

APPLICATION FOR CONDITIONAL USE

Name and Address of Applicant: BEAR CREEK WATER ASSOCIATION PO BOX 107 CANTON, MS 39046	Street Address of Property (if different address): 396-Z CLARKDELL ROAD CANTON, MS 39046
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APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
12-01-2020	R-2 PUD	See (Exhibit A)	PART OF 0826-26-1/04	X	See (Exhibit B)

Other Comments: As per Article 805 of the Madison County Zoning Ordinance.

Comments

Respectfully Submitted

M.A. Williams, GENERAL MANAGER
BEAR CREEK WATER ASSOCIATION

Petition submitted to Madison County Planning and Development Commission on _____

Recommendation of Madison County Planning and Development Commission on Petition _____

Public Hearing date as established by the Madison County Board of Supervisors _____

Final disposition of Petition _____



P. O. Box 107
Canton, MS 39046

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

December 17, 2020

Bear Creek Water Association is submitting an Application for Conditional Use to construct a water well in Section 26, Township 8 North, Range 2 East. This property will be 0.517 acres on the easterly side of Clarkdell Road. The 0.517 acre parcel is a portion of tax parcel 082G-26-1/04. The property is currently owned by KSFD, LLC. Bear Creek Water Association has a current lease with option to purchase the property. Please see Deed Book 3808 at Page 346 submitted with this application. Section VI of Bear Creek Water Association's contract with KSFD, LLC states *"It is understood and agreed that Lessee's purpose in entering into this Lease is the drilling of test water well(s) to determine the suitability of the subject property as the site of a permanent water well to provide public water service to consumers within Lessee's certificated service area. Lessee shall have the right to undertake all activities reasonably necessary to drill its test water well(s) on the subject property."*

Section 402 of the Madison County Zoning Ordinance states that *"All public and quasi-public facilities and utilities, as defined under Article III of this Ordinance, may be located in any district in the County,"*

Our plan for this property is to construct a water well into the Sparta Aquifer. This water well will provide clean drinking water so that we can continue to provide for the growth of customers within our water certificate, and also for adequate fire protection as needed in the surrounding areas. We currently have 10 water wells in use, with an 11th water well currently under construction. This site would be for our 12th water well.

We have already filed for and received a Groundwater Withdrawal Permit from the Mississippi Department of Environmental Quality. We have received said permit for this site under permit MS-GW-17499. There was no opposition from the residents within Madison County to that application and public notice.

We have attached a survey, a legal description, and a site plan of the property as required by Section 805 of the Madison County Zoning Ordinance.

The site will be fenced and maintained regularly.

BOOK 3808 PAGE 346 DOC 37 TY W
INST # 883403 MADISON COUNTY MS.
This instrument was filed for
record 1/15/20 at 10:18:00 AM
RONNY LOTT, C.C. BY: CMH D.C.

PREPARED BY AND RETURN TO:
HERRING, LONG & CREWS, P.C.
P.O. BOX 344
CANTON, MS 39046
601-859-2573

202-2600

GRANTOR:

KSFD, LLC, a Mississippi limited liability company
1033 ANNANDALE DRIVE
MADISON, MS 39110
Telephone: 601-540-0770

GRANTEE:

Bear Creek Water Association, Inc.,
a Mississippi nonprofit corporation
P.O. Box 107
Canton, MS 39046
Telephone: 601-856-5969

INDEXING INSTRUCTIONS: NW ¼, Section 26, Township 8 North, Range 2 East, Madison
County, Mississippi

STATE OF MISSISSIPPI

COUNTY OF MADISON

MEMORANDUM OF LEASE AGREEMENT WITH OPTION TO PURCHASE

This Memorandum of Lease Agreement with Option to Purchase is entered into
by and between KSFD, LLC, a Mississippi limited liability company ("Lessor") and Bear
Creek Water Association, Inc., a Mississippi nonprofit corporation ("Lessee").

This Memorandum of Lease Agreement with Option to Purchase is being
recorded to give notice that Lessor and Lessee have entered into a Lease Agreement with
Option to Purchase dated December 19, 2019, covering lands owned by the Lessor and
located in Section 26, Township 8 North, Range 2 East, Madison County, Mississippi.

3

The initial term of the Lease Agreement with Option to Purchase is two (2) years, commencing on December 19, 2019 and ending on December 19, 2021.

In the event of any conflict between the Lease Agreement with Option to Purchase and this Memorandum of Lease Agreement with Option to Purchase, the terms and conditions of the Lease Agreement with Option to Purchase shall control.

In witness thereof, the parties have executed this Memorandum of Lease Agreement with Option to Purchase on the dates below their respective signatures.

LESSOR:

KSFD, LLC, a Mississippi limited liability company

By: Jerry W. Dillon
Title: member

LESSEE:

BEAR CREEK WATER ASSOCIATION, INC., a Mississippi nonprofit corporation

By: Paul J. Spill
Title: PRESIDENT

STATE OF MISSISSIPPI

COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 14 day of January, 2020, within my jurisdiction, the within named Jerry W. Dillon who acknowledged that he is member of **KSFD, 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.



Wanda J. Marshall
NOTARY PUBLIC

STATE OF MISSISSIPPI

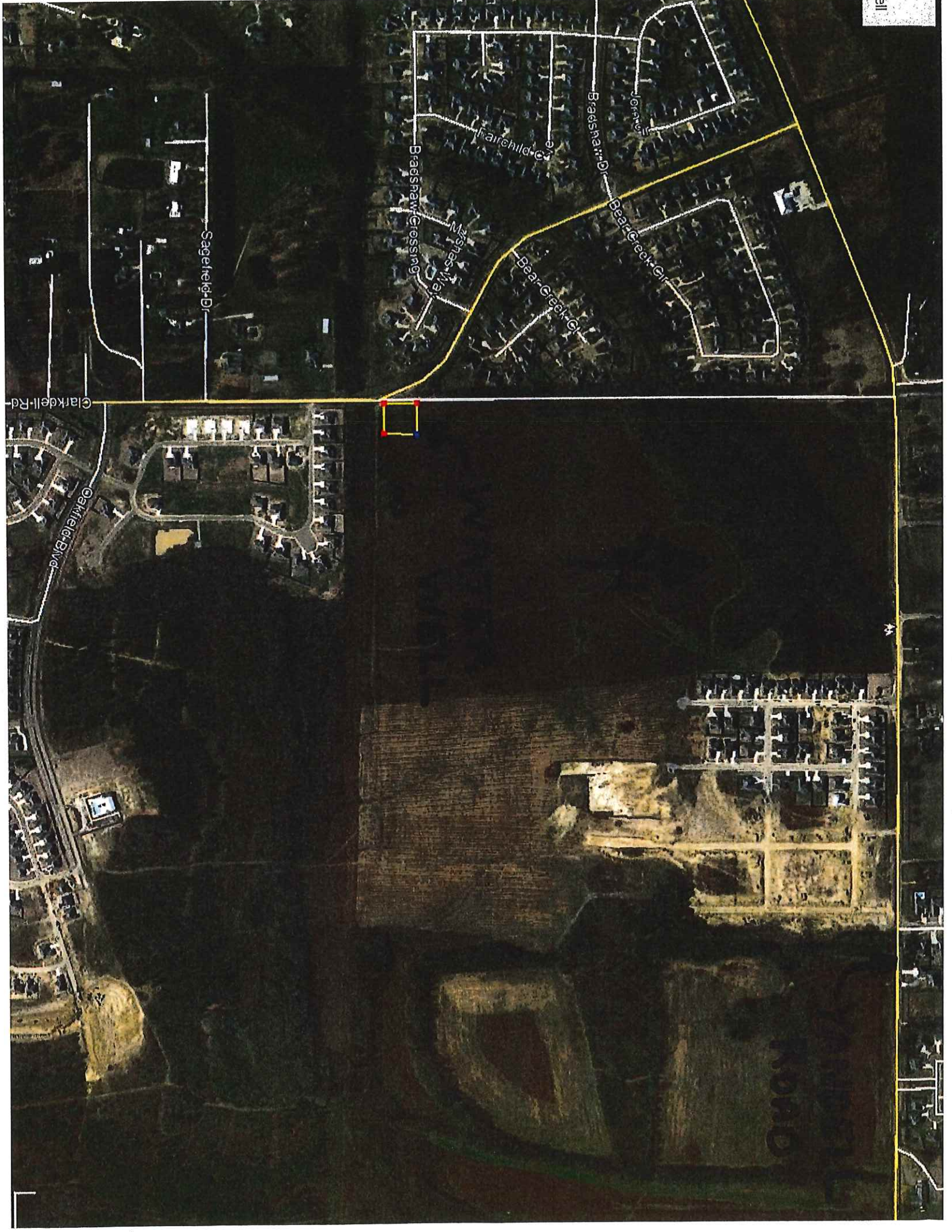
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 9 day of JANUARY, 2020, within my jurisdiction, the within named BUDDY VOELCEL who acknowledged that he is PRESIDENT of **BEAR CREEK WATER ASSOCIATION, INC.**, a Mississippi nonprofit corporation, and that for and on behalf of the said nonprofit corporation, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said nonprofit corporation so to do.



MY COMMISSION EXPIRES:
July 11, 2020
(SEAL)

Debra F. Temple
NOTARY PUBLIC



Clarkdell Rd

Sagetield Dr

Braeshae Dr

Marchild Ct

Bear Creek Cir

Bear Creek Cir

Johnston

Clarkdell Blvd

Clarkdell Blvd

Legal Description

A parcel of land containing 0.517 acres or 22499.42 square feet, more or less, situated in the SW 1/4 of the NW 1/4 of Section 26, Township 8 North, Range 2 East, Madison County, Mississippi and being more particularly described as follows, to wit:

Commencing at a found 1/2" rebar, marking the NW corner of Western Ridge, a subdivision according to the map or plat of which is on file in the Office of the Chancery Clerk, in Plat Cabinet – F, Slot – 77A&77B, Madison County, Mississippi; thence proceed N 00°29'16" E a distance of 200.65 feet (N 00°18'46" E – Record, DB-2224, PG-374) to a set 1/2"x18" rebar and the Point of Beginning of the following described parcel of land; thence S 89°48'17" W a distance of 10.00 feet (S 89°37'47" W – Record, DB-2224, PG-374) to a set 1/2"x18" rebar on the East Right-of-Way line of Clarkdell Road, a paved public road, as now laid out and in use this date (May 2019); thence continue along said East Right-of-Way line N 00°12'59" E a distance of 150.00 feet (N 00°02'29" E – Record, DB-2224, PG-374) to a set 1/2"x18" rebar; thence leaving said East Right-of-Way line of Clarkdell Road, run N 89°48'17" E a distance of 150.00 feet to a set 1/2"x18" rebar; thence S 00°12'59" W a distance of 150.00 feet to a set 1/2"x18" rebar; thence S 89°48'17" W a distance of 140.00 feet back to The Point of Beginning of the above described parcel of land, having an area of 0.517 acres or 22499.42 square feet, more or less.

LEGEND

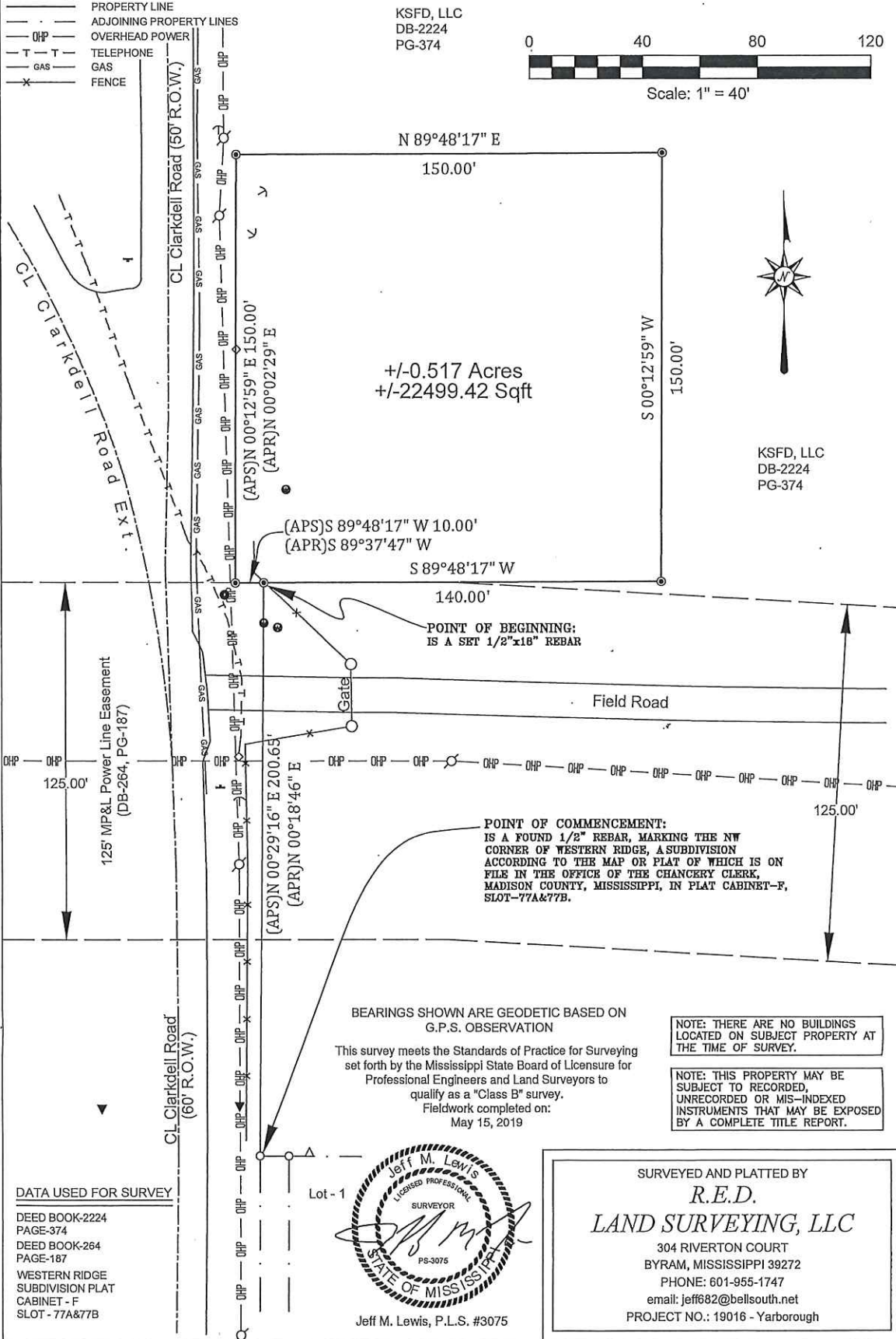
- FOUND 1/2" REBAR
- ⊙ SET 1/2"x18" REBAR
- ⊙ WATER VALVE
- ⊙ POWER POLE
- ⊙ GUY WIRE
- ⊙ FIBER OPTIC MARKER
- ⊙ GAS MARKER
- △ SEWER FORCE MAIN MARKER
- ▽ CO2 PIPELINE MARKER
- ⊣ ROAD SIGN
- PROPERTY LINE
- - - ADJOINING PROPERTY LINES
- OHP- OVERHEAD POWER
- T-T- TELEPHONE
- GAS- GAS
- X- FENCE

PLAT OF SURVEY FOR:
BEAR CREEK WATER ASSOCIATION
 +/- 0.517 ACRES SITUATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 26, T-8-N, R-2-E, MADISON COUNTY, MISSISSIPPI.

KSFD, LLC
 DB-2224
 PG-374



KSFD, LLC
 DB-2224
 PG-374



BEARINGS SHOWN ARE GEODETIC BASED ON G.P.S. OBSERVATION

This survey meets the Standards of Practice for Surveying set forth by the Mississippi State Board of Licensure for Professional Engineers and Land Surveyors to qualify as a "Class B" survey.

Fieldwork completed on:
 May 15, 2019

NOTE: THERE ARE NO BUILDINGS LOCATED ON SUBJECT PROPERTY AT THE TIME OF SURVEY.

NOTE: THIS PROPERTY MAY BE SUBJECT TO RECORDED, UNRECORDED OR MIS-INDEXED INSTRUMENTS THAT MAY BE EXPOSED BY A COMPLETE TITLE REPORT.

DATA USED FOR SURVEY

DEED BOOK-2224
 PAGE-374
 DEED BOOK-264
 PAGE-187
 WESTERN RIDGE
 SUBDIVISION PLAT
 CABINET - F
 SLOT - 77A&77B

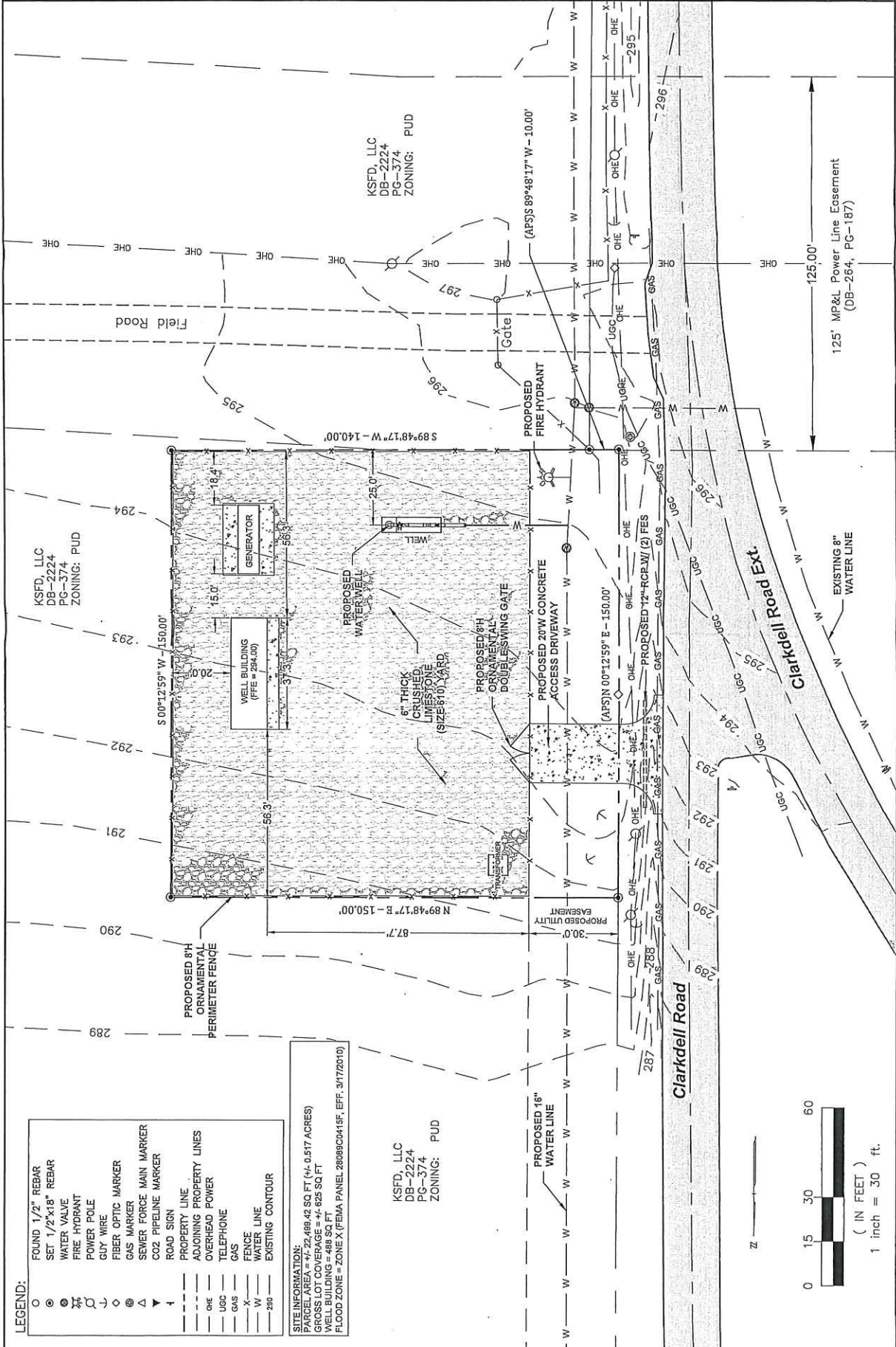


Jeff M. Lewis, P.L.S. #3075

SURVEYED AND PLATTED BY
R.E.D.
LAND SURVEYING, LLC

304 RIVERTON COURT
 BYRAM, MISSISSIPPI 39272
 PHONE: 601-955-1747
 email: jeff682@bellsouth.net
 PROJECT NO.: 19016 - Yarborough

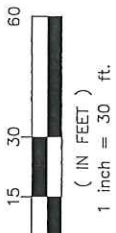
CLARKDELL WATER WELL
BEAR CREEK WATER ASSOCIATION



- LEGEND:**
- FOUND 1/2" REBAR
 - ⊙ SET 1/2"x18" REBAR
 - ⊙ WATER VALVE
 - ⊙ FIRE HYDRANT
 - ⊙ POWER POLE
 - ⊙ GUY WIRE
 - ⊙ FIBER OPTIC MARKER
 - ⊙ GAS MARKER
 - ⊙ SEWER FORCE MAIN MARKER
 - ⊙ CO2 PIPELINE MARKER
 - ⊙ ROAD SIGN
 - PROPERTY LINE
 - - - ADJOINING PROPERTY LINES
 - - - OVERHEAD POWER
 - UGC
 - LGC
 - GAS
 - FENCE
 - WATER LINE
 - EXISTING CONTOUR
 - 295

SITE INFORMATION:
 PARCEL AREA = 74,224.488 SQ. FT. (1.71 ACRES)
 GROSS LOT COVERAGE = 41,825 SQ. FT.
 WELL BUILDING = 488 SQ. FT.
 FLOOD ZONE = ZONE X (FEMA PANEL 28089C0415F, EFF. 3/17/2010)

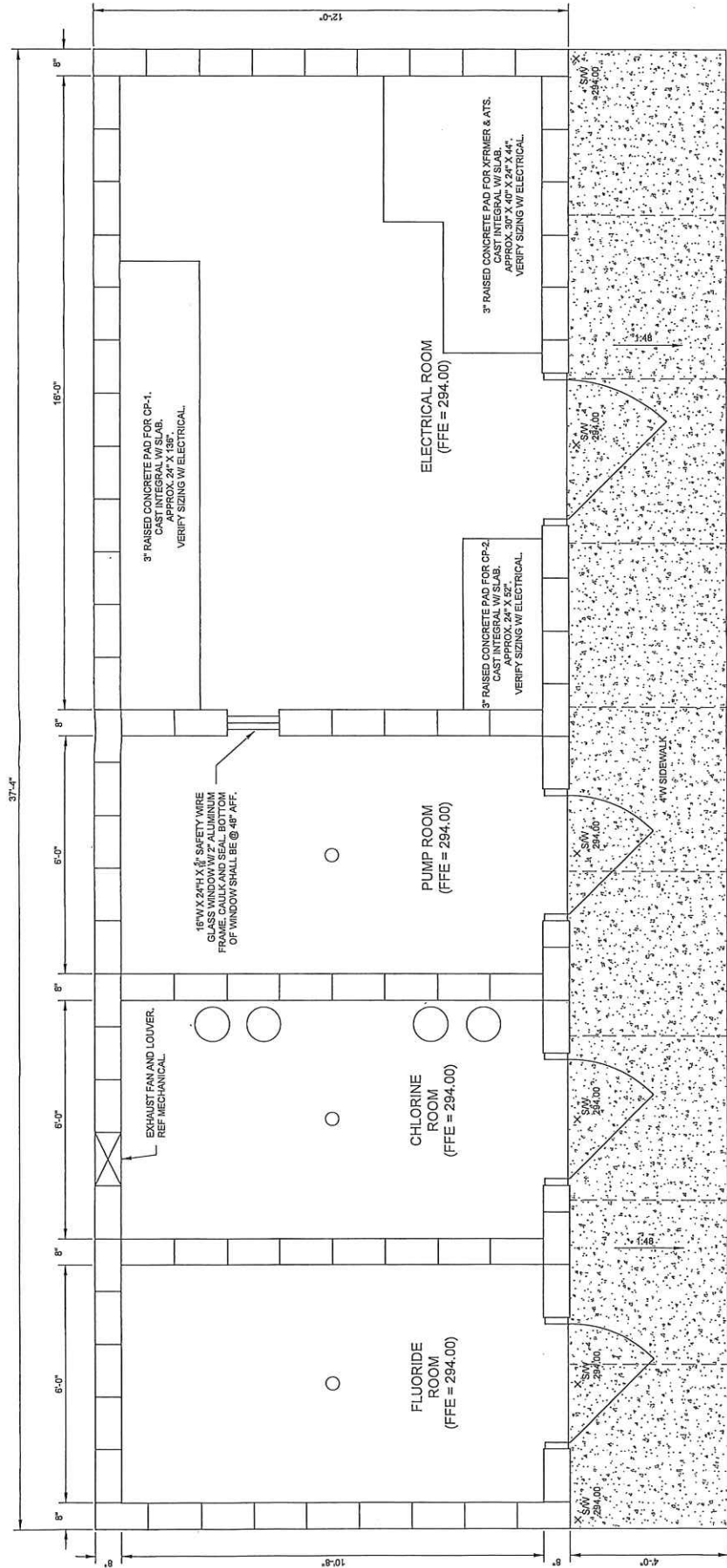
KSFD, LLC
 DB-2224
 PG-374
 ZONING: PUD



CLARKDELL WATER WELL
BEAR CREEK WATER ASSOCIATION

NO.	DATE	DESCRIPTION

DRAWN BY:	TM
CHECKED BY:	JM
PROJECT NO.:	
DATE:	SEP 2009
SHEET NO.:	
WELL BUILDING FLOOR PLAN	
SHEET NUMBER	
C2.0	



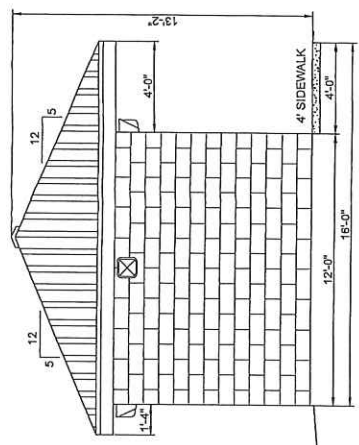
FLOOR PLAN
SCALE: 3/8" = 1'-0"

- GENERAL NOTES:
1. ALL MATERIALS, INCLUDING BUT NOT LIMITED TO, BLOCK, ROOF, GUTTERS, AND PAINT SHALL BE SELECTED BY THE OWNER. CONTRACTOR SHALL SUBMIT MATERIAL SAMPLES AND COLORS TO THE ENGINEER.
 2. COAT INTERIOR & EXTERIOR WOOD SURFACES AND INTERIOR BLOCK WALLS PER SPECS.
 3. ROOMS INDICATED W/ FLOOR DRAINS SHALL BE SLOPED @ 0.40% CORNER TO CORNER.
 4. ALL ROOF PENETRATIONS SHALL BE PAINTED TO MATCH ROOF COLOR.
 5. PROVIDE 16" X 36" BOX STYLE ALUMINUM GUTTERS WITH DOWNSPOUTS ON ALL SIDES. NO DOWNSPOUTS ON FRONT OF BUILDING.
 6. PROVIDE 16" X 36" ATTIC SCUTTLE HOLE IN ELECTRICAL ROOM.

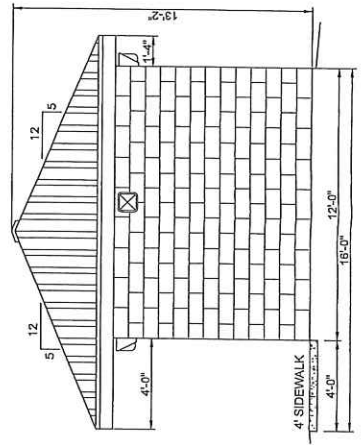
CLARKDELL WATER WELL
BEAR CREEK WATER ASSOCIATION

NO.	DATE	BY	CHKD
1			
2			
3			

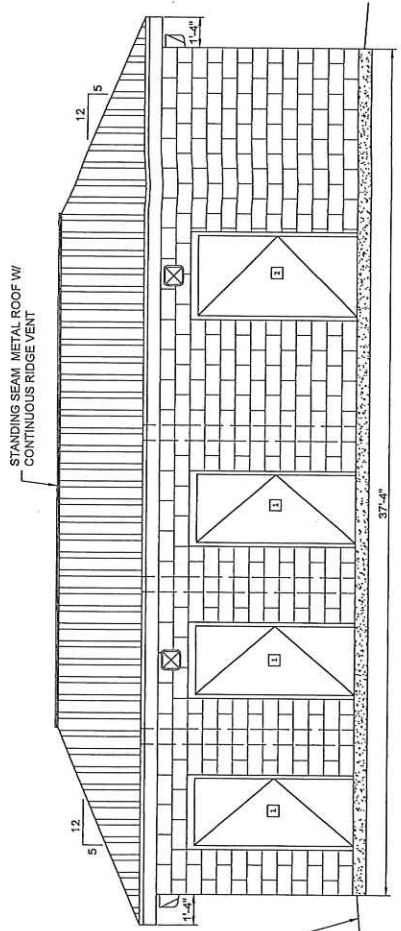
DESIGN NO.	24
CHECKED BY	JM
PROJECT NO.	
DATE	05/20/2009
SHEET TITLE	WELL
BUILDING ELEVATIONS	
SHEET NUMBER	C2-1



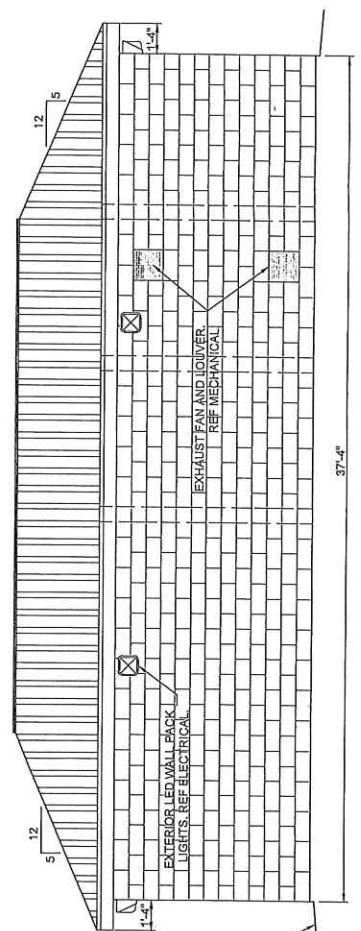
LEFT ELEVATION
SCALE: 3/16" = 1'-0"



RIGHT ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



REAR ELEVATION
SCALE: 3/16" = 1'-0"

DOOR #	DOOR TYPE	SIZE	DOOR MATERIAL	DOOR FINISH	FRAME MATERIAL	FRAME FINISH	THRESHOLD	HARDWARE	REMARKS
1	EXTERIOR	3'-0" X 7'-0"	ALUMINUM	MILL	ALUMINUM	MILL	ALUMINUM	ALUM. OFFSET PULL HANDLE & LOCK	ALUMINUM INSERT; CLOSER REED
2	EXTERIOR	5'-0" X 7'-0"	ALUMINUM	MILL	ALUMINUM	MILL	ALUMINUM	ALUM. OFFSET PULL HANDLE & LOCK	ALUMINUM INSERT; CLOSER REED