

# MEMO

**To:** Madison County Board of Supervisors  
**From:** Brad Sellers  
**Subject:** Complaint regarding sign/Stokes Road  
**Date:** July 30, 2013

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A complaint received from Patrick McAllister, representing Trustmark National Bank, regarding a sign located on property owned by Denise Morgan. Mr. McAllister has requested this matter be submitted to the County Attorney for his opinion, (a. is the sign illegal, (b. should the County require removal of sign.

## Brad Sellers

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**From:** Patrick McAllister <pmcallister@wmjlaw.com>  
**Sent:** Wednesday, July 03, 2013 12:35 PM  
**To:** Brad Sellers  
**Cc:** 'Joe Lane'; leehawk3@aol.com  
**Subject:** FW: Zoning Complaint  
**Attachments:** Special Warranty Deed.Madison.pdf; photo.JPG; Morgan email.6.26.2013.pdf; WD Harreld to Denise 2009.pdf

Dear Mr. Sellers,

Please be advised that I represent Trustmark National Bank. In December 2012 Trustmark obtained title to real property with a street address of 1475 Stokes Road, Canton, MS from Jodie, Denise and Matthew Morgan. A copy of the Special Warranty Deed in Satisfaction of Judgment is attached. Denise Morgan still owns a strip of property that is 50 foot wide and 1146.6 foot long immediately to the west of the property conveyed to Trustmark. It appears that the 50 foot strip was originally intended to serve as an easement, but would no longer serve that function since the property it was intended to serve as an easement for was conveyed to Trustmark by Matthew Morgan as part of the December 2012 deed. A copy of Ms. Morgan's deed to the 50 foot strip is also attached.

Within the past six to eight weeks Mr. Morgan has erected a sign stating "RAPID-FIRE RANGE members only" fronting Stokes Road on the 50 foot strip of property. A photograph of the sign is attached. In addition to posting a sign, on June 26, 2013 via email Mr. Morgan informed Lee Hawkins, Trustmark's realtor, that he intends to create a commercial "rapid fire" course with pistol stations, bow stands, rifle shooting houses and a parking area on the property owned by his wife. A copy of Mr. Morgan's email is attached.

As I understand it, the property located at 1475 Stokes Road is zoned as Agricultural District property (A-1) under Art. V of the Madison County Zoning Ordinances. Section 501 of the Ordinances list permitted land uses for A-1 property. Not surprisingly, a "rapid-fire" shooting range, particularly one on a piece of property that is 50 foot wide, is not a permitted use, nor would it qualify as a conditional use under Section 502 of the Ordinances. It also seems highly unlikely that Mr. Morgan's proposed parking area could comply with Article XXIII of the Ordinances.

Further, under Section 503 of the Ordinances property zoned A-1 under Section 503.02 has a minimum lot area of 2 acres, has a minimum lot width of 200 feet under Section 503.03 and has a minimum side yard requirement of 50 feet from an adjoining property owner under Section 503.04(b). While the property description of the tract of property owned by Denise Morgan states the property is a total of 2.18 acres, a survey concluded the property dimensions were 50' by 1146.6', which would be less than 2 acres. Further, the property obviously does not meet the minimum lot width requirement of 200 feet or the minimum side yard requirement since the total property width is only 50 foot.

As you know, Article XXV of the Ordinances regulates signage in Madison County. Under Section 2501, except for signs listed under 2503 and temporary signs under Sections 2515, 2516 and 26517, "no sign shall be constructed, erected, relocated or expanded unless the owner (or his/her representative) obtains a sign permit from the Zoning Administrator. The Zoning Administrator shall not issue a sign permit unless the proposed sign complies with the provisions of this Ordinance and other applicable ordinances and regulations of Madison County."

It is my understanding that Mr. Morgan did not obtain a sign permit from the Zoning Administrator as required by Section 2501. Further the "RAPID-FIRE RANGE members only" sign posted by Mr. Morgan does not meet the requirements under any provision of Section 2503 for signs that do not require a permit, nor does it qualify as an allowable temporary sign under Section 2515, 2516 or 2517. I believe it is clear that the sign posted by Mr. Morgan is a "prohibited sign" under Section 2518.11 of the Ordinances since it advertising an illegal use of property zoned A-1. I have no doubt that Mr. Morgan's motivation in erecting the RAPID FIRE RANGE sign was to frighten away potential purchases of the adjoining single family residence on the adjoining property now owned by Trustmark and listed for sale by Mr. Hawkins or to attempt to diminish the value of the property owned by Trustmark.

I believe that Mr. Morgan's stated intended use of the property owned by his wife is obviously in violation of the County's Ordinances and would create an extremely dangerous situation for the adjoining property owners. Further, the sign posted by Mr. Morgan is in violation of the Ordinances for the reasons discussed above.

As a result of the violations discussed above, please consider this email to be Trustmark's formal complaint and request that the Zoning Administrator immediately advise Mr. Morgan that his proposed use of his wife's property is in violation of the County's Ordinances and that the sign he has posted is also in violation of the County's Ordinances and must be immediately removed. In the event Mr. Morgan and/or Denise Morgan fail to remove the offending sign within a reasonable period, Trustmark requests that the Zoning Administrator report the uncorrected violation to the Board of Supervisors with a recommended plan of action to prevent or halt the violations of the Ordinances.

It is my understanding the current mailing address for the Morgans is P.O. Box 1303, Madison, MS 31930. Should you have questions or need additional information before processing this complaint, please contact me at your convenience. Should you send a letter to Mr. Morgan please provide me with a copy for my file.

Patrick F. McAllister, Esq.  
Williford McAllister & Jacobus, LLP  
303 Highland Park Cove, Suite A  
Ridgeland, MS 39157  
Direct Line: 601.326.3320  
General Line: 601.991.2000

Fax: 601.991.0859  
Cell: 601.259.6728

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**Patrick McAllister**

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**From:** Joe Lane [JLane@trustmark.com]  
**Sent:** Wednesday, June 26, 2013 7:21 AM  
**To:** pmcallister  
**Subject:** FW: Easement

Another one.

Sent with Good (www.good.com)

----- Forwarded by Joe Lane/CENTRAL ASSETS/TMK on 06/26/2013 07:20:53 AM-----

----- Original Message -----

**From :** Jmorganbuilder@aol.com  
**To :** leehawk3@aol.com  
**Cc :** jlane@trustmark.com  
**Sent on :** 06/25/2013 08:17:52 PM  
**Subject :** Easement


Lee,

For some reason Trustmark is not recognizing that my wife still owns property adjoining the 1475 Stokes Road property you have listed. As you and I have discussed we will be pursuing an easement from whomever buys the property. I will be moving forward with the culvert and parking area. I will also drop a full disclosure list by your office. There will be pistol stations and a rapid fire obstacle course included in the range, there are also 3 bow stands and 3 rifle shooting houses.

Thanks,

Jodie Morgan

[www.jodiemorgan.com](http://www.jodiemorgan.com)



RAPID-FIRE RANGE

MEMBERS ONLY

602690

PREPARED BY:  
Montgomery McGraw  
Collins & O'Cain, PLLC  
P. O. Box 1039  
Canton, MS 39046  
601-859-3616

RETURN TO:  
Montgomery McGraw  
Collins & O'Cain, PLLC  
P. O. Box 1039  
Canton, MS 39046  
601-859-3616

405  
13.00

INDEXING INSTRUCTIONS: Part §23 and §26, T9N, R1E, Madison Co., MS

STATE OF MISSISSIPPI  
COUNTY OF MADISON

WARRANTY DEED

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 we:

WILSON ARRINGTON HARRELD and wife, PATRICIA PENN HARRELD  
635 North Kathy Circle  
Canton, MS 39046  
Telephone: 601-859-6215

do hereby sell, convey and forever warrant unto

DENISE H. MORGAN  
P.O. Box 1303  
Madison, MS 39130  
Telephone: 601-856-2085

the following described real property lying and being situated in Madison County, Mississippi, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

WARRANTY OF THIS CONVEYANCE is subject to the following exceptions, to wit:

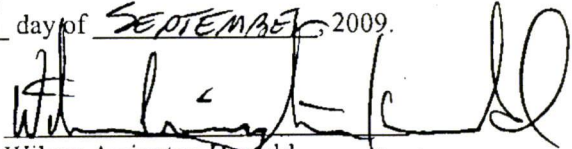
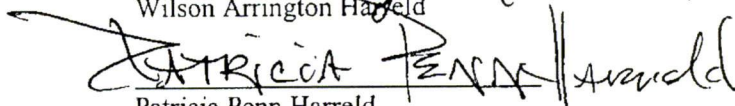
1. County of Madison, Mississippi, ad valorem taxes for the year 2009, which are liens, but are not yet due or payable, and which shall be pro-rated as of the date hereof.

2. County of Madison, Mississippi, Zoning and Subdivision Regulations Ordinance, as amended.

3. Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals lying in, on and under the subject property.

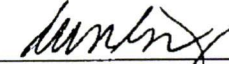
4. Rights-of-way and easements for roads, power lines, drainage, and other utilities , if any, of record.

WITNESS OUR SIGNATURES on this the 18 day of SEPTEMBER, 2009.

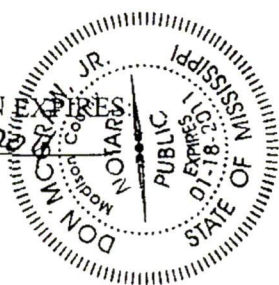
  
Wilson Arrington Harreld  
  
Patricia Penn Harreld

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 18 day of SEPTEMBER, 2009, within my jurisdiction, the within named **Wilson Arrington Harreld and wife, Patricia Penn Harreld**, who acknowledged that they executed the above and foregoing instrument.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES  
1-18-2010  
(SEAL)





# EXHIBIT A

BOOK 2472 PAGE 0006

A PARCEL OF LAND CONTAINING 2.18 ACRES (94,770.74 SQUARE FEET), SITUATED IN SECTIONS 23 AND 26, TOWNSHIP 9 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT A FOUND IRON PIPE MARKING THE NORTHEAST CORNER OF SAID SECTION 26; RUN THENCE S01°56'56"W FOR A DISTANCE OF 655.09 FEET; THENCE S89°59'57"W FOR A DISTANCE OF 1986.41 FEET TO A FOUND IRON PIN MARKING THE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED; RUN THENCE N01°56'56"E FOR A DISTANCE OF 700.29 FEET; THENCE N00°54'49"W FOR A DISTANCE OF 1146.66 FEET TO A FOUND IRON PIN ON THE SOUTH RIGHT OF WAY LINE OF STOKES ROAD; THENCE RUN ALONG SAID RIGHT OF WAY S88°29'49"W FOR A DISTANCE OF 50.00 FEET; THENCE LEAVE SAID RIGHT OF WAY AND RUN S00°54'49"E FOR A DISTANCE OF 1144.21 FEET; THENCE S01°56'56"W FOR A DISTANCE OF 749.04 FEET; THENCE S89°29'38"E 51.24 FEET; THENCE N00°30'22"E FOR A DISTANCE OF 48.72 FEET TO THE POINT OF BEGINNING.

MADISON COUNTY MS This instrument was  
filed for record SEPT. 25, 2009 at 2:30 P.M.  
Book 2472 Page 4  
ARTHUR JOHNSTON, C.C.  
BY: *Charles* D.C.



## Brad Sellers

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**From:** Brad Sellers  
**Sent:** Monday, July 22, 2013 1:21 PM  
**To:** 'pmcallister@wnjlaw.com'  
**Subject:** FW: Rapid Fire Rifle Range sign

Apparently typed in the wrong address.

Brad Sellers

**From:** Brad Sellers  
**Sent:** Friday, July 12, 2013 11:54 AM  
**To:** 'pmcallister@wnjlaw.com'  
**Subject:** Rapid Fire Rifle Range sign

Mr. McAllister,

I have received your complaint regarding the property on Stokes Road, and the sign posted thereon. After examining Article 25 of the Madison County Zoning Ordinance, signage is addressed specifically for all Districts, other than the A-1 Agricultural District. Another factor in this matter is the manner in which the sign is posted, not intended to be seen by the public traveling on Stokes Road, but by the adjacent property owner when entering their property. The assumption of the Ordinance is that signage is erected to advertise a product or service, or give notice to the public.

The stated use of this property as a "Rapid Fire Rifle Range" certainly would not be permitted if the intended use was to open this to the public. This type activity on commercially zoned property would be subject to close scrutiny by the Madison County Planning Commission and the Madison County Board of Supervisors, as provided for in the Zoning Ordinance. This long narrow parcel does not meet any zoning district dimensional requirement, therefore no building permit could be issued.

Subject to the inspection of the property and sign, noting the location and the direction in which the sign faces, I do not believe this sign is in violation of the sign ordinance, but has been placed in this manner to create a nuisance to the adjacent owner.

Brad Sellers



091F-23-005/00.00  
KATE J R II

091F-23-006/02.00  
PHOENIX DEVELOPMENT COMPANY LLC  
*APPROXIMATE LOCATIONS*

STOKES RD

091F-23-004/01.00  
TRUSTMARK NATIONAL BANK

091F-23-005/03.00  
MEGH W DON A JR & DEBORAH S

08-005/02.00  
TRUSTMARK NATIONAL BANK

091F-23-005/00.00  
PHOENIX DEVELOPMENT COMPANY LLC

091G-26-002/01.00  
TRUSTMARK NATIONAL BANK

091G-26-002/03.00  
TRUSTMARK NATIONAL BANK

091G-26-002/04.00  
TRUSTMARK NATIONAL BANK

## Brad Sellers

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**From:** Patrick McAllister <pmcallister@wmjlaw.com>  
**Sent:** Wednesday, July 24, 2013 4:30 PM  
**To:** Brad Sellers  
**Cc:** 'Joe Lane'; leehawk3@aol.com  
**Subject:** Rapid Fire Range Sign

Brad, thanks for your email, received on 7/22/13 regarding the the zoning complaint I filed on behalf of Trustmark. I have again reviewed the Zoning Ordinances in light of your email.

I respectfully disagree with your conclusion that Article XXV of the Zoning Ordinances applies to all districts except A-1. Sections 2500 to 2510 of the Ordinances do not include or exclude any zoning district. Section 2518 specifically applies to all signs anywhere in unincorporated Madison County.

Section 2511 only applies to residentially zoned areas, Section 2512 states that the MLHP signage is regulated by by Article XVI and Section 2513 only applies to Commercial and Industrial zoning districts. As stated in my prior email, Trustmark's complaint is based on Sections 2500 to 2510 and Section 2518 of the ordinances, not sections 2511 to 2513.

As noted in my prior email to you, Trustmark contends that Morgan did not obtain a sign permit as required by Section 2501 and that the sign is prohibited under 2518.11 since it is advertising a prohibited use of the property. Unless Morgan obtained a permit, the sign is in violation of Section 2501 the Ordinances.

Further, your email expressly notes that the proposed "Rapid Fire Range" would not be permitted on the subject property, which is the very reason Trustmark contends the sign violates Article 2518.11. Your letter also notes that the signs does not face the street, but rather the property owned by Trustmark. Nothing in the sign ordinances excepts nuisance signs facing the adjoining property from compliance with the zoning ordinances, particularly where the sign is intended to diminish the value of the adjoining property. I believe that is clearly the intent of the sign at issue here.

I agree with your conclusion that the sign is intended to create a nuisance to Trustmark as the adjoining property owner. I submit that is the very reason the sign ordinance should be enforced in this case. As you know, among the stated purposes of the Sign Ordinance in Section 2500 are the following:

A. "To assure that signs are appropriate to the land, building, or use to which they are appurtenant, thereby protecting the character and economic stability of surrounding property;" and,

D. "To prohibit the erection, placement, or retention of any sign which constitutes a nuisance by reason of . . . other objectionable influence."

It is apparent, and your email confirms, that the nuisance sign at issue is advertising a prohibited use for the subject property. Because of that, the character and economic stability of the surrounding property is not being protected.

Please review the specific ordinances cited above and reconsider your decision to take no action regarding the sign at issue. Alternatively, please ask the County's attorney to give me a call to discuss this issue.

Patrick F. McAllister, Esq.  
Williford McAllister & Jacobus, LLP  
303 Highland Park Cove, Suite A  
Ridgeland, MS 39157  
Direct Line: 601.326.3320  
General Line: 601.991.2000  
Fax: 601.991.0859  
Cell: 601.259.6728

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