

Department of Engineering
Tim Bryan, P.E., County Engineer

3137 South Liberty Street, Canton, MS 39046
Office (601) 790-2525 FAX (601) 859-3430

MEMORANDUM

September 2, 2020

To: Sheila Jones, Supervisor, District I
Trey Baxter, Supervisor, District II
Gerald Steen, Supervisor, District III
Karl Banks, Supervisor, District IV
Paul Griffin, Supervisor, District V

From: Tim Bryan, P.E., PTOE
County Engineer

Re: Request for Payment for Drainage Easement
Oakfield Boulevard Drainage Project

The Engineering Department recommends that the Board accept the invoice for \$385.00 for acquisition of a drainage easement for the Oakfield Blvd. Drainage Project for Ashby Development, LLC. and to authorize the Comptroller to issue the check.

Check payment to:

Payee: Ashby Development, LLC.
P. O. Box 1666
Ridgeland, MS 39158

Integrated Right of Way
P. O. Box 3066
Madison MS, 39130
Fax: 601-852-1170
Phone: 601-790-0443



Right of Way Acquisition Closing Statement

Project	2020-2034 Oakfield Boulevard Drainage Project	Parcel	Plat 3
County	Madison		
Owner	Ashby Development, LLC	Address	P.O. Box 1666 Ridgeland, MS 39158

Payment Due:

FMVO:	\$385.00
Administrative Adjustment:	\$0.00
Total	\$385.00

Unless otherwise instructed split payment evenly between above owners.

Included herein:

- Initialized FMVO
- Land Owner Counter Offer
- Properly Executed Warranty Deed
- Completed W9
- Right of Way Plat Map

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 this instrument of conveyance on the abovementioned project and parcel number were reached without coercion, promises other than those shown in the agreement, or threats of any kind whatsoever by or to either party whose name appears on this instrument.*
3. *The undersigned Right of Way Agent has no direct or indirect, present or contemplated future personal interest in the abovementioned parcels nor will in any way benefit from the acquisition of such property.*

Date: 06/15/2020

Authorized Acquisition Agent: 

Greg M. Thompson

Integrated Right of Way
P. O. Box 3066
Madison, MS 39130
Phone: 601-790-0443
Fax: 601-852-1170



Fair Market Value Offer

Date: May 22, 2020
 Name: Ashby Development, LLC Project: 2020-2034 Oakfield Boulevard Drainage Project
 Address: P.O. Box 1666 County: Madison
Ridgeland, MS 39158 ROW Parcel(S): Plat 3

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.

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 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 waiver valuation in the amount of \$385.00.

Appraisal X 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 improvement being acquired are:

The following real property and improvements are being acquired but not owned by you N/A

Separately held interest(s) in the real property are not applicable. These interests are not included in the above fair market value offer.

Easement: 0.04 Acres x \$12,000/acre = \$480.00 X 80% RO=	\$	<u>385.00</u>
Improvements:	\$	<u>0.00</u>
Damages:	\$	<u>0.00</u>
X Parcel:		<u>0.00</u>
Total Fair Market Value Offer	\$	<u>385.00</u>


 Right of Way Acquisition Agent



Providing Professional Right of Way
Acquisition & Consultation Services

PREPARED BY:
Mike Espy (MB#5240)
Mike Espy, PLLC
4450 Old Canton Rd, Ste 205
Jackson, Mississippi 39211
601.355.9101

RETURN TO:
Mike Espy
Mike Espy, PLLC
4450 Old Canton Rd, Ste 205
Jackson, Mississippi 39211
601.355.9101

DRAINAGE EASEMENT

STATE OF MISSISSIPPI
COUNTY OF MADISON

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

Ashby Development, LLC
P.O. Box 1666
Ridgeland, MS 39158
(601) 853-3344

do hereby bargain, grant, transfer and convey unto GRANTEE:

Madison County, Mississippi
A Body Politic
125 West North Street
P.O. Box 608
Canton, MS 39046
(601) 855-5500

a permanent drainage easement on, over, across and through the following described land and property located in Madison County, Mississippi, and more particularly described as follows:

Complete Legal Description is attached hereto as Exhibit A.

INDEXING INSTRUCTIONS: Part of W 1/2 of the SW ¼ of Section
26, Township 8 North, Range 2 East, Madison County, Mississippi

EXHIBIT A

LEGAL DESCRIPTION FOR EASEMENT NO. 3

A drainage easement being located in the West ½ of the Southwest ¼ of Section 26, Township 8 North, Range 2 East, Madison County, Mississippi, having bearings referenced to Grid North, Mississippi State Plane West Zone, and being more particularly described as follows:

Commence at a chiseled "x" in a concrete flared end section located at the southeast corner of Western Ridge Subdivision as per plat recorded in Plat Cabinet F, Slide 77A in the Office of the Chancery Clerk of Madison County, Mississippi, said point being the POINT OF BEGINNING, and run along the east boundary of Western Ridge Subdivision North 03 degrees 51 minutes 28 seconds East for 41.25 feet to a ½" iron pin set; thence run South 74 degrees 57 minutes 37 seconds East for 46.07 feet to a ½" iron pin set; thence run South 14 degrees 15 minutes 53 seconds West for 40.36 feet to a ½" iron pin set on the north right-of-way of Oakfield Boulevard; thence run along the north right-of-way of Oakfield Boulevard along a curve to the right for 38.62 feet back to the POINT OF BEGINNING, said curve having a radius of 1742.85 feet, a chord length of 38.62 feet, and a chord bearing of North 75 degrees 07 minutes 15 seconds West. Said easement contains 0.04 acres or 1,714 square feet, more or less.


Grantors further grant unto Grantee the right of ingress and egress for the purposes of location, construction, improvement, repair, operation, inspection and maintenance of the Drainage Easement.

The Grantors acknowledge the existence of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, and Sections 43-37-1, et seq., and Sections 43-39-1, et seq., of the Mississippi Code Annotated (1972), and acknowledge that Grantors are aware of their rights under said Act and laws, including, but not limited to:

- A. Notification of the Grantee's desire to obtain the property and receipt of a copy of the above named Act; and,
- B. The opportunity to receive an appraisal and to accompany the appraiser during the initial inspection; and,
- C. An opportunity to have the value of the property determined by a Court of competent jurisdiction and to be compensated therefore.

The Grantors do hereby waive all additional rights and privileges pursuant to Public Law 91-646, and under the "Real Property Acquisition Policies Law", plus any rights and privileges under the "Relocation Assistance Law" and Sections 43-37-1 et seq., and Sections 43-39-1 et seq., of the Mississippi Code Annotated (1972), and Grantors further acknowledge that the Grantee has complied with any and all laws and procedures set forth above. Grantors further acknowledge that they have received just compensation for the real property herein described.

WITNESS MY SIGNATURE, THIS THE 9TH DAY OF JUNE, 2020.


BY GSM, LLC ITS MEMBER

STATE OF
MISSISSIPPI
COUNTY OF Rankin

PERSONALLY appeared before me, the undersigned authority in and for the said jurisdiction, on this the 9th day of June, 2020, the within named Ashby Development, LLC, who having been duly sworn by me acknowledged that on behalf of Ashby Development, LLC, and as its act and deed, he signed, delivered and executed the above and foregoing instrument on the day and year therein mentioned for the purposes therein stated after first having been duly authorized by said Member to do so.

WITNESS MY HAND AND OFFICIAL SEAL on this, the 9th day of June, 2020.

NOTARY PUBLIC



My Commission Expires:

Ashby Development, LLC
P.O. Box 166
Ridgeland, MS 39158

To Whom It May Concern:

JAMES T. WEAVER as MANAGING MEMBER of GSM, LLC, THE

MNG. MEMBER OF Ashby Development, LLC is hereby given authority to sign on behalf of Ashby Development, LLC for right of way for the Madison County Board of supervisors for the purpose of transferring ~~ownership and title of land~~ owned by Ashby Development, LLC.

A PERMANENT DRAINAGE EASEMENT ON PROPERTY.

Signed:

[Signature]

MNG. MEMBER OF GSM, LLC THE

MNG MEMBER -as-OF _____ of Ashby Development, LLC

Print Name JAMES T. WEAVER Title MNG.

Date 06.09.20

STATE OF Mississippi COUNTY OF RANKIN

Personally appeared before me, the undersigned authority in and for the said county and state, on this 9th day of June, 2020,

within my jurisdiction, the within named

Lauren Sullivan

Instrument Signer Name

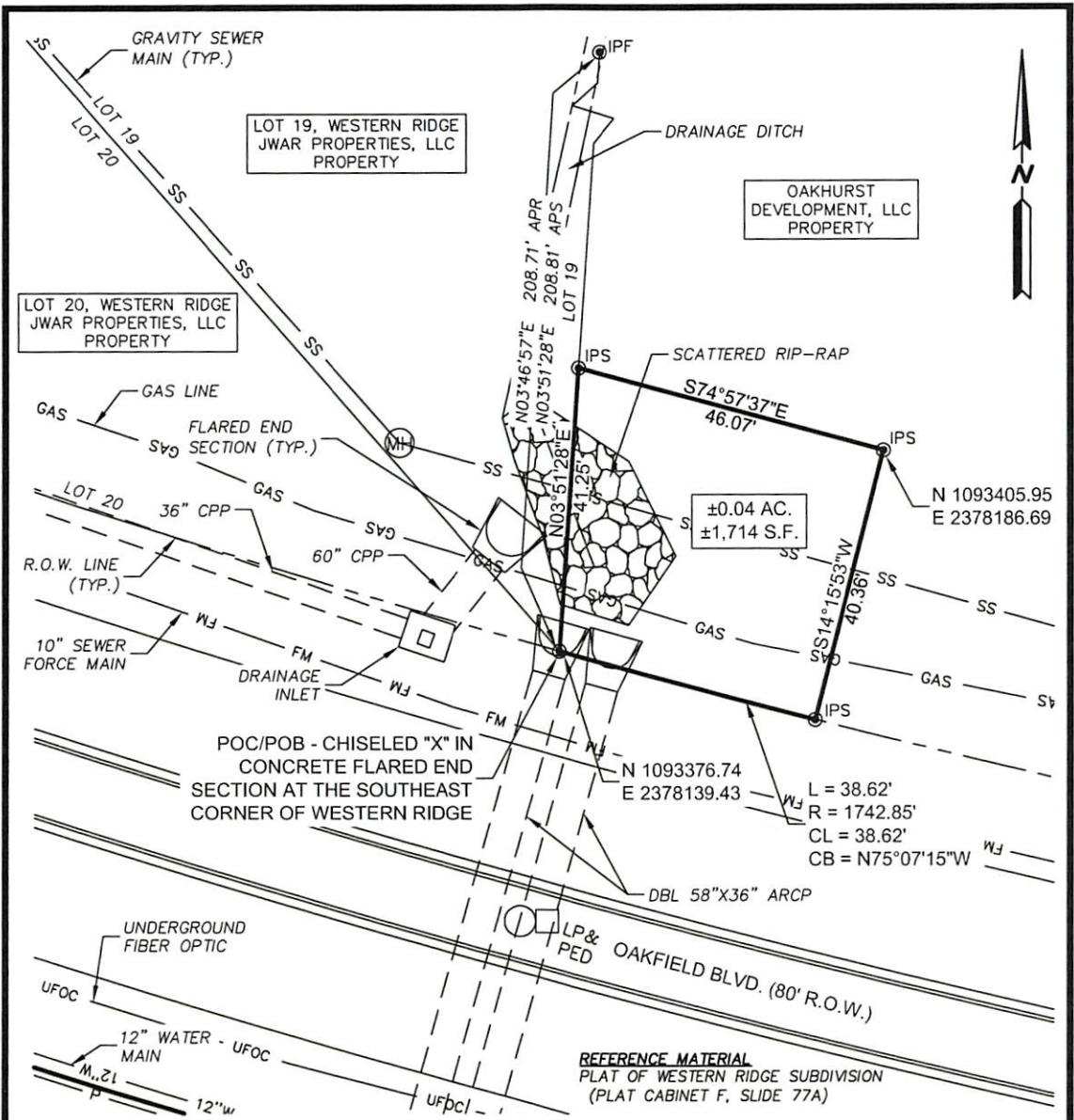
who acknowledged that he executed the above and foregoing instrument.

(NOTARY PUBLIC)



(SEAL)

My commission expires: 2/22/2022

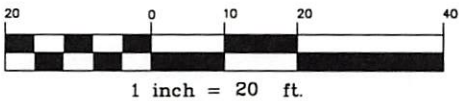


NOTES

1. 1/2" x 18" IRON PINS WITH CAPS STAMPED COA #165, SET AT ALL PROPERTY CORNERS UNLESS NOTED OTHERWISE.
2. NO SEARCH FOR RECORDED EASEMENTS WAS PERFORMED.
3. THIS PLAT MAKES NO CERTIFICATION PERTAINING TO THE ACCURACY OF UNDERGROUND UTILITIES, WHETHER SHOWN OR NOT SHOWN ON THIS PLAT.
4. BEARINGS SHOWN ARE REFERENCED TO GRID NORTH, AS DETERMINED BY GPS OBSERVATIONS.

STATE PLANE COORDINATE INFORMATION

ZONE: MS WEST 2302
 DATUM: NAD 83
 METHOD: GPS OBSERVATION
 CONVERGENCE ANGLE: 00°08'31.79"
 COMBINED FACTOR: 0.999948427
 REFERENCE POINT: POC



LEGEND

- ⊙ MONUMENT FOUND/SET
- IPF IRON PIN FOUND
- IPS IRON PIN SET

LEGAL DESCRIPTION

A drainage easement being located in the West 1/2 of the Southwest 1/4 of Section 26, Township 8 North, Range 2 East, Madison County, Mississippi, having bearings referenced to Grid North, Mississippi State Plane West Zone, and being more particularly described as follows:

Commence at a chiseled "x" in a concrete flared end section located at the southeast corner of Western Ridge Subdivision as per plat recorded in Plat Cabinet F, Slide 77A in the Office of the Chancery Clerk of Madison County, Mississippi, said point being the POINT OF BEGINNING, and run along the east boundary of Western Ridge Subdivision North 03 degrees 51 minutes 28 seconds East for 41.25 feet to a 1/2" iron pin set; thence run South 74 degrees 57 minutes 37 seconds East for 46.07 feet to a 1/2" iron pin set; thence run South 14 degrees 15 minutes 53 seconds West for 40.36 feet to a 1/2" iron pin set on the north right-of-way of Oakfield Boulevard; thence run along the north right-of-way of Oakfield Boulevard along a curve to the right for 38.62 feet back to the POINT OF BEGINNING, said curve having a radius of 1742.85 feet, a chord length of 38.62 feet, and a chord bearing of North 75 degrees 07 minutes 15 seconds West. Said easement contains 0.04 acres or 1,714 square feet, more or less.

CAD FILE: 87862001_emrl.dwg CCE PROJECT NO. 87862001

Clearpoint
 CONSULTING ENGINEERS, P.A.

6652 US Highway 981 | Hattiesburg, MS 39402
 t 601.261.2609 | f 601.261.5573 | clearpointengineers.com

DRAINAGE EASEMENT PLAT FOR:
 GARVER, LLC

W 1/2 of SW 1/4 of Sec. 26, T-8-N, R-2-E
 Madison County, Mississippi



SCALE: 1" = 20'

DATE OF SURVEY: 02/19/2020

CLASS OF SURVEY: B

BEARINGS DETERMINED BY: GPS-GRID

SURVEYED BY: R. AULTMAN

DRAWN BY: S. WELLS

Request for Taxpayer Identification Number and Certification

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

Name (as shown on your income tax return)
 Ashby Development, LLC

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification (required):
 Individual/sole proprietor C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ Exempt payee

Other (see instructions) ▶ _____

Address (number, street, and apt. or suite no.)
 P.O. Box 1666

City, state, and ZIP code
 Ridgeland, MS 39158

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 the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

				-		-			
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Employer identification number

8	4	-	2	7	9	8	8	2	5
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Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

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).

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 on page 4.

Sign Here **Signature of U.S. person** **Date** ▶ 06.09.20

General Instructions

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

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.