

APPLICATION FOR SPECIAL EXCEPTION
Owner request to excavate dirt and haul dirt off
property 48.46 acres

Name and Address of Applicant: C&H Land, LLC 1120 Old Jackson Road Canton, MS 39046	Street Address of Property (if different address): Highway 16 West, Madison County, Mississippi NW ¼ of Sec. 26; T10N; R2E
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APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
January 1, 2019	A-1	See (Exhibit A)	102G-26-008/01	X	See (Exhibit B)

Other Comments: As per Article 2605 of the Madison County Zoning Ordinance.

Comments C&H Land, LLC presents this application for a Conditional Use Permit Pursuant to Article XXVI, Section 2605.1, and Article V, Agricultural District, (A-1), Section 502(G) for extraction of soils.

Respectfully Submitted

C&H Land, LLC _____

By: Gregory M. Johnston, its Attorney _____



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 _____



Madison County, MS
I certify this
instrument was filed
on 09/28/2018
02:40:33 PM
and eRecorded in the
W
Book 3652 Page 113 -
115
INSTR#:851237
Ronny Lott, Chancery
Clerk
By:RGK

B MAPLES

Recording Fee
\$11.00
Archive Fee
\$1.00

Total
\$12.00

Prepared by:
Brock Maples, PLLC
Brock Maples, MSB103767

After Recording Return To:
Brock Maples, PLLC
101 Webster Circle, Suite 200
Madison, MS 39110
(601) 707-4114

File Number: 2018-700
Parcel ID: 102G-26-008/01.00
Indexing Instruction: NW 1/4 of Section 26, T 10N, R 2E, Madison County, MS

Warranty Deed

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the undersigned,

**Nina S. Caudle ("Grantor")
6983 Hawk Woods Ct., West Bloomfield MI 48322
Phone No.: 248-894-3412**

do hereby sell, convey and warrant unto

**C & H Land, LLC, a Mississippi Limited Liability Company("Grantee")
1170 Old Jackson Road, Canton, MS 39046
Phone No.: 601-855-0336**

the following described land and property lying and being situated in Madison, State of Mississippi, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

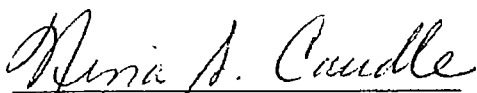
Grantor's title recorded on December 20, 2017, as Tract 2 on Final Judgment of Partition recorded in Book 3555 at Page 410.

together with all oil, gas and mineral leases, rights or reservations belonging to Grantor, and improvements situated thereon and all appurtenance hereunto belonging.

This conveyance and the warranty hereof are subject to all mineral reservations of record and not belonging to Grantor, easements, rights-of-way, building and zoning restrictions, and restrictive covenants recorded in the office of the Chancery Clerk of Madison County, Mississippi, and which affect the above-described property.

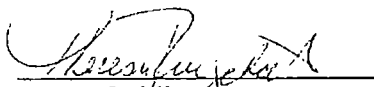
Ad valorem taxes and assessments for the current year have been prorated between Grantor and Grantees on an estimated basis and shall be paid by Grantees when due and payable. When said taxes and assessments are actually determined, if the proration as of this date is incorrect, then the parties agree to readjust the prorations based on the actual amounts. Grantees assume and agree to pay ad valorem taxes for all subsequent years.

WITNESS THE SIGNATURE of the Grantor on this the ^{25th} ~~28th~~ day of September, 2018.


Nina S. Caudle

STATE OF Michigan
COUNTY OF Oakland

Personally appeared before me, the undersigned authority in and for the said county and state, on this 25th day of September, 2018, within my jurisdiction, the within named Nina S. Caudle, who acknowledged that (he) (she) (they) executed the above and foregoing instrument.


Notary Public

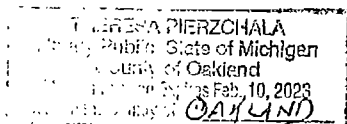
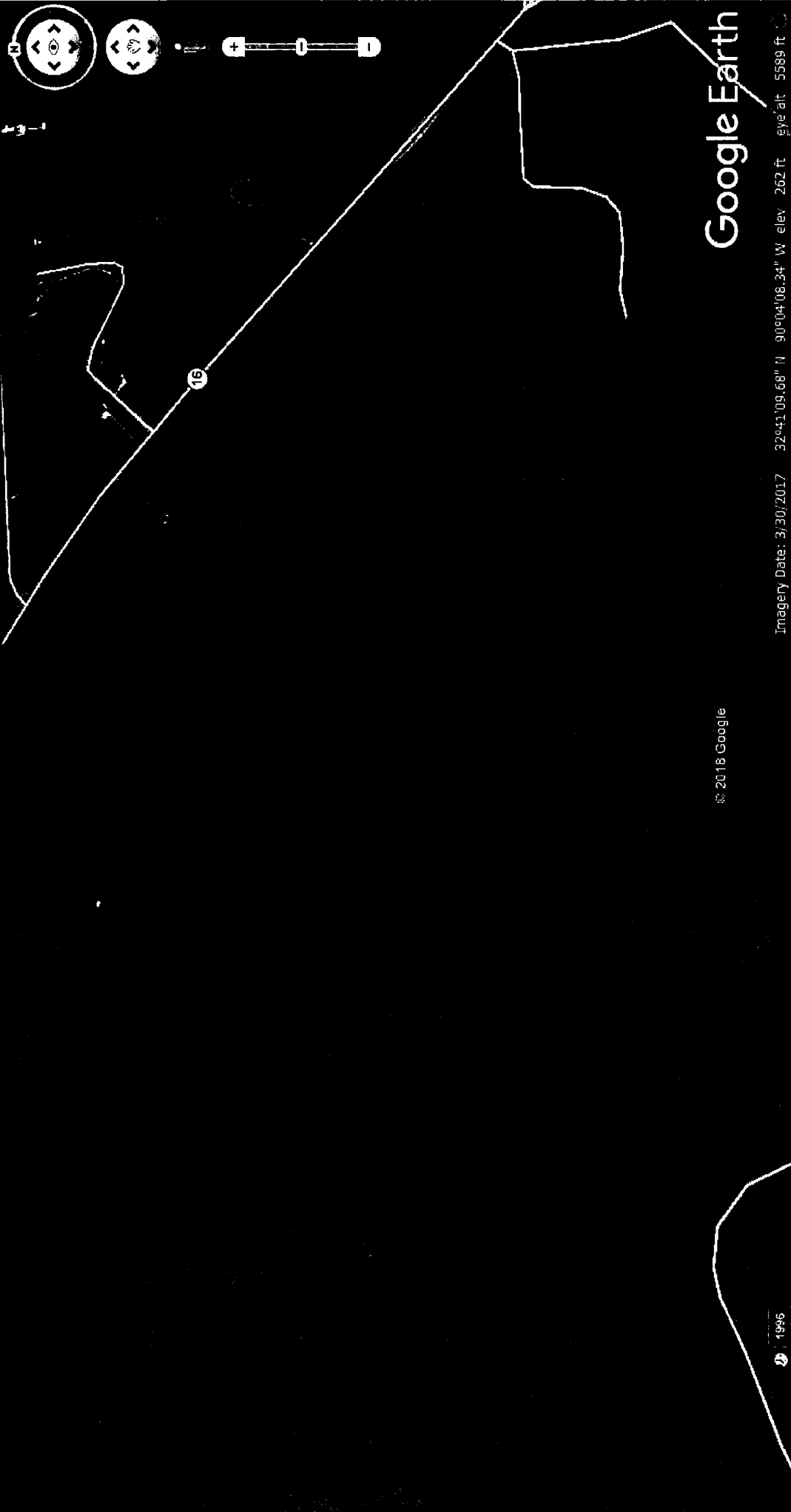


EXHIBIT "A"

INDEXING INSTRUCTIONS: NW 1/4 of Section 26, T-10-N, R-2-E, Madison County, MS

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, NAVD88, grid values, using a combined scale factor of 0.999949990 and a grid to geodetic azimuth angle of (-) 00 degrees 08 minutes 28 seconds developed at the Point of Beginning, being derived using the University of Southern Mississippi's RTK/VRS network, said point having a value of N:1158210.46, E:2376975.22, Z:246 on said coordinate system.

Beginning at a 1/2" rebar found representing the southwest corner of the Northwest Quarter of Section 26, Township 10 North, Range 2 East, of Madison County, thence run North 00 degrees 14 minutes 03 seconds West a distance of 1262.02 feet; thence North 76 degrees 24 minutes 02 seconds East a distance of 1256.06 feet, said point having a value of N: 1159767.80, E:2378190.91 on said coordinate system; thence North 34 degrees 06 minutes 38 seconds East a distance of 1061.68 feet to a point on the south right of way of Highway 16; thence run along the highway right of way South 54 degrees 46 minutes 33 seconds East a distance of 58.94 feet to a concrete right of marker; thence continue South 46 degrees 05 minutes 09 seconds East a distance of 41.68 feet; thence leave the highway right of way and run South 34 degrees 06 minutes 38 seconds West a distance of 1053.44 feet, said point having a value of N:1159711.72, E:2378273.70 on said coordinate system; thence South 16 degrees 54 minutes 14 seconds East a distance of 946.14 feet; thence South 23 degrees 41 minutes 54 seconds West a distance of 640.00 feet to a 1/2" rebar found; thence South 89 degrees 33 minutes 58 seconds West a distance of 1316.40 feet back to the to the Point of Beginning, containing 49.46 acres, more or less, and situated in the Northwest Quarter of Section 26, Township 10 North, Range 2 East, Madison County, Mississippi.



Google Earth

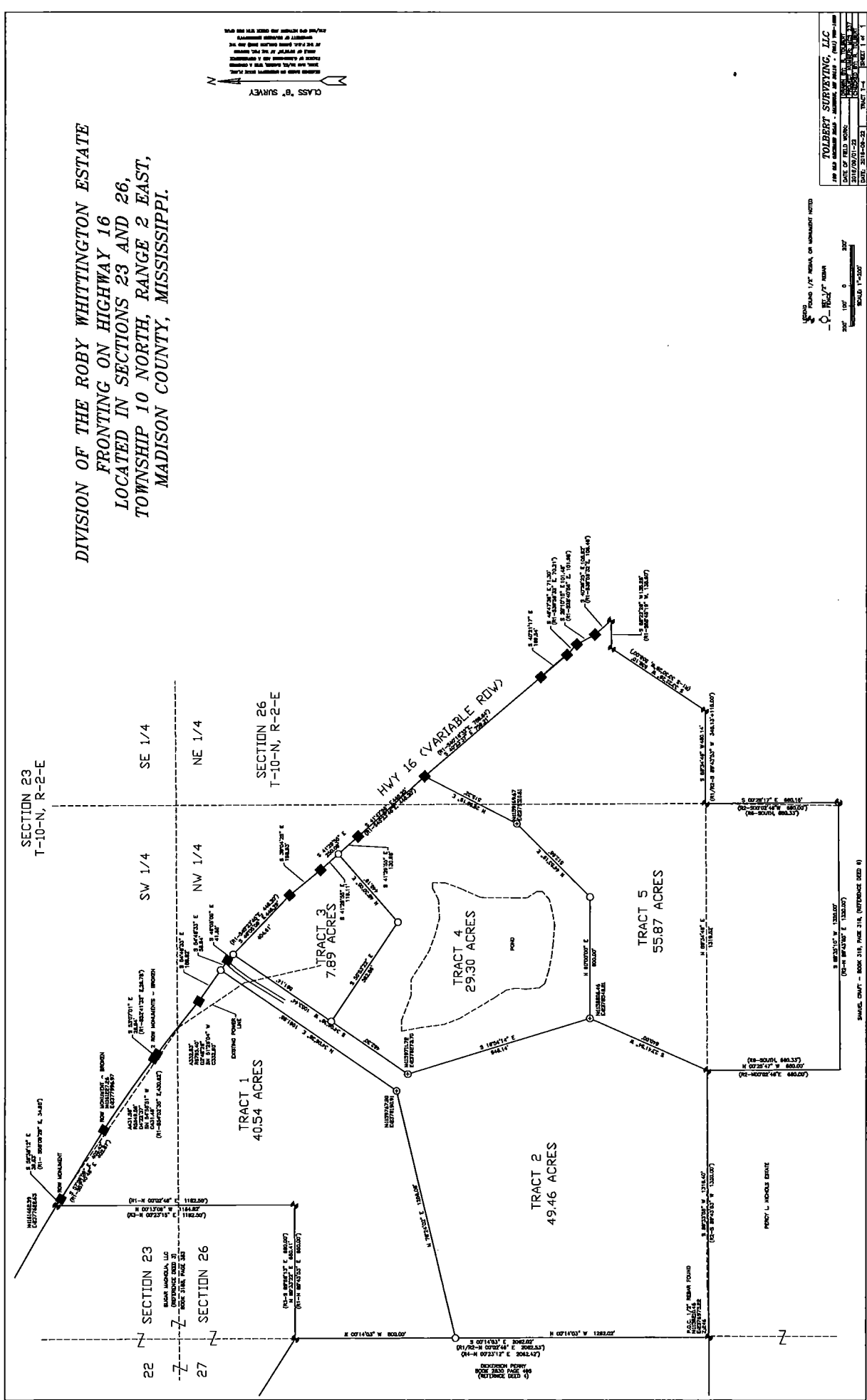
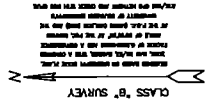
© 2018 Google

1996

Imagery Date: 3/30/2017 32°41'09.68" N 90°04'08.34" W elev. 262 ft eye alt. 5589 ft

Exhibit "C"

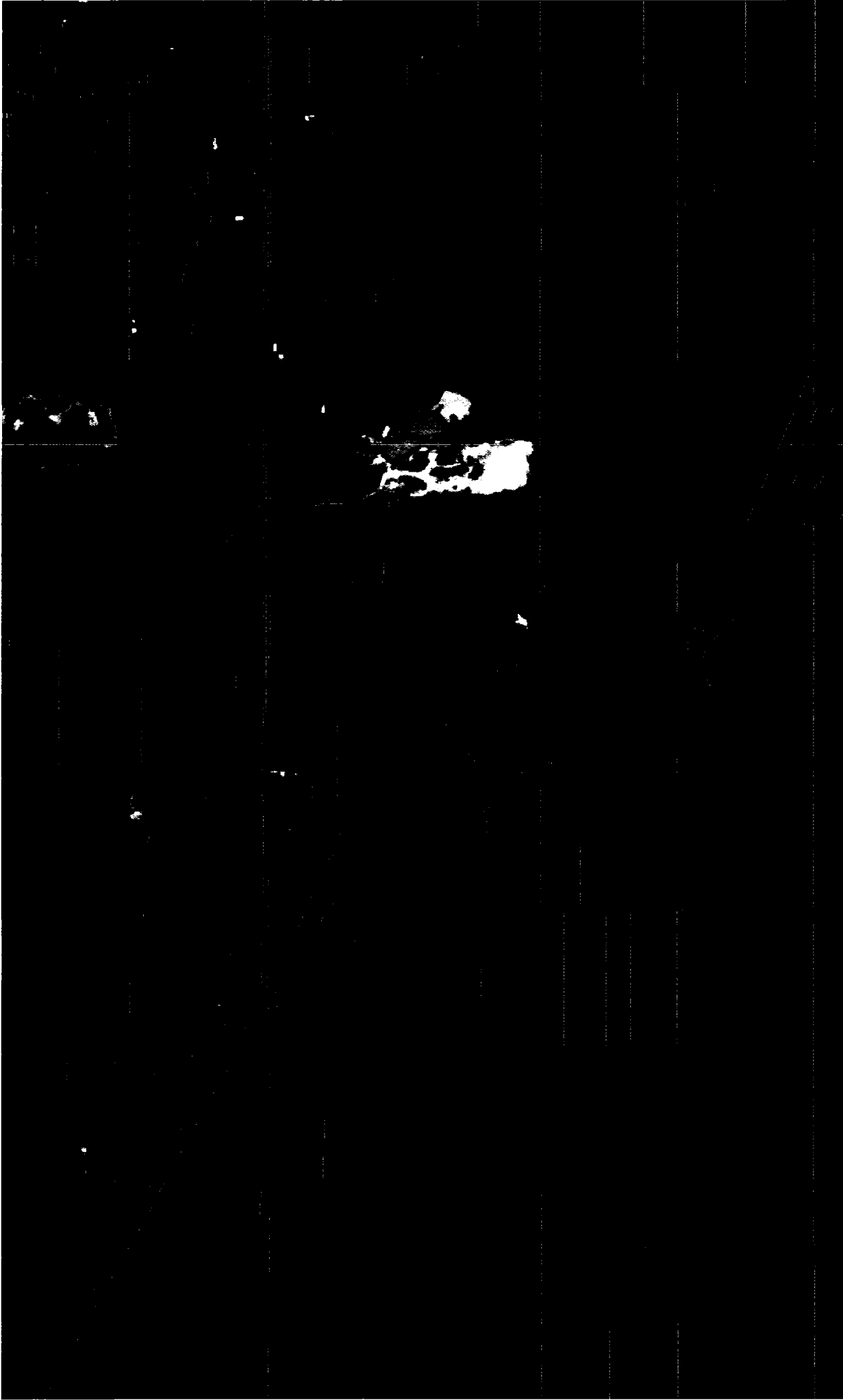
**DIVISION OF THE ROBY WHITTINGTON ESTATE
FRONTING ON HIGHWAY 16
LOCATED IN SECTIONS 23 AND 26,
TOWNSHIP 10 NORTH, RANGE 2 EAST,
MADISON COUNTY, MISSISSIPPI.**



LEGEND
 FOUND 1/4" IRON OR MONUMENT NODD
 - O - IRON NODD
 1" = 100' 0
 1" = 200' 0
 1" = 400' 0
 1" = 800' 0
 1" = 1600' 0

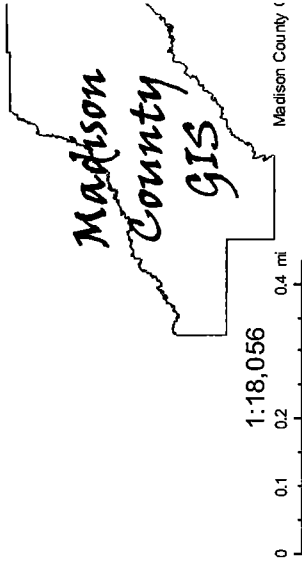
TOLBERT SURVEYING, LLC
 404 S. MAIN ST. - SUITE 101 - MEMPHIS, TN 38102
 (901) 525-1100
 DATE OF FIELD WORK: 10/20/2023
 DATE OF PLOTTING: 10/20/2023
 DATE OF PRINTING: 10/20/2023

SHAW'S CHART - BOOK 318, PAGE 318, (REFERENCE DEED 8)



Madison County Web Map

Parcels — PRIVATE
Roads — Public



Permit No. _____

STATE OF MISSISSIPPI

Application No. _____

SURFACE MINING PERMIT APPLICATION

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY / MINING & RECLAMATION DIVISION

P. O. Box 2279

Jackson, Mississippi 39225-2279

(601) 961-5515

Fax (601) 961-5521

For Office use only

Other permits required: Y/N	Date
NPDES	_____
State Operating Permit	_____
Corps of Engineers	_____
_____	_____
_____	_____

City/County approval	Required	Yes	No
Received Date:	_____	_____	_____
County	_____		
City	_____		

A. GENERAL INFORMATION

1. Name of Applicant: C + H Land LLC
 Mailing Address: 1170 Old Jackson Rd, Canyon MS 39046
 E-mail Address: southerntimber@ch.net
 Phone No. 601-941-5500 Fax No. 601-855-0336
 Authorized Representative Stephen D. Cook

2. Engineering Firm, Consultant, etc.: Benchmark Engineering & Surveying LLC
 Mailing Address: 101 Highpointe Court, Suite B Brandon MS 39042
 E-mail Address: mlore@benchmarkms.net
 Phone No. 601-591-1077 Fax No. 601-591-0711

3. Name of Mine: C+H Land Mine Supervisor: John Harrelld
 Phone No. 601-906-1150 Fax No. 601-855-0336

4. Location of Operation (to nearest quarter-quarter section):
NW 1/4 of Section 26, T-10-N, R-2-E, Madison County, MS
 Section Township Range County

5. Physical address of mine or nearest named road Highway 16 west of FJSS

6. Method of Operation Open Pit Strip Dredge Wash Operation, if so Water Source _____
 Wash System Type Closed system Open system

7. Number of Acres to be Permitted:
 Excavation 48.46
 Haul roads, plant site, ponds, storage piles, etc. 1.00

8. Is the Permit Area located: Yes No
 a. within 100 feet of a public road? X
 b. within 100 feet of a cemetery? X
 c. within 300 feet of an occupied building? X

If YES to a, b, or c, a letter must be filed with the Office giving permission from the owner or maintaining authority to mine within these distances to the subject property.

TOTAL PERMITTED AREA _____

9. Materials to be Mined: Silty clay

10. Has the applicant applied for, or have, any other permits or licenses that pertain to this or any other mining operation? Yes ___ No X

If "YES," list them in the space provided on page 5, or attach separate pages, and give the current status of each, including any violations or penalties.

B. MINING PROCEDURE AND ENVIRONMENTAL ANALYSIS

- | | |
|--|--------------------------------------|
| 1. Description of materials: | 2. Anticipated Schedule (month/year) |
| Thickness of overburden <u>1</u> ft.
(Topsoil MUST be stockpiled for use during reclamation) | Begin clearing <u>2 / 19</u> |
| Thickness of useable material <u>20</u> ft. | Begin mining <u>2 / 19</u> |
| Total depth of excavation <u>21</u> ft. | Complete mining <u>12 / 25</u> |
| Estimated annual production _____ tons | Begin reclamation <u>7 / 22</u> |
| | Complete reclamation <u>12 / 25</u> |
3. Depth to ground water: N/A ft.
4. How will dust be controlled?
- Water on haul roads
- _____
5. Types of erosion control structures that will be utilized.
- Settling ponds Drainage ditches
- Diversion berms Terraced slopes
- Silt Fencing
6. Describe the land to be affected by mining as it presently exists:
- a. Land use Farm land & Pines b. Predominant vegetation N/A
7. Will explosives be used? ___ Yes X No
8. Is test-boring data available? ___ Yes X No
9. Are toxic materials likely to be encountered at any time? ___ Yes X No
10. Will there be any discharge to local streams or other bodies of water? ___ Yes X No

If any of questions 7-10 are answered "YES," provide additional information on page 5, or attach separate pages.

C. RECLAMATION PLAN

NOTE: It is suggested that the county NRCS office be consulted for specific recommendations on the following items.

1. Describe the soil handling technique for the reclamation phase of the operation:
- Topsoil segregated Mixed strata _____
2. Describe the protection method for the stockpiled topsoil.
- berm around the storage pile
- grass cover on the pile (recommended)
- stored under a cover
- _____
3. How will highwalls, standing faces, and banks be reduced to minimize erosion? (All highwalls must be sloped, minimum 3 horizontal to 1 vertical.)
- slopes will be terraced
- sloped to a gradient of 3 to 1
- blended with surrounding contours
- _____

4. What is the general plan for reclamation?

- reforestation
- establish grass cover
- pond or lake
- _____

5. What planting method will be used?

- broadcast seed mechanical seeding
- seeding by manual labor
- _____

6. How will fertilizer and lime be applied and incorporated?

- harrowing broadcasting disking

7. Quantity of lime and fertilizer to be applied?

a. For initial planting

lime: 0 tons per acre
 fertilizer: 19-19-19 (type) 400 pounds per acre

b. For successive years prior to 100% release

fertilizer: 19-19-19 (type) 400 pounds per acre
 when: May (month)

8. Describe the planting schedule:

Tree or Seed Species	Tree spacing or lbs./acre	Planting Season
<u>Rye Grass</u>	<u>50</u>	<u>Fall</u>
<u>Oats</u>	<u>50</u>	<u>Fall</u>
_____	_____	_____
_____	_____	_____

9. Will the area be mulched? Yes No If yes, rate per acre _____

Method of holding in place: crimped _____

10. How will the vegetation be maintained until the final bond release?

- watering
- mowing
- times per year _____
- approximate month(s) _____
- repairing gullies
- replanting eroded areas
- _____

11. How will debris be disposed of when the mine is finally closed?

- burying burning hauling away

12. Will a soil analysis be submitted for this site? Yes No
NOTE: available from the Cooperative Extension Service through the applicant's County Agent

13. Estimated cost per acre for reclamation of this site: \$1000.00 (minimum of \$1,000 per acre)

D. NAMES AND ADDRESSES OF PERSONS AFFECTED BY THIS OPERATION

1. Landowner(s) of area to be mined/leased

Name: C+H Land LLC Name: _____
Address: 1170 Old Jackson Rd Address: _____
Cartersville, GA 30130
Phone: 601-941-8500 Phone: _____

2. Landowner(s) within 500 feet of the area

Name: _____ Name: _____
Address: _____ Address: _____
Phone: _____ Phone: _____
Name: _____ Name: _____
Address: _____ Address: _____
Phone: _____ Phone: _____

3. Person(s) living on permit area

Name: N/A Name: _____
Address: _____ Address: _____
Phone: _____ Phone: _____

I declare that I have knowledge of the facts presented in the preceding pages and in all of the items attached to this application; furthermore, I certify that they are true to the best of my knowledge.

11/21/08
date

[Signature]
signature

Stephen D. Cook
printed name

member
title

Adjacent Land owners to proposed 49 ac site

West: Perry Dickson, 433 HWY 16 west, Canton Ms 39046

North: Betty Whittington, 6983 Hawkwood Ct , West Bloomfeild MI, 48322

South: Percy Nichols Estate C/O Debra D Small, 252 Davis RD. Canton Ms 39046

Lake: Charles Whittington, 2933 S Harvard Ave, Apt B, Independence Mo 64052

Southeast: Robby Whittington Jr, 9443 Henry St, Dyer IN 46311

House: Martin Whittington, 1120 N Victoria Rd#5, Fort Lauderdale FL 33304