

There came on for consideration at a duly constituted meeting of the Board of Supervisors for Madison County, Mississippi, held on the _____ day of _____, 2024, the following Resolution:

A RESOLUTION BY BOARD OF SUPERVISORS FOR MADISON COUNTY, MISSISSIPPI, TO ESTABLISH A LEISURE AND RECREATION DISTRICT WITHIN THE AREA KNOWN AS LOST RABBIT, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN AND BOUNDARIES OF SAID DISTRICT; AND FOR RELATED PURPOSES

WHEREAS, on April 15, 2024, by unanimous vote, the Madison County Board of Supervisors (hereafter “BOS”) approved the Petition of E&M Entertainment, LLC, to have the following specific area designated as a Qualified Resort area located within the Lost Rabbit subdivision:

Petitioner shows that the description of specific area sought to be designated as a Qualified Resort Area is as follows: Commencing at the point on the Ross Barnett Reservoir directly east of the intersection of North Natchez Street and Louisiana Street, then go west on Louisiana Street to the intersection of Louisiana Street and Andrew Jackson Street, then west on Andrew Jackson Street to the intersection of Andrew Jackson Street and Choctaw Street, then north on Choctaw Street to the intersection of Choctaw Street and Republic Street, then west on Republic Street to the intersection of Republic Street and Port Street, then north on Port Street to the Natchez Trace right-of-way, then east on the Natchez Trace right-of-way, to the Ross Barnett Reservoir, then follow the Ross Barnett Reservoir south back to the point of beginning, all of which is situated in the SW 1/4 of Section 12, T7N-R2E, Madison County, Mississippi, with GPS coordinates of approximately 32.46218N; 90.05240 W. See map attached hereto as Exhibit “1”.

WHEREAS, effective July 1, 2024, the Mississippi State legislature, following the approval of the Madison County Board of Supervisors, granted by statute, Miss. Code Ann. § 67-1-5(o)(iii)(80) Qualified Resort area status to the same specific area approved by the Madison County Board of Supervisors at the April 15, 2024, Board Meeting as follows:

An area situated in the SW 1/4 of Section 12, T7N-R2E, Madison County, Mississippi, and commencing at the point on the Ross Barnett Reservoir directly east of the intersection of North Natchez Street and Louisiana Street, then go west on Louisiana Street to the intersection of Louisiana Street and Andrew Jackson Street, then west on Andrew Jackson Street to the intersection of Andrew Jackson Street and Choctaw Street, then north on Choctaw Street to the intersection of Choctaw Street and Republic Street, then west on Republic Street to the intersection of Republic Street and Port Street, then north on Port Street to the Natchez Trace right-of-way, then east on the Natchez Trace right-of-way to the Ross Barnett Reservoir, then following the Ross Barnett Reservoir south back to the point of beginning.

WHEREAS, pursuant to Miss. Code Ann. § 67-1-101, “wet” counties in the State of Mississippi are authorized to establish “Leisure and Recreation Districts” and to designate the geographic areas included within the boundaries of said districts; and

WHEREAS, pursuant to Miss. Code Ann. § 67-1-101, the Board of Supervisors of a county may, by resolution, establish one or more leisure and recreation districts within the county and may designate the geographic area to be included within the districts; and

WHEREAS, Miss. Code Ann. § 67-1-101 provides that a resolution establishing a “Leisure and Recreation District” shall “include a detailed description of the area or areas within the district, the boundaries of the district and a georeferenced map of the district” as well as a description of the “manner in which the municipality will provide for adequate law enforcement and other public safety measures and services within the district”; and

WHEREAS, any county which creates “Leisure and Recreation Districts” authorizes business entities that hold alcoholic beverage permits issued by the Department of Revenue and that are located within the boundaries of the “Leisure and Recreation District” to allow patrons to leave licensed premises with an open container of alcohol and allow those patrons to carry and consume alcoholic beverages within a designated “Leisure and Recreation District”; and

WHEREAS, the governing authority of Madison County, Mississippi, has determined and hereby finds that Madison County Mississippi, would benefit from the establishment of a “Leisure and Recreation District” within the area constituting part of the boundaries of the Lost Rabbit subdivision; and

WHEREAS, the governing authority of Madison County, Mississippi, has further determined that establishment of a “Leisure and Recreation District” within the Lost Rabbit subdivision would be in the best interests of Madison County; and

WHEREAS, nothing herein is intended to confer any rights or entitlement as the sale of alcohol within an area designated as a “Leisure and Recreation District” is a privilege and not a right and is subject at all times to reasonable regulation; and

WHEREAS, subject to the terms and limitations of Miss. Code Ann. § 67-1-101 and this Resolution, the Board of Supervisors for Madison County, Mississippi, hereby establishes a “Leisure and Recreation District” in the Lost Rabbit subdivision as more fully set forth herein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS:

SECTION 1. *Creation and establishment of district.* Under the authority granted by Miss. Code Ann. § 67-1-101, there is hereby established a “Leisure and Recreation District” in the Lost Rabbit subdivision in Madison County, Mississippi, within the geographic areas and within such boundaries as are set forth and designated herein and as represented on the georeferenced map attached hereto as Exhibit “A” and fully incorporated herein.

SECTION 2. *Name and boundaries of district.* The “Leisure and Recreation District” established herein shall be known as “The Lost Rabbit” (hereinafter “the District”) and shall have the following as its boundaries:

An area situated in the SW 1/4 of Section 12, T7N-R2E, Madison County, Mississippi, and commencing at the point on the Ross Barnett Reservoir directly east of the intersection of North Natchez Street and Louisiana Street, then go west on Louisiana Street to the intersection of Louisiana Street and Andrew Jackson Street, then west on Andrew Jackson Street to the intersection of Andrew Jackson Street and Choctaw Street, then north on Choctaw Street to the intersection of Choctaw Street and Republic Street, then west on Republic Street to the intersection of Republic Street and Port Street, then north on Port Street to the Natchez Trace right-of-way, then east on the Natchez Trace right-of-way to the Ross Barnett Reservoir, then following the Ross Barnett Reservoir south back to the point of beginning.

SECTION 3. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on-premises retail alcoholic beverage permittee (hereinafter “permittee”) located within the District shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that licensee may remove an open container of alcoholic beverage and/or wine from the license premises and may possess and consume the alcoholic beverage and/or wine outside of the licensed premises anywhere within the boundaries of the District subject to the following regulations:

- A. A person may not enter a licensed premises with an alcoholic beverage, whether acquired at that licenses premises or elsewhere.
- B. A permittee located in the District shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup, not larger than sixteen (16) fluid ounces in size, and no such alcoholic beverages shall removed from the licensed premises in a can, bottle, glass container or other container, except as otherwise allowed by law.
- C. No permittee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.

- D. Permittees located in the District shall post, at all points of egress from the licensed premises, a map of the boundaries of the District in which it is located. The map shall be provided, either in electronic or paper form, to those permittees by Madison County upon request of the premises.
- E. Nothing in this Resolution shall be construed to require a permittee located in the District to allow its patrons to remove alcoholic beverages and/or wine, in open containers, from the licensed premises.

SECTION 4. *Light wine and beer.* Within the boundaries of the District, a permittee may allow light wine and beer to be removed from the licensed premises only in a paper or plastic cup, not larger than sixteen (16) fluid ounces in size.

SECTION 5. *Public safety measures.* Enforcement of the boundaries of the District shall be the responsibility of the Sheriff's Department. In addition, the Sheriff's and Fire Departments shall provide public safety services with the District in the same manner it provides those services in the remainder of Madison County. A letter of support from the Madison County Sheriff's Office is attached hereto as Exhibit "B".

SECTION 6. *Definition of alcoholic beverages.* For the purposes of this Resolution, the term "alcoholic beverages" shall mean any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine and beer, as defined in Miss. Code Ann. § 67-3-3, but shall include native wines.

SECTION 7. Madison County reserves the right to modify or repeal this Resolution, and any district designation created hereunder, at any time, with or without notice.

SECTION 8. All Resolutions or parts thereof in conflict with this Resolution are hereby declared to be inapplicable within the geographic boundaries of the “Leisure and Recreation District” created herein.

SECTION 9. This Resolution shall be in full force and effect on the _____ day of _____, 2024. It shall be published according to law, spread on the minutes of the Board of Supervisors of Madison County, Mississippi, and the Clerk shall provide a certified copy of this Resolution and other required documents to the Mississippi Department of Revenue upon its enactment.

THE ABOVE AND FOREGOING RESOLUTION, after having been first reduced to writing and no request being made by any members of the Board of Supervisors that the Resolution be read by the Clerk before any vote was taken, was introduced by Supervisor _____, seconded by Supervisor _____ and was adopted by the following roll call vote:

Supervisor Casey Brannon	Aye
Supervisor Trey Baxter	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl Banks	Aye
Supervisor Paul Griffin	Aye

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regularly scheduled meeting of the Board of Supervisors of Madison County, Mississippi, on this the _____ day of _____, 2024.

MADISON COUNTY, MISSISSIPPI

By: _____
President, Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

BEFORE THE MADISON COUNTY, MISSISSIPPI BOARD OF SUPERVISORS

**IN THE MATTER OF THE PETITION
OF E&M ENTERTAINMENT, LLC,
D/B/A THE RABBIT HOLE**

PETITIONER

**PETITION TO ESTABLISH A LEISURE & RECREATION
DISTRICT WITHIN THE SUBDIVISION KNOWN AS LOST
RABBIT AND DESIGNATE THE GEOGRAPHIC AREAS
INCLUDED WITHIN AND BOUNDARIES OF SAID
DISTRICT AND FOR RELATED PURPOSES**

COMES NOW Petitioner, E&M Entertainment, LLC, d/b/a The Rabbit Hole, and files this, its Petition to Establish a Leisure & Recreation District within the Subdivision known as Lost Rabbit and Designate the Geographic Areas Included Within and Boundaries of Said District and for Related Purposes, and would show unto the Madison County Board of Supervisors the following to-wit:

1.

On April 15, 2024, by unanimous vote, the Madison County Board of Supervisors (hereafter "BOS") approved the Petition of E&M Entertainment, LLC, to have the following specific area designated as a Qualified Resort area located within the Lost Rabbit subdivision:

Petitioner shows that the description of specific area sought to be designated as a Qualified Resort Area is as follows: Commencing at the point on the Ross Barnett Reservoir directly east of the intersection of North Natchez Street and Louisiana Street, then go west on Louisiana Street to the intersection of Louisiana Street and Andrew Jackson Street, then west on Andrew Jackson Street to the intersection of Andrew Jackson Street and Choctaw Street, then north on Choctaw Street to the intersection of Choctaw Street and Republic Street, then west on Republic Street to the intersection of Republic Street and Port Street, then north on Port Street to the Natchez Trace right-of-way, then east on the Natchez Trace right-of-way, to the Ross Barnett Reservoir, then follow the Ross Barnett Reservoir south back to the point of beginning, all of which is situated in the SW 1/4 of Section 12, T7N-R2E, Madison County, Mississippi, with GPS coordinates of approximately 32.46218N; 90.05240 W. See map attached hereto as Exhibit "1".

2.

Effective July 1, 2024, the Mississippi State legislature, following the approval of the Madison County Board of Supervisors, granted by statute, Miss. Code Ann. § 67-1-5(o)(iii)(80) Qualified Resort area status to the same specific area approved by the Madison County Board of Supervisors at the April 15, 2024, Board Meeting as follows:

An area situated in the SW 1/4 of Section 12, T7N-R2E, Madison County, Mississippi, and commencing at the point on the Ross Barnett Reservoir directly east of the intersection of North Natchez Street and Louisiana Street, then go west on Louisiana Street to the intersection of Louisiana Street and Andrew Jackson Street, then west on Andrew Jackson Street to the intersection of Andrew Jackson Street and Choctaw Street, then north on Choctaw Street to the intersection of Choctaw Street and Republic Street, then west on Republic Street to the intersection of Republic Street and Port Street, then north on Port Street to the Natchez Trace right-of-way, then east on the Natchez Trace right-of-way to the Ross Barnett Reservoir, then following the Ross Barnett Reservoir south back to the point of beginning.

3.

Pursuant to Miss. Code Ann. § 67-1-101, “wet” counties in the State of Mississippi are authorized to establish “Leisure and Recreation Districts” and to designate the geographic areas included within the boundaries of said districts.

4.

Pursuant to Miss. Code Ann. § 67-1-101, the Board of Supervisors of a county may, by Resolution, establish one or more leisure and recreation districts within the county and may designate the geographic area to be included within the districts.

5.

Miss. Code Ann. § 67-1-101 provides that a Resolution establishing a “Leisure and Recreation District” shall “include a detailed description of the area or areas within the district, the boundaries of the district and a georeferenced map of the district” as well as a description of the

“manner in which the municipality will provide for adequate law enforcement and other public safety measures and services within the district”.

6.

Any county which creates “Leisure and Recreation Districts” authorizes business entities that hold alcoholic beverage permits issued by the Department of Revenue and that are located within the boundaries of the “Leisure and Recreation District” to allow patrons to leave licensed premises with an open container of alcohol and allow those patrons to carry and consume alcoholic beverages within a designated “Leisure and Recreation District”.

7.

Petitioner submits that Madison County, Mississippi, and the subdivision of Lost Rabbit would benefit from the establishment of a “Leisure and Recreation District” within the area constituting part of the boundaries of the Lost Rabbit subdivision and by this Petition hereby requests that the Madison County Board of Supervisors establish as a “Leisure and Recreation” district with the same geographic areas that the Board previously approved by unanimous vote as a Qualified Resort area and that the Mississippi Legislature also approved by statute, Miss. Code Ann. § 67-1-5(o)(iii)(80), as shown on the georeferenced map attached hereto as Exhibit “A” and as described as follows:

An area situated in the SW 1/4 of Section 12, T7N-R2E, Madison County, Mississippi, and commencing at the point on the Ross Barnett Reservoir directly east of the intersection of North Natchez Street and Louisiana Street, then go west on Louisiana Street to the intersection of Louisiana Street and Andrew Jackson Street, then west on Andrew Jackson Street to the intersection of Andrew Jackson Street and Choctaw Street, then north on Choctaw Street to the intersection of Choctaw Street and Republic Street, then west on Republic Street to the intersection of Republic Street and Port Street, then north on Port Street to the Natchez Trace right-of-way, then east on the Natchez Trace right-of-way to the Ross Barnett Reservoir, then following the Ross Barnett Reservoir south back to the point of beginning.

8.

Petitioner asserts that the Madison County Sheriff's Office will enforce the boundaries of Leisure and Recreation District as set forth in the letter from the Madison County Sheriff's Office attached hereto as Exhibit "B".

9.

Petitioner further submits that the establishment of a "Leisure and Recreation District" within the Lost Rabbit subdivision would be in the best interests of the residents of Lost Rabbit as well as other residents of Madison County.

10.

Petitioner by this Petition does not request the Board to confer any rights or entitlement as to the sale of alcohol within the area designated as a "Leisure and Recreation District" and recognizes that is a privilege and not a right and is subject at all times to reasonable regulation.

11.

Petitioner requests, subject to the terms and limitations of Miss. Code Ann. § 67-1-101, that the Board of Supervisors for Madison County, Mississippi, by Resolution establish a "Leisure and Recreation District" in the Lost Rabbit subdivision as more fully described in paragraph 7 herein and as shown on the georeferenced map attached hereto as Exhibit "A".


WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the Board of Supervisors of Madison County, Mississippi, and that Petitioner be allowed to present this Petition to the Madison County Board of Supervisors at its next regular meeting, and that upon a hearing, the Madison County Board of Supervisors will approve Petitioner's request to establish a Leisure and Recreation District within the subdivision known as Lost Rabbit and as heretofore fully described in paragraph 7 and as shown on the georeferenced map attached hereto as Exhibit "A", cause its approval to be entered in the official minute book of the Madison County

Board of Supervisors, and that the President of the Board direct the Clerk to provide a certified copy of this Resolution and any other required documents as needed to confirm the establishment of said Leisure and Recreation District to the Mississippi Department of Revenue upon its enactment.

THIS, the 25th day of July, 2024.

Respectfully submitted,

**E&M ENTERTAINMENT, LLC, D/B/A THE
RABBIT HOLE RESTAURANT, PETITIONER**

BY: 

Donald A. McGraw (MSB #2621)

James R. Moore, Jr. (MSB #3445)

Attorneys for Petitioner

PRESENTED BY:

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EXHIBIT
1



EXHIBIT
A



Office of the Sheriff

Madison County, Mississippi

2941 Highway 51 • Canton, MS 39046 • Phone: 601-859-2345

Randall Tucker, Sheriff

April 3, 2024

Alcohol Beverage Control
Permit Department
Post Office Box 540
Madison, MS 39130-0540

Re: Qualified Resort Area Application

This letter will confirm that the Madison County Sheriff's Department will enforce the Local Option Beverage Control Laws of the State of Mississippi, and the rules and regulations of the Mississippi Department of Revenue for ***The Rabbit Hole*** located at ***145 Republic Street, Suite 711, Madison, MS 39110***. This location falls under the jurisdiction of the Madison County Sheriff's Department. This business will operate as an event venue in accordance with the guidelines set forth by the Alcohol Beverage Control Division.

Sincerely,

Randall Tucker,
Sheriff of Madison County

RT/lis

EXHIBIT "B"