

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

August 31, 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 Utility Easement
Reunion Parkway Phase 3

The Engineering Department recommends that the Board accept the invoice for \$7,840.00 for acquisition of a utility easement for the Reunion Parkway Phase 3 Project for Yerger Family Limited Partnership and to authorize the Comptroller to issue the check.

Check payment to:

Payee: Yerger Family Limited Partnership
129 Woodland Circle
Jackson, MS 39216

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	2020-2035 Reunion Phase 3 Utility Easement Project	Parcel	Plat 1
County	Madison		
Owner	Yerger Family Limited Partnership	Address	129 Woodland Circle Jackson, MS 39216

Payment Due:

FMVO:	\$7,840.00
Administrative Adjustment:	\$0.00
Total	7,840.00

Unless otherwise instructed split payment evenly between above owners.

Included herein:

- Initialized FMVO
- Properly Executed Utility Easement
- Signing Authority Form
- 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: 08/03/2020

Authorized Acquisition Agent: 

Greg M. Thompson

Request for Taxpayer Identification Number and Certification

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

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) Verger Family Limited Partnership	
	Business name (disregarded entity name, if different from above)	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input checked="" 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) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	
	<input type="checkbox"/> Exempt payee	
Address (number, street, and apt. or suite no.) 6 Laurel Cove		Requester's name and address (optional)
City, state, and ZIP code Jackson MS 39211		
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 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 <i>How to get a TIN</i> on page 3.																																						
Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.	<table border="1" style="margin: 0 auto;"> <tr><td colspan="9">Social security number</td></tr> <tr><td> </td><td> </td><td> </td><td>-</td><td> </td><td> </td><td>-</td><td> </td><td> </td></tr> </table> <table border="1" style="margin: 0 auto;"> <tr><td colspan="9">Employer identification number</td></tr> <tr><td>6</td><td>4</td><td>-</td><td>0</td><td>8</td><td>6</td><td>9</td><td>3</td><td>2</td><td>0</td></tr> </table>	Social security number												-			-			Employer identification number									6	4	-	0	8	6	9	3	2	0
Social security number																																						
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6	4	-	0	8	6	9	3	2	0																													

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).	
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 ▶ <i>[Signature]</i>	Date ▶ 7/21/2020
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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:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. 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.

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

UTILITY 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:

Yerger Family Limited Partnership
129 Woodland Circle
Jackson, MS 39216
(601) ~~982-2582~~

do hereby bargain, grant, transfer and convey unto GRANTEE its successors and assigns:

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

a permanent utility 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: SE1/4, SECTION 33, T8N, R2E, MADISON
COUNTY, MS

Grantors further grants unto Grantee its successors and assigns the right of ingress and egress for the purposes of location, construction, improvement, repair, operation, inspection and maintenance of the Utility Easement

The Grantee herein its successors and assigns agrees that upon the completion of the construction or laying of said utility lines, it will restore the surface to as close to its original condition as possible and thereafter shall maintain the utility lines and the easement so that no damage will result from its use to said land, and this shall be a covenant which shall run for as long as the easement exists.

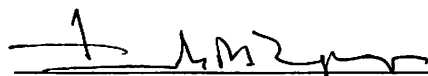
This easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns for as long as the easement is used for the purpose of the construction, maintenance and use of the utility lines. If the easement ceases to be used for the purpose of utility lines, Grantee shall reconvey all rights conveyed under the terms of this Right of Way Easement, upon the written request of Grantor.

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 21 DAY OF July, 2020.



STATE OF MISSISSIPPI
COUNTY OF Hinds

PERSONALLY appeared before me, the undersigned authority in and for the said jurisdiction, on this the 21 day of July, 2020, the within named Frank Berger, who having been duly sworn by me acknowledged that on behalf of Berger Family Limited Partnership 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 Partnership to do so.

WITNESS MY HAND AND OFFICIAL SEAL on this, the 21 day of July, 2020.

Mary M. Kimball
NOTARY PUBLIC

My Commission Expires: 06-08-2023

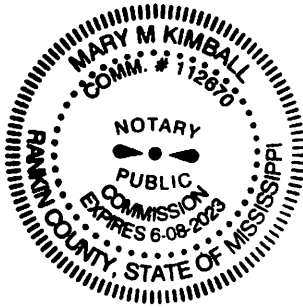


EXHIBIT A

LEGAL DESCRIPTION FOR EASEMENT

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".

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 46 degrees 06 minutes 18 seconds West for a distance of 2,011.16 feet to a point located 35.372 left of measured radially to the proposed centerline of "THE PROJECT" at Station 91+65.337 and the Grantor's apparent Southeast property corner and the apparent North right of way line of Green Oak Lane. Thence North 23 degrees 28 minutes 18 seconds East along the proposed right of way line for "THE PROJECT" a distance of 15.71' to the **POINT OF BEGINNING**, which has the following coordinates: N 2370515.36, E 1088222.88;

Thence North 23 degrees 28 minutes 18 seconds East along the Grantor's apparent property line for a distance of 20.88 feet to a point that measures perpendicular 69.48 feet to the proposed centerline of "The Project" at Station 91+52.75;

Thence North 49 degrees 50 minutes 47 seconds West for a distance of 163.07 feet to a point that measures perpendicular 70.00 feet left of the proposed centerline of "THE PROJECT" at Station 90+00.00.

Thence North 58 degrees 00 minutes 41 seconds West for a distance of 228.04 feet to a point that measures perpendicular 80.00 feet left of the proposed centerline of "THE PROJECT" at PC Station 87+87.84.

Thence North 56 degrees 53 minutes 26 seconds West for a distance of 89.11 feet to a point that measures perpendicular 95.00 feet left of the proposed centerline of "THE PROJECT" at Station 87+00.00.

Thence North 34 degrees 45 minutes 21 seconds West for a distance of 115.55 feet to a point that measures perpendicular 155.93 feet left of the proposed centerline of "THE PROJECT" at Station 86+01.83.

Thence North 21 degrees 46 minutes 25 seconds East for a distance of 388.51 feet to a point that measures perpendicular 70.00 right of the proposed centerline of U.S. Highway 51 as per "THE PROJECT" at Station 31+00.00.

Thence North 66 degrees 30 minutes 32 seconds West for a distance of 20.54 feet to the intersection of the apparent right of way line of U.S. Highway 51 and the proposed right

of way line of "THE PROJECT" to a point that measures perpendicular 49.46 right of the proposed centerline of U.S. Highway 51 as per "THE PROJECT" at Station 31+00.00.

Thence South 21 degrees 41 minutes 43 seconds West for a distance of 400.20 feet along the proposed right of way line of "THE PROJECT" to a point that measures perpendicular 144.29 left of the proposed centerline of "THE PROJECT" at Station 85+82.17.

Thence South 36 degrees 07 minutes 28 seconds East for a distance of 136.70 feet to a point that measures perpendicular 75.00 left of the proposed centerline of "THE PROJECT" at Station 87+00.00.

Thence South 56 degrees 53 minutes 26 seconds East for a distance of 89.11 feet to a point that measures perpendicular 60.00 feet left of the proposed centerline of "THE PROJECT" at PC Station 87+87.84.

Thence South 57 degrees 57 minutes 16 seconds East for a distance of 223.63 feet to a point that measures perpendicular 50.00 left of the proposed centerline of "THE PROJECT" at Station 90+00.00.

Thence South 49 degrees 50 minutes 47 seconds East to a point that intersects the proposed right of way line for "THE PROJECT" and the Grantor's apparent property line for a distance of 167.65 feet back to the **POINT OF BEGINNING**, containing 0.45 Acres more or less, and being situated in **THE SE1/4, SECTION 33, T8N, R2E, MADISON COUNTY, MS AND LOT 4 BLOCK 19 AND LOT 2 BLOCK 20 GLUCKSTADT COLONY, PLAT BOOK A PAGE 8A**

Yerger Family Limited Partnership
129 Woodland Circle
Jackson, MS 39219

To Whom It May Concern:

Frank Yerger, as General Partner of Yerger Family Limited Partnership is hereby given authority to sign on behalf of Yerger Family Limited Partnership for right of way for the Madison County Board of supervisors for the purpose of transferring ownership and title of land owned by Yerger Family Limited Partnership.

Signed:

[Signature]

Frank Yerger as Partner of Yerger Family Limited Partnership

Print Name Title

Date: 7/21/2020

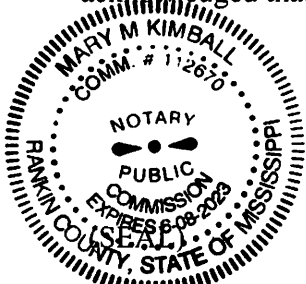
STATE OF MS
COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21 day of July, 2020, within my jurisdiction, the

within named Frank Yerger who
Instrument Signer Name

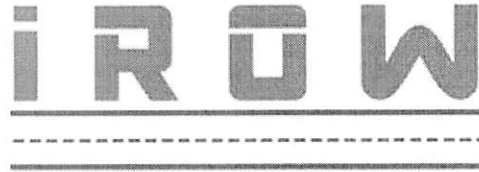
acknowledged that he executed the above and foregoing instrument.

Mary M. Kimball (NOTARY PUBLIC)



My commission expires: 6-08-2023

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



Fair Market Value Offer

Date: June 8, 2020

Name: Yerger Family Limited Partnership Project: 2020-2035 Reunion Phase 3 Utility Easement
Address: 129 Woodland Circle County: Madison
Jackson, MS 39216 ROW Parcel(S): Plat 1

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 \$7,840.00.

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 Value:	\$	<u>7,840.00</u>
Improvements:	\$	<u>0.00</u>
Damages:	\$	<u>0.00</u>
X Parcel:		<u>0.00</u>
Total Fair Market Value Offer	\$	<u>7,840.00</u>

Right of Way Acquisition Agent



Providing Professional Right of Way
Acquisition & Consultation Services