BEFORE THE PLANNING AND ZONING COMMISSION AND THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF REZONING OF CERTAIN LAND SITUATED IN THE SE1/4 AND SW1/4 SECTION 14, TOWNSHIP 8 NORTH, RANGE 2 EAST, MADISON COUNTY, MISSISSIPPI

NEMA, LLC

PETITIONER

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY, AMEND THE LAND USE PLAN AND FOR A CONDITIONAL USE

COMES NOW Nema, LLC, with written permission of Abe Nemati and Zohren Sirous, Owners of the hereinafter described land and property, and files this Petition with the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a tract or parcel of land situated in the SE1/4 and SW1/4 Section 14, Township 8 North, Range 2 East, Madison County, Mississippi, and to amend the Land Use Plan, and shows as follows:

 Abe Nemati and Zohren Sirous are the fee simple record title Owners of the following described parcel located on the East side of Highway 51 in the SE1/4 and SW1/4 of Section 14, T8N, R2E, to wit:

SEE EXHIBIT "A" ATTACHED HERETO.

A copy of the Deed to the subject property is attached hereto as EXHIBIT "B".

- 2. Petitioner requests that the parcel be rezoned from its present Zoning District Classification of Residential Estate (R-1), to Highway Commercial (C-2) and that a Conditional Use be granted for fully enclosed storage.
- 3. The zoning proposed is not in compliance with the adopted Land Use and Transportation Plan of Madison County which depicts the property as "Residential Estate" (R-1), however, "Highway Commercial" ("C-2") is the highest and best use of the property.

- 4. A list of changes or conditions that support the rezoning are as follows:
 - (a) The Subject Property is 41.56 acres, more or less, and is best suited for Highway Commercial Zoning.
 - (b) The adjoining 6.95 acres lying to the West of the Subject Property owned by Abe Nemati and Zohren Sirous is currently zoned C-2 "Highway Commercial".
 - (c) The property adjoining the North side of the Subject Property and the East side of Highway 51 is zoned TIP "Technical Industrial Park."
 - (d) A portion of property adjoining the North boundary of the Subject Property is zoned C-2 "Highway Commercial."
 - (e) The property on the West side of Highway 51 directly across Highway 51 from the Subject Property located in the City of Gluckstadt is zoned C-2 "Highway Commercial."
 - (f) There has been an obvious change in the neighborhood since the original zoning.
 - (g) The character of the neighborhood has changed to such an extent as to justify reclassification, and there is a public need for the rezoning.
- 5. The Land Use and Transportation Map of Madison County, Mississippi should be amended to reflect the property as C-2 "Highway Commercial". It is presently designated R-1 "Residential Estate".
- 6. That Petitioner should be granted a Conditional Use to allow for fully enclosed storage on the Subject Property.
 - 7. A map showing the location of the Subject Property is attached as **EXHIBIT** "C".

8. Petitioner is notifying the surrounding landowners owning property within 160 feet of the property described herein of the hearing date for this Petition by certified mail, return receipt requested. A list of all of such landowners is attached hereto as **Exhibit "D**".

9. Petitioner is notifying the City of Canton, Mississippi and the City of Gluckstadt, Mississippi of the hearing for this Petition by certified mail as their corporate boundaries are within one mile of the Subject Property.

10. A Conceptual Design Plan of the Subject Property is attached hereto as Exhibit "E".

11. Written permission by the owners of the Subject Property granting Petitioner authority to file this Petition is attached hereto as **Exhibit "F"**.

WHEREFORE PREMISES CONSIDERED, Petitioner respectfully requests that this Petition be received, and after due consideration, the Board of Supervisors of Madison County will amend the Land use plan to reflect the Subject Property as Highway Commercial (C-2), and reclassify this property from its present Residential Estate (R-1) to Highway Commercial (C-2) and that a conditional use be granted to allow for fully enclosed storage on the Subject Property.

RESPECTFULLY SUBMITTED, this the 27 day of December, 2023.

Nema, LLC A Mississippi Limited Liability Company

By:

Don A. McGraw, Jr., Its Attorney

Maon flow

Don A. McGraw, Jr. MSB #2621 Montgomery McGraw, PLLC P.O. Box 1039

Canton, MS 39046

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

E-Mail: <u>Dmcgraw@montgomerymcgraw.com</u>

Attorney for Petitioner

EXHIBIT "A"

The land and property situated in Madison County, Mississippi, to-wit:

A parcel of land containing 48.51 acres (2,112,888.59 square feet), more or less, being situated in the Northern ½ of the Southwest 1/4, and the Western ½ of the Northwest 1/4 of the Southeast 1/4, and the Western ½ of the Southwest 1/4 of Section 14, and the Northern ½ of the Southeast 1/4 of Section 15 (East of Highway 51), Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at a ferrous metal rod marking the Southeast corner of the Southwest 1/4 of Section 14; thence run North 00 degrees 40 minutes 20 seconds West for a distance of 1323.73 feet; thence North 89 degrees 53 minutes 28 seconds West for a distance of 2650.52 feet; thence South 89 degrees 47 minutes 48 seconds West for a distance of 338.01 feet to the Eastern Right of Way of U.S. Highway 51; thence run along said Right of Way North 23 degrees 43 minutes 34 seconds East for a distance of 722.34 feet to the POINT OF BEGINNING for the parcel herein described; thence run North 23 degrees 43 minutes 34 seconds East for a distance of 720.33 feet; thence leave said Right of Way and run South 89 degrees 53 minutes 28 seconds East for a distance of 660.06 feet; thence North 89 degrees 53 minutes 28 seconds West for a distance of 660.06 feet; thence North 89 degrees 53 minutes 28 seconds West for a distance of 3350.14 feet to the POINT OF BEGINNING.

LESS AND EXCEPT 6.95 acres, more or less, described as follows, to-wit:

A parcel of land lying in the Northwest 1/4 of the Southwest 1/4 of Section 14 and in the Northeast 1/4 of the Southeast 1/4 of Section 15, all in Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi as shown on a previous survey by Roger Thomas Ellison, MS PLS 2710 and run thence North 00 degrees 20 minutes 40 seconds West for 1323.73 feet; run thence North 89 degrees 53 minutes 28 seconds West for 2650.52 feet; run thence South 89 degrees 47 minutes 48 seconds West for 338.01 feet to a point on the East Right of Way of U.S. Highway 51; run thence North 23 degrees 43 minutes 34 seconds East for 722.34 feet along the East Right of Way of U.S. Highway 51 to a recovered iron pin marking the Southwest corner of that tract of land described in Deed Book 459 at Page 702 of the records of the Chancery Clerk at Canton, Madison County, Mississippi and the POINT OF BEGINNING; continue thence North 23 degrees 43 minutes 34 seconds East for 720.33 feet along the East Right of Way of U.S. Highway 51 to a recovered iron pin marking the Northwest corner of said Deed Book 459 at Page 702; thence leaving the East Right of Way of U.S. Highway 51, run South 89 degrees 53 minutes 28 seconds East for 459.02 feet along the North line of said Deed Book 459 at Page 702 to an iron pin set; thence leaving the North line of said Deed Book 459 at Page 702, run South 23 degrees 43 minutes 34 seconds West for 720.33 feet to an iron pin set on the South line of said Deed Book 459 at Page 702; run thence North 89 degrees 53 minutes 27 seconds West for 459.02 feet to the POINT OF BEGINNING.

WARRANTY DEED

RITHER 1459 PART 702

FOR AND IN CONSIDERATION of the sum of Ten Inter \$50.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, FLORENCE E. MILES, a widow, and BETTY MILES BAILEY, her daughter, by these presents, do hereby sell, convey and warrant unto ABE NEMATI and wife, ZOHREN SIROUS, as joint tenants with full rights of survivorship, and not as tenants in common, the land and property which is situated in Madison County, MS, described, to-wit:

(Index: Pt. of N 1/2 of SW 1/4; Pt. of W 1/2 of NW 1/4 of SE 1/4; and Pt. of W 1/2 of SW 1/4 of SE 1/4, Section 14; Pt. of N 1/2 of SE 1/4, of Section 15; all in T8N, R2E. Being 48.51 acres, m/l.) More particularly in attached Exhibit "A".

Title Acquired

Refer Deed Book 141 Page 792, and Book 220 Page 177, and Book 433 Page 140, together with Owners' Affidavit pending for recordation.

Title Exceptions

This conveyance and its warranty are subject only to title exceptions, to-wit:

- Ad valorem taxes for the Year 2000 shall be prorated between the parties as of the date of settlement.
 - A. Parcel No. 082E-15-031.
 - B. Parcel No. 082F-14-003.
- 2. Madison County zoning and subdivision regulations ordinances of 1976, adopted July 23, 1976, in Minute Book "A-L" Page 77.
- 3. Reservation of an undivided 1/2 of all mineral rights in deed dated October 7, 1944, in Book 29 Page 40.
- 4. Reservation of an undivided 1/4 of all mineral rights in deed dated May 18, 1973, in Book 131 Page 100.
- 5. Right of Way Easement to AT&T Co., recorded in Book 39 Page 34, Book 39 Page 388, and Book 38 Page 484.
- 6. Right of Way Easement to Texas Eastern Transmission Corp., recorded in Book 61 Page 237, Book 61 Page 239, Book 99 Page 400, and Book 99 Page 403.



BOOK 0459 PAGE 703

- 7. Cotton Acreage Reservation in deed dated May 18, 1973, in Book 131 Page 100.
- 8. All matters shown, inclusive of Right of Way for Highway 51, Texas Eastern Pipeline, AT&T underground cable, gravel drives, power lines, Bear Creek Waterway, fence lines, and other driveways, all as per Plat of Survey dated December 16, 1999, by R. T. Ellison, RPLC.

No Homestead

Subject property constitutes no part of the homestead of Grantors.

WITNESS the hand and signature of the Grantors affixed on the date of their respective acknowledgments.

FLORENCE E. MILES, a widow	BETTY MILES BAILEY, subject property being no part of her homestead
STATE OF MISSISSIFFI, COUN	TY OF HINDS:
county and state, on this the <u>ist</u> day of jurisdiction, the within named FLORENG	CE E. MILES, a widow, SSN # 727 20 44
are total and correct.	nent, and that the matters stated therein
* PUBLIC *	NOTARY PUBLIC
My Comme Expires: MY COMMISSION EXPIRES SEPT 19	, 2003

BNUK 0459 PAGE 704

B110N() 100 12 11 11 1
STATE OF MISSISSIPP, COUNTY OF HINDS :
Personally appeared before me, the undersigned authority in and for the said county and state, on this the /s/ day of // 2000, within my jurisdiction, the within named BETTY MILES BAILEY, subject property being no part of her homestead, SSN # // // // // // // // // // // being first duly sworn, who acknowledged that she executed the above and foregoing instrument, and mat the Markeys stated therein are true and correct. **PUBLIC** **NOTARY PUBLIC** MY COMMISSION EXPIRES SEPT 19, 2003 My Commission EXPIRES SEPT 19, 2003
FLORENCE E. MILES
5244 fee retect At.
Those 8.56 - 432 7462
Phone
BETTY MILES BAILEY
All the Beach
Augily + 105 34561 Phone 228 863 7685
Abe Nemati (SSN #514-66-3577) Zohren Sirous (SSN # 425-63-9281) Hwy 51 North Box 1529

Prepared by: Mayfield & Mayfield, Attys., P. O. Box 2192, Jackson, MS 39225, Phone (601) 948-3590, Fax (601) 948-3591

Phone 371-3100 / Cell 291-8886 / Fax 371-6677 / Home 853-1073

Madison, MS 39110

EXHIBIT "A"

The land and property situated in Madison County, MS, to-wit:

(Index: Pt. of N 1/2 of SW 1/4; Pt. of W 1/2 of NW 1/4 of SE 1/4; and Pt. of W 1/2 of SW 1/4 of SE 1/4, Section 14; Pt. of N 1/2 of SE 1/4, of Section 15; all in T8N, R2E. Being 48.51 acres, m/l.)

A parcel of land containing 48.51 acres (2,112,888.59 square feet), more or less, being situated in the Northern 1/2 of the SouthWest 1/4, and the Western 1/2 of the NorthWest 1/4 of the SouthEast 1/4, and the Western 1/2 of the SouthWest 1/4 of the SouthEast 1/4 of Section 14, and the Northern 1/2 of the SouthEast 1/4 of Section 15 (East of Highway 51), Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

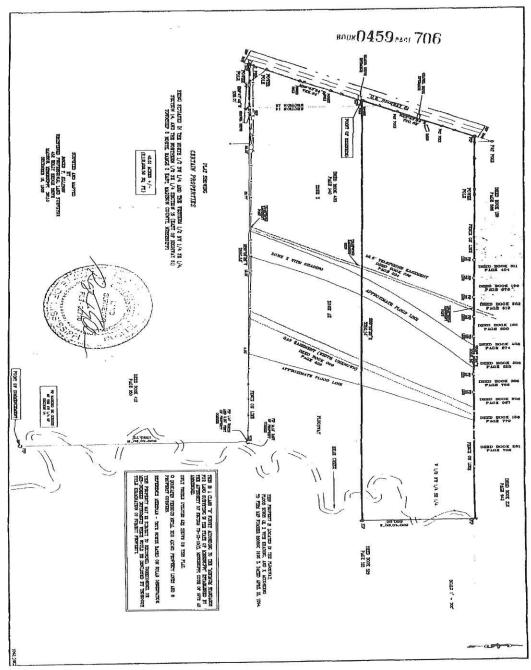
Commence at a ferrous metal rod marking the SouthEast corner of the SouthWest 1/4 of Section 14; thence run North 00 degrees 40 minutes 20 seconds West for a distance of 1323.73 feet; thence North 89 degrees 53 minutes 28 seconds West for a distance of 2650.52 feet, thence South 89 degrees 47 minutes 48 seconds West for a distance of 338.01 feet to the Eastern Right of Way of U.S. Highway 51; thence run along said right of way North 23 degrees 43 minutes 34 seconds East for a distance of 722.34 feet to the POINT OF BEGINNING for the parcel herein described; thence run North 23 degrees 43 minutes 34 seconds East for a distance of 720.33 feet; thence leave said right of way and run South 89 degrees 53 minutes 28 seconds East for a distance of 3052.55 feet; thence South 00 degrees 40 minutes 20 seconds East for a distance of 660.06 feet; thence North 89 degrees 53 minutes 28 seconds West for a distance of 3350.14 feet to the POINT OF BEGINNING.

Grantors have executed this Exhibit "A" on the date of their respective acknowledgments.

FLORENCE E. MILES, a widow

BETTY MILES BAILEY, subject property

being no part of her homestead



	STATE OF MISSISSIPPI, COUNTY OF MADISON:
	I certify that the within instrument was filed for record in my office this 2 day
一带 。	of man , 15000 at 1:15 o'clock AM, and was duly recorded
	on the MAR 0 2 2000 Book No. 459 Page 702
COUNTY	STEVE DUNCAN, CHANCERY CLERK BY: Chicke D.C.

_ D.C.

Cattoway and Australia Lee Rd 7 Madison County Subject Property 15 ремини 18 KRMUBIH Church Rd



GIS Esn, HERE, Garmin, Geo'fecthologies, Inc., USGS, EPA | Esn, HERE, Garmin, INCREMENT P, NGA, USGS | Esn, HERE, Garmin, USGS, NGA, EPA, USDA, NPS | Esn, HERE |

PROPERTY OWNERS WITHIN 160 FEET

1.	Atwood Fence Company, Inc. P.O. Box 565 Koscuisko, MS 39090	_	082F-14-003/01.00
2.	Deviney Brothers, Inc. P.O. Box 6717 Jackson, MS 39282-6717	-	082E-15-033/00.00
3.	MMC Materials, Inc. P.O. Box 2749 Madison, MS 39130	=	082E-15-032/00.00
4.	Keeling Company 4227 E. 43 rd North Little Rock, AR 72231	·	082E-15-038/01.00
5.	SES Properties, LLC 530 Johnstone Drive Madison, MS 39110	-	082E-15-039/03.00
6.	Gluckstadt Security Storage, LLC 2195 Highway 51 Madison, MS 39110	_	082E-15-040/00.00 082E-15-041/00.00
7.	Linda Brasher Thornton 156 Sunny's Road Madison, MS 39110	_	082F-14-013/00.00 Book: 4171, Page: 623
8.	Storage 51, LLC 2212 Highway 51 Madison, MS 39110	-	082F-14-015/00.00
9.	Rex Bullock 772 Oakmont Parkway Ridgeland, MS 39157	Ε.	082F-14-004/02.00
10.	Kenneth Archie West 127 E. Sowell Road Canton, MS 39046	_	082F-14-010/00.00
11.	Nickey Ray & Kimberly Ray 131 E. Sowell Road Canton, MS 39046	BIT	082F-14-009/03.00

12.	Mary M. Crocker 137 E. Sowell Road Canton, MS 39046	-	082F-14-009/02.00
13.	Wilma, LLC 141 E. Sowell Road Canton, MS 39046	_	082F-14-009/01.00
14.	JBAC, LLC 1537 West Peace Street Canton, MS 39046	_	082F-14-008/00.00
15.	Harry W. Seely & Jo E. Seely 153 E. Sowell Road Canton, MS 39046		082F-14-007/00.00
16.	Holly Holton 159 E. Sowell Road Canton, MS 39046		082F-14-006/01.00
17.	Troy Luster P.O. Box 66 Madison, MS 39130	_	082F-14-005/00.00
18.	Joseph R. Rayner, Sr. & Patti Rayner 173 Sowell Road Canton, MS 39046	-	082F-14-004/01.01
19.	Kathie L. Rayner & Jeffrie C. Rayner 181 E. Sowell Road Canton, MS 39046	_	082F-14-004/01.05
20.	Lucas Gomez & Maria Lucas Perez 189 E. Sowell Road Canton, MS 39046	-	082F-14-004/01.06
21.	Kequan Wang & Xlaohong Si 1923 Rue De St. Tropez Austin, TX 78746	-	082F-14-004/01.04
22.	HBF Holdings, LLC P.O. Box 2755 Madison, MS 39130	_	082E-15-042/05.00
23.	Sowell Rd Shell, LLC 457 Bozeman Road Madison, MS 39110	-	082F-14-019/00.00

HIGHWAY 51 N U rellie territo DETENTION **(n)**

Conceptual Design Study

SCALE: 1"= 100"

In smaker plan has been prepared for the purpose of illustrating the general concept of the development. The Developer reserves the right to after or revise the uses and locatio illustrated on this plan without notice. All measurements and acreages shown are approximate.

EXHIBIT N

December 8, 2023

Scott Weeks, Zoning Administrator Madison County, Mississippi P.O. Box 608 Canton, MS 39046

RE:

Rezoning of 41.56 acres located on Highway 51

Madison, Mississippi

Dear Mr. Weeks:

We, Abe Nemati and wife, Zohren Sirous, owners of property located in Sections 14 and 15, Township 8 North, Range 2 East, Madison County, Mississippi, hereby authorize NEMA, LLC to file an Application and Petition for Rezoning to rezone the property described in Exhibit "A" attached hereto from R-1 to C-2 and for a Conditional Use of Fully Enclosed Indoor Storage.

Sincerely,

Abe Nemail

Zohren Sirous

STATE OF MISSISSIPPI COUNTY OF MADISON RANKIN

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 13 day of December, 2023, within my jurisdiction, the within named Abe Nemati and wife, Zohren Sirous, who acknowledged that they executed the above and foregoing instrument.

NOTAN

MY COMMISSION EXPIRES

4/27/24

(SEALS

EXHIBIT "F"

CERTIFICATE OF SERVICE

I, Don A. McGraw, Jr. of Montgomery McGraw, PLLC, do hereby certify that I have this day transmitted *via* U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing *Petition to Rezone and Reclassify Real Property, Amend the Land Use Plan and for a Conditional Use* to the following:

Atwood Fence Company, Inc. P.O. Box 565 Kosciusko, MS 39090

Deviney Brothers, Inc. P.O. Box 6717 Jackson, MS 39282-6717

MMC Materials, Inc. P.O. Box 2749 Madison, MS 39130

Keeling Company 4227 E. 43rd North Little Rock, AR 72231

SES Properties, LLC 530 Johnstone Drive Madison, MS 39110

Gluckstadt Security Storage, LLC 2195 Highway 51 Madison, MS 39110

Linda Brasher Thornton 156 Sunny's Road Madison, MS 39110

Storage 51, LLC 2212 Highway 51 Madison, MS 39110

Rex Bullock 772 Oakmont Parkway Ridgeland, MS 39157 Kenneth Archie West 127 E. Sowell Road Canton, MS 39046

Nickey Ray & Kimberly Ray 131 E. Sowell Road Canton, MS 39046

Mary M. Crocker 137 E. Sowell Road Canton, MS 39046

Wilma, LLC 141 E. Sowell Road Canton, MS 39046

JBAC, LLC 1537 West Peace Street Canton, MS 39046

Harry W. Seely & Jo E. Seely 153 E. Sowell Road Canton, MS 39046

Holly Holton 159 E. Sowell Road Canton, MS 39046

Troy Luster P.O. Box 66 Madison, MS 39130

Joseph R. Rayner, Sr. & Patti Rayner 173 Sowell Road Canton, MS 39046 Kathie L. Rayner & Jeffrie C. Rayner 181 E. Sowell Road Canton, MS 39046

Lucas Gomez & Maria Lucas Perez 189 E. Sowell Road Canton, MS 39046

Kequan Wang & Xlaohong Si 1923 Rue De St. Tropez Austin, TX 78746

City of Canton Building and Development 226 E. Peace Street Canton, MS 39046 HBF Holdings, LLC P.O. Box 2755 Madison, MS 39130

Sowell Rd Shell, LLC 457 Bozeman Road Madison, MS 39110

Planning and Zoning Dept. City of Gluckstadt 343 Distribution Drive Madison, MS 39110

SO CERTIFIED, this the 28th day of December, 2023.

Don A. McGraw, Jr.