

August 20, 2018

To: Planning and Zoning  
Madison, County

Subject Request for Variance

The request is for a variance from 100 feet to 25 feet (C-2) frontage in order to construct a 40-foot by 70-foot on Industrial Drive in Gluckstadt. The property is bounded on the north by Industrial Drive and on the South by the Floodway of Stream N, with a width from front to back of about 65 feet between the road and the floodway.

Item 1. Building approximately 40 feet by 70 feet in size.

Item 2. The entire site is inside the Floodplain but will be filled to at least 1.5 feet above the Base Flood Elevation and will be submitted to FEMA to get a Letter of Removal based on Fill (LOMR\_F) to remove the structure from the floodplain.

Item 3. Request a variance to C-2 to reduce the require set back from Industrial Drive to allow construction without encroaching on the Floodway.

Item 4. A copy of the deed is attached and can be submitted as a PDF or Word Format later.

## **EXAMINATION OF OTHER FEATURES**

### **INSTRUMENTATION**

List all instrumentation (i.e. weirs, piezometers, flow gauges): None

(A separate report including instrument location, instrument readings, instrument condition, normal readings, observations, and conclusions based upon the collected data shall be attached.)

### **RESERVOIR**

Slopes: Tree lined reservoir with stable shore lined.

Sedimentation: None noted

Unusual Conditions Which May Affect Dam: None

Any Other Unusual Conditions: None

### **APPURTENANT STRUCTURES (Power House, Gatehouse, Penstocks, Water Supply, Other)**

Description and Condition of each: None

### **FOUNDATION AND GEOLOGY**

Unusual Conditions Which May Affect Dam: None

Cracks, Joints, Bedding Planes Which May Affect Dam Or Provide Seepage Paths: None

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**WARRANTY DEED**

**GRANTOR:**  
**MADISON COUNTY ECONOMIC  
DEVELOPMENT AUTHORITY,  
A BODY POLITIC**

**ADDRESS:**  
**135 MISSISSIPPI PARKWAY  
CANTON, MS 39046**

**TELEPHONE:**  
**601-605-1053**

**GRANTEE:**  
**CML, LLC  
103 PLANTATION COVE  
SUITE CRIDGELAND, MS 39157**

**ADDRESS:**  
**103 PLANTATION COVE  
SUITE C  
MADISON, MS 39110**

**TELEPHONE:**

**PREPARED BY & RETURN TO:**  
**ANDY J. CLARK, ESQ  
LAW OFFICES OF ANDY J. CLARK, PLLC  
350 INDUSTRIAL DRIVE SOUTH  
MADISON, MS 39110  
TEL: 601-622-7334  
STATE BAR NO. 102903**

**INDEXING INSTRUCTIONS:**  
**SE 1/4 OF Section 21, Township 8 North, Range 2 East, Madison County, Mississippi.**

**STATE OF MISSISSIPPI  
COUNTY OF MADISON**

**MADISON COUNTY ECONOMIC  
DEVELOPMENT AUTHORITY-----GRANTOR**

**TO:**

**CML, LLC-----GRANTEE**

**WARRANTY DEED**

**FOR AND IN CONSIDERATION** of the sum of **TEN DOLLARS (\$10.00)**, this day cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, **Madison County Economic Development Authority, f/k/a Industrial Development Authority of Madison County, Mississippi**, does hereby grant, bargain, sell, convey and warrant unto **CML, LLC**, the following described tract or parcel of land, together with all improvements, hereditaments and appurtenances thereon located or thereunto belonging, being located and situated in **MADISON COUNTY, MISSISSIPPI**, to-wit:

A parcel of land situated in the Southeast 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, to wit:

Commence at a 1/2" iron pin found at the most easterly comer of Lot 9 of First Choice Business Park, a subdivision, the map or plat of which is recorded in Plat Cabinet D at Slot 152 of the Chancery Records of Madison County at Canton, Mississippi; thence run South 32° 39' 54" East for a distance of 78.56 feet to a 5/8" iron pin set at the southern right of way line of Industrial Drive North to the **POINT OF BEGINNING**; thence North 89° 11' 00" East for a distance of 1,066.44 feet along the said southern right of way line; thence run 465.52 feet along the arc of a 449.75 foot radius curve to the left along the southeastern right of way line of Industrial Drive North, said arc having a 445.01 foot chord which bears North 59° 31' 53" East to a 5/8" iron pin set; thence leave said southeastern right of way line of Industrial Drive North and run South 11° 47' 20" East for a distance of 318.00 feet to a 5/8" iron pin set; thence South 00° 47' 00" East for a distance of 897.86 feet to a 5/8" iron pin set at the northern

right of way line of Gluckstadt Road; thence run 106.67 feet along the arc of a 770.59 foot radius curve to the right along the said northern right of way line, said arc having a 106.58 foot chord which bears South 60° 22' 00" West to a 5/8" iron pin set; thence run 188.67 feet along the arc of a 432.30 foot radius curve to the right along the said northern right of way line, said arc having a 187.18 foot chord which bears South 76° 50' 07" West to a 5/8" iron pin set; thence run South 89° 20' 18" West for a distance of 493.82 feet along the said northern right of way line; thence leave said northern right of way line of Gluckstadt Road and run North 00° 20' 12" West for a distance of 920.00 feet to a 5/8" iron pin set; thence South 89° 19' 58" West for a distance of 941.71 feet to a 5/8" iron pin set at the eastern right of way line of the said Industrial Drive North; thence run 268.27 feet along the arc of a 194.40 foot radius curve to the right along the southeastern right of way line of the said Industrial Drive North, said arc having a 247.48 foot chord which bears North 49° 39' 00" East to the **POINT OF BEGINNING**, containing 22.731 1 acres (990,165 square feet), more or less.

#### **TOGETHER WITH**

A parcel of land situated in the Southeast 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, to wit:

Commence at a 1/2" iron pin found at the most easterly corner of Lot 9 of First Choice Business Park, a subdivision, the map or plat of which is recorded in Plat Cabinet D at Slot 152 of the Chancery Records of Madison County at Canton, Mississippi, said most easterly corner being the **POINT OF BEGINNING** for the parcel herein described; thence North 52° 50' 48" West for a distance of 257.38 feet along the northeastern line of the said Lot 9 to a 5/8" iron pin set; thence leave said northeastern line of Lot 9 and run North 89° 22' 54" East for a distance of 339.89 feet to a 5/8" iron pin set at the western right of way line of Industrial Drive; thence South 00° 35' 02" East for a distance of 153.91 feet along the said western right of way line to a 5/8" iron pin set at the northern right of way line of Industrial Drive North; thence South 89° 11' 00" West for a distance of 94.91 feet along the said northern right of way line to a 5/8" iron pin set; thence run 41.62 feet along the arc of a 264.40 foot radius curve to the left along the said northern right of way line of Industrial Drive North, said arc having a 41.58 foot chord which bears South 84° 40' 26" West to the **POINT OF BEGINNING**, containing 0.8518 acres (37,105 square feet), more or less.

The above warranty is subject to the following exceptions, to-wit:

1. There are no ad valorem taxes for the year 2015 as the property is exempt therefrom. Grantee shall be responsible for ad valorem taxes for subsequent years.

2. Madison County Zoning and Subdivision Regulations and Ordinances, as amended.
3. Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals lying in, on and under the subject property.
4. Restrictive Covenants filed for record on October 20, 2015, at 4:28:36 p.m., and recorded in Book 3267, Page 755.
5. That certain Right of Way Easement to South Central Bell Telephone Company executed on October 10, 1980 and filed for record on November 20, 1980 at 12:40 p.m. in Book 172, Page 507.
6. That certain Utility Easement to Madison County Wastewater Authority March 27, 2007 and filed for record on May 30, 2007 at 8:00 a.m. in Book 2194, Page 938.
7. That certain Utility Easement to Madison County Wastewater Authority March 27, 2007 and filed for record on May 30, 2007 at 8:00 a.m. in Book 2194, Page 928.
8. That certain Easement for Railroad Crossing executed on December 7, 1999 and filed for record on October 20, 2000 at 2:40 p.m. in Book 474, Page 213.
9. Any and all easements and rights of way for public roads, drainage ditches, public utilities and any and all other public easements and rights of way which may be recorded in the Office of the Chancery Clerk of Madison County, Mississippi.
10. All applicable zoning ordinances of the governmental authority having jurisdiction over the above described property.
11. Madison County Subdivision Regulations as amended

**WITNESS THE SIGNATURE** of the Madison County Economic Development Authority by its duly authorized officer on this the \_\_\_\_\_ day of October, 2015.

**MADISON COUNTY ECONOMIC  
DEVELOPMENT AUTHORITY**

**BY:** \_\_\_\_\_  
**TIM COURSEY, EXECUTIVE DIRECTOR**

**STATE OF MISSISSIPPI**

**COUNTY OF MADISON**

**THIS DAY** personally appeared before me, the undersigned authority in and for said County and State, within named **TIM COURSEY**, who acknowledged to me that he is the **EXECUTIVE DIRECTOR** of the **MADISON COUNTY ECONOMIC DEVELOPMENT AUTHORITY**, and that for and on behalf of said entity, and as its act and deed, he signed, sealed and delivered the above and foregoing instrument for the purposes mentioned on the day and year therein mentioned, after first having been duly authorized by said entity so to do.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE**, on this the \_\_\_\_\_ day of October, 2015.

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**NOTARY PUBLIC**

**MY COMMISSION EXPIRES:** \_\_\_\_\_

FLOODING SOURCE		FLOODWAY			BASE FLOOD WATER-SURFACE ELEVATION (FEET NAVD 88)			
CROSS SECTION	DISTANCE <sup>1</sup>	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
STREAM N								
A	790	116	419	2.7	260.0	254.3 <sup>2</sup>	255.3	1.0
B	2,410	50	211	5.4	260.3	260.5 <sup>2</sup>	261.1	0.6
C	4,150	100	210	4.7	266.2	266.2	266.4	0.2
D	5,835	116	337	2.9	272.0	272.0	273.0	1.0
E	8,010	340	782	1.3	276.5	276.5	277.4	0.9
F	8,360	131	252	3.9	277.3	277.3	277.8	0.5
G	10,310	154	434	2.3	282.9	282.9	283.7	0.8
STREAM O								
A	2,000	100	411	3.2	263.8	262.2 <sup>2</sup>	263.0	0.8
B	4,200	120	811	3.1	270.3	270.3	270.4	0.1
C	5,230	121	157	5.9	272.2	272.2	272.3	0.1
D	7,030	332	744	1.3	276.3	276.3	276.9	0.6
E	9,190	165	209	4.5	288.6	288.6	288.6	0.0
F	10,600	123	519	1.8	294.5	294.5	295.4	0.9

<sup>1</sup> FEET ABOVE CONFLUENCE WITH BEAR CREEK

<sup>2</sup> ELEVATIONS WITHOUT CONSIDERING BACKWATER EFFECTS FROM BEAR CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

**MADISON COUNTY, MS  
AND INCORPORATED AREAS**

**FLOODWAY DATA**

**STREAM N - STREAM O**

**TABLE 6**

