

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 Drainage Easement
Yandell Road at Aulenbrock Drainage Project

The Engineering Department recommends that the Board accept the invoice for \$17,622.00 for acquisition of a drainage easement for the Yandell Road at Aulenbrock Drainage Project for DG Yandell Road Canton MS LLC and to authorize the Comptroller to issue the check.

Check payment to:

Payee: DG Yandell Road Canton MS LLC
29231 Wellington Street
Farmington Hills, MI 48334

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	2020-2033 Yandell Rd at Aulenbrock Drainage Project	Parcel	Plat 2
County	Madison		
Owner	DG Yandell Road Canton MS LLC	Address	29231 Wellington Street Farmington Hills, MI 48334

Payment Due:

FMVO:	\$9,450.00
Administrative Adjustment:	\$8,172.00
Total	17,622.00

Unless otherwise instructed split payment evenly between above owners.

Included herein:

- Initialized FMVO
- Properly Executed Drainage 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 reach 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: 06/09/2020

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 8, 2020

Name: DG Yandell Rd Canton MS LLC Project: 2020-2033 Yandell Road at Aulenbrock Drainage Project

Address: 29231 Wellington Street County: Madison

Farmington Hills, MI 48334 ROW Parcel(S): Plat 2

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 9,450.00.

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.

Land Value:	\$	<u>6,050.00</u>
Improvements:	\$	<u>0.00</u>
Damages:	\$	<u>3,400.00</u>
X Parcel:		<u>0.00</u>
Total Fair Market Value Offer	\$	<u>9,450.00</u>



Right of Way Acquisition Agent



**Providing Professional Right of Way
Acquisition & Consultation Services**

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



June 1, 2020

Allan Saroki, P.C.
29231 Wellington St
Farmington Hills, MI 48334-4160

RE: Madison County Right of Way - D G Yandell Rd Canton Miss LLC

Attorney Saroki,

The Madison County Board of Supervisors voted this morning to approve an administrative adjustment of \$8,172.00 to your compensation for the necessary right of way on the above referenced parcel:

Replacement of Landscaping and Sprinkler System	\$7,950.00
2,418 X \$5.00 per square foot X .80	\$9,672.00
	\$17,622.00

Assuming this offer is acceptable in lieu of the time and expense of eminent domain proceedings, please have your signature notarized on the Drainage Easement and authority letter, complete and sign the w-9, initialize the plat map and a copy of this letter and return to:

iROW
P.O. Box 3066
Madison, MS 39130

If you have any questions please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Thompson', written over a horizontal line.

Greg M. Thompson, ROW 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:

DG Yandell Rd Canton MS LLC
29231 Wellington Street
Farmington Hills, MI 48334
~~(601) 248~~ 224-1123

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: Section 27, Township 8 North, Range 2 East,
Madison County, Mississippi

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 3rd DAY OF June, 2020.

Allan Jarski

Exhibit "A"

Easement

Reserved Drainage Easement Along South Right-of-Way of Yandell Road
Located Wholly Within DG Yandell rd., Canton, Mississippi, LLC parcel

Beginning at a point on the South right-of-way line of Yandell Road, a public street, as said south right-of-way is laid out and established; said point being the Northeast corner of a 1.01 acre parcel of land conveyed unto DG Yandell Rd., Canton, Mississippi, LLC, by that certain Special Warranty Deed file for record in the office of the Chancery Clerk of Madison County, Mississippi, at Canton, Mississippi, in Book 3085 at Page 53 thereof, reference to which is hereby made for all purposes; said point being the point of beginning of this legal description of the parcel of land that is described by metes and referenced bounds as follows, to-wit:

Thence run South 57° 42' 00" West for a distance of 176.62' to a point; thence run South 32° 18' 00" East for a distance of 15.00' to a point; thence run North 57° 42' 00" East for a distance of 153.57' to a point; thence run North 33° 54' 49" West for a distance of 10.00' to a point; thence run North 57° 42' 00" East for a distance of 23.77' to a point; thence run North 37° 18' 41" West for a distance of 5.02' to the point of beginning.

The above described parcel of land contains 0.056 acres, more or less, or 2,418 square feet, more or less, and is situated in the East Half of the Northwest Quarter (E 1/2 NW 1/4) and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) in Section 27 in Township 8 North, Range 2 East, Madison County, Mississippi.

STATE OF MISSISSIPPI
COUNTY OF _____

PERSONALLY appeared before me, the undersigned authority in and for the said jurisdiction, on this the 3 day of June, 2020, the within named Allan Saroki of Farmington Hills, MS, who having been duly sworn by me acknowledged that on behalf of DG Yandell Rd Canton MS 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 LLC to do so.

WITNESS MY HAND AND OFFICIAL SEAL on this, the 3 day of June, 2020.



NOTARY PUBLIC

My Commission Expires:
June 10, 2024

SEAN SHUNIA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
My Commission Expires June 10, 2024
Acting in the County of Oakland

DG Yandell Road Canton MS LLC
29231 Wellington Street
Farmington Hills, MI 48334

To Whom It May Concern:

Allan Saroki, as Managing Member of DG Yandell Road Canton MS LLC is hereby given authority to sign on behalf of DG Yandell Road Canton MS LLC for right of way for the Madison County Board of supervisors for the purpose of transferring ownership and title of land owned by DG Yandell Road Canton MS LLC.

Signed:

Thayra Saroki

Thayra Saroki as Member of DG Yandell Road Canton MS LLC

Print Name

Title Member

Date: June 3, 2020

STATE OF MI
COUNTY OF Oakland

Personally appeared before me, the undersigned authority in and for the said county and state, on this 3 day of June, 2020, within my jurisdiction, the

within named Thayra Saroki who

Instrument Signer Name

acknowledged that he executed the above and foregoing instrument.

Shunia

(NOTARY PUBLIC)

(SEAL)

My commission expires: June 10, 2024

SEAN SHUNIA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
My Commission Expires June 10, 2024
Acting in the County of Oakland

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) DG Yandell Rd Canton MS LLC	
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 type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
<input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____	
<input type="checkbox"/> Other (see instructions) ▶ _____	
Address number, street, and apt. or suite no. 29231 Wellington St	Requester's name and address (optional)
City, state, and ZIP code Farmington Hills, MI 48334	
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 *How to get a TIN* on page 3.

Social security number	
Employer identification number	
46	-5446511

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:

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>Allen Larkin</i>	Date ▶ 6-8-2020
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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:

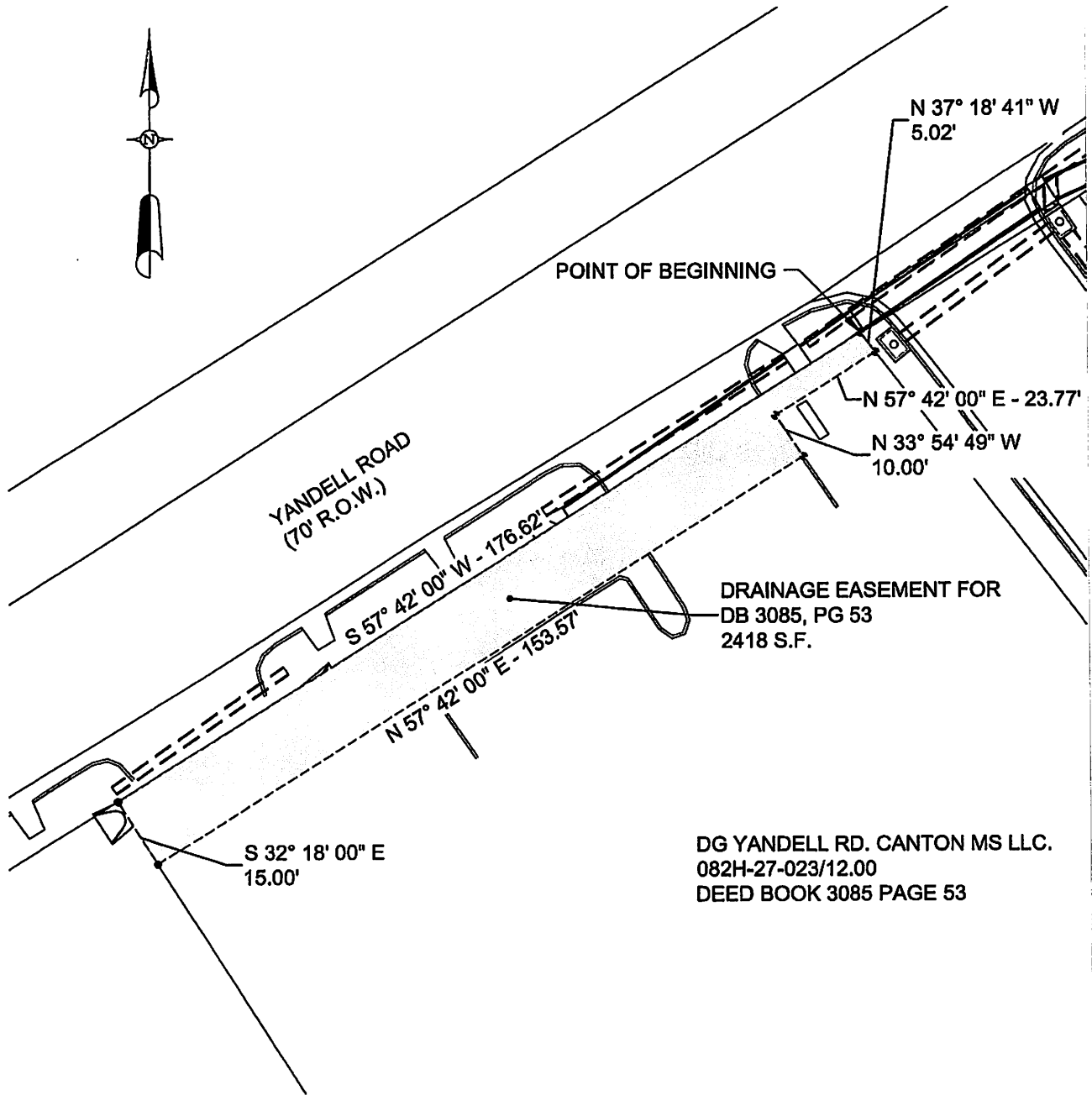
1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued to you).
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of partnership income from a U.S. trade or business is not subject to backup 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.



DG YANELL RD. CANTON MS LLC.
 082H-27-023/12.00
 DEED BOOK 3085 PAGE 53



854 WILSON DRIVE
 SUITE A
 RIDGELAND, MS 39167

TEL (601) 899-5158
 FAX (601) 899-5110

EXHIBIT "D"
 DB 3085 PG 53
 MADISON COUNTY, MISSISSIPPI

DRAWN BY: P. BARNES

DATE: FEB. 3, 2020

SCALE: 1" = 30'