

Right of Way Technology, Inc.  
Consultant

Acquisition Agent: Mark Dye    mrdye@me.com    Mobile: (601) 650-0800  
593 Risher Road    Carthage, MS 39051

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April 29, 2020

Brad Engles, P.E.  
Senior Associate  
Stantec  
200 North Congress Street, Suite 600  
Jackson, MS 39202-1917

RE: Reunion Parkway Road, Phase 3  
FA Project: STP-6988-00(003)  
MBOS Project: LPA 106992/701000    County: Madison  
Work Assignment: 201902661    Parcel: 008-00-02-W  
Charles K. Kugle, et al, Request For Acquisition Payment

Dear Mr. Engles,

The property owners have accepted the adjusted amount of \$107,950.00 and have executed the conveyance instruments. At your earliest convenience, please process for payment.

Inquiries and equal division of payment should be directed to:

\$ 35,983.34	\$ 35,983.33	\$ 35,983.33
Charles K. Kugle	William R. Kugle	Teresa Y. Kugle Forrest
145 Stonegate Drive	1051 Barnes Road	150 Simkins Road
Madison, MS 39110	Canton, MS 39046	Decatur, MS 39327
(601) 832-0767	(601) 855-7376	(601) 874-1160
kenkugle@gmail.com	rkugle@gmail.com	teresakugle@gmail.com

I am submitting the entire original parcel file along with the executed conveyance instruments for payment processing and for the permanent records of the Madison County Board of Supervisors. If there are any questions or if other information is needed, please advise.

Sincerely,



Mark Dye  
Acquisition Agent





## PROPERTY CLOSING CHECKLIST

Project # LPA 106992/701000 File # 008-00-02-W  
Date April 29, 2020 Name Charles K. Kugle, et al  
County Madison

Place a (v) check mark in the blank if the item checks out okay.

Place an (x) in the blank if there are any problems, and identify it in the remarks area. (If not applicable, show NA)

1. Check the payee name and address on the deed against the invoice. use name not initials.
2. Check the T.I.N. (tax id number) against tax form sheet (W-9) and invoices.
3. Check the FMVO against the deed, invoice, and appraisal. Be sure the invoice is broken down by Land, Improvements, and Damages.
4. Deed acreage should agree with, invoice, FMVO, and map.
- N/A 5. Look for any special clauses that have been added to the deed. Make a note of which page they are on and that it has been initialed by the property owner and Acquisition Agent.
- N/A 6. If any improvement is partially in the take area and on the remainder, the ingress/egress clause must be inserted in deed and initialed by Property Owner and Acquisition Agent.
7. Check Notary - (dates, notary Expiration dates, spelling of words, see if blanks above signature are filled in correctly. Notary acknowledgments should be checked for accuracy, i.e.: initials, dates, spelling, etc.)
8. All pages of deed should be initialed by property owner and Acquisition Agent.
- N/A 9. Check the code numbers at the bottom of the invoice.  
LAND-3120 , unless X Deed- use 3160 Improvements - 3150 Damages - 3180  
\*\*\*\*USER CODE 1 code for X Deeds is 1
- N/A 10. Check the Contaminated Active Sites Report in the Parcel Tracking System. If the property has not been cleared for acquisition, contact the Property Management Section before acquiring and get the status of the Parcel.
11. Are all mortgages, liens, and judgments taxes listed on the invoice?  
Yes \_\_\_ No
12. Attach contact record, closing statement and copy of row map showing acquisition area
13. Are all Q-deed and partial releases executed? Do not send warranty deed without them.
- N/A 14. Check for proper documentation of Seals, Heirship forms, Life Estates, etc.
15. Administrative Adjustment amount, date and justification for adjustment.

REMARKS: Administrative adjustment of \$2,000.00 approved. Q-Deed signed by tenants in occupancy at this site.

Date: 4/29/20 Agent: [Signature]

# Request for Taxpayer Identification Number and Certification

Give Form to the  
 requester. Do not  
 send to the IRS.

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.  
**CHARLES KENDALL KUGLE**

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC     C Corporation     S Corporation     Partnership     Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ \_\_\_\_\_

Other (see instructions) ▶ \_\_\_\_\_

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  
 Exempt payee code (if any) \_\_\_\_\_  
 Exemption from FATCA reporting code (if any) \_\_\_\_\_  
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.  
**145 STONEGATE DRIVE**

6 City, state, and ZIP code  
**MADISON, MS, 39110**

7 List account number(s) here (optional)

Requester's name and address (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on backup withholding. For individuals, this is generally your social security number (SSN) resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later; entities, it is your employer identification number (EIN). If you do not have a number, see TIN, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Employer identification number								

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign Here**    Signature of U.S. person ▶ Charles Kendall Kugle    Date ▶ 4/27/20

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
  - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
  - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
  - Form 1099-S (proceeds from real estate transactions)
  - Form 1099-K (merchant card and third party network transactions)
  - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
  - Form 1099-C (canceled debt)
  - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*



## Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <i>William R. Kugle</i>	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input checked="" type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions. <i>1051 Barnes Rd</i>	Requester's name and address (optional)
6 City, state, and ZIP code <i>Canton, MS 39046</i>	
7 List account number(s) here (optional)	

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Employer identification number								

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person ▶ <i>William R. Kugle</i>	Date ▶ <i>4/24/20</i>
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- Form 1099-DIV (dividends earned or paid)

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Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*



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requester. Do not  
send to the IRS.

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <i>Teresa K. Forrest</i></p>	
	<p>2 Business name/disregarded entity name, if different from above</p>	
	<p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input checked="" type="checkbox"/> Individual/sole proprietor or single-member LLC    <input type="checkbox"/> C Corporation    <input type="checkbox"/> S Corporation    <input type="checkbox"/> Partnership    <input type="checkbox"/> Trust/estate</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____</p> <p><small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small></p> <p><input type="checkbox"/> Other (see instructions) ▶ _____</p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p>5 Address (number, street, and apt. or suite no.) See instructions. <i>150 Simkins Rd</i></p>	Requester's name and address (optional)
	<p>6 City, state, and ZIP code <i>Decatur, MS 39327</i></p>	
	<p>7 List account number(s) here (optional)</p>	

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3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

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<b>Sign Here</b>	<p>Signature of U.S. person ▶ <i>Lisa Forrest</i></p>	<p>Date ▶ <i>4/24/20</i></p>
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*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*

ROW 005 A (Revised 3/2011)

**Grantee, prepared by and return to:**

Madison County Board of Supervisors

125 West North Street

P.O. Box 608

Canton, MS 39046

Phone: 601-790-2590

**Grantor Address:**

Charles K. Kugle, et al

145 Stonegate Drive

Madison, MS 39110

Phone: (601) 832-0767

**WARRANTY DEED**

**INDEXING INSTRUCTIONS:**

**LOTS 1 AND 2, LANSLOWNE ESTATES  
PLAT BOOK 4 PAGE 6 AND IN THE NW 1/4 SE1/4,  
SECTION 33, T8N, R2E, MADISON COUNTY, MS**

Initial

JK, WRK, CKK

CHARLES K. KUGLE, ET AL  
STANTEC PROJECT NUMBER 201902661  
008-00-02-W



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STATE OF MISSISSIPPI

COUNTY OF MADISON

For and in consideration of Ten and NO/100 Dollars (\$10.00) the receipt and sufficiency of which is hereby acknowledged, we, the undersigned, hereby grant, bargain, sell, convey and warrant unto the Madison County Board of Supervisors the following described land:

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83(93), grid values using a scale factor of 0.999956506 and a convergence angle of (+) 00 degrees 7 minutes 52.67 seconds as developed by the Mississippi Department of Transportation for Project No. STP-6988-00(003) LPA/106992-701000 and being hereafter referred to as "THE PROJECT". The intent of this description is to convey that portion of the Grantor's property lying within the proposed right of way as defined by said project and as shown on the Right of Way Acquisition Maps for said project.

**COMMENCING** at the iron pin found marking the Southeast corner of Section 33, Township 8 North, Range 2 East, Madison County, Mississippi, said corner being the point of determination of the above cited convergence angle and scale factor, and being defined as N 1086814.05, E 2371958.37 on the above referenced coordinate system:

Run thence, North 55 degrees 39 minutes 13 seconds West for a distance of 2632.64 feet to the concrete monument found marking the Southeast Corner of Lot 1 of Lansdowne Estates as per Plat recorded in Plat Book 4 at Page 6 in the Office of the Chancery Clerk of Madison County, said monument also being on the apparent West right of way line of U.S. Highway 51, said monument is on the proposed South right of way line of "THE PROJECT" and has the following coordinates: N 1088299.37, E 2369784.75;

Thence, North 00 degrees 53 minutes 17 seconds West along the proposed South right of way line of "THE PROJECT" for a distance of 92.54 feet to a point the Grantors apparent South property line and the **POINT OF BEGINNING**;

Thence along the proposed South right of way line of "THE PROJECT" for the following 2 courses:

Initial JK, WRK, CKK

CHARLES K. KUGLE, ET AL  
STANTEC PROJECT NUMBER 201902661  
008-00-02-W



North 00 degrees 53 minutes 17 seconds West for a distance of 74.26 feet to a point located 90.000 feet right of measured perpendicularly to the proposed centerline of "THE PROJECT" at Station 84+00.000;

North 66 degrees 34 minutes 51 seconds West for a distance of 317.08 feet to a point on the Grantor's apparent West property line;

North 18 degrees 03 minutes 24 seconds East along the Grantor's apparent West property line for a distance of 140.64 feet to the Grantor's apparent Northwest property corner;

Thence, South 67 degrees 59 minutes 16 seconds East along the Grantors apparent North property line for a distance of 399.10 feet to the Grantor's apparent Northeast property corner and the apparent West right of way line of U.S. Highway 51;

Thence, South 23 degrees 26 minutes 20 seconds West along the apparent West right of way line of U.S. Highway 51 for a distance of 201.95 feet to the Grantor's apparent Southeast property corner;

Thence, North 88 degrees 45 minutes 48 seconds West along the Grantor's apparent South property line for a distance of 41.17 feet back to the **POINT OF BEGINNING**, containing 1.38 Acres more or less, and being situated in LOTS 1 AND 2, LANSLOWNE ESTATES PLAT BOOK 4 PAGE 6 AND THE NW 1/4 SE1/4, SECTION 33, T8N, R2E, MADISON COUNTY, MS

The grantor herein further warrants that the above described property is no part of his/her homestead.

This conveyance includes all improvements located on the above described land and partially on Grantor's remaining land, if any. The Grantee herein, it Agents, and/or Assigns are hereby granted the right of Ingress and Egress on Grantor's remaining land for removing or demolishing said improvements. The consideration herein named is in full payment of all said improvements.

It is understood and agreed that the consideration herein named is in full payment  
Initial AK, CK

CHARLES K. KUGLE, ET AL  
STANTEC PROJECT NUMBER 201902661  
008-00-02-W

and settlement of any and all damage and compensation which would be allowable under a decree were it rendered by the Court and jury in an Eminent Domain proceeding under the provision of the applicable laws and statutes of the State of Mississippi.

It is further understood and agreed that this instrument constitutes the entire agreement between the grantor and the grantee, there being no oral agreements or representations of any kind.

Witness my signature this the 27 day of APRIL A.D. 2020.

Signature Charles K. Kugle  
Charles K. Kugle  
145 Stonegate Drive  
Madison, MS 39110  
(601) 832-0767

**STATE OF MISSISSIPPI**

**COUNTY OF MADISON**

Personally appeared before me, the undersigned authority in and for the said county and state, on this 27<sup>th</sup> day of April, 2020, within my jurisdiction, the within named **Charles K. Kugle**, who acknowledged that he executed the above and foregoing instrument.



Mark Dye (NOTARY PUBLIC)

(SEAL)

My commission expires \_\_\_\_\_

Initial CKK

CHARLES K. KUGLE, ET AL  
STANTEC PROJECT NUMBER 201902661  
008-00-02-W



Witness my signature this the 24<sup>th</sup> day of April A.D. 2020.

Signature William R. Kugle  
William R. Kugle  
1051 Barnes Road  
Canton, MS 39046  
(601) 855-7376

**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, 2020, within my jurisdiction, the within named **William R. Kugle**, who acknowledged that he executed the above and foregoing instrument.

Mark Dye (NOTARY PUBLIC)

(SEAL)

My commission expires: \_\_\_\_\_



Initial WRK

CHARLES K. KUGLE, ET AL  
STANTEC PROJECT NUMBER 201902661  
008-00-02-W

Witness my signature this the 24 day of April A.D. 2020.

Signature *Teresa Y. Kugle Forrest*  
Teresa Y. Kugle Forrest  
150 Simkins Road  
Decatur, MS 39327  
(601) 874-1160

STATE OF MISSISSIPPI

COUNTY OF NEWTON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24<sup>th</sup> day of April, 2020, within my jurisdiction, the within named **Teresa Y. Kugle Forrest**, who acknowledged that she executed the above and foregoing instrument.

*Mark Dye* (NOTARY PUBLIC)

(SEAL)

My commission expires: \_\_\_\_\_



Initial *TK* *WRK* *CH*

CHARLES K. KUGLE, ET AL  
STANTEC PROJECT NUMBER 201902661  
008-00-02-W



MADISON COUNTY BOARD OF SUPERVISORS

FAIR MARKET VALUE OFFER (REVISED)

NAME: Charles K. Kugle, et al DATE: April 21, 2020  
PROJECT: LPA 106992/701000

ADDRESS: 145 Stonegate Drive COUNTY: Madison  
Madison, MS 39110

ROWPARCEL(S): 008-00-02-W

It is necessary that the Madison County Board of Supervisors acquire from you certain property necessary for the construction of this project. The identification of the real property and the particular interests being acquired are indicated on the attached instrument(s).

The value of the real property interests being acquired is based on the fair market value of the property and is not less than the approved appraised value/waiver valuation disregarding any decrease or increase in the fair market value caused by the project. This fair market value offer includes all damages and is based on our approved appraisal/ value determination in the amount of \$ 107,950.00.

Appraisal.  Waiver Valuation. This Waiver Valuation was made based upon recent market data in this area.

**This acquisition does not include oil, gas, or mineral rights but includes all other interests.**

Unless noted otherwise, this acquisition does not include any items which are considered personal property under Mississippi State Law. Examples of such items are household and office furniture and appliances, machinery, business and farm inventory, etc.

The real property improvements being acquired are none.

The following real property and improvements are being acquired but not owned by you none.

Separately held interest(s) in the real property are valued at \$ N/A These interests are not included in the above fair market value offer.

Land Value:	1.38 Acres	Warranty Deed	\$	<u>48,300.00</u>
Improvements:			\$	<u>0.00</u>
Damages:	50% loss in improvements value for proximity		\$	<u>57,650.00</u>
Administrative Adjustment:	Driveway Turnaround		\$	<u>2,000.00</u>
<b>Total Fair Market Value Offer</b>			\$	<u>107,950.00</u>

NOTE: All interests must be acquired by the BOS before any payment will be made.

  
\_\_\_\_\_  
Right of Way Acquisition Agent  
Madison County Board of Supervisors

**MADISON COUNTY BOARD OF SUPERVISORS****CONTACT REPORT**

PROJECT: LPA 106992/701000 COUNTY: Madison FILE NO: 008-00-02-W

OCA:

**Land Owner(s) and Contact Information**

Charles K. Kugle                      Teresa Y. Kugle Forrest  
 145 Stonegate Drive                105 Simkins Road  
 Madison, MS 39110                Decatur, MS 39327  
 (601) 832-0767                      (601) 874-1160  
 kenkugle@gmail.com                teresakugle@gmail.com

William R. Kugle  
 1051 Barnes Road  
 Canton, MS 39046  
 (601) 855-7376  
 rkugle@att.net

List Liens, mortgages or judgments:

None

Address any unpaid taxes:

Recent subdivision of estate. Tax records not available online.

PROPERTY CONTAMINATED?   N    
IS PROPERTY HOMESTEADED?   N  **APPRAISAL DETAILS**

Date agent received:   08/05/19   Appraisal or Waiver Valuation?   Appraisal    
 Appraiser name and ph:   Jeb Stewart   Size of acquisition area:   1.38 Acres   W  
 (601) 855-7777

DATE OF FMVO:   08/27/19   AMOUNT OF FMVO:   \$ 105,950.00  

ADMINISTRATIVE ADJUSTMENT APPROVED?   Y   If yes, Amount:   \$ 2,000.00    
 AMOUNT OF DEED INCLUDING ADMINISTRATIVE ADJUSTMENT:   \$ 107,950.00  

IS RELOCATION INVOLVED?   N  

DATE DEED(s) SIGNED:   04/27/20    
 DATE PAY-PACKAGE SUBMITTED (MAILED OR HANDED IN):   04/29/20    
 OR  
 DATE FILE   SUBMITTED   FOR EMINENT DOMAIN:   N/A  

DATE: **Reunion Parkway Road, Phase 3**

  06/28/19   According to the appraisal contact record, Ken Kugle was contacted by the appraiser on this date via email concerning an inspection of the property and a acquisition guide was provided via email. It was noted in the appraiser's contact record that the dwelling on the subject property is occupied by



Joshua Forrest.

- 07/09/19** The subject parcel was partitioned into 3 parcels from the Billy D. Johnson Estate. I received a warranty deed from the appraiser in which the estate conveyed the subject property to Charles K. Kugle, William R. Kugle, and Teresa Y. Kugle Forrest.
- 08/05/19** Just compensation was established on this date.
- 08/27/19** I contacted Mr. Kugle and Mrs. Forrest by telephone and informed him that the Madison County Board of Supervisors, (MBOS) is in the process of acquiring property interests for the construction of Reunion Parkway Road, Phase 3 from Highway 51 at Green Oak Lane to Galleria Parkway East. I verified contact information for him and his brother and sister for preparation offer documents. Their contact information remained the same as noted on the recent conveyance from the estate.
- I informed Mr. Kugle the value of the property interests being acquired would be determined by an appraiser, who had completed an appraisal report that was reviewed by a review appraiser. I informed him the MBOS had approved just compensation from the approved appraisal, and that I was in the process of preparing offer documents for them. I requested a desired time and date to meet for me to provide a written offer and conveyance documents. Mr. Kugle and Mrs. Forrest requested I email the offer documents to him. He provided his email address [kenkugle@gmail.com](mailto:kenkugle@gmail.com). He informed me he would then forward my email to me and his brother and sister. He informed me I would then have their email addresses to use when corresponding with them. He requested he be my main point of contact for the acquisition, and he would then communicate with his brother and sister. I advised I would email the documents. I requested he confirm receipt of the offer documents by replying to my email. I informed him I would contact him at a later date to determine to further discuss the offer. Mr. Kugle was very receptive.
- I emailed the offer documents to , and requested he reply to my email to confirm receipt of the offer documents. Included by attachment was an Introductory Letter that contained my contact information, and information about the project and acquisition process. Also included were Fair Market Value Offer, a copy of the conveyance instruments, a project drawing with the acquisition area highlighted, and a W-9 Form. A Fair Market Value Offer was provided to acquire 1.38 acres of land via Warranty Deed valued at \$48,300.00. There were no improvements in the area of acquisition. Damages to the remaining property were assigned for a 50% loss in improvements value for proximity valued at \$57,650.00. The offer totaled \$107,950.00.
- I received an email from Ken Kugle in which he confirmed receipt of the offer documents. Also copied on the email message were his brother Ricky and sister Teresa. I noted their email addresses being [rkugle@att.net](mailto:rkugle@att.net) and [teresakugle@gmail.com](mailto:teresakugle@gmail.com) respectively.
- 08/29/19** I contacted Ken Kugle by telephone and we further discussed the offer. Mr. Kugle informed me he thought the offer might be low because of how close the right of way is to the dwelling on the subject property and the small land area remaining. We discussed the site is currently 2.42 acres with 1.38 acres being acquired, and a remaining land area of 1.04 acres. Mr. Kugle inquired about access to the site during construction and expressed concern that vehicles would now be required to back into the proposed ROW. He informed me they currently have a driveway turnaround, and expressed the desire to maintain turnaround ability at the site. Mr. Kugle informed me he may have a lawyer friend look at the documents I provided, and requested I inquire about access to the site during construction.
- 09/03/19** I contacted Brad Engles concerning access to the site during construction. Mr. Engles informed me that the contractor would be required to maintain access to the site. I sent Mr. Kugle an email informing him of the above. I copied his brother and sister when sending this email message.

<b>09/09/19</b>	Brad Engles contacted me by telephone and requested I not submit any pay packages at this time because of a lack of funding from the MBOS.
<b>09/17/19</b>	I contacted Ken Kugle by telephone. I inquired if his attorney friend had an opportunity to review the offer documents. Mr. Kugle informed me he has not heard from his attorney, but was aware he is currently in Colorado. I informed Mr. Kugle I would contact him in a couple of weeks if I had not heard from him. He was very receptive.
<b>10/02/19</b>	I attempted to contact Mr. Kugle by telephone and left a voice message requesting he return my call. Mr. Kugle returned my call and informed me his attorney should be contacting me soon. Mr. Kugle again expressed concern over the value assigned to the remaining property. I informed Mr. Kugle that the appraiser assigned a before value of \$200,000 for the dwelling and 2.42 acres of land. I informed Mr. Kugle that the dwelling is dated according to the appraiser, and is in much need of renovation to obtain a premium market price. I requested he consider that if the current value of the property is \$200,000 and the offer amount is \$105,950, then it would only be necessary to receive approximately half the current value to not suffer loss when selling the property. I advised he consider discussing the current market value of the subject property with a realtor or appraiser. Mr. Kugle again expressed concern about access to the remaining property and their desire to not back into the proposed ROW since they currently have a driveway turnaround.
<b>10/15/19</b>	I spoke to the appraiser about Mr. Kugle's concerns regarding damages assigned for proximity. Mr. Stewart informed me that the dwelling would be approximately 18 feet from the proposed ROW, which may be an adequate distance to turn around before entering the proposed ROW. Mr. Stewart informed me the carport could be modified to include a driveway turnaround behind the residence. Mr. Stewart sent an email to Brad Engles requesting he provide a conceptual drawing for a driveway turnaround.
<b>10/21/19</b>	I received a drawing via email from Brad Engles showing a driveway turnaround between the carport and 1-story residence.
<b>10/23/19</b>	Mr. Kugle's attorney friend, William Smith, contacted me by telephone. I noted his telephone number being (601) 278-4173. Mr. Smith provided his email address wsmith1859@gmail.com. Mr. Smith inquired if zoning of the subject property allowed tenant rental. He requested a drawing be provided of the driveway showing an adequate turnaround area. I contacted the appraiser, Jeb Stewart, concerning allowable use of the property. We also discussed the MBOS needs to provide a variance of the close proximity to the proposed ROW since the current setback requirement is 25 feet and the remaining distance is only 18 feet. Mr. Stewart sent an email to Mr. Engles requesting the MBOS provide a variance for proximity.
<b>11/15/19</b>	I met with Jeb Stewart and Brad Engles at the Stantec office in Madison. Also present was the County Attorney, Katie. We discussed and decided a variance letter written by Mr. Stewart should be provided requesting a variance letter from the County that allows the dwelling to remain in place and be rebuilt in the same location although the setback requirement is not met. I contacted Ken Kugle by telephone and informed him of the above. I informed him I would send the County's reply once it is received.
<b>01/21/20</b>	Brad Engles contacted me by telephone and informed me the County is hesitant about granting a variance request. I contacted Jeb Stewart by telephone and informed him of the above. Mr. Stewart informed me his appraisal assumes a variance would be granted. He informed me that without a variance he would need to damage the remaining improvements, and offer to acquire the remaining property as an uneconomic remainder, and relocate the tenant if the uneconomic remainder is sold to the MBOS.



<b>01/22/20</b>	I contacted Ken Kugle by telephone and informed him we are still working with the County to obtain a variance since the setback requirement of the dwelling is now not being met in regards to the proposed ROW.
<b>01/30/20</b>	Brad Engles contacted me by telephone and informed me the County is still considering granting a variance, and he was uncertain how long their consideration may require.
<b>02/03/20</b>	I received an email from Brad Engles, in which the appraiser was also copied, with a variance letter from the County attached. The letter was written by Scott Weeks, Administrator in Planning and Zoning. The letter did not provide a variance, but referenced current zoning requirements. I contacted the appraiser, Jeb Stewart by telephone and he informed me that the letter satisfies the assumption made concerning the property being allowed to remain in its current use. We discussed the letter specifying that if use of the property is discontinued for six consecutive months the structure would have to be compliant with current regulations. Mr. Stewart informed me he could not hypothetically assume discontinued use for six consecutive months.
<b>02/05/20</b>	I sent Mr. Week's letter and a copy of the driveway drawing provided by Mr. Engles to Ken Kugle, his attorney, and his brother and sister by email. I contacted Ken Kugle by telephone and informed him of the email message sent. I informed him I would contact him the following week after they had a chance to review the documents sent.
<b>02/10/20</b>	I contacted Ken Kugle by telephone and he informed me he wanted to discuss Mr. Weeks' letter with his attorney to grasp a better understanding of what the letter means. He informed me he wanted to obtain an estimate for the driveway turnaround between the dwelling and proposed ROW.
<b>02/17/20</b>	Ken Kugle contacted me by telephone and informed me he obtained an estimate of \$2,000 to construct a driveway turnaround. He informed me that William Smith is in the process of writing a letter in response to Scott Weeks letter, which he expects to receive this week.
<b>02/27/20</b>	I sent Ken Kugle an email requesting an update on receiving a letter from William Smith, and I requested he provide a copy of the driveway turnaround estimate he obtained. I contacted Ken Kugle by telephone and he informed me he had been trying several times to contact William Smith. He informed me he is leaving Mr. Smith messages and was trying to obtain the letter as soon as possible.
<b>03/02/20</b>	Ken Kugle contacted me by telephone and informed me he had left a message for Scott Weeks to contact him for clarification of the letter he provided because he was not familiar with some of the terminology being used. We discussed provisions A through E of Mr. Week's letter. I informed him that if the property is not occupied for six consecutive months and is required to conform to current regulations, the proposed project cause the conformity requirement. I again requested a copy of the driveway turnaround estimate he obtained. Mr. Kugle informed me the estimate he obtained was verbal, and he would request a written estimate. I informed Mr. Kugle I would be willing to recommend the County adjust their offer to compensate them for the turnaround if that would gain their favorable acceptance of the MBOS's offer. Mr. Kugle informed me it appears his attorney friend is now too busy to assist him, and he would be more satisfied to discuss Mr. Weeks' letter directly with Mr. Weeks to have a better understanding of what the letter means.
<b>03/06/20</b>	Ken Kugle contacted me by telephone and informed me he spoke to Scott Weeks about his letter and described it as being a good conversation and helpful to his understanding of what the requirements are and the terminology used. Mr. Kugle informed me he is still waiting on a driveway turnaround estimate. He informed me he planned to take his automobile to the subject property to verify there is enough area remaining between the dwelling and proposed ROW to back up and turn

to face the proposed ROW when exiting the property.

- 03/10/20 I received an email from Ken Kugle with a written estimate in the amount of \$2,000 to construct a driveway turnaround. He requested three more feet be allowed on the proposed ROW to have adequate area to construct a turnaround. I forwarded Mr. Kugle's email to Brad Engles.
- 03/20/20 I contacted Brad Engles by telephone and discussed Mr. Kugle's request for area on the proposed ROW to construct a driveway turnaround. Mr. Engles informed me he could not approve an encroachment on the proposed ROW. He suggested a wider driveway be constructed from the proposed road to the proposed right of way line. He informed me the wider driveway would assist them in making a turnaround. He also suggested a radius be installed to help make the turn. Mr. Engles informed me he would develop a drawing for Mr. Kugle's consideration. Later this day I received a drawing from Mr. Engles with the above mentioned considerations. I forwarded the drawing to Mr. Kugle and his siblings via email.
- 03/23/20 Ken Kugle contacted me by telephone and informed me he had tried to make the turnaround using Mr. Engles drawing, but he did not believe there was adequate room for it to work. I suggested the wider driveway with a radius at the proposed ROW be shifted east to provide more area for an automobile to make the turnaround. I requested Mr. Kugle note the area required, perhaps when dew is on the ground, and if he believed it would work I would request Mr. Engles provide us a modified drawing.
- 03/26/20 I contacted Ken Kugle by telephone and he informed me the driveway turnaround we proposed will not work. We determined that it would be better if I marked the proposed driveway and radius we might better determine if there was adequate area on the remaining property to have a driveway turnaround. Later this day I met Ken Kugle at the subject property. I flagged the suggested location of the wider driveway and turning radius, with the driveway being shifted off center of the carport toward the east. Mr. Kugle then used his vehicle to make the turn, which barely worked. He was able to more easily make a turnaround if he pulled the vehicle forward one time during the turnaround process. Mr. Kugle requested I send the surveyor to stake the driveway so he could be certain of the actual proposed location. I sent Brad Engles a drawing requesting the driveway be off center to the east and requested their surveyor stake the proposed location.
- 03/30/20 Brad Engles contacted me via a text message informing me the driveway is staked. I sent Ken Kugle and his siblings and email message informing them of the above.
- 04/03/20 Brad Engles contacted me by telephone and informed me that Ken Kugle had left him a voice message concerning the driveway turnaround. Mr. Engles informed me he would email me a drawing of what was staked, and requested I contact Mr. Kugle. I attempted to contact Mr. Kugle by telephone and left a voice message requesting he return my call. Mr. Kugle returned my telephone call and informed me they would accept the offer if the cost of the driveway turnaround was added. I sent Mr. Kugle an email requesting he confirm they will accept the offer if \$2,000 is added for a driveway turnaround.
- 04/08/20 I received an email confirmation from Mr. Kugle advising they will accept a revised offer. I completed and emailed an administrative adjustment request of \$2,000 with supporting documentation to Brad Engles.
- 04/21/20 I received an email from Brad Engles with the approved administrative adjustment attached. I emailed a revised offer to Ken Kugle and his siblings. I inquired in the email message how they wish to proceed in getting the conveyance documents signed.
- 04/24/20 Ken Kugle contacted me by telephone and he informed me it would be better if I met with each of

them to obtain and notarize their signatures. He informed me he planned to be fishing out of town this afternoon and requested I contact his brother and sister to meet with them and then see him over the weekend or early next week. I contacted Ricky Kugle and Teresa Forrest by telephone and they agreed to meet with me at their homes later this day. He further requested payment be made in equal amounts to each of them.

I met with Ricky Kugle (William R. Kugle) at his home located at 1051 Barnes Road in Canton, Mississippi. I obtained his signature on the conveyance documents. I informed him when I completed obtaining necessary signatures, I would submit the original file to the MBOS for payment processing. I informed him if approved, a check and the original file would then be delivered to our closing attorney, Albert White, who would update title and send them a closing statement to sign. I requested he sign and return the closing statement, and Mr. White would mail him one third of the acquisition proceeds. Mr. Kugle was very receptive.

I met with Teresa Forrest (Teresa Y. Kugle Forrest) at her home located at 150 Simkins Road in Decatur, Mississippi. I obtained her signature on the conveyance documents, and provided the same instructions as described above. Mrs. Forrest was very receptive.

04/27/20

I met with Ken Kugle at his place of employment located at 111 Depot Drive in Madison, Mississippi. I obtained his signature on the conveyance documents, and provided the same instructions as described above for his brother and sister. Mr. Kugle was very receptive.

END OF CONTACT RECORD

DATE:

RIGHT OF WAY ACQUISITION AGENT:  
MARK DYE, SR/WA, R/W-RAC





Identity Record

RE:

PROJECT: Reunion Parkway Road, Phase 3

STP-6988-00(003) LPA 106992/701000

PARCEL: 008-00-02-W

OWNER NAME: Charles K. Kugle, et al

NAME William Kicker Kugle  
DRIVER LICENSE NUMBER 801296494  
STATE OF ISSUANCE MS  
DATE OF BIRTH 12-18-1959  
DATE OF EXPIRATION 12-18-2022

NAME ~~PA~~ Teresa Yvonne Forrest  
DRIVER LICENSE NUMBER 802220778  
STATE OF ISSUANCE MS  
DATE OF BIRTH 06/28/1967  
DATE OF EXPIRATION 06/28/2022

NAME Charles Kendall Kugle  
DRIVER LICENSE NUMBER 800182928  
STATE OF ISSUANCE MS  
DATE OF BIRTH 12-19-1958  
DATE OF EXPIRATION 12-19-2020

ADMINISTRATIVE ADJUSTMENT REQUEST

County: Madison  
Project: LPA 106992/701000  
Parcel: 008-00-02-W  
Owner: Charles K. Kugle, et al

This is a request to approve an administrative adjustment in the amount of \$2,000.00

**Justification:**

**Original Fair Market Value Offer:**

\$ 48,300.00 Land: 1.38 acre warranty deed  
\$ - Improvements: none  
\$ 57,650.00 Damages: 50% loss in improvements value for proximity  
\$ 105,950.00 Total:

**Administrative Adjustment:**

The property owner requests the cost of a driveway turnaround be added to access the proposed Reunion Parkway to convey property needed for the proposed project. The subject property currently has a driveway turnaround to access Highway 51. The Highway 51 access will be replaced with access to the proposed Reunion Parkway. The property owner obtained an estimate of \$2,000.00 to construct the turnaround. The acquisition agent believes the estimate is reasonable, and approval of an administrative adjustment to complete the acquisition is in the best monetary interest of the Madison County Board of Supervisors rather than acquiring the parcel through eminent domain proceedings. Approval of the administrative adjustment will prevent delay in utility relocations along Green Oak Lane and Highway 51.

**Summary:**

\$ 105,950.00 Original Fair Market Value Offer  
\$ 2,000.00 Administrative Adjustment  
\$ 107,950.00 Total Compensation Amount

**Approval:**

It is our opinion the administrative adjustment is reasonable, prudent and in the interest of the Madison County Board of Supervisors. The increased offer amount is substantially lower than the overall cost to acquire this parcel eminent domain proceedings, and will prevent delay in utility relocations. I have been authorized to approve an increased offer amount of \$2,000.00 to acquire this parcel.



Gerald Steen, President of the Madison County Board of Supervisors

From: Ken Kugle [kenkugle@gmail.com](mailto:kenkugle@gmail.com)  
Subject: Re: Reunion Parkway - Driveway Staking Drawing  
Date: April 8, 2020 at 9:18 AM  
To: Mark Dye [mrdye@ma.com](mailto:mrdye@ma.com)  
Cc: Flicky Kugle [rkugle@att.net](mailto:rkugle@att.net), Teresa Forrest [teresakugle@gmail.com](mailto:teresakugle@gmail.com)



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Mark,  
We will accept the County's offer under those terms.

Thanks,  
Ken

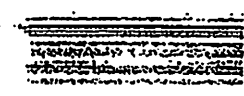
On Fri, Apr 3, 2020, 2:45 PM <[mrdye@ma.com](mailto:mrdye@ma.com)> wrote:

Ken,  
Attached is the drawing used to stake the driveway.  
Let me know if you will accept the County's offer if \$2,000 is added for the turnaround.  
The County will build the described driveway on the proposed right of way and you will be responsible for any driveway space added on your property.



3/10/2020

Design Build and Engineering Services, LLC Mail - Fwd: Concrete Project



On Fri, Mar 6, 2020 at 9:43 AM Monte <mlmontgomery5@aol.com> wrote:  
Montgomery Landscapes, LLC  
P.O. Box 1905  
Madison, MS 39130

3-8-20

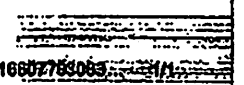
Estimate

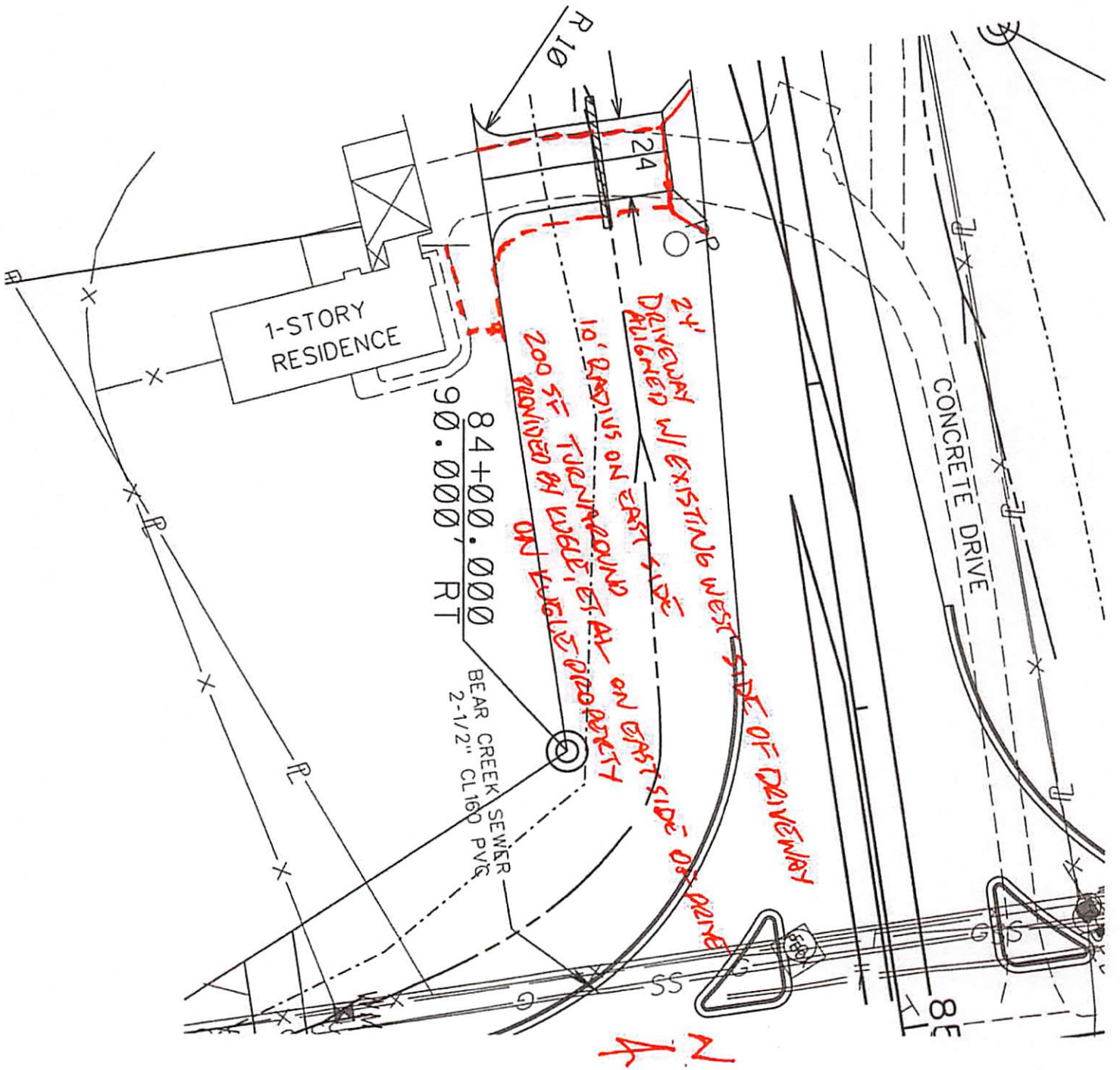
Ken Kugle  
Hwy 51  
Madison, MS 39110

Driveway Turnaround  
~10' X 20'  
~200sf @ \$10.00 \$2,000.00

To include Labor and Materials

Total. \$2,000.00







# MADISON COUNTY BOARD OF SUPERVISORS

125 West North Street • Post Office Box 608  
Canton, Mississippi 39046  
601-855-5500 • Facsimile 601-855-5759  
www.madison-co.com

January 30, 2020

John B. Stewart, Real Estate Appraiser and Consultant, LLC  
P.O. Box 804  
Canton, MS 39046

Re: Project No: 106992 701000  
Reunion Parkway Phase III from Green Oak Road to Parkway East  
Charles K. Kugle, et al

Dear Mr. Stewart,

The property referenced above is zoned R-1 Residential Estate. The property and structures in its current condition meet all the requirements of the Madison County Zoning Ordinance. With the proposed Reunion Parkway right-of-way acquisition by a governmental agency this causes the property or its existing improvements to become a Nonconforming Use with a major structure or of major structures and land in combination. A transfer in ownership does not affect the status, designation, or allowance of a nonconforming lot, structure, or use. However, the property and structures will be subject to the following provisions.

## SECTION 605 - REGULATIONS CONCERNING NONCONFORMING USES OF MAJOR STRUCTURES OR OF MAJOR STRUCTURES AND LAND IN COMBINATION

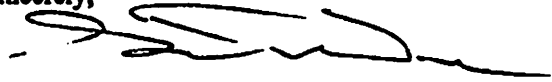
If lawful use involving individual major structures (i.e., those with a replacement cost of \$1,000 or more) or of such major structures and land in combination, exists prior to the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.



- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.**
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.**
- D. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months (except when government action has impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.**
- E. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.**

Sincerely,



**Scott Weeks, Administrator  
Planning and Zoning**

**John B. Stewart, Real Estate Appraiser and Consultant, LLC**

P.O. Box 804 · 3340 North Liberty Street · Canton, MS 39046

Phone (601) 855-7777 · Cell (601) 953-9081

E-mail: jebstewart2@hotmail.com

October 29, 2019

Brad Engles  
Project Engineer – Stantec, Inc.

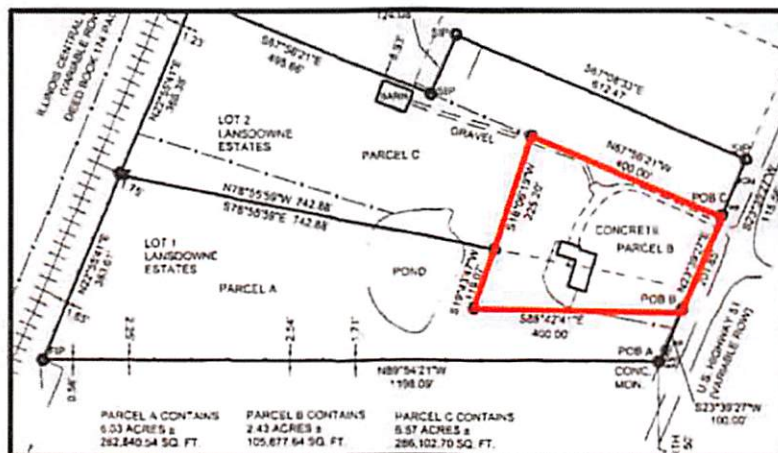
RE: Madison County – Project No.: 106992 / 701000  
Project Termini: Reunion Parkway Phase III from Green Oak Road to Parkway East  
Property Owner: Charles K. Kugle, et al  
Parcel No.: 008-00-02-W / Q

Mr. Engles:

The purpose of this correspondence is to request the county grant a variance or document through the minutes to allow the residence on the remainder property to remain as being a “grandfathered” legally non-conforming use due to non-compliance with zoning requirements in the after condition as a result of the county’s proposed acquisition.

As I understand the property is zoned R-1; Residential Estate District. This zoning class calls for a minimum lot size of two (2) acres; lot width of 200 feet at the front yard; 50-foot front yard set-back unless corner lot at which time the front yard is where the entrance is located; 25 feet for side yards; 50 feet for rear yards.

Please find a copy of the plat in the before condition for visual reference:

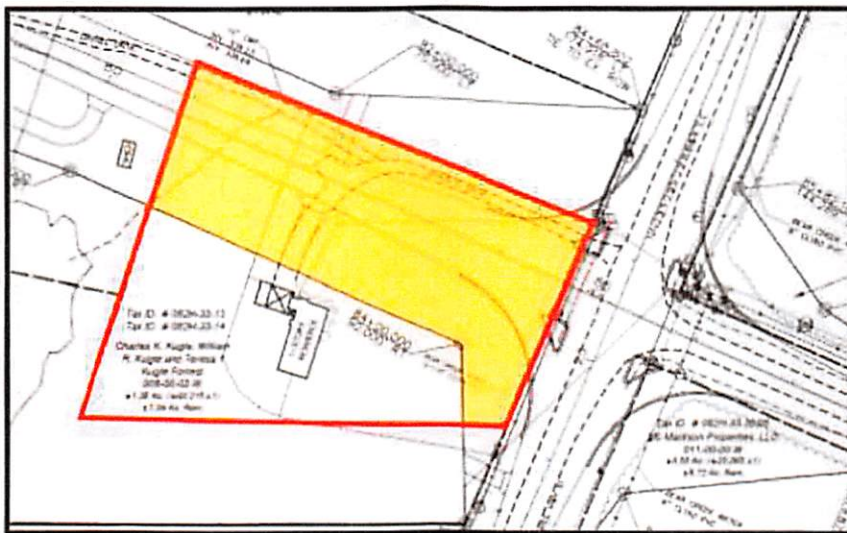


Appraiser · Review Appraiser  
Senior Member International Right-of-Way Association Since 1995  
Mississippi Licensed General Appraiser · License Number GA-231

In the before condition it appears that the subject property meets all the requirements for the R-1; Residential Estate zoning. The front lot width is just over 200 feet; the north side yard is well over 25 feet; with the rear yard being well over 50 feet; and the southern side yard being in excess of 25 feet. Hence; in my opinion the property meets the existing requirement for a residence in the R-1; Residential Estate District.

The property in the current before condition consists of 2.42 acres currently facing east being an interior lot in the before condition. After the acquisition the property will have a remainder of 1.04 acres more or less. Although the lot is changed, the situs of the residence remains fronting along MS Hwy 51; hence, the set-back for front yard is still along MS Hwy 51. Hence; the property most likely meets the front yard set-back requirements but not the width requirements for the front yards within this district. Additionally, in the after condition the residence will be approximately 18 feet from the eave of the carport/garage and 20 feet from the side of the residence. The property would be non-conforming due to the set-back being less than 25 feet.

In the after condition the property will no longer meet the minimal lot size requirement; the front yard / width does not appear to comply in the after condition. Please see below a visual reference for the area to be acquired shown in yellow with the remainder shown as non-colored.



The front width is now reduced to well under the 200-foot requirement as well.

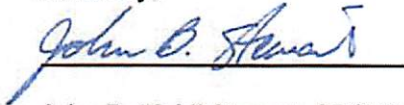
I would propose that a board motion to allow this property to remain as a legally non-conforming use to run with the land as said non-conformity is as a result of the acquisition from the county for the referenced project. Any legal non-conforming use would need to be clearly stated and needs to run with the land to allow for a new structure should the existing be destroyed by an act of God or other tragedy.



The purpose of this letter is to provide the property owner documentation that the property will be allowed to remain and to continue its current use as a residence.

If you have any questions concerning this matter I can be reached at the address/phone numbers/email located at the top of this page and the phone numbers listed below.

Sincerely,

A handwritten signature in blue ink that reads "John B. Stewart". The signature is written in a cursive style and is positioned above a solid horizontal line.

John B. "Jeb" Stewart, SR/WA  
Mississippi State Certified General Real Estate Appraiser, GA-231  
Office: (601) 855-7777  
Cell: (601) 953-9081

**John B. Stewart, Real Estate Appraiser and Consultant, LLC**

P.O. Box 804 · 3340 North Liberty Street · Canton, MS 39046  
Phone (601) 855-7777 · Cell (601) 953-9081  
E-mail: jebstewart2@hotmail.com

October 29, 2019

Brad Engles  
Project Engineer – Stantec, Inc.

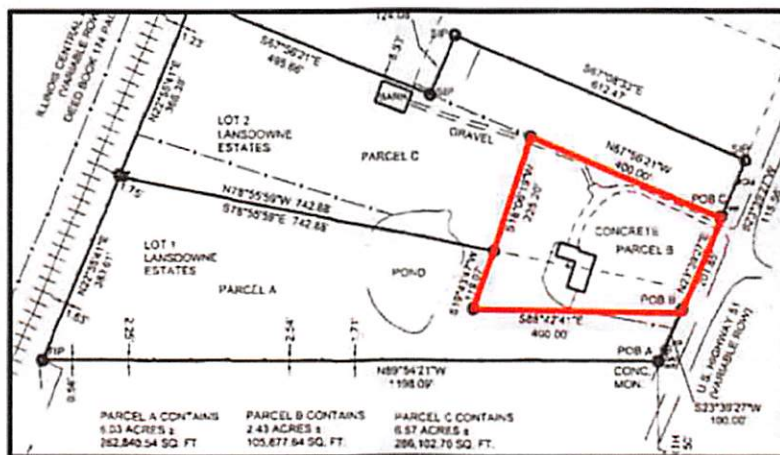
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Project Termini: Reunion Parkway Phase III from Green Oak Road to Parkway East  
Property Owner: Charles K. Kugle, et al  
Parcel No.: 008-00-02-W / Q

Mr. Engles:

The purpose of this correspondence is to request the county grant a variance or document through the minutes to allow the residence on the remainder property to remain as being a “grandfathered” legally non-conforming use due to non-compliance with zoning requirements in the after condition as a result of the county’s proposed acquisition.

As I understand the property is zoned R-1; Residential Estate District. This zoning class calls for a minimum lot size of two (2) acres; lot width of 200 feet at the front yard; 50-foot front yard set-back unless corner lot at which time the front yard is where the entrance is located; 25 feet for side yards; 50 feet for rear yards.

Please find a copy of the plat in the before condition for visual reference:

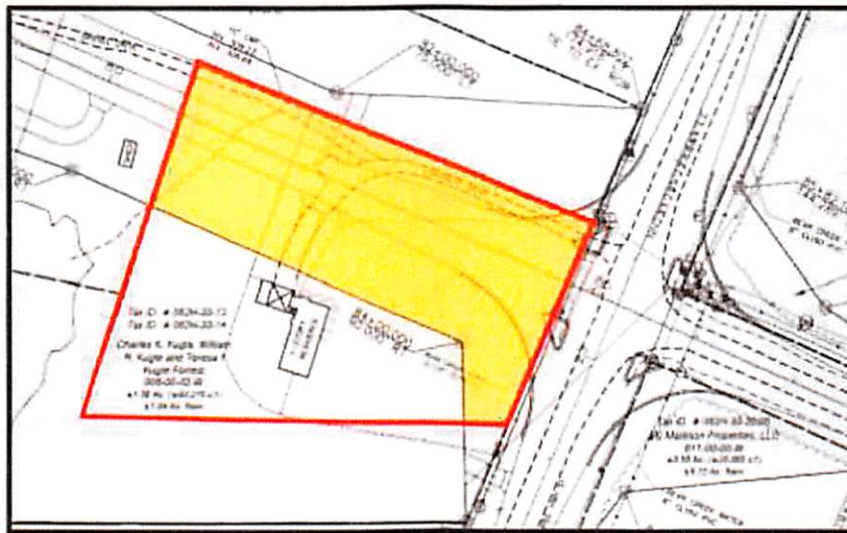


**Appraiser · Review Appraiser**  
Senior Member International Right-of-Way Association Since 1995  
Mississippi Licensed General Appraiser · License Number GA-231

In the before condition it appears that the subject property meets all the requirements for the R-1; Residential Estate zoning. The front lot width is just over 200 feet; the north side yard is well over 25 feet; with the rear yard being well over 50 feet; and the southern side yard being in excess of 25 feet. Hence; in my opinion the property meets the existing requirement for a residence in the R-1; Residential Estate District.

The property in the current before condition consists of 2.42 acres currently facing east being an interior lot in the before condition. After the acquisition the property will have a remainder of 1.04 acres more or less. Although the lot is changed, the situs of the residence remains fronting along MS Hwy 51; hence, the set-back for front yard is still along MS Hwy 51. Hence; the property most likely meets the front yard set-back requirements but not the width requirements for the front yards within this district. Additionally, in the after condition the residence will be approximately 18 feet from the eave of the carport/garage and 20 feet from the side of the residence. The property would be non-conforming due to the set-back being less than 25 feet.

In the after condition the property will no longer meet the minimal lot size requirement; the front yard / width does not appear to comply in the after condition. Please see below a visual reference for the area to be acquired shown in yellow with the remainder shown as non-colored.



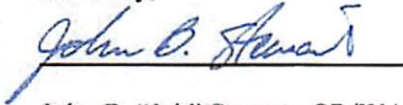
The front width is now reduced to well under the 200-foot requirement as well.

I would propose that a board motion to allow this property to remain as a legally non-conforming use to run with the land as said non-conformity is as a result of the acquisition from the county for the referenced project. Any legal non-conforming use would need to be clearly stated and needs to run with the land to allow for a new structure should the existing be destroyed by an act of God or other tragedy.

The purpose of this letter is to provide the property owner documentation that the property will be allowed to remain and to continue its current use as a residence.

If you have any questions concerning this matter I can be reached at the address/phone numbers/email located at the top of this page and the phone numbers listed below.

Sincerely,

A handwritten signature in blue ink that reads "John B. Stewart". The signature is written in a cursive style and is positioned above a horizontal line.

John B. "Jeb" Stewart, SR/WA  
Mississippi State Certified General Real Estate Appraiser, GA-231  
Office: (601) 855-7777  
Cell: (601) 953-9081



districts where single-family dwellings are permitted, subject to the regulations imposed by subsection 602.01. However, further division of such nonconforming lots of record shall be prohibited.

No lot shall be created on or after the effective date of this Ordinance which does not meet the lot area and lot width requirements of the district wherein the lot is located.

### **SECTION 603 - REGULATIONS CONCERNING NONCONFORMING STRUCTURES**

Where a lawful structure exists before the effective date of adoption or amendment of this Ordinance that could not subsequently be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its placement on the lot, or other dimensional requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided that:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portions of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### **SECTION 604 - REGULATIONS CONCERNING NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)**

Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
- C. If any such nonconforming use of land ceases for any reason for a period of more than 30 days (except where government action has impeded access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

### **SECTION 605 - REGULATIONS CONCERNING NONCONFORMING USES OF MAJOR STRUCTURES OR OF MAJOR STRUCTURES AND LAND IN COMBINATION**

If lawful use involving individual major structures (i.e., those with a replacement cost of \$1,000 or more) or of such major structures and land in combination, exists prior to the effective date of adoption or amendment

of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months (except when government action has impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- E. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.

ROW-205  
(Rev. 2-94)

## MADISON COUNTY BOARD OF SUPERVISORS

### FAIR MARKET VALUE OFFER

NAME: Charles K. Kugle, et al DATE: August 27, 2019  
PROJECT: LPA 106992/701000

ADDRESS: 145 Stonegate Drive COUNTY: Madison  
Madison, MS 39110  
ROWPARCEL(S): 008-00-02-W

It is necessary that the Madison County Board of Supervisors acquire from you certain property necessary for the construction of this project. The identification of the real property and the particular interests being acquired are indicated on the attached instrument(s).

The value of the real property interests being acquired is based on the fair market value of the property and is not less than the approved appraised value/waiver valuation disregarding any decrease or increase in the fair market value caused by the project. This fair market value offer includes all damages and is based on our approved appraisal/ value determination in the amount of \$ 105,950.00.

Appraisal.  Waiver Valuation. This Waiver Valuation was made based upon recent market data in this area.

**This acquisition does not include oil, gas, or mineral rights but includes all other interests.**

Unless noted otherwise, this acquisition does not include any items which are considered personal property under Mississippi State Law. Examples of such items are household and office furniture and appliances, machinery, business and farm inventory, etc.

The real property improvements being acquired are none.

The following real property and improvements are being acquired but not owned by you none.

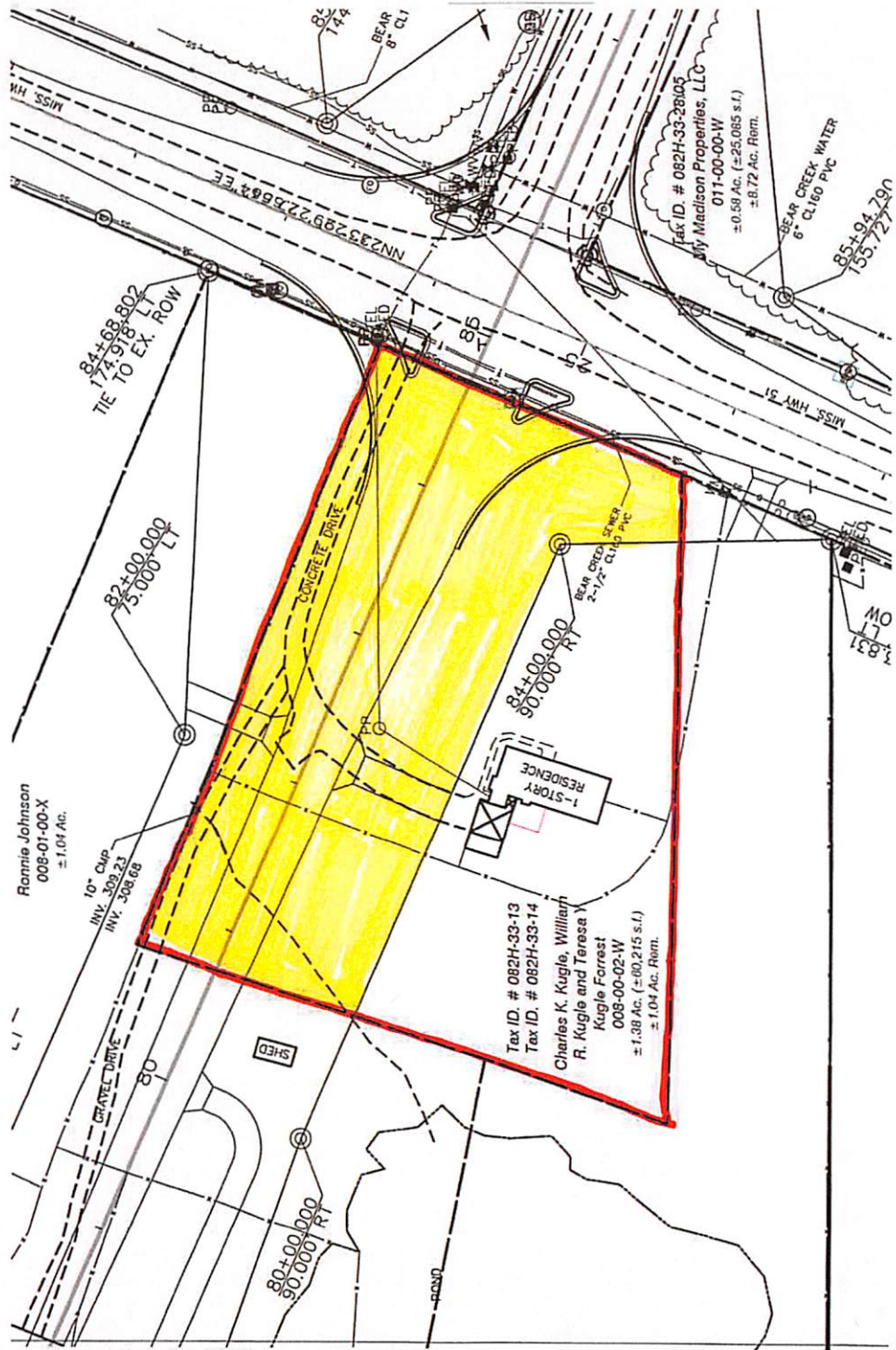
Separately held interest(s) in the real property are valued at \$ N/A These interests are not included in the above fair market value offer.

Land Value:	1.38 Acres	Warranty Deed	\$	<u>48,300.00</u>
Improvements:			\$	<u>0.00</u>
Damages:	50% loss in improvements value for proximity		\$	<u>57,650.00</u>

**Total Fair Market Value Offer** \$ 105,950.00

NOTE: All interests must be acquired by the BOS before any payment will be made.

  
\_\_\_\_\_  
Right of Way Acquisition Agent  
Madison County Board of Supervisors





**INTRODUCTORY LETTER**

Property Owner:  Charles K. Kugle, et al 145 Stonegate Drive Madison, MS 39110	Date: August 27, 2019	Project: LPA 106992/701000
	County: Madison	Parcel: 008-00-02-W

Dear Mr. Kugle and Mrs. Forrest,

The Madison County Board of Supervisors (BOS) is in the process of acquiring property needed to construct Reunion Parkway Road, Phase 3 from Highway 51 at Green Oak Lane to Galleria Parkway East. The BOS has contracted with the engineering firm Stantec to provide engineering and other services from the engineering phase to the construction phase of the project. Stantec has sub-contracted with Right of Way Technology, Inc. to provide right of way services for this project.

I am contacting you, therefore, on behalf of the BOS to acquire property needed for this project. Included with this letter is a "Fair Market Value Offer" that lists the amount you are being offered to purchase property needed for this project. Also included is an informational brochure that explains the acquisition process, drawings that indicate the property being acquired, and conveyance instruments that will be used to convey the property needed to the BOS. This documentation is provided to assist you in being and informed seller. I am reasonably available before, during, and after normal business hours to meet with you in person or discuss the project over the telephone.

The offer, mentioned above, is based on an appraisal prepared by a qualified appraiser, was reviewed by a qualified review appraiser, and was approved by the BOS. The amount offered is no less or no more than the approved appraisal. The offer is comprised of up to three values: 1) Land; 2) Improvements (ex. landscaping, fencing, etc.); and 3) Damages for loss in value to the remaining land.

Much effort has been invested in designing this project, mapping how your property is affected, obtaining an appraisal of the property being acquired, having the appraisal reviewed by another appraiser, and preparing an offer for you. As I am sure you will understand, such an offer cannot be changed unless we are furnished evidence that the offer is not sound. The BOS believes that the above offer is most equitable, and urges your favorable consideration and acceptance.

Upon accepting the BOS's offer, it will take approximately 30 days for them to approve your acquisition payment and issue your acquisition check through our closing attorney Albert White in Madison, Mississippi. Mr. White may be contacted by telephone at (601) 856-5731. The conveyance document will not be recorded until you have received payment for your property. Curative title issues will need to be addressed if you have a deed of trust, other lien, or if someone else has an interest in the property being acquired.

Your cooperation in this endeavor will be greatly appreciated. If you have questions pertaining to the acquisition or need additional information, please feel free to contact me at the address or telephone numbers listed above. I will be contacting you on a regular basis to assist you in making an informed decision.

Sincerely,

Mark Dye  
Acquisition Agent

### Establishment of Just Compensation Offer

This document is prepared pursuant to Federal regulation at 49 CFR 24.102(d)

*"Establishment and offer of just compensation. Before the initiation of negotiations, the Agency shall establish an amount which it believes is just compensation for the real property. The amount shall not be less than the approved appraisal of the market value of the property, taking into account the value of allowable damages or benefits to any remaining property. An Agency official must establish the amount believed to be just compensation"*

The property that is the subject of this offer of just compensation is as follows:

**Owner:** Charles Kugle  
**Parcel No:** 008-00-02-W/Q  
**Project No:** 106992 / 701000  
**County:** Madison

Under the authority conveyed to me by the Madison County Board of Supervisors, and based on the approved appraisal for the above-named property, which is inclusive of all compensable interests, I, Trey Baxter, President of the Madison County Board of Supervisors, do hereby establish the Madison County Board of Supervisors' offer of what is believed to be just compensation for the acquisition of the real property rights specified, in the amount of \$106,050.

Signed \_\_\_\_\_



Date \_\_\_\_\_

8/5/19

#### NOTICE TO ACQUISITION AGENTS

The "just compensation" figure specified above is the total offer for the property, inclusive of all interests. If more than one interest exists for the property, (T's, Q's, E's), please refer to the appraisal review report for allocation of this "just compensation" figure to the various interests that exist.

BOOK 3706 PAGE 141 DOC 01 TY W  
INST # 861452 MADISON COUNTY MS.  
This instrument was filed for  
record 4/03/19 at 10:18:51 AM  
RONNY LOTT, C.C. BY: KAA D.C.

---

**Prepared by & Return to:**  
**Phillip M. Nelson, MSB #3810**  
**P. O. Box 2734**  
**Madison, MS 39130**  
**Ph: 601-856-8869**

*PA-2100 (PS)*

**TITLE OF INSTRUMENT:**

**Executor's Deed**

**GRANTOR:**

**Jeff Johnson, Executor of the Estate  
of Billy D. John Deceased  
147 Links Drive, Apt. No. 47-A  
Canton, Mississippi 39046  
Phone: 601-601-896-1259**

**GRANTEES:**

**Charles K. Kugle  
145 Stonegate Drive  
Madison, Mississippi 39110  
Phone: 601-832-0767**

**William R. Kugle  
1051 Barnes Road  
Canton, Mississippi 39046  
Phone: 601-855-7376**

**Teresa Y. Kugle Forrest  
150 Simkins Road  
Decatur, Mississippi 39327  
Phone: 601-874-1160**

**INDEXING INSTRUCTIONS:**

**Lot 1 and Lot 2, Lansdowne Estates  
S/D, and in Section 33, T8N-R2E,  
Madison County, MS**

**EXECUTORS' DEED**

Pursuant to the Amended Order Waiving First and Final Accounting, Authorizing Payment of Fees and Expenses of Administration, Distributing Assets, Discharging Executor and Closing Estate entered in the Estate of Billy D. Johnson, Deceased, Probate File No. 2016-1099-B, on March 26, 2019 by the Chancery Court of Madison County, Mississippi, the undersigned **JEFF JOHNSON, Executor of the Estate of Billy D. Johnson, Deceased, Grantor**, does hereby convey unto **CHARLES K. KUGLE, WILLIAM R. KUGLE, and TERESA Y. KUGLE FORREST**, Grantees, an undivided 1/3 (33.33%) each in and to that certain parcel of land and property containing 2.43 acres, more or less, lying and being situated in Madison County, Mississippi, and being more particularly described as follows, to-wit:

A PARCEL OF LAND CONTAINING 2.43 ACRES (105,677.64 SQUARE FEET), MORE OR LESS, BEING LOTS 1 AND 2, LANSDOWNE ESTATES (MAP OR PLAT RECORDED IN BOOK 4 AT PAGE 6 IN THE OFFICE OF THE MADISON COUNTY CHANCERY CLERK, REFERENCE TO SAID PLAT BEING MADE AS A PART OF THIS DESCRIPTION), SITUATED IN SECTION 33, TOWNSHIP 8 NORTH, RANGE 2 EAST, MADISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT A FOUND IRON PIN MARKING THE SOUTHEAST CORNER OF SAID SECTION 33; RUN THENCE WEST FOR A DISTANCE OF 2170.39 FEET; THENCE NORTH FOR A DISTANCE OF 1490.50 FEET TO A FOUND CONCRETE MONUMENT; THENCE N23°39'27"E FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, CONTINUE N23°39'27"E ALONG THE WESTERN RIGHT OF WAY OF U.S. HIGHWAY 51 FOR A DISTANCE OF 201.85 FEET; THENCE LEAVE SAID RIGHT OF WAY AND RUN N67°56'21"W FOR A DISTANCE OF 400.00 FEET; THENCE S18°06'19"W FOR A DISTANCE OF 225.20 FEET; THENCE CONTINUE S19°43'47"W FOR A DISTANCE OF 119.07 FEET; THENCE S88°42'41"E FOR A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.. This being one and the same tract of Property as shown on the survey of Roger Thomas Ellison dated 10/30/2017, and designated as Parcel B, attached hereto as Exhibit "A" and incorporated herein by reference together with all tenements, easements, hereditaments and appurtenances there unto in any wise appertaining.



By acceptance of this conveyance, Grantees hereby accept the herein conveyed property and all improvements, if any, situated thereon in their AS-IS condition, with all faults and defects, whether known or unknown.

EXECUTED on this the 30th day of March, 2019.

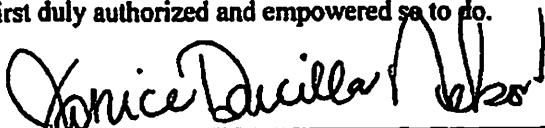
ESTATE OF BILLY D. JOHNSON,  
DECEASED

By:   
JEFF JOHNSON, EXECUTOR

STATE OF MISSISSIPPI

COUNTY OF MADISON

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the aforesaid state and county, on this the 30th day of March, 2019, within my jurisdiction, the within named Jeff Johnson, Executor of the Estate of Billy D. Johnson, Deceased, who acknowledged to me that while acting in such representative capacity he/she executed the above and forgoing instrument of writing, having been first duly authorized and empowered so to do.

  
NOTARY PUBLIC

My Commission Expires:



THIS IS A CLASS "B" SURVEY ACCORDING TO THE "STANDARDS OF PRACTICE FOR SURVEYING" IN THE STATE OF MISSISSIPPI, ESTABLISHED BY THE AUTHORITY OF SECTION 73-13-15(7), MISSISSIPPI CODE OF 1972 AS AMENDED.

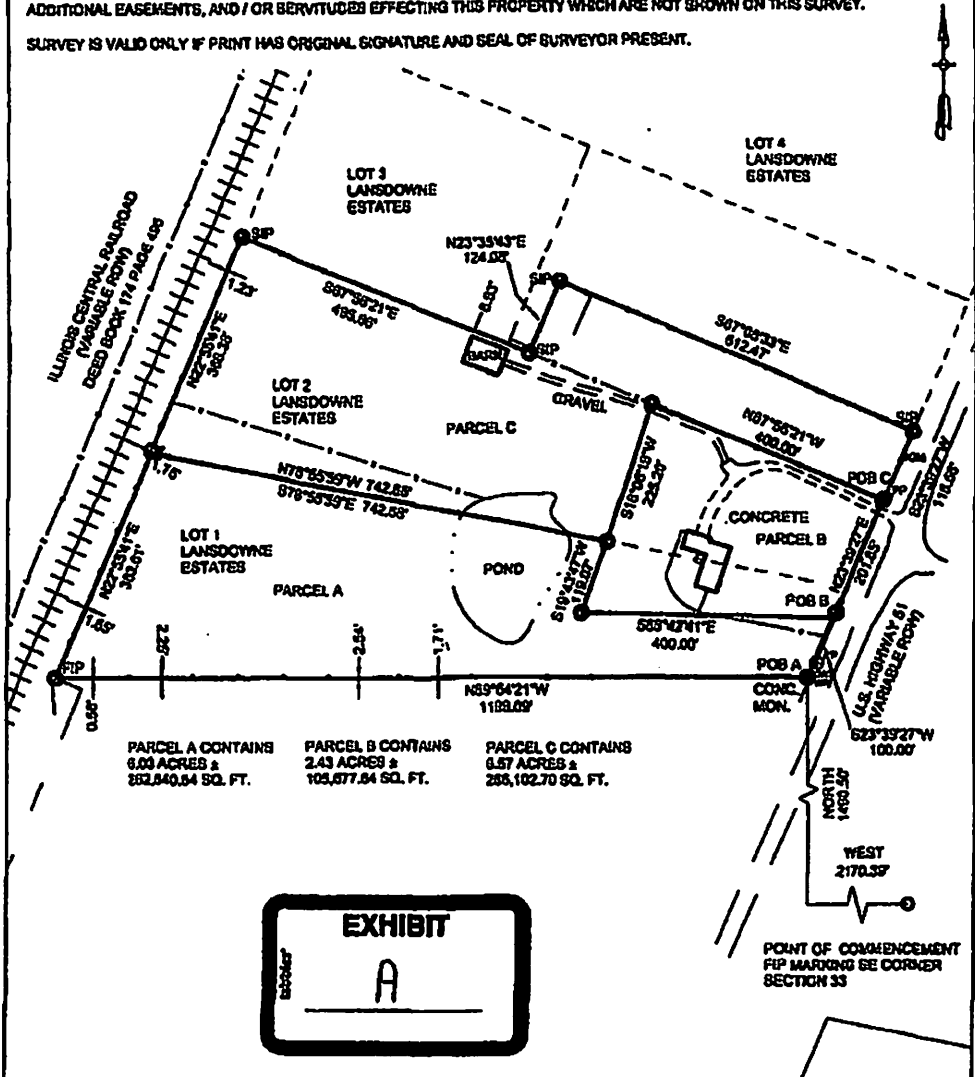
ONLY VISIBLE UTILITIES ARE SHOWN ON THIS PLAT.

REFERENCE MERIDIAN - TRUE NORTH BASED ON SURVEY GRADE GPS.

○ INDICATES 1/2" X 10" FERROUS METAL ROD @ PROPERTY CORNERS. FIP INDICATES FOUND IRON PIN. SIP INDICATES SET IRON PIN.

A CURRENT TITLE REPORT WAS NOT FURNISHED TO US FOR OUR USE IN PREPARING THIS SURVEY. THEREFORE, THERE MAY BE ADDITIONAL EASEMENTS, AND / OR SERVICUES EFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY.

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE AND SEAL OF SURVEYOR PRESENT.



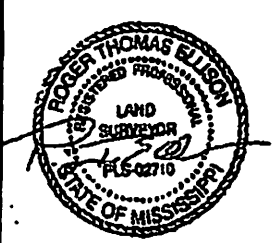
**EXHIBIT**

A

452 HOLLY HEDGE DRIVE  
MADISON, MS 39110

CELL (601)964-3785  
rtomans58@comcast.net

I, Roger T. Erzon, P.L.S., do hereby certify that the survey shown hereon was performed under my supervision, and that the distances depicted on this plat are a correct representation of conditions as they existed on 10/30/17, to the best of my knowledge and belief.



Roger T. Erzon, P.L.S. # 2710

**SURVEY SHOWING:**

**PROPERTY DIVISION**

**SITUATED IN SECTION 33,  
T-8-N, R-2-E,  
MADISON COUNTY, MS**

DRAWN BY: CME	DATE: 10/30/17	SURVEY CLASS: B
CHECKED BY: RTE	SCALE: 1" = 200'	JOB #: 040-04-17

## ACQUISITION AGENT'S STATEMENT

**Reunion Parkway Road, Phase 3**  
**Federal Project: STP-6988-00(003)**  
**LPA Project: LPA 106992/701000**  
**County: Madison**  
**Parcel: 008-00-02-W**  
**Owner: Charles K. Kugle, et al**

1. All considerations agreed on by the above named owner/s and the Right of Way Agent signing this statement are embodied in the instrument of conveyance, there being no oral agreements or representations of any kind.
2. The considerations embodied in the instrument of conveyance on the above mentioned project and parcel number was reached without coercion, promises other than those shown in the agreement, or threats of any kind whatsoever by or to either party whose name/s appears on this instrument.
3. The undersigned Right of Way Agent understands that the parcel/s covered by the above mentioned project and parcel number/s may be being secured for the use in a Federal Aid Project.
4. The undersigned Right of Way Agent has no direct indirect, present or contemplated future personal interest in the above mentioned parcel/s or will in any way benefit from the acquisition of such property.

Date: April 29, 2020

Signed:

  
\_\_\_\_\_  
Mark Dye  
Right of Way Technology, Inc.