

BEFORE THE PLANNING AND ZONING COMMISSION AND THE
BOARD OF SUPERVISORS OF
MADISON COUNTY, MISSISSIPPI


IN THE MATTER OF THE REZONING
OF CERTAIN LAND SITUATED IN
SECTION 21, TOWNSHIP 8 NORTH,
RANGE 1 EAST, MADISON COUNTY,
MISSISSIPPI

PAMELA C. DEWEES, EXECUTRIX OF THE ESTATE OF
THOMAS DUGAN DEWEES, DECEASED, PATRICIA DEWEES
REIMERS, and DIANNE MANN DEWEES

PETITIONERS

AMENDED PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

COMES NOW, Pamela C. Dewees, Executrix of the Estate of Thomas Dugan Dewees, Deceased, Patricia Dewees Reimers and Dianne Mann Dewees, Petitioners, and file this Amended Petition requesting the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a 2.711 acre tract of land situated in Section 21, Township 8 North, Range 1 East, Madison County, Mississippi, from its present classification of Agricultural District (A-1) to a classification of Restricted Commercial District (C-1A) pursuant to Article XX of the Madison County Zoning Ordinance for the purpose of selling the property to a commercial developer and generate funds for the Estate of Thomas Dugan Dewees, Deceased, which owns an undivided four-sixths (4/6th) interest in said property, and for the co-owners of the property, Patricia Dewees Reimers and Dianne Mann Dewees, who each own a one-sixth (1/6) undivided interest in the property. In support of this Amended Petition, the Petitioners would show the following:


MANN
8-10-2020

1.

The subject property is located at the Northwest corner of Cedar Hill Road and Highway 463 in Madison County, Mississippi.

2.

The subject property is jointly owned by the Estate of Thomas Dugan Dewees, Deceased, which owns a 4/6th interest in the subject property and Patricia Dewees Reimers and Dianne Mann Dewees, who each own a one-sixth (1/6th) undivided interest in the subject property. The property cannot be partitioned or divided between the co-owners and, pursuant to her duties as Executrix of the Estate of Thomas Dugan Dewees, Deceased, Petitioner Pamela C. Dewees requests that this property be rezoned to Restricted Commercial District (C-1A) so that the property can be sold for its highest and best value to a commercial developer for the purpose of generating revenue for the estate to be distributed to the heirs of the estate and the co-owners of the subject property.

3.

The subject property is located directly across Highway 463 from property owned by Stribling Lake, LLC, which was rezoned from A-1 to Highway Commercial District (C-2) and said property is currently being developed for commercial use as a grocery store and retail center. The character of the area where the subject property is located has substantially changed from agricultural to primarily residential and commercial and the proposed rezoning of the subject property would be compatible with commercial development and would have no adverse effect on surrounding property owners.

4.

The subject property is located in the Mannsdale-Livingston Heritage Preservation District and any rezoning would be subject to the uses set forth in Article XX of the Madison County Zoning Ordinance in force and in effect as of the date of this application.

5.

Attached hereto as Exhibit "A" and made a part hereof is a copy of the Quitclaim Deed dated June 18, 2018, by which the previous owners of the subject property, Mannsdale Properties, LLC, conveyed the subject property to: Thomas Dugan Dewees an undivided 4/6th interest; Patricia Dewees Reimers an undivided 1/6th interest; and Dianne Mann Dewees an undivided 1/6th interest. The Quitclaim Deed is recorded in Book 3616 at Page 18 in the Land Records of the Chancery Clerk of Madison County, Mississippi.

6.

Attached hereto as Exhibit "B" and made a part hereof is a letter from Bear Creek Water Association dated December 13, 2019, verifying that it will provide utility service to the subject property.

7.

Attached as Exhibit "C" to this Petition is a legal description in digital format, containing a legal description of the subject property.

8.

Attached hereto as Exhibit "D" and made a part hereof is a site plan of the subject property dated June 3, 2020, prepared by architect Greg Ainsworth based on a survey by Robert Marion Case, a Madison County surveyor, dated January 9, 2020, and attached hereto as Exhibit

"E", and a topographical survey by Alford and Associates, consulting engineers, dated April 30, 2020, and attached hereto as Exhibit "F".

9.

Because the subject property is located within one (1) mile of the corporate limits of the city of Madison, Mississippi, the Petitioners have notified the city of Madison of this Petition. Attached hereto is Exhibit "G" and made a part hereof is the letter of notification to the city of Madison.

10.

By an Amendment to the Zoning Ordinance approved by the Board of Supervisors on September 5, 2017, which Amendment is recorded in Book 2017, at Page 1415, the Petitioners have given Notice of this Petition to the owners of all tracts located within 160 feet of the subject property (excluding the width of streets). That Notice has been given by certified mail, return receipt requested, to all such owners and has been mailed at least thirty (30) days prior to the public hearing before the Planning and Zoning Commission in this matter. See the attached notice, the Certificate of Attorney concerning notice, the list of surrounding property owners, and the receipts indicating that notice had been mailed by certified mail.

11.

The Petitioners are submitting with this Petition a check in the amount of One Hundred and No/100 Dollars (\$100.00) to pay the filing fee.

WHEREFORE, PREMISES CONSIDERED, the Petitioners respectfully request that this Amended Petition be received, that the Planning and Zoning Commission conduct a public hearing thereon and that, after due consideration, the Board of Supervisors of Madison County

rezone and reclassify the subject property from its present classification of Agricultural District (A-1) to a classification of Restricted Commercial District (C-1A) and further amend the land use plan accordingly.

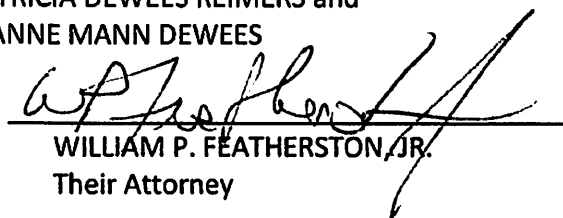
The Petitioners request such other and general relief to which they may entitled.

THIS, the 22nd day of June, 2020.

RESPECTFULLY SUBMITTED,

ESTATE OF THOMAS DUGAN DEWEES, DECEASED
PAMELA C. DEWEES, EXECUTRIX;
PATRICIA DEWEES REIMERS and
DIANNE MANN DEWEES

BY:


WILLIAM P. FEATHERSTON, JR.
Their Attorney

William P. Featherston, Jr. (MSB # 5163)
350 Arbor Drive, Suite D
Ridgeland, MS 39157
Telephone: (601) 206-5557
Facsimile: (601) 206-1612

BOOK 3616 PAGE 18 DOC ID TY 01
INST # 841663 MADISON COUNTY MS.
This instrument was filed for
record 6/25/18 at 10:46:00 AM
RONNY LOTT, C.C. BY: RPK D.C.

Index in:

Tract 1: 3.18 acres, more or less, in the SE 1/4 NE
1/4 of Sec. 21, T8N, R1E in Madison County, MS

Grantor's Address/Phone No.:
21491 Cotton Creek Rd.
Gulf Shores, AL 36542
251-948-0073

Grantees' Addresses/Phone Nos.:
c/o Dianne M. Dewees
PO Box 6884
Gulfport, MS 39506
228-896-5169

This Instrument Prepared by and Return to:

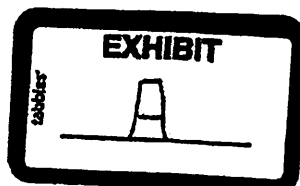
R. James Young MSB #6663
Wells Marble & Hurst, PLLC
P. O. Box 131
Jackson, MS 39205-0131
Phone: 601-605-6900
Fax: 601-605-6901

334-
12

QUITCLAIM 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 all of which are hereby acknowledged, the undersigned, MANSDALE PROPERTIES, LLC, a Mississippi Limited Liability Company, Grantor, acting by and through its duly authorized Managing Member, does hereby sell, convey and warrant unto THOMAS DUGAN DEWEES an undivided four-sixth (4/6) interest, PATRICIA DEWEES REIMERS (a/k/a TRISHA DEWEES REIMERS) an undivided one-sixth (1/6) interest and DIANNE MANN DEWEES an undivided one-sixth (1/6) interested, Grantees, in the following described property lying and being situated in Madison County, Mississippi, and being more particularly described as follows, to-wit:

3.18 acres, more or less, in the SE 1/4 NE 1/4 of Section 21, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as beginning 0.39 chains north of the southwest corner of said SE 1/4 NE 1/4 of Section 21, and from said point of beginning, being 0.30 chains north of the center line of public road and 0.11 chains south of concrete marker, run thence north for 4.61 chains, thence running north 89° 45' east for 14.17 chains to a fence corner running in a



southeasterly direction, which is the true point of beginning of the lot here conveyed, thence running south 1° 30' east for 4.68 chains to the north line of said public road, thence running east along the north side of said road for 6.79 chains to the west side of a public road running in a north and south direction, thence north along the west side of said public road which runs north and south for 4.61 chains, to a stone, thence west 6.14 chains to the true point of beginning of the lot here conveyed.

It is understood and agreed that by the acceptance of this deed, Grantees agree to assume all ad valorem taxes assessed against the above described property for the year 2018 and subsequent years.

WITNESS the signature of MANSDALE PROPERTIES, LLC by its duly authorized Managing Member, this the 18th day of June, 2018.

MANSDALE PROPERTIES, LLC

By: [Signature]
JOHN C. A. REIMERS, Managing Member

STATE OF Alabama
COUNTY OF Baldwin

Personally appeared before me, the undersigned authority in and for the said county and state, on this 18 day of June, 2018, within my jurisdiction, the within named John C. A. Reimers, who acknowledged that he is Managing Member of Mansdale Properties, LLC, a Mississippi limited liability company, and that for and on behalf of the said limited liability company, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

[Signature]
NOTARY PUBLIC

My Commission Expires:
Jan. 3, 2022



BEAR CREEK WATER ASSOCIATION



P. O. Box 107
Canton, MS 39046

Phone: (601) 856-5969
Fax: (601) 856-8936

December 13, 2019

Madison County Board of Supervisors
P.O. Box 608
Canton, MS 39046

RE: Property on the corner of Highway 463 and Cedar Hill Road
Section 21, T8N, R1E
Madison County, Mississippi

To Whom it May Concern:

Please be advised that the properties near the corner of Highway 463 and Cedar Hill Road, located in Section 21, Township 8 North, Range 1 East, do lie within Bear Creek Water Association's water and sewer certificated area. The association will provide any developments with such services in accordance with its standard water and sewer extension policies and procedures.

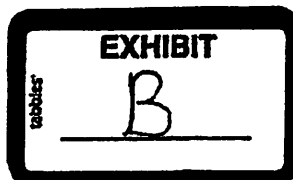
Please contact me if you need any additional information.

Sincerely,



Nolan P. Williamson, P.E.
General Manager

cc: William P. Featherston, Jr., Attorney at Law



Being situated in the SE 1/4 of the NE 1/4 of Section 21, T8N-R1E, Madison County, Mississippi and being more particularly described as follows:

BEGINNING at the intersection of the North Right-of-Way line of Cedar Hill Road with the West Right-of-Way line of Mississippi Highway 463 and run thence $N89^{\circ} 30'10''W$, along the North Right-of-Way line of Cedar Hill Road, 354.22' to the Eastern Boundary of the John Robison, et ux property as described in Deedbook 2067 at page 879 of the Chancery records of Madison County, Mississippi; run thence $N2^{\circ} 14'37''W$ along the Eastern boundary of the said Robison property and an East boundary of the Harold E. Waldrop and Minta L. Waldrop Revocable Trust property as described in Deedbook 2955 at page 820 of the aforesaid Chancery records, 297.91" to a concrete monument marking a corner of the said Trust property; run thence $N89^{\circ} 25'27''E$, along the South boundary of the said Trust property, 405.94' to a concrete monument marking a Southeast corner thereof and being also the aforesaid Western Right-of-Way line of Mississippi Highway 463; run thence $S 0^{\circ}04'51''E$, along the said Western Right-of-Way line of Mississippi Highway 463, 177.06' to a concrete Right-of-Way marker; run thence $S 17^{\circ} 30' 24'' W$, along a flare in said Western Right-of-Way line, 133.98' to the POINT OF BEGINNING; containing 118.074 square feet or 2.711 acres, more or less.

EXHIBIT "C"

DESCRIPTION

Being situated in the SE 1/4 of the NE 1/4 of Section 21, T8N-R1E, Madison County, Mississippi and being more particularly described as follows:

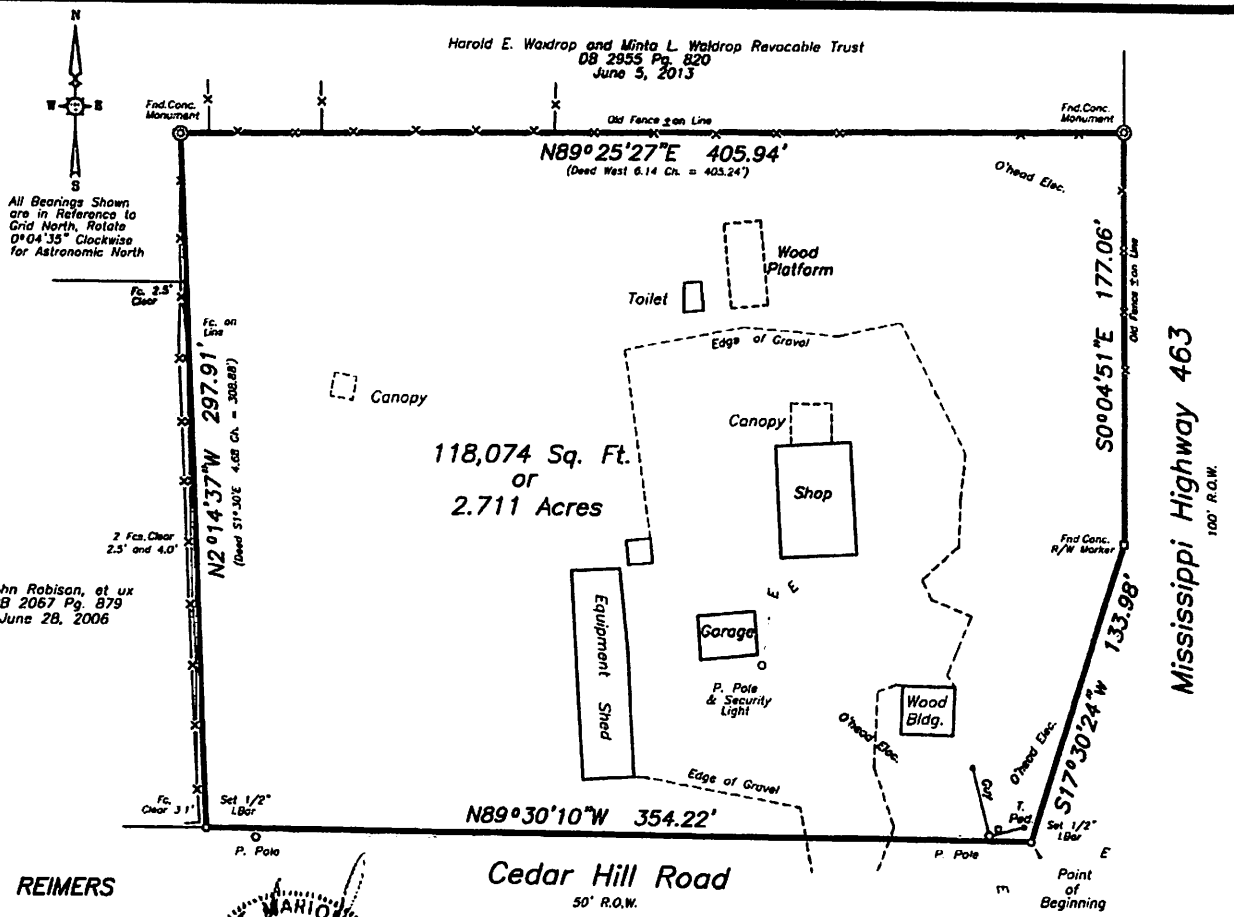
BEGINNING at the intersection of the North Right-of-Way line of Cedar Hill Road with the West Right-of-Way line of Mississippi Highway 463 and run thence N89°30'10"W, along the North Right-of-Way line of Cedar Hill Road, 354.22' to the Eastern Boundary of the John Robison, et ux property as described in Deedbook 2067 at page 879 of the Chancery records of Madison County, Mississippi; run thence N2°14'37"W, along the Eastern boundary of the said Robison property and an East boundary of the Harold E. Waldrop and Minto L. Waldrop Revocable Trust property as described in Deedbook 2955 at page 820 of the aforesaid Chancery records, 297.91' to a concrete monument marking a corner of the said Trust property; run thence N89°25'27"E, along the South boundary of the said Trust property, 405.94' to a concrete monument marking a Southeast corner thereof and being also the aforesaid Western Right-of-Way line of Mississippi Highway 463; run thence S0°04'51"E, along the said Western Right-of-Way line of Mississippi Highway 463, 177.06' to a concrete Right-of-Way marker; run thence S17°30'24"W, along a flare in said Western Right-of-Way line, 133.98' to the POINT OF BEGINNING; containing 118,074 square feet or 2.711 acres, more or less.

NOTES

1. This survey and plat both conform to Class "A" standards according to the Standards of Practice for Surveying in Mississippi
2. This property is located in Zone "X", unshaded according to F.I.R.M. Community Panel No. 28089C039F, effective 3/17/10.
3. No Title search was performed on this property, therefore there may be easements and encroachments of record that could be detrimental to this property.

John Robison, et ux
DB 2067 Pg. 879
June 28, 2006

Harold E. Waldrop and Minto L. Waldrop Revocable Trust
DB 2955 Pg. 820
June 5, 2013



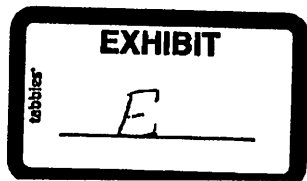
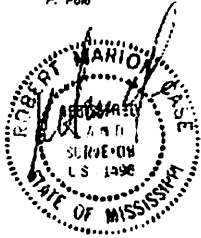
PLAT OF SURVEY FOR
THE THOMAS D. DEWEES ESTATE, PATRICIA D. REIMERS AND DIANNE M. DEWEES
Sited in the NE 1/4 of Section 21, T8N-R1E, Madison County, Mississippi

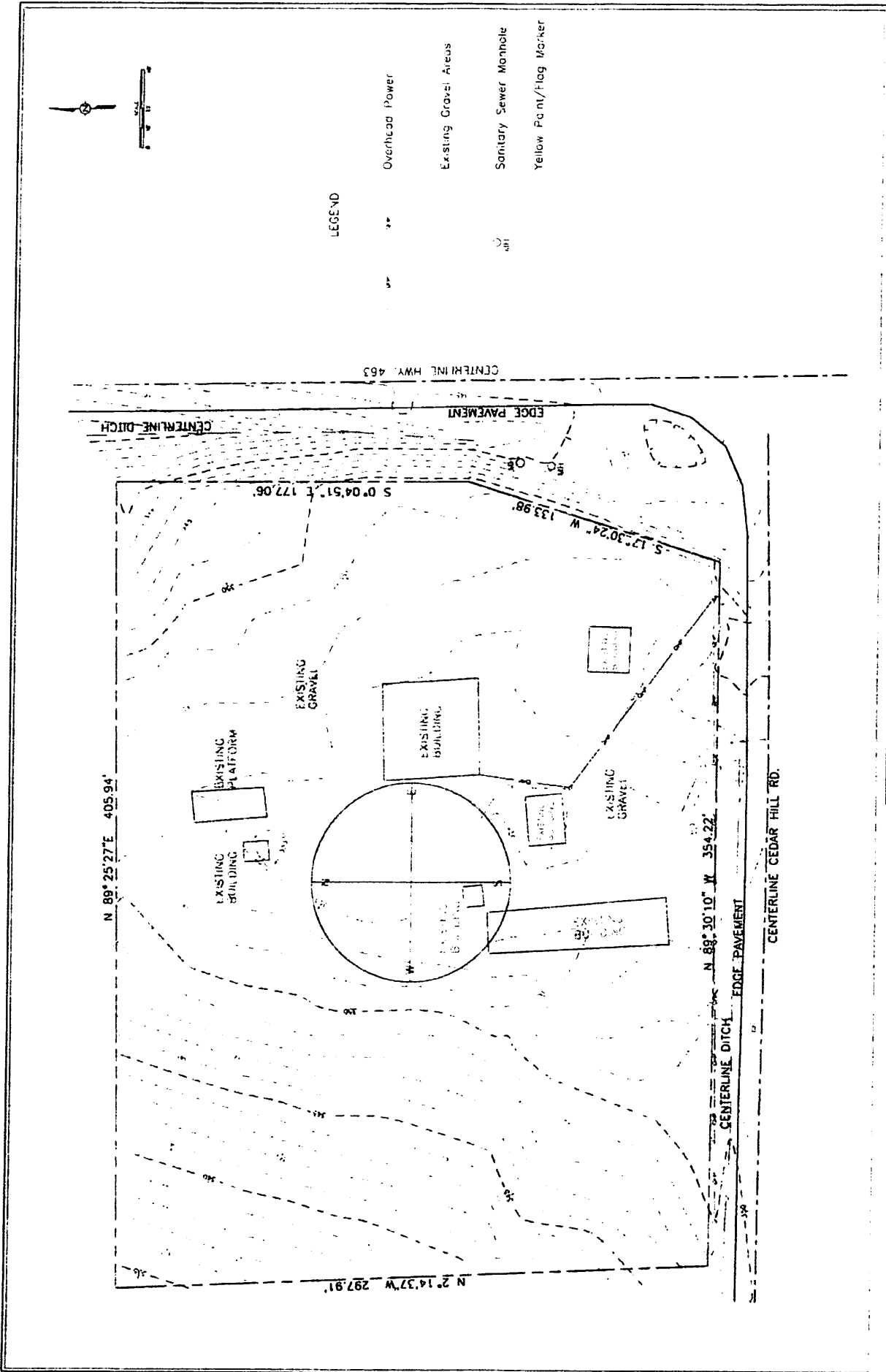
CASE & ASSOCIATES, INC.

SCALE: 1" = 60'
P.O. BOX 54

TELEPHONE: 601-906-9093
MADISON, MISSISSIPPI 39130

JANUARY 9, 2020





Project No.	2007-001
Client	Alford and Associates
Address	210 West 2nd Street Baton Rouge, Louisiana 70801
Scale	AS SHOWN
Date	08/14/07
Sheet No.	1 of 1
Project Name	Proposed Development Madison County MS
Project No.	C-1

EXHIBIT

F

Tables

Draft

June 11, 2020

Ms. Susan Crandall
Madison City Clerk
1004 Madison Avenue
Madison, MS 39110

Re: Petition of Estate of Thomas Dugan Dewees, Patricia Dewees Reimers and Dianne Mann Dewees to rezone 3.18 acre tract of land on Northwest corner of Cedar Hill Road and 463 in Madison County, Mississippi

Dear Ms. Crandall:

I represent the above-referenced owners of a tract of land in Madison County, Mississippi. This property is not within the corporate limits of any municipality.

The above owners of the property have filed a petition with the Madison County Board of Supervisors to rezone the subject property from its present classification of Agricultural District (A-1) to a classification of (C-1A) under the Madison County Zoning Ordinance. Because the subject property lies within one mile of the corporate limits of the city of Madison, Madison County requires that the city of Madison be given notice of the filing of the petition. Please accept this letter as such notice.

The Planning and Zoning Commission of Madison County will conduct a public hearing on the petition at _____ o'clock __.M. on _____, ____, 20___. The public hearing will be held in the Madison County Board of Supervisor's hearing room in the Madison County government building, 125 West North Street, Canton, MS 39046. If the city of Madison should want to comment upon the petition at the public hearing, it has the right to do so. However, the city of Madison is not required to participate in the public hearing.

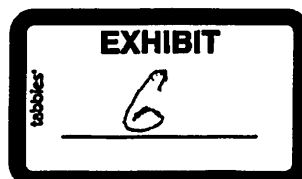
If I can provide additional information, please let me know.

Very truly yours,

William P. Featherston, Jr.

WPFjr/ja

Cc/ Mr. Scott Weeks, Zoning Administrator
P.O. Box 608
Canton, MS 39046



**BEFORE THE PLANNING AND ZONING COMMISSION AND THE
BOARD OF SUPERVISORS OF
MADISON COUNTY, MISSISSIPPI**

**IN THE MATTER OF THE REZONING
OF CERTAIN LAND SITUATED IN
SECTION 21, TOWNSHIP 8 NORTH,
RANGE 1 EAST, MADISON COUNTY,
MISSISSIPPI**

**PAMELA C. DEWEES, EXECUTRIX OF THE ESTATE OF
THOMAS DUGAN DEWEES, DECEASED, PATRICIA DEWEES
REIMERS, and DIANNE MANN DEWEES**

PETITIONERS

LISTING OF SURROUNDING PROPERTY OWNERS

**COMES NOW, Pamela C. Dewees, Executrix of the Estate of Thomas Dugan Dewees,
Deceased, Patricia Dewees Reimers and Dianne Mann Dewees, the Petitioners for rezoning, and
hereby list the names and addresses of the owners of all tracts located within 160 feet
(excluding the width of streets) of the subject property of the Petition for Rezoning.**

**The Petitioners further set forth the corresponding tax roll parcel numbers of all tracts
located within the said distance of 160 feet of the subject property.**

**This Listing is submitted pursuant to the requirements of Section 2606.05 of the
Madison County Zoning Ordinance, as amended on September 5, 2017.**

<u>PARCEL NUMBER</u>	<u>NAME AND ADDRESS OF OWNER</u>
081E-21-012/00.00	Harold E. Waldrop and Minta L. Waldrop, as trustees of the Harold E. Waldrop and Minta L. Waldrop Revocable Trust – 605 Manssdale Rd., Madison, MS 39110
081E-21-012/01.00	John and Karen Robison – 1090 Cedar Hill Rd., Madison, MS 39110
081E-22-006/00.00	Stribling Lake, LLC; Gary B. Cress, Manager – P.O. Box 1260, Ridgeland, MS 39158

PARCEL NUMBER

NAME AND ADDRESS OF OWNER

081E-22-004/07.00

The Episcopal Chapel of the Cross, Inc. – 674
Mansdale Rd., Madison, MS 39110

081E-21-010/02.00

Mann Plantation, LLC – Margurette Raymond
McGuffie, Manager and Registered Agent for
Service of Process, 1069 Cedar Hill Road,
Madison, MS 39110

Attached to this Listing and made a part hereof is a Certificate showing that the above-named property owners were given Notice of the said Petition for rezoning and of the fact that the Madison County Planning and Zoning commission would conduct a public hearing on that Petition in the Board of Supervisors Hearing Room, Madison County Government Building, 125 West North Street, Canton, Mississippi 39046, at 9:00 o'clock a.m. on _____, 2020.

THIS the ____ day of June, 2020.

Respectfully submitted,

ESTATE OF THOMAS DUGAN DEWEES, DECEASED,
PAMELA C. DEWEES, EXECUTRIX; PATRICIA DEWEES
REIMERS; DIANNE MANN DEWEES

By: _____
WILLIAM P. FEATHERSTON, JR.

WILLIAM P. FEATHERSTON, JR. (MSB #5163)
350 Arbor Drive, Suite D
Ridgeland, MS 39157
Telephone: (601) 206-5557
Fax: (601) 206-2612
bfeather@bellsouth.net

Attorney for Petitioners

CERTIFICATE OF SERVICE

I, William P. Featherston, Jr., attorney for Petitioners, do hereby certify that on this day I mailed the above document, along with the Notice of Hearing, to all property owners listed herein by certified mail, return receipt requested.

This, the ___ day of February, 2020.

WILLIAM P. FEATHERSTON, JR.