

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**

February 2, 2022

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 Modification of Easement  
Ashby Ridge

The Engineering Department is requesting the Board accept the request of Brandt Builders, LLC to reduce the size of a drainage easement acquired for the construction of the Oakfield Drainage Improvements project from 1710 SF down to 1401.37 SF as shown in the attached surveys. A check has been received from Ashby Development for \$385 which is the amount the County paid for the entire easement as compensation for the purchase.

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SHEILA JONES  
District One

TREY BAXTER  
District Two

GERALD STEEN  
District Three

KARL BANKS  
District Four

PAUL GRIFFIN  
District Five

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**Prepared Without the Benefit of a Title Search By:**

Richard A. Eisenberger, Jr., MSB # 104882  
242 Market Street  
Flowood, MS 39232  
Telephone: (601) 664-0044

**Return To:**

Ashby Development, LLC  
P O Box 1666  
Ridgeland, MS 39158  
Telephone: (601) 853-3344

**Indexing Instructions:**

SW ¼ of SW ¼ of Section 26, T8N, R2E  
And also Lot 1, Ashby Ridge, Phase 1 (Plat Cabinet F Slides 175A & 175B)  
Madison County, Mississippi

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**State of Mississippi**  
**County of Madison**

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**PARTIAL RELEASE, TERMINATION, AND  
MODIFICATION OF EASEMENT**

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WHEREAS, Ashby Development, LLC, a Mississippi limited liability company, (hereinafter "Ashby Development") did bargain, grant, transfer, and convey unto **Madison County, Mississippi**, a body politic, whose mailing address is Post Office Box 608, Canton, Mississippi 39046 and whose telephone number is 601-855-5500 (hereinafter "Madison") a permanent drainage easement on, over, across, and through that certain real property described on **Exhibit 1** hereto, as evidenced by that certain Drainage Easement recorded in Book 3867 at Page 175 in the office of the Chancery Clerk of Madison County, Mississippi (hereinafter the "Easement");

WHEREAS, by way of Warranty Deed recorded in Book 3995 at Page 126, Ashby Development subsequently conveyed to **Brandt Builders, LLC**, a Mississippi limited liability company, whose mailing address is 158 Greenfield Station, Brandon, Mississippi 39042 and whose telephone number is 601-506-8031 (hereinafter "Brandt Builders") Lot 1, Ashby Ridge, Phase 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Madison County, at Canton, Mississippi, in Plat Cabinet F, Slides 175A

& 175B, which is affected and encumbered by the Easement;

WHEREAS, Brandt Builders and Madison have subsequently agreed to a partial release, termination, and modification of the Easement;

WHEREAS, specifically, Brandt Builders and Madison are now desirous of terminating and releasing that certain portion of real property described on **Exhibit 2** hereto from the Easement;

WHEREAS, Brandt Builders and Madison are now desirous of modifying the Easement to only include that certain remaining real property described on **Exhibit 3** hereto;

WHEREAS, with the exception of the real property hereinabove terminated and released from the Easement, the Easement shall remain in full force and effect.

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, Madison County, Mississippi does hereby release and terminate from the Easement that certain real property described on **Exhibit 2** hereto and does hereby modify the Easement to include only that certain real property described on **Exhibit 3** hereto.

WITNESS OUR SIGNATURES, this the \_\_\_\_\_ day of February, 2022.

**Madison County, Mississippi**, a body politic

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

**Brandt Builders, LLC**, a Mississippi limited liability company

\_\_\_\_\_  
By: Travis Brandt, Managing Member

STATE OF MISSISSIPPI  
COUNTY OF \_\_\_\_\_

Personally appeared before me, the undersigned authority in and for the said county and state, on this \_\_\_\_\_ day of February, 2022, within my jurisdiction, the within named \_\_\_\_\_, who acknowledged that (he) (she) is \_\_\_\_\_ of Madison County, Mississippi and that in said representative capacity (he) (she) executed the above and foregoing instrument, after first having been duly authorized so to do.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

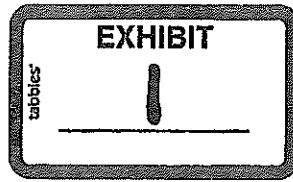
STATE OF MISSISSIPPI  
COUNTY OF \_\_\_\_\_

Personally appeared before me, the undersigned authority in and for the said county and state, on this \_\_\_\_\_ day of February, 2022, within my jurisdiction, the within named Travis Brandt, who acknowledged to me that he is Managing Member of Brandt Builders, LLC, a Mississippi limited liability company, and that for and on behalf of said limited liability company, and as the act and deed of said limited liability company, he executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

\_\_\_\_\_  
Notary Public

My commission expires:

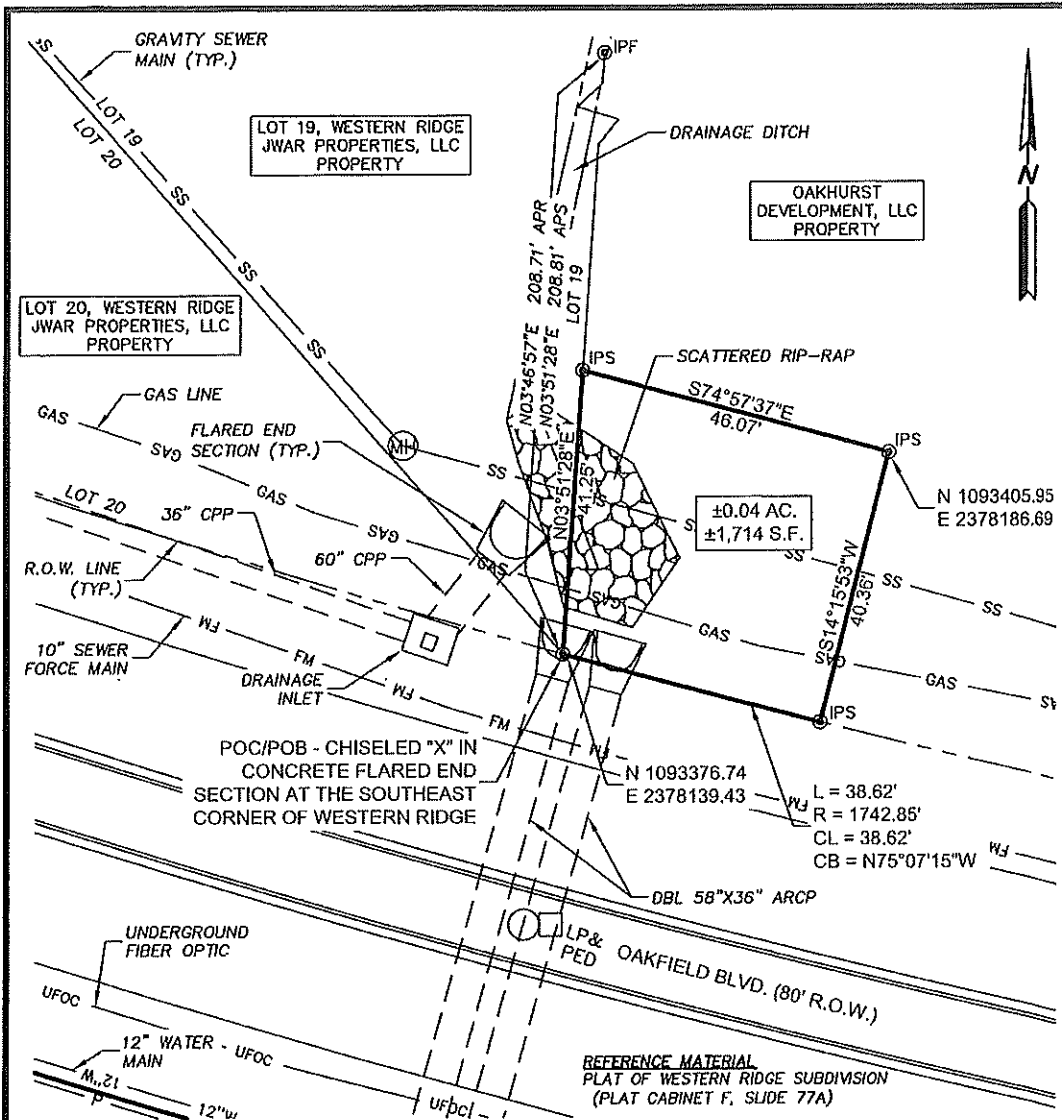
\_\_\_\_\_



**LEGAL DESCRIPTION FOR EASEMENT NO. 3**

A drainage easement being located in the West ½ of the Southwest ¼ of Section 26, Township 8 North, Range 2 East, Madison County, Mississippi, having bearings referenced to Grid North, Mississippi State Plane West Zone, and being more particularly described as follows:

Commence at a chiseled "x" in a concrete flared end section located at the southeast corner of Western Ridge Subdivision as per plat recorded in Plat Cabinet F, Slide 77A in the Office of the Chancery Clerk of Madison County, Mississippi, said point being the POINT OF BEGINNING, and run along the east boundary of Western Ridge Subdivision North 03 degrees 51 minutes 28 seconds East for 41.25 feet to a ½" iron pin set; thence run South 74 degrees 57 minutes 37 seconds East for 46.07 feet to a ½" iron pin set; thence run South 14 degrees 15 minutes 53 seconds West for 40.36 feet to a ½" iron pin set on the north right-of-way of Oakfield Boulevard; thence run along the north right-of-way of Oakfield Boulevard along a curve to the right for 38.62 feet back to the POINT OF BEGINNING, said curve having a radius of 1742.85 feet, a chord length of 38.62 feet, and a chord bearing of North 75 degrees 07 minutes 15 seconds West. Said easement contains 0.04 acres or 1,714 square feet, more or less.

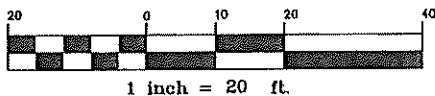


**NOTES**

1. 1/2" x 18" IRON PINS WITH CAPS STAMPED COA #165, SET AT ALL PROPERTY CORNERS UNLESS NOTED OTHERWISE.
2. NO SEARCH FOR RECORDED EASEMENTS WAS PERFORMED.
3. THIS PLAT MAKES NO CERTIFICATION PERTAINING TO THE ACCURACY OF UNDERGROUND UTILITIES, WHETHER SHOWN OR NOT SHOWN ON THIS PLAT.
4. BEARINGS SHOWN ARE REFERENCED TO GRID NORTH, AS DETERMINED BY GPS OBSERVATIONS.

**STATE PLANE COORDINATE INFORMATION**

ZONE: MS WEST 2302  
 DATUM: NAD 83  
 METHOD: GPS OBSERVATION  
 CONVERGENCE ANGLE: 00°08'31.79"  
 COMBINED FACTOR: 0.999948427  
 REFERENCE POINT: POC



**LEGEND**

- ⊙ MONUMENT FOUND/SET
- IPF IRON PIN FOUND
- IPS IRON PIN SET

**LEGAL DESCRIPTION**

A drainage easement being located in the West 1/4 of the Southwest 1/4 of Section 26, Township 8 North, Range 2 East, Madison County, Mississippi, having bearings referenced to Grid North, Mississippi State Plane West Zone, and being more particularly described as follows:

Commence at a chiseled "x" in a concrete flared end section located at the southeast corner of Western Ridge Subdivision as per plat recorded in Plat Cabinet F, Slide 77A in the Office of the Chancery Clerk of Madison County, Mississippi, said point being the POINT OF BEGINNING, and run along the east boundary of Western Ridge Subdivision North 03 degrees 51 minutes 28 seconds East for 41.25 feet to a 1/2" iron pin set; thence run South 74 degrees 57 minutes 37 seconds East for 46.07 feet to a 1/2" iron pin set; thence run South 14 degrees 15 minutes 53 seconds West for 40.36 feet to a 1/2" iron pin set on the north right-of-way of Oakfield Boulevard; thence run along the north right-of-way of Oakfield Boulevard along a curve to the right for 38.62 feet back to the POINT OF BEGINNING, said curve having a radius of 1742.85 feet, a chord length of 38.62 feet, and a chord bearing of North 75 degrees 07 minutes 15 seconds West. Said easement contains 0.04 acres or 1,714 square feet, more or less.

CAD FILE: 87862001.dwg CEE PROJECT NO. 07862001

**Clearpoint**  
 CONSULTING ENGINEERS, P.A.

6652 US Highway 981 Hattiesburg, MS 39402  
 t 601.261.2609 | f 601.261.5573 | clearpointengineers.com

**DRAINAGE EASEMENT PLAT FOR:**  
**GARVER, LLC**

W 1/4 of SW 1/4 of Sec. 26, T-8-N, R-2-E  
 Madison County, Mississippi



SCALE: 1" = 20'

DATE OF SURVEY: 02/19/2020

CLASS OF SURVEY: B

BEARINGS DETERMINED BY: GPS-GRID

SURVEYED BY: R. AULTMAN

DRAWN BY: S. WELLS

**Description  
For  
Lot 1, Ashby Ridge, Ph. 1  
(Drainage Easement – Portion to be Abandoned)**

A parcel or tract of land, containing **0.007 acres**, more or less, lying and being situated in the Southwest ¼ of the Southwest ¼ of Section 26, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

**Commencing** at a found ½ inch iron pin marking the Southwest corner of Ashby Ridge, Phase 1 as recorded in Plat Cabinet F, Slides 175A-175B in the Office of the Chancery Clerk of Madison County; run thence

North 3 degrees 44 minutes 29 seconds East along the West line of said Ashby Ridge, Phase 1 for a distance of 41.25 feet; thence

South 74 degrees 49 minutes 24 seconds East for a distance of 16.65 feet to a set ½ inch iron pin marking the West line of Lot 1, Ashby Ridge, Phase 1 and the **Point of Beginning** of the herein described Easement; thence

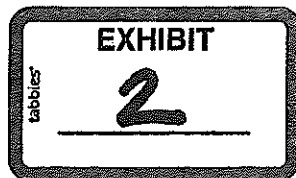
South 74 degrees 49 minutes 24 seconds East for a distance of 29.42 feet; thence

South 14 degrees 08 minutes 22 seconds West for a distance of 20.98 feet to a set ½ inch iron pin marking the South line of said Lot 1, Ashby Ridge, Phase 1; thence

North 39 degrees 40 minutes 30 seconds West for a distance of 36.45 feet to the **Point of Beginning**.

Prepared by:  
Benchmark Engineering and Surveying, LLC  
101 Highpointe Court, Suite B  
Brandon, MS 39042

(601) 591-1077 Office  
(601) 591-0711 Fax  
Email: [mlove@benchmarkms.net](mailto:mlove@benchmarkms.net)



CLASSIFICATION:  
 THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN MISSISSIPPI FOR CLASS B SURVEYS AS ADOPTED BY THE MISSISSIPPI BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND SURVEYORS.

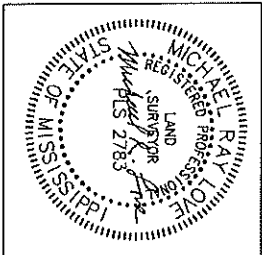
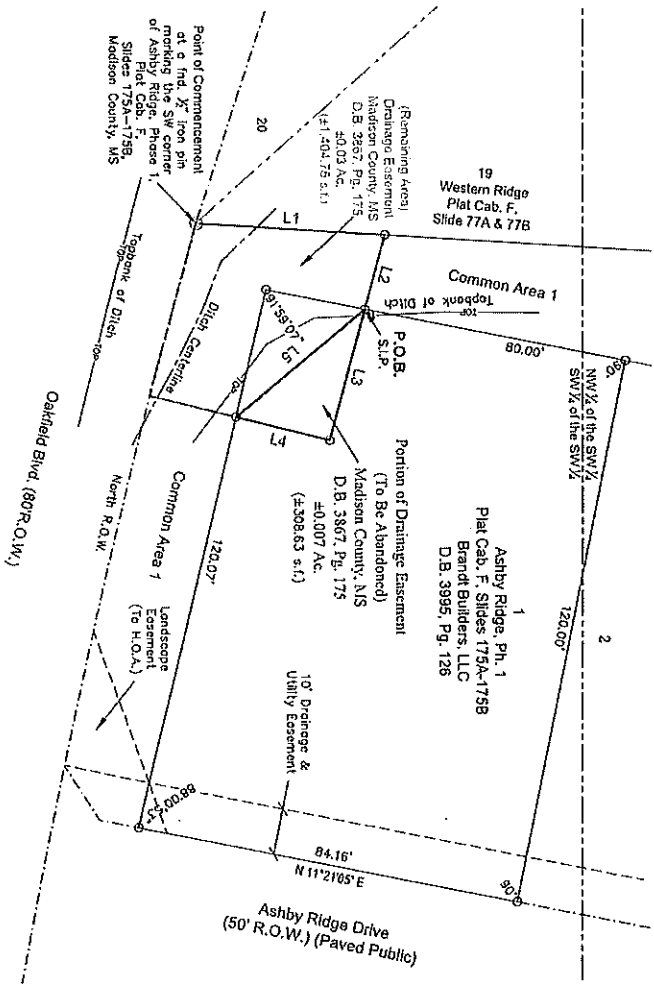
**PLAT OF SURVEY OF - LOT 1, ASHBY RIDGE, PHASE 1  
 DRAINAGE EASEMENT - PORTION TO BE ABANDONED  
 SITUATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 26, T8N, R2E,  
 MADISON COUNTY, MISSISSIPPI**

Line	Bearing	Distance
L1	N 3°44'29" E	41.25'
L2	S 74°49'24" E	16.65'
L3	S 74°49'24" E	29.42'
L4	S 14°08'22" W	20.98'
L5	N 39°40'30" W	36.43'



SCALE: 1" = 30'  
 DATE OF FIELD SURVEY: 11-09-21

BEARINGS BASED ON REFERENCE PLAT OF ASHBY RIDGE, PHASE 1, PLAT CAB. F, SLIDES 175A--175B  
 FLOOD NOTE:  
 THIS PARCEL IS LOCATED IN FLOOD ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP NO. 28089C0415F, COMMUNITY PANEL NO. 280228 0415 F.  
 EFFECTIVE DATE: MARCH 17, 2010.  
 THIS PROPERTY MAY BE SUBJECT TO RECORDED, UNRECORDED, OR MISINDEXED INSTRUMENTS WHICH WOULD BE DISCLOSED BY A TITLE EXAMINATION OF SAID PROPERTY.



I certify that the information on this plat is thorough and accurate to the best of my knowledge.

DATE:	11-19-21	DWG. NO.:	7280_Lot 1
DRAWN:	RTS	PROJ. NO.:	B-7280
CHECKED:	MRL	CREW:	BRYAN
REVISED:			

DWG PATH: F:\PROJECTS\B-7280\_Drawings\7280\_Lot 1.DWG

# BENCHMARK

## ENGINEERING & SURVEYING, LLC

101 Highpointe Court, Suite B      660 Katherine Drive, Suite 302  
 Brandon, Mississippi 39042      Flowood, Mississippi 39232  
 601-591-1077      601-627-7780

www.benchmarkms.net



**Description  
For  
Lot 1, Ashby Ridge, Ph. 1  
(Drainage Easement – Remaining Area)**

A parcel or tract of land, containing **0.03 acres**, more or less, lying and being situated in the Southwest ¼ of the Southwest ¼ of Section 26, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

**Beginning** at a found ½ inch iron pin marking the Southwest corner of Ashby Ridge, Phase 1 as recorded in Plat Cabinet F, Slides 175A-175B in the Office of the Chancery Clerk of Madison County; run thence

North 3 degrees 44 minutes 29 seconds East along the West line of said Ashby Ridge, Phase 1 for a distance of 41.25 feet; thence

South 74 degrees 49 minutes 24 seconds East for a distance of 16.65 feet to a set ½ inch iron pin marking the West line of Lot 1, Ashby Ridge, Phase 1; thence

South 39 degrees 40 minutes 30 seconds East for a distance of 36.45 feet to a set ½ inch iron pin marking the South line of said Lot 1, Ashby Ridge, Phase 1; thence

South 14 degrees 08 minutes 22 seconds West for a distance of 19.38 feet to a set ½ inch iron pin marking the North right of way of Oakfield Boulevard; thence

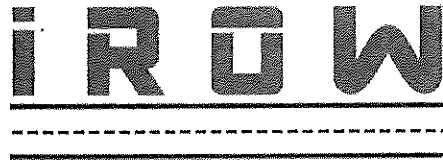
Northwesterly along said North right of way of Oakfield Boulevard and the arc of a curve to the right for a distance of 38.62 feet, said curve having a radius of 1,742.85 feet, and a deflection angle of 1 degrees 16 minutes 11 seconds, chord bearing and distance, North 74 degrees 56 minutes 09 seconds West, 38.62 feet to the **Point of Beginning**.

Prepared by:  
**Benchmark Engineering and Surveying, LLC**  
101 Highpointe Court, Suite B  
Brandon, MS 39042

(601) 591-1077 Office  
(601) 591-0711 Fax  
Email: [mlove@benchmarkms.net](mailto:mlove@benchmarkms.net)



**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 22, 2020

Name:	<u>Ashby Development, LLC</u>	Project:	<u>2020-2034 Oakfield Boulevard Drainage Project</u>
Address:	<u>P.O. Box 1666</u>	County:	<u>Madison</u>
	<u>Ridgeland, MS 39158</u>	ROW Parcel(S):	<u>Plat 3</u>

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 \$385.00.

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.**

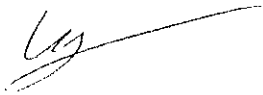
Unless noted otherwise, this acquisition does not include any items which are considered personal property under Mississippi State Law. Examples of such items are household and office furniture and appliances, machinery, business and farm inventory, etc.

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.

Easement: 0.04 Acres x \$12,000/acre = \$480.00 X 80% RC=	\$	<u>385.00</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>385.00</u></b>

  
 Right of Way Acquisition Agent



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