BEFORE THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF BIG 10 TIRE, INC.

PETITIONER

<u>PETITION TO AMEND THE PLAT OF THE GLUCKSTADT</u> <u>COMMERCIAL CENTER (REVISED)</u>

Big 10 Tire, Inc. ("Petitioner"), by counsel, hereby respectfully petitions the Madison County Board of Supervisors, pursuant to Mississippi Code Section 17-1-23(4), to amend the plat of the Gluckstadt Commercial Center (Revised) (the "Subdivision") in order to subdivide Lot 10 of the Subdivision as described below.

1.

The existing plat of the Gluckstadt Commercial Center (Revised) was filed on August 22, 2005, and is attached as **Exhibit "A"** (the "Plat"). As shown on the Plat, the subdivision is comprised of 15 individual lots.

2.

Petitioner, Big 10 Tires, Inc., is the owner of Lots 9 and 10, Gluckstadt Commercial Center Revised, a subdivision according to a map or plat thereof on file in Plat Cabinet E at Slides 3A and 3B, in the office of the Chancery Clerk of Madison County, Mississippi.

3.

Big 10 Tire, Inc. does not use the Southern $60 \pm$ foot wide portion of Lot 10. Big 10 Tire, Inc. desires to subdivide and sell a $60 \pm$ foot strip on the Southern end of Lot 10 together with Lot 9. The exact location and size of the proposed subdivided Lot 10 is shown on the Plat of Survey attached hereto as **Exhibit "B"**.

4.

Such subdivision of Lot 10 will allow for a better, more productive use of this land and, as a result, will generate greater property tax revenues for the County. Petitioner is not aware of any reason why this subdivision of Lot 10 should not be allowed.

5.

For these reasons, Big 10 Tire, Inc. respectfully requests that the Board of Supervisors approve the amendment of the Plat of Gluckstadt Commercial Center (Revised) to allow for the above described subdivision of Lot 10 as set forth in the proposed *Amendment to Plat*, which is attached hereto as **Exhibit "C"**. 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).

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 of Plat. See Exhibit "C".

7.

The amendment does not violate the covenants and amendments thereto of Gluckstadt Commercial Center.

WHEREFORE, Petitioner respectfully requests that the Madison County Board of Supervisors consider and grant this Petition.

BIG 10 TIRE, INC.

Don A. McGraw, Jr.

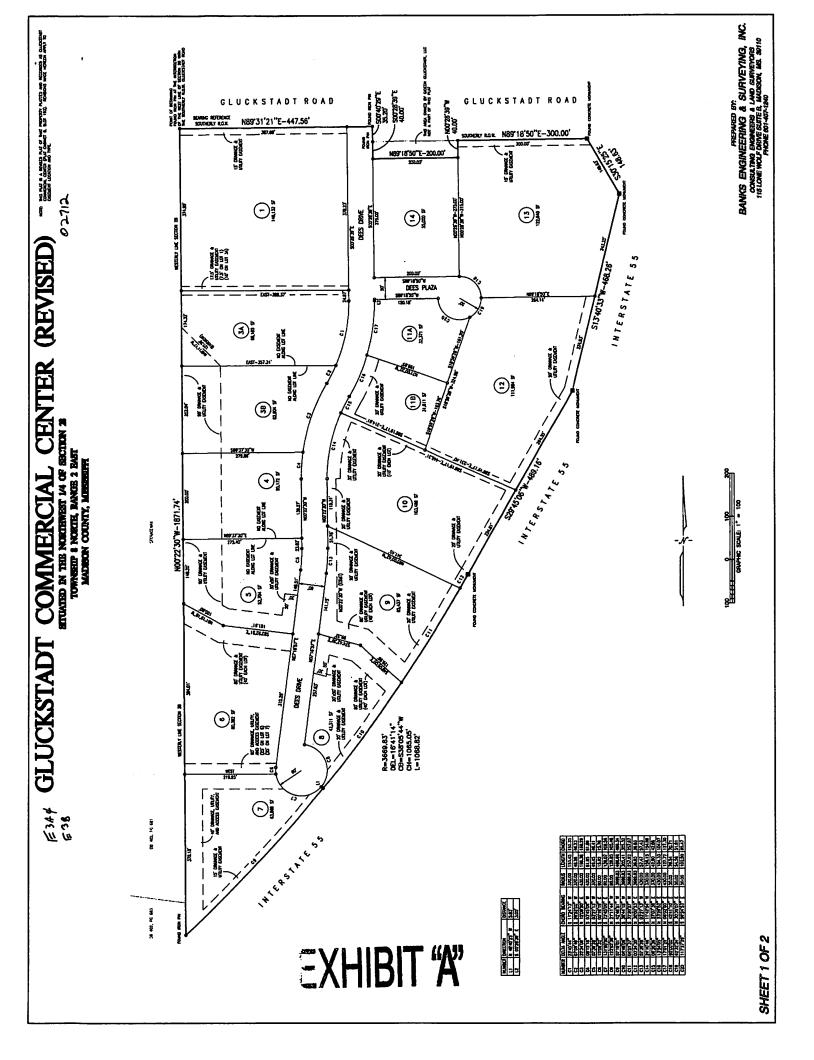
Its Attorney

Don A. McGraw, Jr. - MSBN 2621 Montgomery McGraw, PLLC P. O. Box 1039 Canton, MS 39046 Telephone:601-859-3616

Telephone: 601-859-3616 Facsimile: 601-859-3622

E-Mail: dmcgraw@montgomerymcgraw.com

Attorney for Big 10 Tire, Inc.



F-344 E-30

GLUCKSTADT COMMERCIAL CENTER (REVISED)

HOTE: THE PLAT IS A REMISTO PLAT OF THAT PROPERTY PLATTED MIG RECORDED AS CLUCKSTANT COMMISSION, CONTROL DUAL CARMET B, SLOT 1933, MEVEROME WICE HOTECH APPLY TO FAMOUR LOCATION AND THE

COUNTY ENGINEER'S RECOMMENDATIONS STATE OF MISSISSIPPI COUNTY OF MAGGON

SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH SUR MISION REGULATIONS

L Jock N. Sterr. P.

see my elepature this the 19th day of August 2000.



SITUATED IN THE NORTHWEST 1/4 OF SECTION 26

TOWNSHIP & NORTH, BANGE 2 HAST MADISON COUNTY, MISSISSIFF

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Anther abstraction, Outs of the Chancery Court in and for soil County
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NOTARY

PROPERTY DESCRIPTION:

PUBLIC

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PROPERTY DESCRIPTION:
A parcel of lond lying and situated in the Northwest 1/4 of Section 28, Township 8 North, Range 2 East, Modison County, Missansippi, more porticularly described as follows:
For a Pfinit of Beginning commence at an iron pin representing the intersection of the west line of Section 28 with the southerly right-of-way of Gluckstoot Road (circa September 2004), soid iron pin being 48.75 feet south of and 5319.56 feet west of the northeast corner of soid Section 28 counting fing is survey by Randid C. McMaster, PLS dated June 9, 2004, and not there is 19 degrees 31 minutes 21 seconds E, along soid southerly right-of-way, for a distance of 447.56 feet to an iron pin; thence run 50 degrees 40 minutes 29 seconds E, along soid southerly right-of-way, nor so 00 degrees 28 minutes 39 seconds E for a distance of 40.00 feet to an iron pin; thence run N 89 degrees 18 minutes 30 seconds E, along o line south of and parallel to soid southerly right-of-way, nor a distance of 40.00 feet to an iron pin; thence run N 00 degrees 28 minutes 39 seconds W for a distance of 40.00 feet to an iron pin; thence run N 00 degrees 28 minutes 30 seconds E, along a seconds E, along a second S, and a second S of the second S, and second S of the second S, and second S of the second S, and second S of the S of the second S of the S of the second S of the S

RD. क्र CENTRAL 20 KEHLE /22 UNITED 碇 RD. CHURC RACY MINNINGER RD 面 28 Gluckstad VEISENBERGEI CORPORATION COUNTRY 34 LN. DOVE Ś CV. GREEN DAK LN.

VICINITY MAP

1" = 2000'

BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTHERLY RIGHT-OF-WAY OF GLUCKSTADT ROAD BEING NOS-31'21'E (MONUMENTS FOUND) (REFERENCE NOTED).

DENOTES CONCRETE MONUMENT

O DENOTES 1/2" FROM PIN

ACCORDING TO THE F.E.M.A. FLR.M. COMMANNET PANEL MUMBER 200229 185 D DATED APPRI. 13, 1994, THIS PROPERTY LCS WITHIN ZONE "X" (AREAS BETERANDED TO BE OUTSIDE DOC-124R FLODODY-140), ZONE "X"-SHADED" (AREAS OF SOO—THAN FLODO), AREAS OF TIO—TEAR FLODO WITH AVENUE DEFINIS OF LESS THAN 1 FOOT OR WITH ORMANICE AREAS LESS THAN 1 SQUARE MALE, AND AREAS PROTECTED BY LUCHES FROM 100—THAN FLODO), ZONE "X" (SPECIAL FLODO) AND AREAS SHADED SY 100—TEAR FLODO), ZONE "X" (SPECIAL FLODO) AND ZONE "X" (RIPODOMENT AREAS IN ZONE AL").

NO BUILDING MAY BE BUILT WITHIN ANY EASEMENT SHOWN HEREON.

THERE IS A FFTEEN (16) FEET WIDE DRAWNOE AND UTLITY EASEMDIT ALDING ALL STREET RIGHTS-OF-MAY. THERE IS A FINE (5) FEET WIDE DRAWNOE AND UTLITY EASEMDIT ALONG THE SOSE AND REPAIR LOT LIBES OF EACH LOT UNLESS OTHERWISE NIDED HEREON. THERE IS NO EASEMENT ALONG THE WESTERLY LINE OF LOT 1. THERE IS NO EASEMENT ALONG THE SOUTHERLY LINE OF LOT 3. THERE IS NO EASEMENT ALONG THE SOUTHERLY LINE OF LOT 3. THERE IS NO EASEMENT ALONG THE SOUTHERLY LINE OF LOT 3. THERE IS NO EASEMENT ALONG THE SOUTHERLY LINE OF LOT 4. THERE IS NO EASEMENT ALONG THE SOUTHERLY LINE-OF LOT 4. THERE IS NO EASEMENT ALONG THE SOUTHERLY LINE-OF LOT 4. THERE IS NO EASEMENT ALONG THE SOUTHERLY LINE-OF LOT 4. THERE IS NO EASEMENT ALONG THE SOUTHERLY LINE-OF LOT 4. THERE IS NO EASEMENT ALONG THE SOUTHERLY LINE-OF LOT 4. THERE

SURVEY CLASS R

SURVEY DATE: JUNE 28, 2005
PLAT PREPARATION DATE: AUGUST 15, 2005

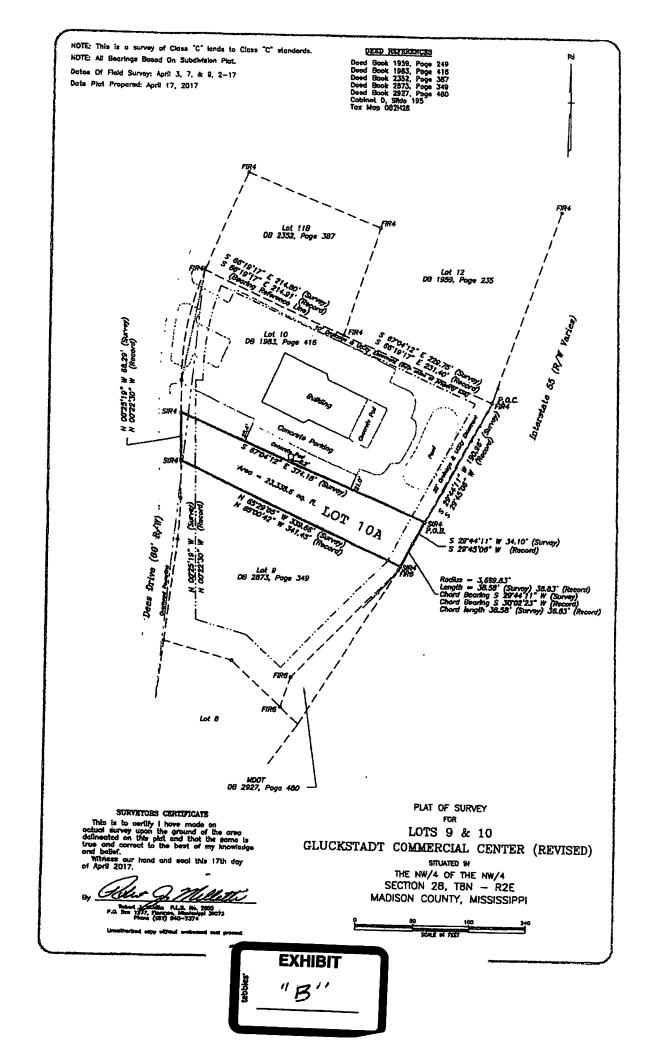
STREETS SHOWN HEREON ARE 33 FEET PAVEMENT WIGTH (BACK OF CURB TO BACK OF CURB.)

NO LOT SHOWN HEREON WAY HAVE DIRECT INGRESS/EGRESS TO INTERSTATE 55.

COTS 1, 13, AND 18 SHOWN HEREON ARE ADMINISTED THE REQUISIONS THE GOLDSTAFF ROLD, HOWEVER, THE RIAN DOES NOT GUARANTE GUARANTE GOLD STREET HORSESS TO GUARANTE COMPANIES OF GUARANTE CONSTANT ROLD, ROTELT HORSESS/CERESS BY SAD LOTS TO GUARANTE ROLD MILL BE SUBJECT TO HOWAVOUR, LOT ROYARD AND APPROVING BY THE APPROPRIATE COMPRISING BOOT OF BOOKES. THIS MAY HOLDIC, BUT IS NOT UNITED TO, THE MESSISHIP DEPARTMENT OF TRANSPORTATION, THE MOSSON COUNTY BOARD OF SUPPLYSIONER. THE MESSISHIP DOWSON OF STATE AND CONSTRUCTION, MOJOR THER AUTHORIZED

PREPARED BY: BANKS ENGINEERING & SURVEYING, INC. CONSULTING ENGINEERS & LAND BURVEYORS 118 LONE WOLF DRIVE SUITE B, MADISON, MS. 30110 PHONE BOL-407-1240

SHEET 2 OF 2



PREPARED BY AND RETURN TO:

Don A. McGraw, Jr. - MSBN 2621 Montgomery McGraw, PLLC P. O. Box 1039 Canton, MS 39046 601-859-3616

INDEXING: Lot 10, Gluckstadt Commercial Center (Revised), Madison County, Mississippi

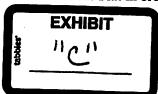
AMENDMENT TO PLAT OF GLUCKSTADT COMMERCIAL CENTER (REVISED)

WHEREAS, the Plat of Gluckstadt Commercial Center (Revised), a subdivision of Madison County, Mississippi (the "Subdivision"), was filed of record in the office of the Chancery Clerk of Madison County, Mississippi in Plat Cabinet D at Slide 195 and revised by Plat recorded in Plat Cabinet E at Slides 3A and 3B (the "Plat"); and

WHEREAS, Big 10 Tire Co., Inc., a Mississippi Corporation, is the record title owner of Lot 10 of Gluckstadt Commercial Center (Revised) as depicted on the Plat; and

WHEREAS, Big 10 Tire Co., Inc. desires to subdivide a parcel from the Southern end of the existing Lot 10 of Gluckstadt Commercial Center (Revised) in order to create a new lot as depicted on Plat of Survey dated April 17, 2017, prepared by Robert J. Millette, P.L.S., which Plat is attached hereto as Exhibit "A"; and

WHEREAS, the new lot will be known and described as Lot 10A of the Subdivision; and
WHEREAS, the undersigned, being all of the owners of the existing lots in Gluckstadt Commercial
Center (Revised), hereby approve the Amendment to the Plat in order to alter existing Lot 10 and to create



a new Lot 10A; and

WHEREAS, by executing this Amendment to Plat, the undersigned hereby agree to the creation of the new Lot 10A and hereby ratify the Plat and Amendment to the Plat as set forth herein;

NOW THEREFORE, the Plat of Gluckstadt Commercial Center (Revised) as platted in Plat Cabinet

D at Slide 195 and revised in Plat Cabinet E at Slides 3A and 3B in the office of the Chancery Clerk of

Madison County, Mississippi, is hereby amended as follows:

- Lot 10 of the Subdivision is amended pursuant to the depiction on Plat of Survey attached hereto as Exhibit "A"
- Lot 10A of the Subdivision is hereby created and established as depicted on the plat of survey attached as Exhibit "A" attached hereto;

The Chancery Clerk of Madison County, Mississippi is hereby authorized and directed, as Attorney-in-Fact for the undersigned, to note this Amendment and Ratification on the Gluckstadt Commercial Center (Revised) Plat.

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

[Execution occurs on following pages.]

Owner of Lot 1 and Lot 2

TERRA HOLDINGS, LLC

Joe C. Morris, Jr., Member/Manager

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 3111 day of 3012 within my jurisdiction, the within named Joe C. Morris, Jr. who acknowledged that he is Member/Manager of Terra Holdings, LLC, a Mississippi limited liability company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

MY COMMISSION EXPIRES:

(SEAL)

ID # 103750 C. NOTARY

RITA PATRICE

Commission Expires ... Oct. 17, 2020

Owner of Lot 3A and 3B

STORAGE MAX GLUCKSTADT, LLC

Robert oyd, Member/Manager

STATE OF MISSISSIPPI COUNTY OF KANKIN

L. Lloyd who acknowledged that he is Member/Manager of Storage Max Gluckstadt, LLC, a Mississippi limited liability company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

MY COMMISSION EXPIRES:

(SEAL)

HOTARY PUBLIC 10 No. 49121 Commission Expires

MAINCOUN

May 12, 2021

Owner of Lot 4

SAHLER BROTHERS, LLC

By:

James Lee Sahler, Manager

STATE OF MISSISSIPPI COUNTY OF V WOOLSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this day of 2012, within my jurisdiction, the within named James Lee Sahler who acknowledged that he is Manager of Sahler Brothers, LLC, a Mississippi limited liability company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

MY COMMISSION EXPIRES:

(SEAL)

Owner of Lot 6

WICO, LCC

By: Dus B. Member

Louis B. Gideon, Member

STATE OF MISSISSIPPI COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this day of day of day of december. , 2017, within my jurisdiction, the within named Louis B. Gideon who acknowledged that he is a Member of Wico, LLC, a Mississippi limited liability company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

MY COMMISSION EXPIRES

(SEAL)

NOTÁRY PUBLIC

Owner of Lot 7

	GIDEON PROPERTIES, LLG
	By: Louis B. Gideon, Member/Manager
	GIDEON GLUCKSTADT, LLC By: S. Sideon, Member
STATE OF MISSISSIPPI COUNTY OF Madis or	_
county and state, on this day day Louis B. Gideon who acknowledge Mississippi limited liability computed the above and for company so to do.	RED BEFORE ME, the undersigned authority in and for the said of
MY COMMISSION EXPIRESCOMM (SEAL Ja	NOTARY PUBLIC nission Expires n. 18, 2019 N COUNTY
STATE OF MISSISSIPPI COUNTY OF MACHINA	
county and state, on this $\frac{Z}{}$ day of Louis B. Gideon who acknowledge limited liability company, and that	RED BEFORE ME, the undersigned authority in and for the said of, 2017, within my jurisdiction, the within named ged that he is a Member of Gideon Gluckstadt, LLC, a Mississippi at for and on behalf of the said company, and as its act and deed he instrument after first having been duly authorized by said company so
∴ MY COMMISSION EXPIRES: :°°	OF MISS: NOTARY PUBLIC NOTARY PUBLIC ON A. McGRAW, JR.
(SEAL)	Commission Expires Jan. 18, 2019 SON COVER

Owner of Lot 8

Pruitt Enterprises, LLC

Glenn Alton Pruitt, President

STATE OF MISSISSIPPI COUNTY OF MAO(30)

MV COMMISSION EXPIDES

CEAI)

DON A. McGRAW, JR

Commission Expires

Owner of Lot 9 and Lot 10

BIG 10 TIRE CO., INC.

Marcie N. Noah, President

STATE OF MISSISSIPPI COUNTY OF NAME SO U

NOTA BY BUILDING

MY COMMISSION EXPIRES;

(SEAL)

Owner of Lot 11A

SAIK PROPERTIES LLC

Albert J/Saik, Manager

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this day of day of day of 2018, within my jurisdiction, the within named Albert J. Saik who acknowledged that he is Manager of Saik Properties LLC, a Mississippi limited liability company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

MY COMMISSION EXPIRES

(SPAT)

NOTARY PUBLIC

Owner of Lot 11B

TRIPLE B PROPERTIES

Vames Cunningham, Member

STATE OF MISSISSIPPI COUNTY OF VOLUME

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this day of day

NOTARY PLIBLIC

MY COMMISSION EXPIRES:

(SEAL)

Owner of Lot 12

PTD, LLC

Patrick Malouf, Manager

STATE OF MISSISSIPPI COUNTY OF Malson

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this <u>32</u> day of <u>January</u>, 2018, within my jurisdiction, the within named Patrick Malouf who acknowledged that he is Manager of PTD, LLC, a Mississippi limited liability company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

NOTARY PUBLIC

Owner of Lots 13 and 14

GLUCKSTA

Anthony B. Morrison, Manager

STATE OF MISSISSIPPI COUNTY OF NACE SO V

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this south of 2018, within my jurisdiction, the within named Anthony B. Morrison who acknowledged that he is Manager of Gluckstadt Park, LLC, a Mississippi limited liability company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

NOTARY PLIBLE

(SEAL OF PUBLISHED AND A 96491

MARGARET A. GRUBBS

Commission Expires

Commission 2018

DECLARANT

GIDEON GLUKSTADT, LLC

Louis B Gideon Member

STATE OF MISSISSIPPI COUNTY OF Madern

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 21 day of 12017, within my jurisdiction, the within named Louis B. Gideon who acknowledged that he is a Member of Gideon Gluckstadt, LLC, a Mississippi limited liability company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

MY COMMISSION EXPIRES

ID#13078

(SEAL)

NOTARY PUBLIC

L:WIMCODAMPYACTIVE CASESIVAMENDMENTS 2017/Namendment toPlat re Big 10 Tire Co., Inc. 12-6-17.wpd File#2017-00858

