHMIDT TUCKER**, who after being by me duly sworn, acknowledges that she signed and delivered the above and foregoing Warranty Deed on the date mentioned and for the purposes set forth in the deed.

EMALY SCHMIDT TUCKER

GIVEN UNDER MY HAND AND SEAL, this the

day of May, 2007.

NOTARY PUBLIC

My Commission Expires:

MASSISSIPPI STATEWIDE NOTARY PUBLIC MY COLUMNSION EXPINES MASSISSIPPI POWDER TRANSPORTED TO THE PUBLIC OF THE PUBL

MADISON COUNTY MS This instrument was filed for record May 8, 2007, at 8:00 A.M.

Book 2/87 Page

BY: ______D.C

3

LETTER OF AUTHORITY

Madison County Board of Supervisors 125 West North Street P.O. Box 608 Canton, MS 39046

> RE: Petition for Rezoning / Parcel No.: 082E-21-004/02 R-1 Residential District to C-2 Highway Commercial District

To whom it may concern:

Please allow this correspondence to serve as notice that **William Everett Tucker**, **II**, owner of the fee simple title to the above referenced parcel via that certain Warranty Deed dated May 4, 2007, and filed for record on May 8, 2007, in the office of the Chancery Clerk of Madison County, at Canton, Mississippi, in Book 2187 Page 824, hereby authorize Peters Real Estate, LLC or its representatives, to petition the Madison County Board of Supervisors to re-zone such property, or any portion thereof, from its current designation of R-1 Residential District to C-2 Highway Commercial District.

Witness my signature on this the 31 the day of August, 2017.

William Everett Tucker, II

KY PUBLIC

STATE OF MISSISSIPPI COUNTY OF MADISON

THIS DAY personally appeared before me, the undersigned authority in and for said County and State, within named WILLIAM EVERETT TUCKER, who acknowledged to me that as his own act and deed, did sign, seal and delivered the above and foregoing document for the purposes therein mentioned on the day and year therein mentioned, and is and was duly authorized so to do.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the 3/5 day of August, 2017.

MY COMMISSION EXPIRES:

NDY J. CLARK

Feb. 2, 2020

Page 1 of 1

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON STATE OF MISSISSIPPI

IN THE MATTER OF REZONING OF CERTAIN LAND SITUATED IN THE SOUTHWEST 1/4 SECTION 21, TOWNSHIP 8 NORTH, RANGE 2 EAST MADISON COUNTY, MISSISSIPPI

PETITIONER: PETERS REAL ESTATE, LLC

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

Comes now, Peters Real Estate, LLC, developer of the hereinafter described land and property, and files this petition with the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a tract or parcel of land situated in the SW ¼ of Section 21, Township 8N, Range 2E, Madison County, Mississippi, more particularly described as follows, to-wit:

SEE EXHIBIT "A"

from its present Zoning District Classification of R-1 Residential District to a C-2 Highway Commercial District, and in support thereof, would respectfully show as follows, to-wit:

- 1. The subject property consists of +/-12.4 acres, of which, +/-1.2 acres will serve as a 100 foot "buffer" between that portion of the property to remain R-1 Residential, and the portion of the property to be re-zoned C-2 Highway Commercial District.
- 2. The zoning proposed is in compliance with the adopted Land Use and Transportation Plan of Madison County.
- 3. List of changes or conditions that support rezoning:

SEE EXHIBIT "B"

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that this petition be received, and after due consideration, the Board of Supervisors of Madison County will enter an order amending the land use plan to reflect zoning, and reclassifying this property from its present R-1 Residential District classification to a C-2 Highway Commercial District.

Respectfully submitted, this the 157 day of September, 2017.

PETERS REAL ESTATE, LLC, PETITIONER

BY: SAM PETERS

EXHIBIT "A"

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Commence at an existing nail marking the Northwest corner of the aforesaid Northwest ¼ of the Southwest ¼ of Section 21, T8N-R2E and run thence South 00 degrees 09 minutes 09 seconds West along the West line of said Northwest 1/4 of the Southwest 1/4 of said Section 21 for a distance of 924.07 feet to a point; leaving said West line of the Northwest 1/4 of the Southwest 1/4 of Section 21, run thence East for a distance of 19.0 feet to an existing 1/2" iron pin on the East right-of-way line of Church Road; leaving said East right-of-way line of Church Road, run thence North 89 degrees 10 minutes 26 seconds East for a distance of 326.04 feet to an existing ½" iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, run thence North 00 degrees 12 minutes 28 seconds East for a distance of 159.33 feet to an existing ½" iron pin; run thence South 87 degrees 55 minutes 50 seconds East for a distance of 520,64 feet to an existing ½" iron pin; run thence North for a distance of 79.77 feet to a set ½" iron pin; run thence South 89 degrees 59 minutes 10 seconds East for a distance of 437.00 feet to a set 1/2" iron pin on the West right-of-way line of Calhoun Station Parkway; run thence South 00 degrees 19 minutes 05 seconds West along said West right-of-way line of Calhoun Station Parkway for a distance of 359.56 feet to a set ½" iron pin marking the Point of Curvature of a 8.0472 degree curve bearing to the right having a central angle of 70 degrees 47 minutes 35 seconds and a radius of 712.00 feet; run thence southwesterly along said West right-of-way line of Calhoun Station Parkway and along the arc of said curve an arc length of 257.93 feet to an existing ½" iron pin; said curve having a chord bearing of South 10 degrees 39 minutes 24 seconds West and a chord distance of 256.53 feet; leaving said West right-of-way line of Calhoun Station Parkway and the arc of said curve, run thence South 89 degrees 26 minutes 08 seconds West for a distance of 570.94 feet to an existing 1/2" iron pin; run thence North for a distance of 16.53 feet to a set 1/2" iron pin; run thence North 87 degrees 56 minutes 19 seconds West for a distance of 338.29 feet to a set ½" iron pin; run thence North 00 degrees 12 minutes 28 seconds East for a distance of 368.36 feet to the POINT OF BEGINNING, containing 12.4 acres, more or less.

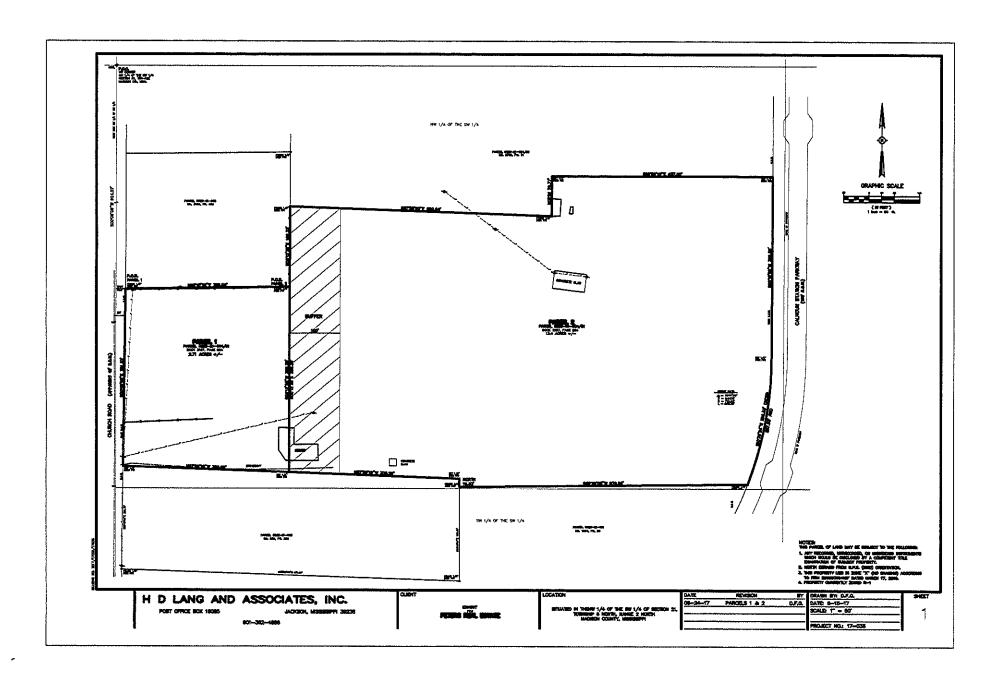


EXHIBIT "B"

The subject parcel no.: 082E-21-004/01 is comprised of +/- 15.1 acres, more or less, and is bordered on the east side by Calhoun Station Parkway, and by Church Road on the west side. Petitioner seeks to have the +/-12.4 acre portion of the parcel that borders Calhoun Station Parkway re-zoned from its present Zoning District Classification of R-1 Residential District to a C-2 Highway Commercial District. If re-zoned to C-2, Petitioner will maintain a 100' buffer zone (+/- 1.2 acres) between the portion of the property to be re-zoned C-2, and the portion of the property (+/- 2.71 acres) bordered by Church Road, which will remain R-1.

The character of the area surrounding the parcel has changed substantially over recent years with the completion of Calhoun Station Parkway from Gluckstadt Road to Church Road. Adjacent and nearby properties have already been re-zoned to C-2 Highway Commercial District. Just to the north of the subject property, Callaway's Yard & Garden Center has recently opened a facility on the west side of Calhoun Station Parkway, and Mac Haik has recently opened two automobile dealerships on the east side, between Calhoun Station Parkway and Interstate 55. Capitol Body Shop and Barnett's Body Shop also have plans to open facilities in the area to the north of the subject property.

Re-zoning of the subject parcel to C-2 Highway Commercial District is in compliance with the Madison County Comprehensive Plan and Land Use & Thoroughfares Plan. It will also fall in line with surrounding properties already so zoned, and will meet the current and future public needs of business and commerce, by making land available for new commercial development within Madison County.



P. O. Box 107 Canton, MS 39046 Phone: (601) 856-5969 Fax: (601) 856-8936

August 31, 2017

Mr. Carl Allen Madison County Planning & Zoning Administrator

RE:

Property in Section 21, T8N, R2E Madison County, Mississippi

Dear Mr. Allen:

Please be advised that all properties within that portion of Section 21, Township 8 North, Range 2 East that lie west of Interstate 55, are within Bear Creek Water Association's water and sewer certificated area. This includes those tracts lying west of Calhoun Station Parkway and east of Church Road. The association will provide any developments within that area such services in accordance with its standard water and sewer extension policies and procedures.

Please contact me if you need any additional information.

Sincerely,

Nolan P. Williamson, P.E.

General Manager

LAW OFFICES OF ANDY J. CLARK, PLLC 567 HIGHWAY 51 NORTH, SUITE C RIDGELAND, MS 39110

P-601-622-7334

andy@andyjclark.com

F-601-898-1025

September 1, 2017

VIA U.S. MAIL

City of Canton, Mississippi c/o Honorable Dr. William Truly, Jr., Mayor P.O. Box 1605 226 East Peace Street Canton, MS 39046

Re: PETERS REAL ESTATE, LLC / RE-ZONING PETITION

Dear Mayor Truly:

I write to notify the City of Canton of my client, Peter's Real Estate, LLC's application and petition to the Board of Supervisors of Madison County to re-zone certain property on Calhoun Station Parkway between Gluckstadt Road and Church Road. I attach a copy of the legal description and survey hereto as **Exhibit A** for your reference. While the subject property lies in the jurisdictional limits of the County, Madison County Planning and Zoning requires notification of such application and petition to any municipality within one (1) mile of the property. Please consider this correspondence as such notification.

Please feel free to contact me with any questions or concerns. With kindest personal regards, I remain

Very truly yours

Andy J. Clark, Esq.

Enclosures

EXHIBIT "A"

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