

**APPLICATION FOR SPECIAL EXCEPTION**

Surface Mining 4 acres or Less

<b>Applicant</b> Joe and Regina Wall 304 Trace Harbor Road Madison, MS 39110	<b>Street Address of Property (if different address):</b> Sulphur Springs Road
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<b>APPLICATION DATE</b>	<b>Present Zoning of Property</b>	<b>Legal Description of Property:</b>	<b>TAX PARCEL NUMBER</b>	<b>FLOOD ZONE</b>	<b>MAP/PLAT OF PROPERTY</b>
8-1-2021	A-1	See (Exhibit A)	104F-23 -004/03	X	See (Exhibit B)

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

Respectfully Submitted

\_\_\_\_\_  
Joe and Regina Wall

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 \_\_\_\_\_

**BEFORE THE MADISON COUNTY, MISSISSIPPI BOARD OF SUPERVISORS**

**RE: IN THE MATTER OF CONDITIONAL USE FOR PROPERTY IN SECTION 23, T10N,  
R4E, MADISON COUNTY, MISSISSIPPI**

**JOE WALL AND REGINA KAYE WALL, PETITIONERS**

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**PETITION FOR FOR SPECIAL EXCEPTION FOR CONDITIONAL USE**

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**COME NOW** Petitioners, Joe Wall and wife, Regina Kaye Wall, and file this their Petition for Special Exception for Conditional Use, and in support hereof show as follows:

1. Petitioners' address is 304 Trace Harbor Road, Madison, MS 39110.
2. Petitioners are the owners of the property located on Sulphur Springs Road, Madison County, Mississippi. The description of the property is attached hereto as **Exhibit "A,"** and an ownership map depicting the location of the property is attached hereto as **Exhibit "B."**
3. A copy of Petitioners' Deed to the property is attached hereto as **Exhibit "C."**
4. Petitioners show that the property is owned as A1 Agricultural. Petitioners are in the process of improving the property so as to be able to sell a portion of the land to third parties. Petitioners have also developed a plan to construct a pond not greater than 4 acres on the property.
5. Petitioners are requesting that they be allowed to remove dirt from the property to be hauled to other sites in Madison County.
6. Petitioners are requesting a Conditional Use so that the dirt might be removed from Petitioners' property on Sulphur Springs Road to Highway 43.
7. Petitioners show that approximately 40,000 yards of dirt will be removed.
8. Petitioners show that the removal of dirt would occur over a period of 3-4 months.

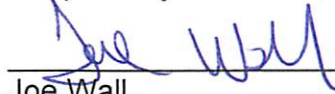
9. Petitioners show that the hauling will be so intermittent that it will not interfere with traffic along Sulphur Springs Road, and will not cause any type of dangerous condition to the travelers on Sulphur Springs Road.

10. Petitioners show that an application is being presented to the Department of Environmental Quality requesting an exemption for the removal of dirt from Petitioners' property.

**WHEREFORE, PREMISES CONSIDERED,** Petitioners request that this Petition be received, and that after due consideration that the Board of Supervisors of Madison County will grant Petitioners a Conditional Use authorizing the removal of dirt from Petitioners' property. The Conditional Use is not to exceed 6 months.

THIS the 11 day of August 2021.

Respectfully submitted,



Joe Wall



Regina Kaye Wall

Don A. McGraw, Jr. - MSB# 2621  
Montgomery McGraw, PLLC  
P.O. Box 1039  
151 W. Peace Street  
Canton, MS 39046  
Telephone: 601-859-3616  
Facsimile: 601-859-3622  
Email: [Dmcgraw@montgomerymcgraw.com](mailto:Dmcgraw@montgomerymcgraw.com)  
Attorney for Petitioners

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

All that part of E1/2 W1/2, and all that part of 70 acres off of the West side of E1/2 of Section 23, Township 10 North, Range 4 East, lying and being situated South of Sulphur Springs Road,

AND ALSO

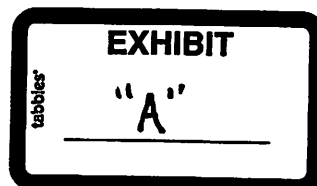
Ten (10) acres, more or less, in the Northeast corner thereof described as follows: Beginning at a concrete right-of-way monument stationed 48+70 on the South side of Mississippi State Aid Project TQS - 1536 (1) B also known as Sulphur Springs Road and also known as Revive Road, and run thence South 81 degrees 52 minutes East 233.8 feet to the concrete right-of-way monument on the South side of said road; thence run South 74 degrees 24 minutes East 202.0 feet along said right-of-way to a concrete right-of-way monument; thence run South 89 degrees 53 minutes East 158.6 feet along said right-of-way to a concrete right-of-way monument; thence run South 81 degrees 03 minutes East 65.3 feet along said right-of-way to an iron bar; thence run South 745.4 feet along a fence of long-standing and dividing the Culipher property and the Lockett property to a point; thence run West 467.8 feet to a point; thence run North 12 degrees 08 minutes West 862.6 feet to the Point of Beginning.

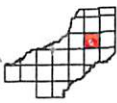
**Less and except the following two parcels:**

Two acres conveyed in book 4047 at page 554

and

Four acres conveyed in book 4085 at page 9





0 0.25 0.5 1 Mile

# Township 10N - Range 4E

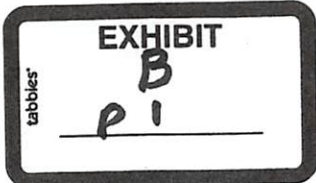
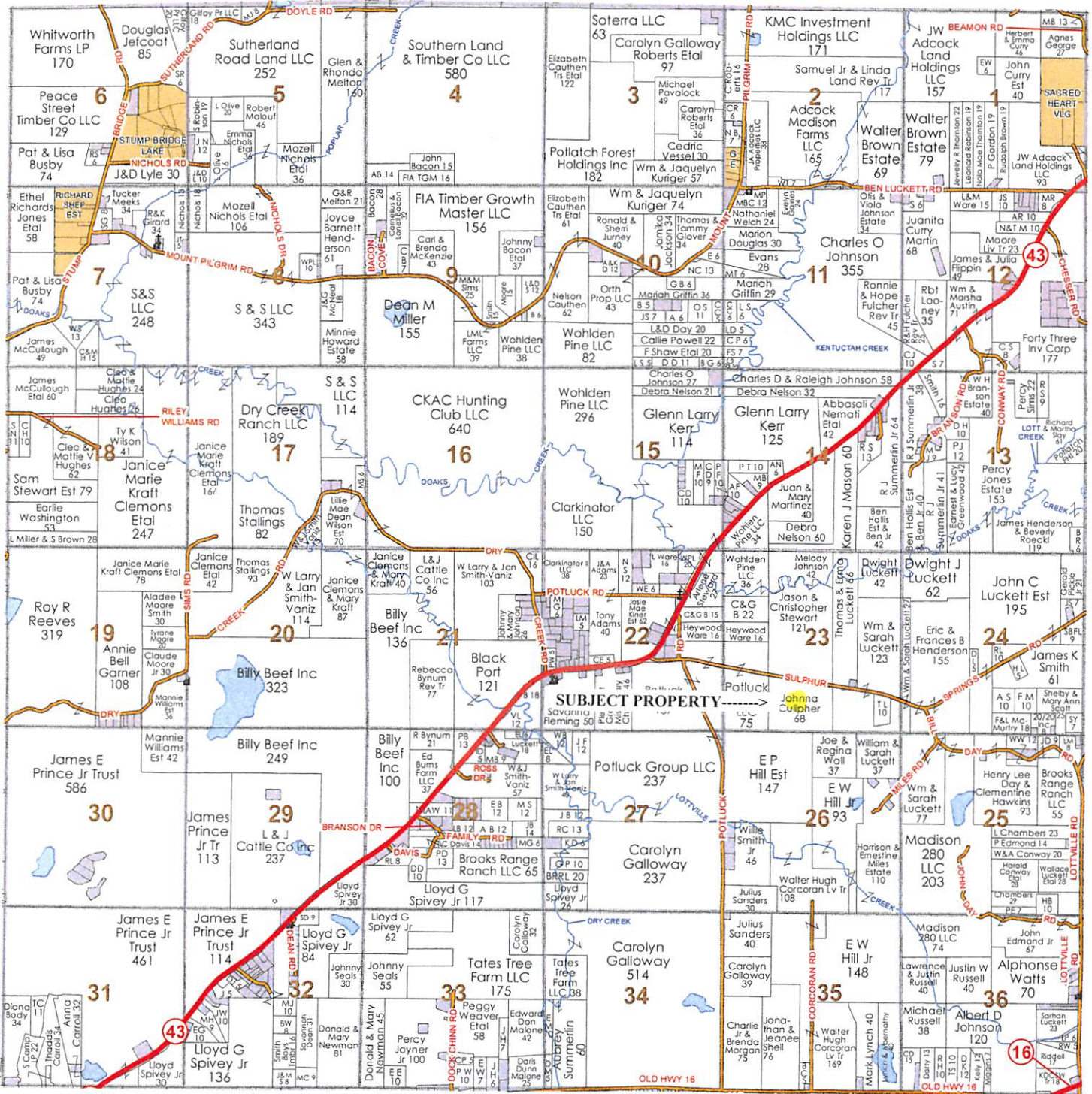
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SEE PAGE 17

SEE PAGE 23

SEE PAGE 27

SEE PAGE 37



# Madison County



8/13/2021, 6:22:04 AM

World Street Map



Parcels

madison\_ms\_parnums

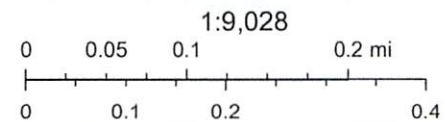
Landhook



CountyBoundary

madison\_ms\_all\_txt

Imagery2018



Esri, HERE, Esri, HERE, Garmin, INCREMENT P, Intermap, NG/ HERE, Garmin, INCREMENT P, Intermap, USGS, EPA

**PREPARED BY:**

Don A. McGraw, Jr. - MSB# 2621  
Montgomery McGraw, PLLC  
P. O. Box 1039  
Canton, MS 39046  
601-859-3616

**RETURN TO:**

Don A. McGraw, Jr. *201-26<sup>00</sup>*  
Montgomery McGraw, PLLC  
P. O. Box 1039  
Canton, MS 39046  
601-859-3616

**INDEXING:** SE1/4 and SW1/4 of Section 23, Township 10 North, Range 4 East, Madison  
County, Mississippi.

**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:

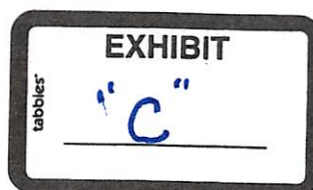
**GRANTOR:**

**JOHNNA CULIPHER**  
612 Mulberry Street  
Rayville, LA 71269  
Phone: 318-547-4565

does hereby sell, convey and warrant unto:

**GRANTEES:**

**JOE WALL AND WIFE, REGINA KAYE WALL**  
as tenants by the entirety with full rights of survivorship and not as tenants in common  
P.O. Box 1391  
Madison, MS 39130  
Phone: 601-209-6524



*3*

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

All that part of E1/2 W1/2, and all that part of 70 acres off of the West side of E1/2 of Section 23, Township 10 North, Range 4 East, lying and being situated South of Sulphur Springs Road,

AND ALSO

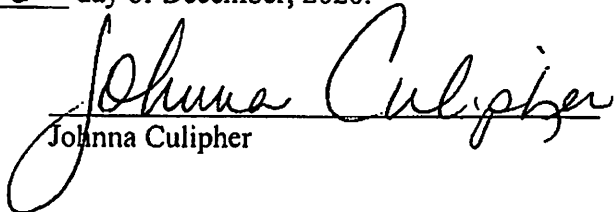
Ten (10) acres, more or less, in the Northeast corner thereof described as follows: Beginning at a concrete right-of-way monument stationed 48+70 on the South side of Mississippi State Aid Project TQS - 1536 (1) B also known as Sulphur Springs Road and also known as Revive Road, and run thence South 81 degrees 52 minutes East 233.8 feet to the concrete right-of-way monument on the South side of said road; thence run South 74 degrees 24 minutes East 202.0 feet along said right-of-way to a concrete right-of-way monument; thence run South 89 degrees 53 minutes East 158.6 feet along said right-of-way to a concrete right-of-way monument; thence run South 81 degrees 03 minutes East 65.3 feet along said right-of-way to an iron bar; thence run South 745.4 feet along a fence of long-standing and dividing the Culipher property and the Luckett property to a point; thence run West 467.8 feet to a point; thence run North 12 degrees 08 minutes West 862.6 feet to the Point of Beginning.

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

1. Madison County, Mississippi, ad valorem taxes for the year 2020, which are liens, but are not yet due or payable, which shall be prorated to the date hereof.
2. Madison County, 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 and other utilities and restrictive covenants of record.

The subject property is no part of the homestead of the Grantor.

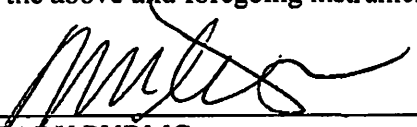
**WITNESS MY SIGNATURE** this the 8<sup>th</sup> day of December, 2020.

  
 Johanna Culipher



**STATE OF MISSISSIPPI  
COUNTY OF MADISON**

**PERSONALLY APPEARED BEFORE ME**, the undersigned authority in and for the said county and state, on this 8<sup>th</sup> day of December, 2020, within my jurisdiction, the within named **Johnna Culipher**, who acknowledged that she executed the above and foregoing instrument.



\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
1-18-2023  
\_\_\_\_\_  
(SEAL)

