

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
MADISON COUNTY

PERSONALLY appeared before me, the undersigned notary public in and for Madison County, Mississippi,

PASTE PROOF HERE

ANN MIDDEKE

C58842
MADISON CO. BRD. OF SUPR-CYNTHI,
0200433208
Warren Excavation Appeal

an authorized clerk of the MADISON COUNTY HERALD, a newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

NOTICE OF PUBLIC HEARING ON PETITION FOR SPECIAL EXCEPTION
NOTICE IS HEREBY GIVEN that Warren Excavation, LLC has filed a petition before the Madison County Board of Supervisors for a Special Exception pursuant to the Zoning Ordinance of Madison County, MS, and the Zoning Maps adopted pursuant thereto, requesting

a Conditional Use to conduct surface mining on a 36 acre site, on property zoned A-1 agricultural District, being situated in Madison County, MS, to-wit:

3/28/2013

36 acres out of a tract of land described as follows:
Southeast quarter of Southeast quarter, Section 33, T9N-R1E; Northwest quarter, West half of Northeast quarter; North half of Southwest quarter; Northwest quarter of Southeast quarter; all of Southwest quarter of Southeast quarter, and all of Southeast quarter of Southwest quarter that lies North of Livingston and Canton Road, Section 4, T8N-R1E; all of Southwest quarter of Southwest quarter, Section 4, T8N-R1E, that lies North and West of Livingston and Canton Road; all of Section 9, T8N-R1E lying West of Livingston Road, subject to outstanding R-O-W and easement in favor of United Gas Public Service Company, less and except lot for cemetery.

Size: 478 words / 1.00 col. x 108.00 lines
Published: 1 time(s)
Total: \$28.68

Signed Ann Middleke
Authorized Clerk of
The Madison County Herald

SWORN to and subscribed before me on 3/28/2013.

Notary Public
RICK TYLER

Notary Public State of Mississippi at Large. Bonded thru
Notary Public Underwriters

(SEAL)

LESS AND EXCEPT:

From the above described property and all lands owned by the Grantor which are located South of Highway 22 in Madison County, Mississippi;

LESS AND EXCEPT:

A tract of land situated in the West one half and also in the West one half of the East one half, all lying on the North side of Mississippi State highway No. 22, in Section 4, T8N-R1E of Madison County, Mississippi, containing 2.04 acres, more or less.

NOTICE IS FURTHER GIVEN that the Madison County Board of Supervisors will meet at 6 p.m. on April 15, 2013, at the Madison County Complex Building, in the Madison County Supervisor's Board Room, located at 125 West North Street, Canton, MS, to consider and act upon the petition, and will at such time, date and place, hold and conduct a public hearing at which all parties in interest and citizens shall have an opportunity to be heard on the matter of the petition, either in person, by petition, or by attorney.

BY ORDER OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, on this the 18th day of March, 2013.

/s/Brad Sellers,
Zoning Administrator
Publish: March 28, 2013
-0200433208-01



Brad Sellers

From: Jim Martin <jim@tru-law.com>
Sent: Monday, April 08, 2013 9:11 AM
To: Brad Sellers
Cc: Paul Williams (pwilliams@thewilliamsattorneys.com)
Subject: Warren Excavation, LLC surface mining application

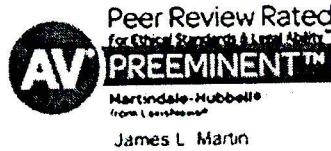
Brad,

This is to advise Paul and Courtney Williams and Nancy McReynolds and Jim Giddy, JNL Land & Pine, LP and Warren Excavation have entered into an agreement which resolves the objections of the Williams and Mrs. McReynolds. Accordingly, Paul and Courtney Williams and Nancy McReynolds withdraw their appeal to the Board of Supervisors.

Upon receipt, should you have any questions, do not hesitate to advise.

Jim

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AGREEMENT

This agreement between the parties, being Paul Williams, Nancy McReynolds, Warren Excavation, LLC; Doug Warren, Managing Partner and JNL Land and Pine, LP; Jim Giddy, Managing Partner, concerns that 40 acre property owned by JNL Land and Pine, LP, that is set to mined by Warren Excavation, LLC and is the subject of the appeal to the Madison County Board of Supervisors.

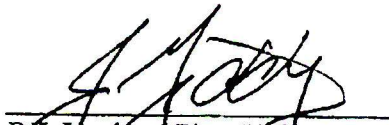
The property is located approximately one mile north of MS Highway 463 on the West side of MS Highway 22 in Madison County, Mississippi, and adjoins the 20 acre property owned by Nancy McReynolds and Paul and Courtney Williams.

The parties having met and discussed concerns related to the mining operations located on the noted 40 acre tract. After discussion, the parties by signatures affixed below, agree to the following stipulations:

1. All restrictions suggested and adopted by the Madison County, Mississippi Planning and Zoning Commission will be put into place and adhered to by Warren Excavation.
2. The trees identified in "Exhibit A" and marked on site by the parties, are not to be cut and will remain on the subject tract.
3. An irregularly curved contour around the trees will be created to achieve a more natural look upon completion of mining and reclamation. The slope of the contour will start at the edge of the curved contour, and in places will exceed the required fifty (50) foot setback limitation. However, the required fifty (50) foot setback requirement along the common boundary will be maintained at all times.
4. A slope ratio of no less than 6 to 1 and no greater than 4 to 1 will be maintained during the final reclamation process on the subject 40 acre property. However, a ratio of 6 to 1 will be maintained along the entire common boundary of the parties to a point no less than 100 ft. along and north of said common boundary.
5. The subject property will be reclaimed in ten acre increments as the mining progresses. Topsoil removed will be stockpiled and re-distributed during the reclamation process pursuant to MDEQ regulations. Once final grading is completed the excavation will be seeded with grasses suitable for livestock grazing. Fertilization will be utilized to facilitate the establishment of a permanent stand of grass. All voids of grass larger than fifty (50) feet will be re-seeded until a permanent stand of grass is attained. Gulf Annual Rye grass seed will be used if seeding is to be done after September 15th. It is permissible to mix un-hulled Bermuda, various clovers, and other suitable temporary winter grasses with the Gulf Annual Rye. All areas seeded with temporary grasses will be re-seeded with permanent grasses during the next immediate growing season unless a permanent stand of grass is established by mixing permanent grass seed with the temporary seed. The presence of a qualified stand of permanent grass will be confirmed by an agricultural specialist familiar with grasses used for livestock grazing common to this area.

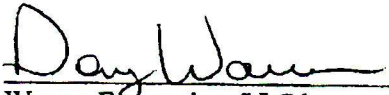
6. No later than January 1, 2014, Warren Excavation, LLC, while on site of the subject mining operation, utilize its equipment to rough in a road on the property owned by Nancy McReynolds and Paul and Courtney Williams pursuant to "Exhibit B", which sets out the location of the proposed road. The said "rough-in" will not include paving or spreading rock, however, it would include stripping the topsoil, shaping the roadbed, and shaping the road to drain.
7. Upon signing this agreement, Nancy McReynolds and Paul and Courtney Williams agree to withdraw appeals presently before the Madison County Board of Supervisors and the Mississippi Department of Environmental Quality. Further, that with signature, this Agreement will act as notification of withdrawal to the respective boards.

This agreement operates as a contract between the parties and shall have not effect upon the first right of refusal held by Nancy McReynolds and Paul and Courtney Williams as to the subject forty (40) acre property. Failure to perform this agreement, as set out, by the any of the parties will be a breach of this agreement with the offending party subject to damages.



JML Land and Pine, LP by
Jim Giddy, Managing Partner

4/8/13
Date



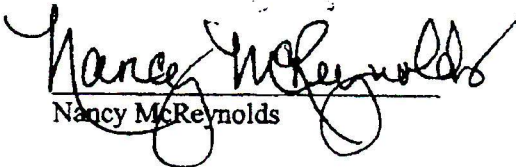
Warren Excavation, LLC by
Doug Warren, Managing Partner

4/8/13
Date



Richard Paul Williams, III

4/7/13
Date



Nancy McReynolds

Apr. 7, 2013
Date