BOARD OF SUPERVISORS

MADISON COUNTY, MISSISSIPPI

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

August 3, 2023

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 Payment Project: STP-6984-00(001) LPA-Catlett Road Improvement Project Parcel: 002-00-00-W/002-00-00-T

The Engineering Department recommends that the Board accept the invoice for \$27,700.00 for the acquisition of right of way for Catlett Road Improvement Project from James D. & Peggy J. McGivney and to authorize the Comptroller to issue the check.

Check payment to:

Payee: James D. & Peggy J. McGivney 354 Catlett Road Madison, MS 39110

GERALD STEEN District Three KARL BANKS District Four PAUL GRIFFIN District Five Integrated Right of Way P. O. Box 3066 Madison, MS 39130 Phone: 601-790-0443



Right of Way Acquisition Closing Statement

Name:	James D. & Peggy J. McGivney	Date:	August 3, 2023
Address:	354 Catlett Road	Project:	STP-6984-00(001) LPA
	Madison, MS 39110	County:	Madison County, MS
		ROW Parcels:	002-00-00-W/002-00-00-T

Total Payment Due:	\$27,700.00
Administrative Adjustment:	\$10,900.00
002-00-00-T Payment:	\$300.00
002-00-00-W Payment:	\$16,500.00

Included Herein:

- Properly Executed W-9
- Properly Executed Warranty Deed and Temporary Construction Easement
- Initialized Fair Market Value Offer
- Approved Administrative Adjustment
- Satellite Map of Acquisition Area
- 1. All considerations agreed on by the above-named Owner(s) and the Right of Way Agent signing this statement are embodied in the instrument of conveyance, there being no oral agreements or representations of any kind.
- 2. The considerations embodied in this instrument of conveyance on the abovementioned project and parcel number were reach without coercion, promises other than those shown in the agreement, or threats of any kind whatsoever by or to either party whose name appears on this instrument.
- 3. The undersigned Right of Way Agent has no direct or indirect, present or contemplated future personal interest in the abovementioned parcels nor will in any way benefit from the acquisition of such property.

Greg M. Thompson Lead Acquisitions Agent



This map contains an estimate of the acquisition area and the subject property's boundary lines

> Acquisition Area 0.41 acres

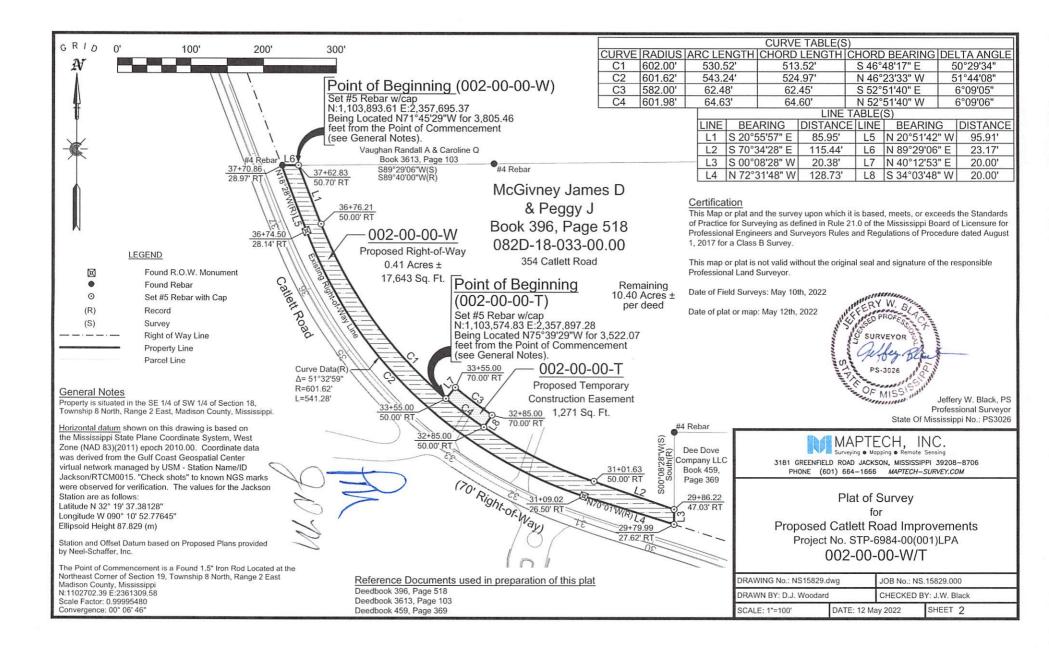


Parcel

Martin Party

404 polest

Owner:James D. McGivney and Peggy J. McGivneyParcel No:002-00-00-W; -TProject No:STP-6984-00(001)County:Madison



ROW 005 A (Revised 3/2011)

Grantor Address:		
James D. & Peggy J. McGivney		
354 Catlett Road		
Madison, MS 39110		
Phone: 601-856-7820		

WARRANTY DEED

INDEXING INSTRUCTIONS:

354 Catlett Road, and the SE 1/4 of SW 1/4 of Section 18, Township 8 North, Range 2 East, Madison County, Mississippi.

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COUNTY OF MADISON

For and in consideration of Twenty Seven Thousand Four Hundred and NO/100

Dollars (\$27,400.00) the receipt and sufficiency of which is hereby acknowledged, we, the

undersigned, hereby grant, bargain, sell, convey and warrant unto the Madison County

Board of Supervisors the following described land:

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83 (2011) epoch 2010.00, grid values, U. S. Survey feet, using a scale factor of 0.99995480 and a grid to geodetic azimuth angle of (+) 00 degrees 06 minutes 46 seconds developed at the below described commencing point used for Project Number STP-6984-00(001) LPA. It is the intent of this description to convey that portion of the grantors property that lies with the proposed right-of-way as defined by said project:

Commencing at a found 1.5" Iron Rod located at the Northeast corner of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi, having a coordinate value of N 1,102,702.39, E 2,361,309.58, on the above reference coordinate system, thence run North 71 degrees 45 minutes 29 seconds West for a distance of 3,805.46 feet to a #5 rebar with plastic cap located at the intersection of the proposed East right-of-way line of Catlett Road and the existing North property line of that certain parcel recorded in Book 396, Page 518, records of the Office of Chancery Clerk, Madison County, Mississippi, being 50.70 feet right of and perpendicular to proposed Catlett Road alignment at project centerline station 37+62.83, having a coordinate value of N 1,103,893.61, E 2,357,695.37, on the above reference coordinate system, and being referred to hereinafter as the **Point of Beginning**;

From the **Point of Beginning** thence run, South 20 degrees 55 minutes 57 seconds East for a distance of 85.95 feet to a #5 rebar with plastic cap;

thence continue along the arc of a curve to the left having an arc length of 530.52 feet, a radius of 602.00 feet, a chord bearing of South 46 degrees 48 minutes 17 seconds East, and a chord distance of 513.52 feet to a #5 rebar with plastic cap;

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thence run, South 70 degrees 34 minutes 28 seconds East for a distance of 115.44 feet to a #5 rebar with plastic cap located at the intersection of the said parcels' east property line and the proposed East right-of-way line of Catlett Road;

thence along said east property line run, South 00 degrees 08 minutes 28 seconds West for a distance of 20.38 feet to a #5 rebar with plastic cap located at the intersection of said east property line and the existing right-of-way line of Catlett Road;

thence along said existing right-of-way line run, North 72 degrees 31 minutes 48 seconds West for a distance of 128.73 feet to a found concrete marker;

thence continue along said existing right-of-way line being the arc of a curve to the right having an arc length of 543.24 feet, a radius of 601.62 feet, a chord bearing of North 46 degrees 23 minutes 33 seconds West, and a chord distance of 524.97 feet to a found concrete marker;

thence continue along said existing right-of-way line run, North 20 degrees 51 minutes 42 seconds West for a distance of 95.91 feet to a #5 rebar with plastic cap located at the intersection of said existing right-of-way line and said north property line;

thence leaving said existing right-of-way line and along said north property line run, North 89 degrees 29 minutes 06 seconds East for a distance of 23.17 feet back to the **Point of Beginning**, containing 0.41 acre (17643 square feet), more or less, and located in the Southeast Quarter of Southwest Quarter of Section 18, Township 8 North, Range 2 East, Madison County, Mississippi.

The grantor herein further warrants that the above described property is \mathbb{R} part of their homestead.

This conveyance includes all improvements located on the above described land and partially on Grantor's remaining land, if any. The Grantee herein, it Agents, and/or Assigns are hereby granted the right of Ingress and Egress on Grantor's remaining land for removing or demolishing said improvements. The consideration herein named is in full payment of all

said improvements. Initial Jo m HA.

It is understood and agreed that the consideration herein named is in full payment and settlement of any and all damage and compensation which would be allowable under a decree were it rendered by the Court and jury in an Eminent Domain proceeding under the provision of the applicable laws and statutes of the State of Mississippi.

It is further understood and agreed that this instrument constitutes the entire agreement between the grantor and the grantee, there being no oral agreements or representations of any kind.

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Witness my signature this the _____ day of ______ A.D. 2023.

Page 5

Mound Signature James D. McGivney

STATE OF MISSISSIPPI

COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 2^{me} day of <u>August</u>, 2023, within my jurisdiction, the within named James D. McGivney, an individual, who acknowledged that he executed the above and foregoing instrument.

(NOTARY PUBLIC) (SEAL) GREG My commission expires: Initial Joy McGivney James D & Peggy J STP-6984-00(001)LPA 002-00-00-W

A.D. 2023.

Page 6

Witness my signature this the Z^{ng} day of <u>Acyce</u> Signature <u>Reggy D. M. Kuney</u> Peggy J. McGivney

STATE OF MISSISSIPPI

COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this Zee day of Acycon, 2023, within my jurisdiction, the within named Peggy J. McGivney, an individual, who acknowledged that she executed the above and foregoing instrument.

(SEAL)

My commission expires:

Commission Expire Initial JD77,

GREG

McGivney James D & Peggy J STP-6984-00(001)LPA 002-00-00-W

(NOTARY PUBLIC)

ROW 005 A (Revised 3/2011)

Grantee, prepared by and return to:

Madison County Board of Supervisors

125 West North Street

P.O. Box 608

Canton, MS 39046

Phone: 601-790-2590

Grantor Address: James D. & Peggy J. McGivney 354 Catlett Road Madison, MS 39110 Phone: 601-856-7820

TEMPORARY EASEMENT

INDEXING INSTRUCTIONS:

354 Catlett Road, and the SE 1/4 of SW 1/4 of Section 18, Township 8 North, Range 2 East, Madison County, Mississippi.

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COUNTY OF MADISON

For and in consideration of Three Hundred and NO/100 Dollars (\$300.00) the receipt

and sufficiency of which is hereby acknowledged, we, the undersigned, hereby grant,

bargain, sell, convey and warrant unto the Madison County Board of Supervisors the

following described land:

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83 (2011) epoch 2010.00, grid values, U. S. Survey feet, using a scale factor of 0.99995480 and a grid to geodetic azimuth angle of (+) 00 degrees 06 minutes 46.58 seconds developed at the below described commencing point used for Project Number STP-6984-00(001) LPA. It is the intent of this description to convey that portion of the grantors property that lies with the proposed right-of-way as defined by said project:

Commencing at a found 1.5" rebar located at the Northeast corner of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi, having a coordinate value of N 1102702.39, E 2361309.58, on the above reference coordinate system, thence run North 75 degrees 39 minutes 29 seconds West for a distance of 3522.07 feet to a #5 rebar with plastic cap located on the proposed East right-of-way line of Catlett Road and in that certain parcel recorded in Book 396, Page 518, records of the Office of Chancery Clerk, Madison County, Mississippi, being 50.00 feet right of and perpendicular to proposed Catlett Road alignment at project centerline station 33+55.00, having a coordinate value of N 1103574.83, E 2357897.28, on the above reference coordinate system, and being referred to hereinafter as the **Point of Beginning**;

From the **Point of Beginning** thence run, North 40 degrees 12 minutes 53 seconds East for a distance of 20.00 feet to a #5 rebar with plastic cap;

thence continue along the arc of a curve to the left having an arc length of 62.48 feet, a radius of 582.00 feet, a chord bearing of South 52 degrees 51 minutes 40 seconds East, and a chord distance of 62.45 feet to a #5 rebar with plastic cap;

Initial Jorn, M., ____,_

thence run, South 34 degrees 03 minutes 48 seconds West for a distance of 20.00 feet to a #5 rebar with plastic cap located on said proposed East right-of-way line of Catlett Road;

thence along said proposed East right-of-way line of Catlett Road being the arc of a curve to the right having an arc length of 64.63 feet, a radius of 601.98 feet, a chord bearing of North 52 degrees 51 minutes 40 seconds West, and a chord distance of 64.60 feet back to the **Point of Beginning**, containing 1271 square feet, more or less, and located in the Southeast Quarter of Southwest Quarter of Section 18, Township 8 North, Range 2 East, Madison County, Mississippi.

The grantor herein further warrants that the above described property is \mathbf{m} part of

their homestead.

This conveyance includes all improvements located on the above described land and partially on Grantor's remaining land, if any. The Grantee herein, it Agents, and/or Assigns are hereby granted the right of Ingress and Egress on Grantor's remaining land for removing or demolishing said improvements. The consideration herein named is in full payment of all said improvements.

It is understood and agreed that the consideration herein named is in full payment and settlement of any and all damage and compensation which would be allowable under a decree were it rendered by the Court and jury in an Eminent Domain proceeding under the provision of the applicable laws and statutes of the State of Mississippi.

It is further understood and agreed that this instrument constitutes the entire agreement between the grantor and the grantee, there being no oral agreements or representations of any kind.

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	Page 4	
Witness my signature this the day of	August A.D. 2023.	

MDung Signature James James D. McGivney

COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 222 day of 423 cm, 2023, within my jurisdiction, the within named James D. McGivney, an individual, who acknowledged that he executed the above and foregoing instrument.

(SEAL)

My commission expires:



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McGivney James D & Peggy J STP-6984-00(001)LPA 002-00-00-T

(NOTARY PUBLIC)

Page 5	
Witness my signature this the 2 day of A-304	_A.D. 2023.

Seiney Signature Peggy J. McGivney

COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this <u>2</u> day of <u>4</u> day of <u>4</u> day of <u>2</u> day of <u>2</u> day of <u>4</u> day of <u>4</u> day of <u>2</u> day of <u>4</u> day

(SEAL)

My commission expires:

(NOTARY PUBLIC)

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Integrated Right of Way P. O. Box 3066 Madison, MS 39130 Phone: 601-790-0443



N/A

Fair Market Value Offer

		Date:	12/1/22
Name:	James D. & Peggy J. McGivney	Project:	STP-6984-00(001) LPA
Address:	354 Catlett Road	County:	Madison
	Madison, MS 39110	ROW Parcel(S):	002-00-00-W/002-00-00-T

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 appraisal 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 appraisal in the amount of \$16,800.00.

X Appraisal ____ 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

Separately held interest(s) in the real property are not applicable. These interests are not included in the above fair market value offer.

Land (W) Fee Simple Value 0.410 Acres:	\$ _	13,200.00
Land (T) Temporary Easement Value 0.029 Acres x \$32,000.00 Discounted:	\$	300.00
Improvements:	\$.	0.00
Damages:	\$.	3,300.00

Total Fair Market Value Offer

\$ 16,800.00

Right of Way Acquisition Agent

FNM

Providing Professional Right of Way Acquisition & Consultation Services



Integrated Right of Way P. O. Box 3066 Madison MS, 39130 Fax: 601-852-1170 Phone: 601-790-0443



June 14, 2023

To: Madison County Board of Supervisors

RE: Landowner Counteroffer Catlett Road 2021-2053 – Parcel 002-00-00-W-T James and Peggy McGivney

Members of the Board:

Please find attached a landowner counteroffer for the above referenced parcel on the Catlett Road 2021-2053 project. On June 14, 2023, iROW called Mr. James McGivney to clarify the information on the written landowner counteroffer attached for clear presentation below.

FMVO (12/01/2022):	\$ 13,200.00 \$ 300.00 <u>\$ 3,300.00</u> \$ 16,800.00	(Fee Acquisition Area) (Temporary Easement) (Damages) (TOTAL)
LO Counteroffer (06/13/2023):	\$ 16,400.00 \$ 300.00 <u>\$ 11,000.00</u> \$ 27,700.00	(Warranty Deed) (0.41 x \$40,000.00/Acre) (Temp. Easement) (Damages) (TOTAL)
Admin. Adjust. Request (06/13/2023):	\$10,900.00	
LO Counteroffer Total (06/13/2023):	\$27,700.00	(Inclusive of All Acquisition Rights)

Sincerely,

Greg Thompson, Lead Acquisitions Agent

Signature:

Madison County Board of Supervisors

President

Date:

11723 M JUM

SAMES & PEGGY MCGINNEY 354 CATLETT RD MADISON ESTIMATED PROPERTY VALUE \$40,000,00 PERACRE \$6,000.00 LARGE TREES TREES ALONG ROW TO BLOGK VIEW OF TRAFFIC \$2,000.00 \$3,000.00 BARBED WIRE FENCE TEMPORARY EASEMENT COULD BE ANYWHERE NORTH OF MY DRIVEWAY OR ACROSS CATLETT RD

