## BEFORE THE MADISON COUNTY, MISSISSIPPI BOARD OF SUPERVISORS

IN RE: ALTERATION OF THE PLAT OF LOT 33, CHARLTON PLACE, PART TWO DAVID KELLY PEVEY AND RAMONA BRIDGERS PEVEY, PETITIONERS

## PETITION TO ALTER THE PLAT OF CHARLTON PLACE, PART TWO

COME NOW Petitioners, DAVID KELLY PEVEY AND RAMONA BRIDGERS PEVEY, pursuant to Section 17-1-23 (4) of the *Mississippi Code of 1972, Annotated, as Amended*, and file this their Petition before the Board of Supervisors of Madison County, Mississippi to alter the Plat of Charlton Place, Part Two, and in support hereof shows as follows:

- 1. Petitioners, **DAVID KELLY PEVEY AND RAMONA BRIDGERS PEVEY** are the owners of Lot 33, Charlton Place, Part Two. A copy of their Warranty Deed is attached hereto as **Exhibit "A"**.
  - 2. Highway 22 Property, LLC, is the developer of Charlton Place, Part Two.
- 3. Charlton Place, Part Two, is a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Madison County, Mississippi, in Plat Cabinet E at Slide 180B and 181A. A reduced copy of the Plat is attached hereto as **Exhibit "B."**
- 4. Petitioners show that Lot 33 contains a total of 15.16 acres. Petitioners desire to divide Lot 33 into two lots, with the West portion of Lot 33 (Lot 33A) being 7.5808 acres and the East portion of Lot 33 (Lot 33B) being 7.5808 acres. The legal descriptions and plat of the division are attached hereto as composite **Exhibit "C."** 
  - 5. Petitioners show that after division of the Lot, the minimum of the Lot size

requirements of the Amendment and Supplement to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Charlton Place will be complied with.

- 6. Pursuant to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Charlton Place and Amendment and Supplement thereto, and Section 17-1-23(4) of the *Mississippi Code of 1972, Annotated, as Amended*, the only parties interested in the subject matter of this Petition are:
  - a. David Kelly Pevey and Ramona Bridgers Pevey.
  - b. Highway 22 Property, LLC, the Declarant/Developer.
  - c. Charlton Place Property Owner's Association, Inc.

All of such interested parties join in this Petition.

7. That the Board should approve the division of Lot 33, Charlton Place, Part Two.

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that this Petition be received, and that after due consideration, the Board of Supervisors of Madison County, Mississippi will enter its Order Altering the Plat of Charlton Place, Part Two, to reflect that Lot 33 shall be divided into 2 Lots (Lots 33A and 33B) in accordance with the Plat and Legal Descriptions attached hereto as composite Exhibit "C."

FURTHER, Petitioners request that the Board of Supervisors of Madison County,

Mississippi grant any other relief to which Petitioners may be entitled

THIS the 18 Jay of April 2012 23

Respectfully submitted,

David Kelly Pevey

Ramona Bridgers Pevey

Highway 22 Property, LLC, a Mississippi Limited

Liability Company

Rodney F. Triplett, Jr., Manager/Member

Charlton Place Property Owner's Association, Inc., a

Mississippi Corporation

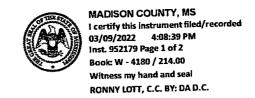
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Don A. McGraw, Jr.
Montgomery McGraw, PLLC
P.O. Box 1039
151 W. Peace Street
Canton, MS 39046

Telephone: 601-859-3616 Facsimile: 601-859-3622

Email: Dmcgraw@montgomerymcgraw.com

Attorney for Petitioners



PREPARED BY:

Don A. McGraw, Jr. - MSBN 2621 Montgomery McGraw, PLLC P. O. Box 1039 Canton, MS 39046 601-859-3616 RETURN TO: Don A. McGraw, Jr. Montgomery McGraw, PLLC P. O. Box 1039 Canton, MS 39046 601-859-3616

INDEXING: Lot 33, Charlton Place Part Two, 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, the undersigned:

GRANTOR: TODD A. NICHOLS 133 Camden Lake Drive Madison, MS 39110 Phone: 601-842-6782

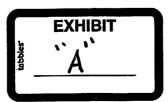
does hereby sell, convey and warrant unto

**GRANTEES:** 

DAVID KELLY PEVEY AND WIFE, RAMONA BRIDGERS PEVEY, as joint tenants with full rights of survivorship and not as tenants in common 1 Middleton Place Clinton, MS 39056 Phone: 601-832-5701

the following described land and property situated in Madison County, Mississippi, to wit:

Lot 33, Charlton Place Part Two, 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 E at Slide 180B and 181A, reference to which is hereby made in aid of and as a part of this description.



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

- County of Madison, Mississippi, ad valorem taxes for the year 2022, which are not yet due and payable, shall be prorated as of the date hereof.
- County of Madison, Mississippi, Zoning and Subdivision Regulations Ordinance, as 2. amended.
- Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals 3. lying in, on and under the subject property.
- Rights-of-way and easements for roads, power lines and other utilities and restrictive 4. covenants of record.

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

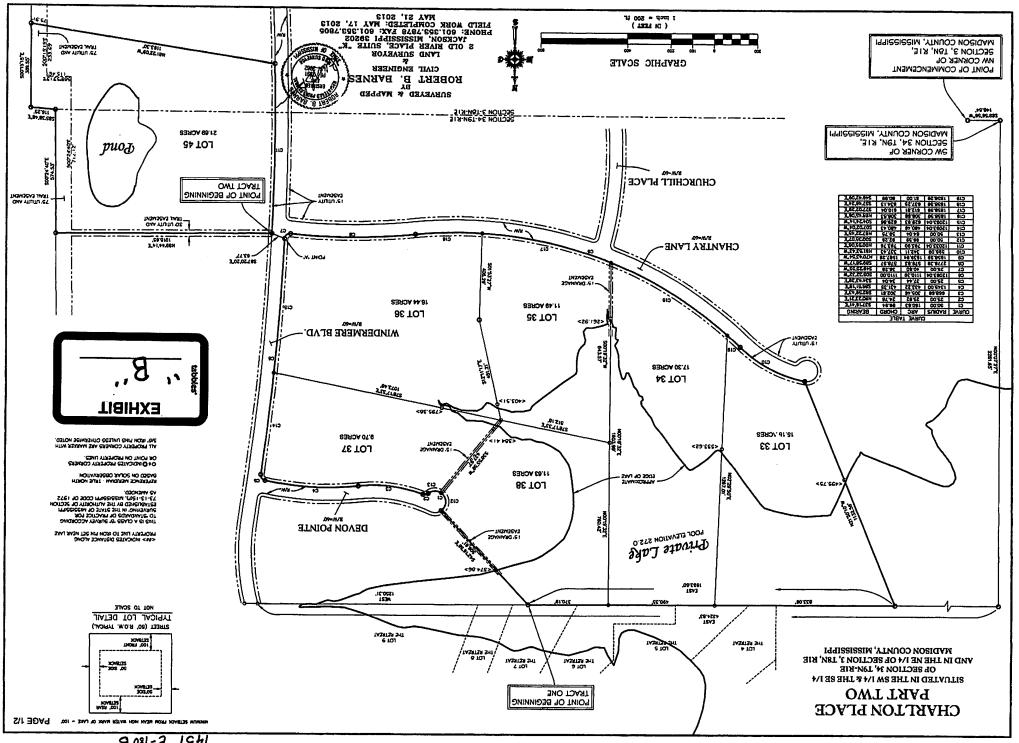
WITNESS MY SIGNATURE on this the \_\_\_\_\_\_ day of March, 2022.

## 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 March, 2022, within my jurisdiction, the within named Todd A. Nichols who acknowledged that he executed the above and foregoing instrument.

MY COMMISSION EXPIRES: 1-1K-2023

\\Mmc-dc01\\MMCLAW\\MMCO\\DAMP\[ACTIVE CASES]\[WD 2022]\\Nichols, Todd to David & Romona Pevey- Lot 33, Charlton Place, Part Two, Madison Co., WD 3-2-22 BW.wpd File# 2022-00167



### CHARLTON PLACE **PART TWO**

SITUATED IN THE SW 1/4 & THE SE 1/4 OF SECTION 34, T9N-RIE AND IN THE NE 1/4 OF SECTION 3, T8N, RIE MADISON COUNTY, MISSISSIPPI

SURVEYED & MAPPED

ROBERT B. BARNES CIVIL ENGINEER

LAND SURVEYOR 2 OLD RIVER PLACE, SUITE "K"
JACKSON, MISSISSIPPI 39202
PHONE: 601.353.7876 FAX: 601.353.7805
FIELD WORK COMPLETED: MAY 17, 2013
MAY 21, 2013

#### SURVEYOR'S CERTIFICATE

STATE OF MISSISSIPPI

COUNTY OF MADISON

1, Robert B. Barnes, Professional Land Surveyor, do hereby certify that at the request of the Owner, being shown and named under the Owners' Certificate beroon, have subdivided and platted the following described land being situated in the SW % and the SE % of Section 34. Township 9 North. Range | Fast and in the Northeast % of Section 3. Township 8 North. Range | Fast, Madison County, Mississippi, and being more particularly described by meter and bounds as follows, to-wit:

#### TRACT ONE

e at the Northwest corner of the said Section 3, Township 8 North, Range 1 East and run thence South 89° 56' 56" West for a distance of 148.54 feet to the Southwest corner of the said Section 34; thence North 00° 07° 27° East for a distance of 2,281.65 feet, theace East for a distance of 4,324.83 foot to a S/8" from pin found which marks the western right of way time of Windowsen Boulevard: thence leave said western right of way line and mo West for a distance of 1.250.31 feet to the POINT OF BEGINNING for the percel herein described: thence South 42° 16' 58° East for a distance of 596.61 feet to the western right of way time of Devon Point; thence run 160.63 feet along the are of a \$0.00 foot radius curve to the left along the san, western right of way line, said are having a 99.94 foot chord which bears South 37" 61' 41" East; thence run 25.92 feet along the arc of a 25.00 foot radius curve to the right along the said southern right of way line, said are having a 24.78 foot chord which bears North 80° 23' 21" East; thence run 305.46 feet along the arc of a 668.66 foot radius curve to the left along the said southern right of way line, said arc having a 302.81 foot chord which bears South \$2° 59' 43" East: thence run 433.22 feet along the arc of a 1.345.00 foot radius curve to the right along the said southern right of way line, said are having a 431.35 foot shord which bears South 86° 51' 18° East; thence run 37.44 feet along the arc of a 25.00 foot radius curve to the right along a right of way flare, said are having a 34.04 foot chord which bears South 34° 43' 39° East to the said western right of way line of Windermere Boulevard; thence run 1,110.39 feet along the arc of a 12,093.04 foot radius curve to the left along the seid western right of way line of Windermers Boulevard, said are havins a 1.110.00 foot chord which bears South 05° 32' 32" West to a point which is hereby designated as Point "A" for future reference; thence run 40.60 fact along the arc of a 25.00 foot radius curve to the right along a right of way flare, said arc having a 36.28 foot chord which bears South 49" 25" 55" West to the northern right of way line of Channy Lane; thence run 579.63 feet along the arc of a 2,776.39 foot radius curve to the left along the said northern right of way line, said are baving a 578.57 foot chord which bears South 89° 58° 17° West; thence run 1.639.94 feet along the arc of a 1.858.59 foot radius curve to the right along the said northern right of way line, said arc having a 1.387.26 foot chord which bears North 70° 43' 54" West: thence non 342.11 feet along the arc of a 596.09 foot radius curve to the left along the said northern right of way line, said are having a 337.43 foot chord which bears North 61° 53' 43° West; thence leave said northern right of way line of Changy Lane and my North 21° 50' 10" West for a distance of 1.132.56 feet; thence East for a distance of 1,693.60 feet to the POINT OF SEGINNING, containing \$1.71 acres, more or less.

ence at Point "A" as referenced in the above described TRACT ONE and run thence South 67" 20" 20" East for a distance of 63.77 feet to a 5/8" from pin found at the eastern right of way line of Windermere Boulevard which marks the POINT OF REGINNING for the parcel berein described: thence leave said eastern right of way kno and run North 89° 44' 14" East for a distance of 1.015 65 feet: thence South 00° 24' 40° East for a distance of \$74.53 feet: South 85° 38' 48° East for a distance of 116.25 feet: thence South 00° 15' 15" East for a distance of 389.55 first: thence North 81° 22' 09" West for a distance of 1,163.30 first to the said eastern right of way line of Windermere Boulevard; thence run 793.90 feet along the arc of a 12.033.04 foot radius curve to the right along the said eastern right of way line, said are having a 793.76 foot chord which hears North 00° 55' 02" East to the POINT OF BEGINNING, containing 21.69 acres, more or less.

The referenced meridian for the above described tracts of land is true north based on solar observations

WITNESS MY SIGNATURE this the E15F day of MAY . 2013 . Robert B. Ba

Professional Land Surveyor Mississippi P.L.S. No. 2062



STATE OF MISSISSIPPI

COUNTY OF MADISON

PERSONALLY came and appeared before me, the undersigned excharity in and for the jurisdiction aforesaid, the within named Robert H. Bernes, Professional Land Surveyor, who acknowledged to me that he signed and delivered this plat and the certificages thereon as his own

GIVEN UNDER MY HAND AND OFFICIAL SEAL, ON the 2/5+ day of May 201 3

OWNERS CERTIFICATE

STATE OF MISSISSIPPI

COUNTY OF MADISON

We, Rodney F. Triplett, It., manager of Highway 22 Property, LLC, a Mississippi limited liability company and George A. Hartrog and Shelia Assetta Hartzog, do hereby certify that Highway 23 Property, LLC, George A. Hartzog and Shelia Assette Hartzog are the owners of the lands described in the foregoing Surveyor's Certificate of Robert B. Barnes, Professional Land Surveyor, and that Rodney F. Triplett, Jr. acting as the duly authorized manager of said lumined liability company and George A. Hartzog and Shelia Assette Hartzog individually, have caused said lands to be exhibited and alested as shows hereon and have designated the same as Charles Place Part Then. We havely dedicate the streets, experients and writing as those hereon for public tree former, exceed as resemble on Page 1 of 2

The undersigned George A. Hartzog and Shelia Amerite Hertzog are the owners of Lot 37 of Charlton Place Part Two. Highway 22 Property, LLC is the owner of all remaining lots and property within Charlins Place Part Two.

Witness our signatures, this the 215th day of May

OWNERS' ACKNOWLEDGEMENT

STATE OF MISSISSIPPI

COUNTY OF MADISON

., 201\_3, the undersigned extherity in end for the surrediction aforesaid, the within named Rodney F. Trinlett, Jr., who acknowledged that he is the Manager of Highway 22 Property, LLC a Mississippi manager - managed limited liability company, the Owner, and that for and in behalf of said limited liability company, as Owner, and as its act and deed, he executed this plat and certificate after being duly authorized by said limited finbility company so to do

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 2157 day of

31114

OWNERS' ACKNOWLEDGEMENT

STATE OF MISSISSIPPE

COUNTY OF MADISON

Personally came and appeared before me, the undersigned, George A. Hartzog and Shelia Annetts Hartzog, who acknowledged to me that they signed and delivered this plat and certificate on the day and year therein mentioned.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 215th day of May , 2013



Liea W. Barefoot

APPROVAL OF THE BOARD OF SUPERVISORS

STATE OF MICEICCION

COUNTY OF MADISON

PAGE 2/2

This plat of Charles Place Part Two is hereby accessed by the Board of Supervisors of Madison County, Mississiani, nursuant to the of said Board duly adopted, this the 20 day of Trucy 2013

COUNTY ENGINEER'S APPROVAL

STATE OF MISSESSIPE

COUNTY OF MADISON

mined thus plus and find it conforms to all conditions set forth on the preliminary plus as approved by the Board of Supervisors and

CERTIFICATE OF COMPARISON

STATE OF MISSISSIPPI

COUNTY OF MADISON

We, Arthur Johnston, Chancery Clerk in and for said County and State, and Robert B. Barnes, Professional Land Surveyor, do hereby certify that we have carefully compared this plat of Charleon Place Part Two with the original thereof, and find it to be a true and correct copy of the

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF CUEICE, on this the 38 day of 77 Que

STATE OF MISSISSIPPI

I, Arthur Johnston, Clerk of the Chancery Court in and for the said County and State, do hereby certify that this plat of Chariton Place Part E st Stides (808/18/A of the records of steps and plats of land of Medison County, Mississippi

BARNES SURVEYING, LLC ROBERT M. BARNES LAND SURVEYOR



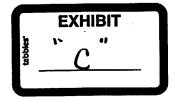
272 S PERKINS ST., SUITE 400 RIDGELAND, MISSISSIPPI 39157 (601) 353-7678

# LEGAL DESCRIPTION (LOT 33A)

A parcel of land situated in the Southwest 1/4 of Section 34, Township 9 North, Range 1 East and being a part of Lot 33 of Charlton Place Part Two, as subdivision, the map or plat of which is recorded in Plat Cabinet E at Slides 180B and 181A in the Chancery Records of Madison County, at Canton Mississippi and being more particularly described by metes and bounds as follows, to wit:

Commence at a 5/8" iron pin found at the southwest corner of the said Lot 33 on the northeastern right of way line of Chantry Lane, with a 60 foot (60') right of way, said pin marks the **POINT OF BEGINNING** for the parcel herein described; thence run 209.21 feet along the arc of a 596.09 foot radius curve to the right along the said northeastern right of way line, said arc having a 208.14 foot chord which bears South 68° 16' 57" East to a 5/8" iron pin set; thence leave said northeastern right of way line of Chantry Lane and run North 08° 59' 13" West for a distance of 1,142.34 feet to a point in a lake on the northern line of the said Lot 33, (reference pin set on line South 08° 59' 13", East 452.70 feet); thence West for a distance of 436.18 feet along the said northern line of Lot 33 to a point in a lake at the northwest corner of the said Lot 33, (reference pin set on line South 21° 50' 10" East, 667.51 feet); thence South 21° 50' 10" East for a distance of 1,132.56 feet, to the **POINT OF BEGINNING**, containing 7.5808 acres, more or less.

The reference meridian for the above description is based on the recorded plat of Charlton Place Part Two.



BARNES SURVEYING, LLC ROBERT M. BARNES LAND SURVEYOR



272 S PERKINS ST., SUITE 400 RIDGELAND, MISSISSIPPI 39157 (601) 353-7878

# LEGAL DESCRIPTION (LOT 33B)

A parcel of land situated in the Southwest 1/4 of Section 34, Township 9 North, Range 1 East and being a part of Lot 33 of Charlton Place Part Two, as subdivision, the map or plat of which is recorded in Plat Cabinet E at Slides 180B and 181A in the Chancery Records of Madison County, at Canton Mississippi and being more particularly described by metes and bounds as follows, to wit:

Commence at a 5/8" iron pin found at the southwest corner of the said Lot 33 on the northeastern right of way line of Chantry Lane, with a 60 foot (60') right of way and thence run 209.21 feet along the arc of a 596.09 foot radius curve to the right along the said northeastern right of way line, said arc having a 208.14 foot chord which bears South 68° 16' 57" East to a 5/8" iron pin set which marks the POINT OF BEGINNING for the parcel herein described; thence leave said northeastern right of way line of Chantry Lane and run North 08° 59' 13" West for a distance of 1,142.34 feet to a point in a lake on the northern line of the said Lot 33, (reference pin set on line South 08° 59' 13" East, 452.70 feet); thence East for a distance of 396.88 feet along the said northern line of Lot 33 to a point in a lake at the northeast corner of the said Lot 33, (reference pin set on line South 02° 29' 50" West, 733.39 feet); thence South 02° 29' 50" West for a distance of 1,267.01 feet to a 5/8" iron pin found at the said northeastern right of way line of Chantry Lane: thence run 81.00 feet along the arc of a 1,858.59 foot radius curve to the right along the said northeastern right of way line, said arc having an 80.99 foot chord which bears North 46° 42' 09" West to a 5/8" iron pin found; thence run 132.90 feet along the arc of a 596.09 foot radius curve to the left along the said northeastern right of way line of Chantry Lane, said arc having a 132.62 foot chord which bears North 51° 50' 28" West to the **POINT OF BEGINNING**, containing 7.5808 acres, more or less.

The reference meridian for the above description is based on the recorded plat of Charlton Place Part Two.

## **PLAT SHOWING LOT 33 CHARLTON PLACE PART TWO** SITUATED IN THE SW 1/4 OF SECTION 34, T9N-R1E MADISON COUNTY, MISSISSIPPI **15.16 ACRES** EAST 833.06 **LEGEND** P POWER BOX Ò FIRE HYDRANT WATER VALVE **3**3 WATER METER BIG FINK TEST STATION Δ SET STAKE - - - - EDGE OF PAVEMENT ROW OF WAY EASEMENT ----- LOT UNE PROPERTY LINE APPROXIMATE EDGE FOUND 5/8" IRON PIN FIP SIP SET 5/8° IRON PIN S02°29'50"W 1267.01' SIP 465.05' FROM SW CORNER OF LOT 7.5808 acres 7.5808 acres THIS IS A CLASS "A" SURVEY ACCORDING TO "STANDARDS OF PRACTICE FOR SURVEYING" IN THE STATE OF MISSISSIPPI ESTABLISHED BY THE AUTHORITY OF SECTION 73-13-15P, MISSISSIPPI CODE OF 1972 AS AMENDED. FIP 533.62 FROM SE CORNER OF LOT 'A B' REFERENCE MERIDIAN — TRUE NORTH BASED ON SOLAR OBSERVATION. O INDICATES PROPERTY CORNERS. ONLY VISIBLE UTILITIES ARE SHOWN ON THIS PLAT. GRAPHIC SCALE ( IN FEET ) 1 inch = 100 ft R=596.09' A=342.11' **EAST** 1804.46 C=337.43' N61°53'43"W ASPHALT 15' UTILITY EASEMENT RESERVED R=1858.59' A=81.00' C=80.99' CHANTRY LANK N46°42'09"W SW CORNER OF SECTION 34, T9N, RTE, MADISON COUNTY, MISSISSIPPI S89°56'56"W 148.54 POINT OF COMMENCEMENT NW CORNER OF SECTION 3, TON, RIE, MADISON COUNTY, MISSISSIPP