

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 of Utility Easement  
Yandell Road at Aulenbrock Drainage Project

The Engineering Department recommends that the Board accept the invoice for \$2902.00 for acquisition of a utility easement for the Yandell Road at Aulenbrock Drainage Project for Madison County Self Storage, LLC and to authorize the Comptroller to issue the check.

Check payment to:

Payee: Madison County Self Storage, DST  
10 Terrace Road  
Ladera Ranch, CA 92694

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 1
County	Madison		
Owner	Madison County Self Storage, LLC	Address	2795 E Cottonwood Parkway Salt Lake City, UT 84121

Payment Due:

FMVO:	\$980.00
Administrative Adjustment:	\$1,922.00
<b>Total</b>	<b>\$2,902.00</b>

*Unless otherwise instructed split payment evenly between above owners.*

Included herein:

- Initialized FMVO
- Properly Executed Drainage Easement
- Land Owner Counter Offer Approval Memo
- Right of Way Plat Map
- Completed W-9

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: 08/13/2020

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) <b>Madison County Self Storage, LLC</b>	
	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) <span style="float: right;">c</span>	
	<input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.) <b>2795 East Cottonwood Parkway Suite 300</b>		Requester's name and address (optional)
City, state, and ZIP code <b>Cottonwood Heights, UT 84121</b>		
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								

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number								
2	6	-	0	8	1	6	9	7

### 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.

<b>Sign Here</b>	Signature of U.S. person ▶ <i>Morgan Lee</i>	Date ▶ 8/5/20
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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.

**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: Madison County Self Storage, DST Project: 2020-2033 Yandell Road at Aulenbrock Drainage Project

Address: 10 Terrace Road County: Madison

Ladera Ranch, CA 92694 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 \$980.00.

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 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>980.00</u>
Improvements:	\$	<u>0.00</u>
Damages:	\$	<u>0.00</u>
X Parcel:		<u>0.00</u>
<b>Total Fair Market Value Offer</b>	<b>\$</b>	<b><u>980.00</u></b>

A handwritten signature in blue ink, appearing to be 'LJ', is written over a horizontal line.

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**



July 7, 2020

Madison County Self Storage, DST  
Attn: Morgan Lee, legal Counsel  
10 Terrace Rd  
Ladera Ranch, CA 92694

RE: Madison County Right of Way

Ms. Lee,

The Madison County Board of Supervisors voted to approve an administrative adjustment for a total compensation for the drainage easement of \$2,902.00.

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**

MADISON COUNTY SELF STORAGE, DST  
082H-27-023/03.00  
DEED BOOK 2242 PAGE 90



DRAINAGE EASEMENT FOR  
DB 2242, PG 90  
1200 S.F.

S 32° 49' 00" E  
30.00'

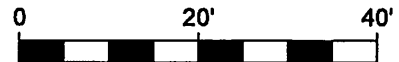
N 57° 51' 00" E - 40.00'

POINT OF  
BEGINNING

N 32° 49' 00" W  
30.00'

S 57° 51' 00" W - 40.00'

YANDELL ROAD  
(70' R.O.W.)



854 WILSON DRIVE  
SUITE A  
RIDGELAND, MS 39157

TEL (601) 899-5188  
FAX (601) 899-5110

EXHIBIT "B"  
DB 2242, PG 90 DRAINAGE EASEMENT  
MADISON COUNTY, MISSISSIPPI

DRAWN BY: P. BARNES

DATE: FEB 3, 2020

SCALE: 1" = 20'

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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:

**Madison County Self Storage, LLC**  
2795 East Cottonwood Pkwy Suite 300  
Salt Lake City, UT 84121  
801-365-4667

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 easement and all other rights, if any, granted to Grantee are conveyed AS-IS without any warranty of any kind, whether express or implied, without limiting the foregoing, any warranty of title, warranty of habitability, and/or warranty of fitness for any particular purpose are hereby disclaimed.

Grantee shall defend, indemnify, and hold Grantor harmless from all liability, claims, damages, losses, and expenses, whether direct, indirect, or consequential, including, but not limited to, reasonable attorneys' fees, expert witness fees, and other expenses of litigation resulting from personal injury or property damage arising out of or in connection with Grantee's use of the Drainage Easement. Grantee will also require the contractor constructing the facilities to indemnify the Grantor.

During any period that Grantee is exercising its Drainage Easement rights, Grantee shall maintain and/or self-insure, or cause its general contractor to maintain, commercial general liability insurance on an occurrence basis, insuring against claims for personal injury (including, without limitation, bodily injury or death), property damage liability and such other loss or damage from such causes of loss as are embraced by insurance policies of the type known as "Commercial General Liability Insurance," with a combined single limit of not less than \$2,000,000 per occurrence. The commercial general liability insurance policy required hereunder is intended to cover claims arising out of use by Grantee, its contractors, and their agents, contractors, employees, licensees, lessees, or subcontractors of the Grantor Property under this Agreement.

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 5<sup>th</sup> DAY OF August, 2020.

**Madison County Self Storage, LLC**

By: [Signature]

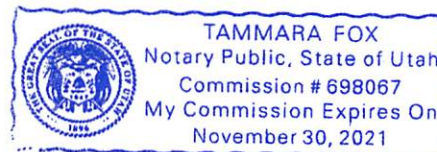
Title: Manager

STATE OF Utah;  
City/County of Salt Lake, to-wit:

The foregoing instrument was acknowledged before me this 5 day of August, 2020, by Gwyn McNeal, Manager,  
(Name of officer or agent) (Title of officer or agent)

of Madison County Self Storage, LLC, on behalf of the limited liability company.

[Signature]  
NOTARY PUBLIC



**Exhibit "A"**

**Easement**

**Reserved Drainage Easement Along North Right-of-Way of Yandell Road  
Located Wholly Within Madison County Self Storage, LLC Parcel**

Beginning at a point on the North right-of-way line of Yandell Road, a public street, as said north right-of-way is laid out and established; said point being the southeast corner of a 7.38 acre parcel of land conveyed unto Madison County Self Storage, 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 2242 at Page 90 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° 51' 00" West for a distance of 40.00' to a point; thence run North 32° 49' 00" West for a distance of 30.00' to a point; thence run North 57° 51' 00" East for a distance of 40.00' to a point; thence run South 32° 49' 00" East for a distance of 30.00' to the point of beginning.

The above described parcel of land contains 0.028 acres, more or less, or 1,200 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.