

**BEFORE THE MADISON COUNTY, MISSISSIPPI BOARD OF SUPERVISORS**

**In re:           Alteration of the Plat of Fallen Oak, Revised**

**Fred Cole DeLong, III, Petitioner**

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**PETITION TO ALTER THE PLAT OF FALLEN OAK, REVISED**

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**COMES NOW** Petitioner, **FRED COLE DELONG, III**, pursuant to Section 17-1-23 (4) of the *Mississippi Code of 1972, Annotated, as Amended*, and files this his Petition before the Board of Supervisors of Madison County, Mississippi to Alter the Plat of Fallen Oak, Revised, and in support hereof shows as follows:

1.       Petitioner, **FRED COLE DELONG, III**, is an adult resident citizen of Madison County, Mississippi, whose address is P.O. Box 1692, Madison, MS 39130.

2.       Petitioner, **FRED COLE DELONG, III**, is the owner of Lot 2, Fallen Oak, Revised as evidenced by Warranty Deed recorded in Book 3713 at Page 122, in the records in the office of the Chancery Clerk of Madison County, Mississippi, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference. That Petitioner files the Petition seeking to divide Lot 2 into Lots 2A and 2B as depicted on Survey Plat attached hereto as Exhibit "B".

3.       Fallen Oak, Revised is a subdivision according to a map or plat thereof on file in the office of the Chancery Clerk of Madison County, Mississippi, in Plat Cabinet F, Slides 121A and 121B. Lot 2, Fallen Oak, Revised is subject to the Declaration of Covenants, Conditions and Restrictions for Meadows of Charlton Place recorded in Book 2369 at Page 393, in the records in the office of the Chancery Clerk of Madison County, Mississippi.

4. The Meadows of Charlton Place Covenants state in Section 12.10 of Article XII:

After conveyance of a Parcel by the Declarant, the further subdivision of such Parcel shall be allowed by this Declaration, subject to applicable governmental rules, regulations, ordinances and laws, so long as the resulting new, smaller Parcels are at least five (5) acres in area. No owner of another Parcel in the Property may object to the subdivision of a Parcel by an Owner, so long as the resulting Parcels meet the minimum area criteria set forth herein.

5. Petitioner shows that after dividing Lot 2, the minimum lot size requirements of Section 12.10, Article XII of the Meadows of Charlton Place Covenants are satisfied in that the resulting Lot 2A and Lot 2B are each over five (5) acres in area.

6. Pursuant to Section 17-1-23 (4) of the *Mississippi Code of 1972, Annotated, as Amended*, the only parties interested in the subject matter of this Petition are:

- 1) Steelshot Property, LLC - Developer of Fallen Oak, Revised
- 2) Meadows of Charlton Place Property Owner's Association, Inc.

Such interested parties join in this Petition and request hereof.

7. That the Board should approve the division of Lot 2, Fallen Oak, Revised into two lots and should reflect same on its minutes and by marginal notation on the Plat of Fallen Oak, Revised noting that Lot 2, Fallen Oak, Revised is divided into two lots, i.e. Lot 2A and Lot 2B as depicted on Survey Plat attached hereto as Exhibit "B" and as described on Exhibits "C" and "D" attached hereto.

**WHEREFORE, PREMISES CONSIDERED** Petitioner respectfully requests that this Petition be received, and that after consideration, the Board of Supervisors of Madison County, Mississippi will enter its Order Altering Lot 2, Fallen Oak, Revised, to reflect that Lots 2A and 2B are to be classified as two Lots as depicted on Exhibit "B" attached hereto.

**FURTHER**, Petitioner requests that the Board of Supervisors of Madison County, Mississippi grant any other relief to which Petitioner may be entitled.

**THIS** the 2 day of DECEMBER 2019.

Respectfully submitted,

Fred Cole DeLong, III  
Fred Cole DeLong, III

AGREED TO

Steelshot Property, LLC

By: Shane Hixon  
Shane Hixon, Manager

Meadows of Charlton Place Property Owner's Association, Inc.

By: Jerry Nicholson  
Jerry Nicholson, President

Don A. McGraw, Jr.  
Don A. McGraw, Jr.  
Montgomery McGraw, PLLC  
P.O. Box 1039  
151 W. Peace Street  
Canton, MS 39046  
Telephone: 601-859-3616  
Facsimile: 601-859-3622  
Email: [Dmcgraw@montgomerymcgraw.com](mailto:Dmcgraw@montgomerymcgraw.com)  
Attorney for Fred Cole DeLong, III

308 - 12.00

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

**RETURN TO:**  
Don A. McGraw, Jr.  
Montgomery McGraw, PLLC  
P. O. Box 1039  
Canton, MS 39046  
601-859-3616

**INDEXING:** Lot 2, Fallen Oak, Revised, Madison County, Mississippi.

**STATE OF MISSISSIPPI  
COUNTY OF MADISON**

**WARRANTY DEED**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

**GRANTOR:**  
**STEELSHOT PROPERTY, LLC, a Mississippi limited liability company**  
116 Solleftea Drive  
Madison, MS 39110  
Phone: 601-966-3339

does hereby sell, convey and warrant unto

**GRANTEE:**  
**FRED COLE DELONG, III**  
P. O. Box 1692  
Madison, MS 39130  
Phone: 601-940-0222

the following described real property lying and being situated in Madison County, Mississippi, to wit:

Lot 2, Fallen Oak, Revised, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Madison County at Canton, Mississippi, in Plat Cabinet F, Slides 121A and 121B, reference to which is hereby made in aid of and as a part of this description.

Together with all access easements depicted on the above referenced plats.

EXH 'A'

2

WARRANTY OF THIS CONVEYANCE is subject to the following exceptions, to wit:

1. County of Madison, Mississippi, ad valorem taxes for the year 2019, which shall be pro-rated as of the date hereof.
2. County of Madison, Mississippi, Zoning and Subdivision Regulations and Ordinances; as amended.
3. Rights-of-way and easements for roads, power lines, drainage, and other utilities, and restrictive covenants of record.
4. Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals lying in, on and under the subject property.

WITNESS OUR SIGNATURE on this the 24<sup>th</sup> day of April, 2019.

**STEELSHOT PROPERTY, LLC**  
**A Mississippi limited liability company**

BY: Shane Hixon  
Shane Hixon, Member

**STATE OF MISSISSIPPI**  
**COUNTY OF MADISON**

**PERSONALLY APPEARED BEFORE ME**, the undersigned authority in and for the said county and state, on this 24<sup>th</sup> day of April, 2019, within my jurisdiction, the within named **Shane Hixon**, who acknowledged that he is a **Member of SteelShot Property, 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:  
1-18-2023  
(SEAL)

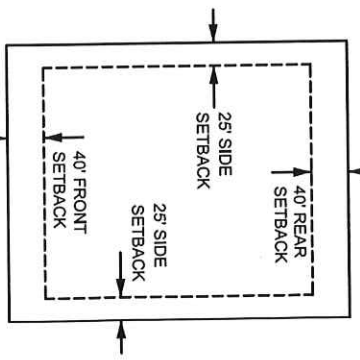
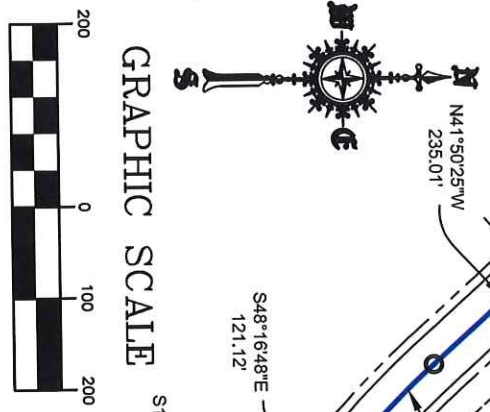
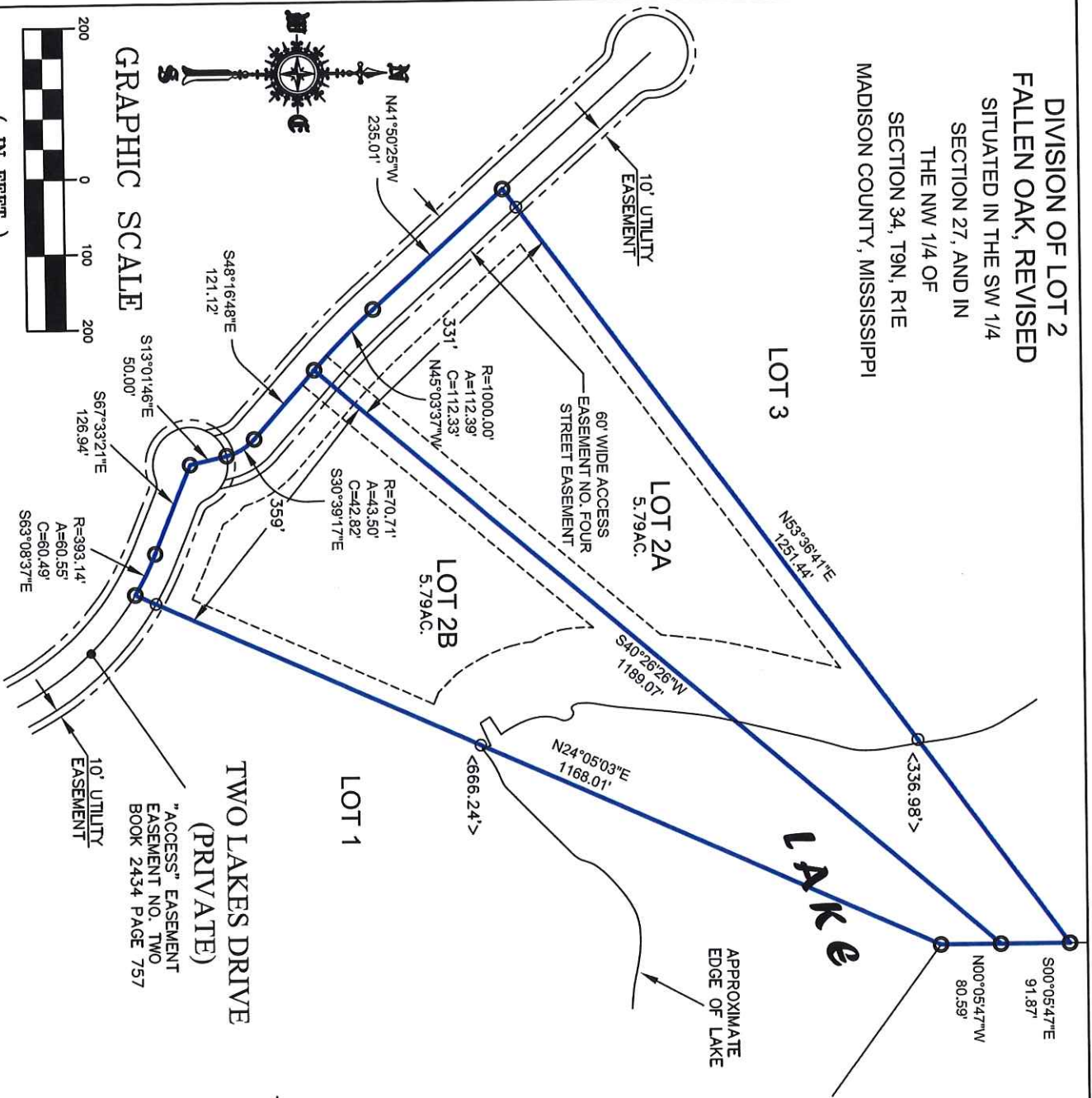


Don A. McGraw Jr.  
NOTARY PUBLIC

**DIVISION OF LOT 2  
FALLEN OAK, REVISED**

SITUATED IN THE SW 1/4  
SECTION 27, AND IN  
THE NW 1/4 OF  
SECTION 34, T9N, R1E  
MADISON COUNTY, MISSISSIPPI

**DRAFT  
FOR REVIEW**



MINIMUM SETBACK FROM MEAN HIGH  
WATER MARK OF LAKE - 100'  
MINIMUM LOT WIDTH @ FRONT  
40' SETBACK - 100'  
SETBACKS PER MADISON  
COUNTY ZONING ORDINANCE

NOT TO SCALE

Exh B'

BARNES SURVEYING, LLC  
ROBERT M. BARNES  
LAND SURVEYOR



2 OLD RIVER PLACE, SUITE K  
JACKSON, MISSISSIPPI 39202  
VOICE (601) 353-7878  
FAX (601) 353-7805

## LEGAL DESCRIPTION LOT 2A FALLEN OAK, REVISED

A parcel of land being a part of Lot 2, Fallen Oak, Revised, a subdivision, the map or plat of which is recorded in the Chancery Records of Madison County at Canton, Mississippi in Plat Cabinet F at Slides 121A and B, also being situated in the Southwest 1/4 of Section 27 and in the Northwest 1/4 of Section 34, all in Township 9 North, Range 1 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Commence at a "PK" nail set on the centerline of a sixty (60') wide access easement at the most southern corner of Lot 3 of the said Fallen Oak, Revised which marks the **POINT OF BEGINNING** for the parcel herein described; thence South  $41^{\circ} 50' 25''$  East for a distance of 235.01 feet along the said centerline of a sixty (60') wide access easement to a "PK" nail set; thence run 112.39 feet along the arc of a 1,000.00 foot radius curve to the left along the said centerline of a sixty (60') wide access easement, said arc having a 112.33 foot chord which bears South  $45^{\circ} 03' 37''$  East to a "PK" nail set; thence leave said centerline of a sixty (60') wide access easement and run thence North  $40^{\circ} 26' 26''$  East for a distance of 1,189.07 feet to a point in a lake at the eastern property line of the said Lot 2; thence North  $00^{\circ} 05' 47''$  West for a distance of 91.87 feet along the said eastern property line to a point in the said lake being the most northern corner of the said Lot 2; thence South  $53^{\circ} 36' 41''$  West for a distance of 1,251.44 feet along the northwestern line of the said Lot 2 to the **POINT OF BEGINNING**, containing 5.79 acres, more or less.

The reference meridian for the above description is based on the recorded plat of Fallen Oak, Revised.

EXH 'C'

BARNES SURVEYING, LLC  
ROBERT M. BARNES  
LAND SURVEYOR



2 OLD RIVER PLACE, SUITE K  
JACKSON, MISSISSIPPI 39202  
VOICE (601) 353-7878  
FAX (601) 353-7805

## LEGAL DESCRIPTION

### LOT 2B FALLEN OAK, REVISED

A parcel of land being a part of Lot 2, Fallen Oak, Revised, a subdivision, the map or plat of which is recorded in the Chancery Records of Madison County at Canton, Mississippi in Plat Cabinet F at Slides 121A and B, also being situated in the Southwest 1/4 of Section 27 and in the Northwest 1/4 of Section 34, all in Township 9 North, Range 1 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Commence at a "PK" nail set on the centerline of a sixty (60') wide access easement at the most southern corner of Lot 3 of the said Fallen Oak, Revised; thence South 41° 50' 25" East for a distance of 235.01 feet along the said centerline of a sixty (60') wide access easement to a "PK" nail set; thence run 112.39 feet along the arc of a 1,000.00 foot radius curve to the left along the said centerline of a sixty (60') wide access easement, said arc having a 112.33 foot chord which bears South 45° 03' 37" East to a "PK" nail set which marks the **POINT OF BEGINNING** for the parcel herein described; thence leave said centerline of a sixty (60') wide access easement and run thence North 40° 26' 26" East for a distance of 1,189.07 feet to a point in a lake at the eastern property line of the said Lot 2; thence South 00° 05' 47" East for a distance of 80.59 feet along the said eastern property line to a point in the said lake at the most northern corner of Lot 1 of the said Fallen Oak, Revised; thence South 24° 05' 03" West for a distance of 1,168.01 feet along the western line of the said Lot 1 to the centerline of a private road known as Two Lakes Drive; thence run 60.55 feet along the arc of a 393.14 foot radius curve to the left along the said centerline, said arc having a 60.49 foot chord which bears North 63° 08' 37" West to a "PK" nail set; thence North 67° 33' 21" West for a distance of 126.94 feet along the said centerline of Two Lakes Drive to a "PK" nail set at the center point of a cul-de-sac having a radius of 50.00 feet; thence leave said center point and run North 13° 01' 46" West for a distance of 50.00 feet to a "PK" nail set on the right of way line of Two Lakes Drive; thence run 43.50 feet along the arc of a 70.71 foot radius curve to the left along the said centerline of a sixty (60') wide access easement, said arc having a 42.82 foot chord which bears North 30° 39' 17" West to a "PK" nail set; thence North 48° 16' 48" West for a distance of 121.12 feet along the said centerline of a sixty (60') wide access easement to the **POINT OF BEGINNING**, containing 5.79 acres, more or less.

Exh. D'