P.O. Drawer 879 Florence, MS 39073-0879



Phone: 601-932-2060 Fax: 601-932-2550

www.hemphillconstruction.com

Municipal & Public Works Construction

Heavy & Highway Construction

7/30/2025

VIA EMAIL

Madison County

ATTN: Scott Weeks, Zoning Administrator, Scott.Weeks@madison-co.com

125 West North Street Canton, MS 39046

Re:

Samuel T. Hodges and wife, Christy K. Hodges (Parcel 102G-36 -002/00.00)

Madison County

Subject:

Request for Public Hearing - Conditional Use Permit Application for Surface Mine

Mr. Weeks:

Hemphill Construction Company, Inc. (Hemphill) respectfully submits this request to schedule a public hearing for a Conditional Use Permit regarding Parcels 102G-36 -002/00.00, located adjacent to Pisgah Bottom Road in Madison County, Mississippi. The total site area encompasses approximately seventeen (16.62) acres and is currently zoned Agricultural (A).

Pursuant to Section 805 of the Madison County Zoning Ordinance, Hemphill is requesting approval of a Conditional Use Permit to operate a surface mine for the extraction of construction fill material. The borrow material will support the Bozeman Road Improvements Project (STP-6985-00(001)LPA106993-701000) from Highway 463 to Gluckstadt Road, under contract with the Madison County Board of Supervisors.

The following supporting documents are included with this request:

- Warranty Deed and Legal Description
- Approved MDEQ Surface Mining Permit Notice of Exempt Operation
- USGS Quadrangle Map
- Proposed Mining Footprint
- Reclamation Plan
- Approved Heavy Hauling Permit

Upon issuance of the Conditional Use Permit, Hemphill will submit the full Surface Mining Permit Application to the Mississippi Department of Environmental Quality (MDEQ) along with a Storm Water Pollution Prevention Plan and Mining Notice of Intent to obtain coverage under MDEQ's Mining Storm Water General Permit.

The proposed mine area will cover approximately seventeen (16.62) acres, with site access from Pisgah Bottom Road as depicted. Hemphill will maintain a minimum 100-foot buffer from the Pisgah

Bottom Road right-of-way, 50-foot buffer adjacent properties, and the unnamed stream crossing the site. No permanent structures or utility installations are required for the mining operation.

The mine will operate Monday through Saturday, from 6:00 a.m. to 6:00 p.m. Traffic control measures, including flaggers, will be employed as needed, and a water truck will be used to manage dust. Upon completion of mining operations, Hemphill will reclaim the site by converting the excavated area into a recreational lake.

We understand that the County will invoice Hemphill for the cost of publishing the public notice, along with the \$100 filing fee. We respectfully request that this application be placed on the agenda for consideration at the August 2025 Board of Supervisors meeting.

Should you require any further information or documentation, please contact Brandon H. Brown at bhbrown@hemphillconstruction.com or (601) 326-9119.

Respectfully Submitted,

Hemphill Construction Company Inc.

Vice President

Cc: File

H:\DIRT DIVISION PROJECTS\H24140-Bozeman Rd\12-Permits\25.7.30 Madison County Conditional Use Request R1.docx

Space Above	Line	for	Official	Use	Oniv
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Return to:

First Guaranty Title, Inc. 509 Cobblestone Court. Suite B Madison. MS 39110 601.605.6626

GRANTOR:

Pisgah Bottom Pine Trees LLC, a Mississippi limited liability company Attn: Phillip Bowman 429 Greenwood Lane Ridgeland, MS 39157 Telephone: (601) 942-4013

GRANTEE:

Samuel T. Hodges and wife, Christy K. Hodges 111 Gray Hawk Cove Madison, MS 39110 Telephone: (601) 261-9699

<u>INDEXING INSTRUCTIONS</u>: W ½ of the E ½ of the SW ¼ and the E ½ of the NW ¼ of the SW ¼ of Section 36, Township 10 North, Range 2 East, 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, legal and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Pisgah Bottom Pine Trees LLC, a Mississippi limited liability company, (the "Grantor"), does hereby sell, convey and warrant unto Samuel T. Hodges and wife, Christy K. Hodges, as joint tenants with full rights of survivorship and not as tenants in common, (the "Grantee"), the following land and property located and situated in Madison County, Mississippi, and being more particularly described as follows, to-wit (the "Subject Property"):

60 acres, more or less, lying and being situate in the W ½ of the E ½ of the SW ¼ and the E ½ of the NW ¼ of the SW ¼ of Section 36, Township 10 North, Range 2

East, in Canton, Madison County, Mississippi

IT IS AGREED AND UNDERSTOOD that the taxes for the current year have been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, then the Grantor agrees to pay to said Grantee or its assigns any deficit on an actual proration. Likewise, Grantee agrees to pay to said Grantor or its assigns any overpayment on an actual proration.

THIS CONVEYANCE is the first part of an exchange structured under Section 1031 of the Internal Revenue Code.

THIS CONVEYANCE is subject to any and all recorded reservations or conveyances of minerals, building restrictions, rights-of-way, easements and restrictive covenants applicable to the above-described property.

FURTHER, FOR THE SAME CONSIDERATION, Grantor conveys and quitclaims to Grantee all right, title, and interest in and to all strips, gores, gaps, land and property owned or claimed by Grantor adjacent or contiguous to the hereinabove described land although not included within the boundaries of the land described and conveyed herein.

WITNESS THE EXECUTION OF THIS INSTRUMENT, effective as of the 15th day of July, 2022, but actually executed on the date set forth in the acknowledgments below.

Pisgah Bottom Pine Trees LLC, a Mississippi limited liability company

Name: Phillip W. Bowman

NOTARY PUB My Commission E

Commission Expire

Title: Manager

STATE OF MISSISSIPPI COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this is a Manager of Pisgah Bottom Pine Trees, LLC, a manager managed Mississippi limited liability company, and that for and on behalf of said limited liability company, and as its act and deed, he executed the above and foregoing instrument after first having been duly authorized by said limited liability company so to do.

{Affix Official Seal}

A.I. 88428

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY

the great substitute of the contract of the

Mining and Reclamation Division P. O. Box 2279 Jackson, Mississippi 39225-2279 (601) 961-5515

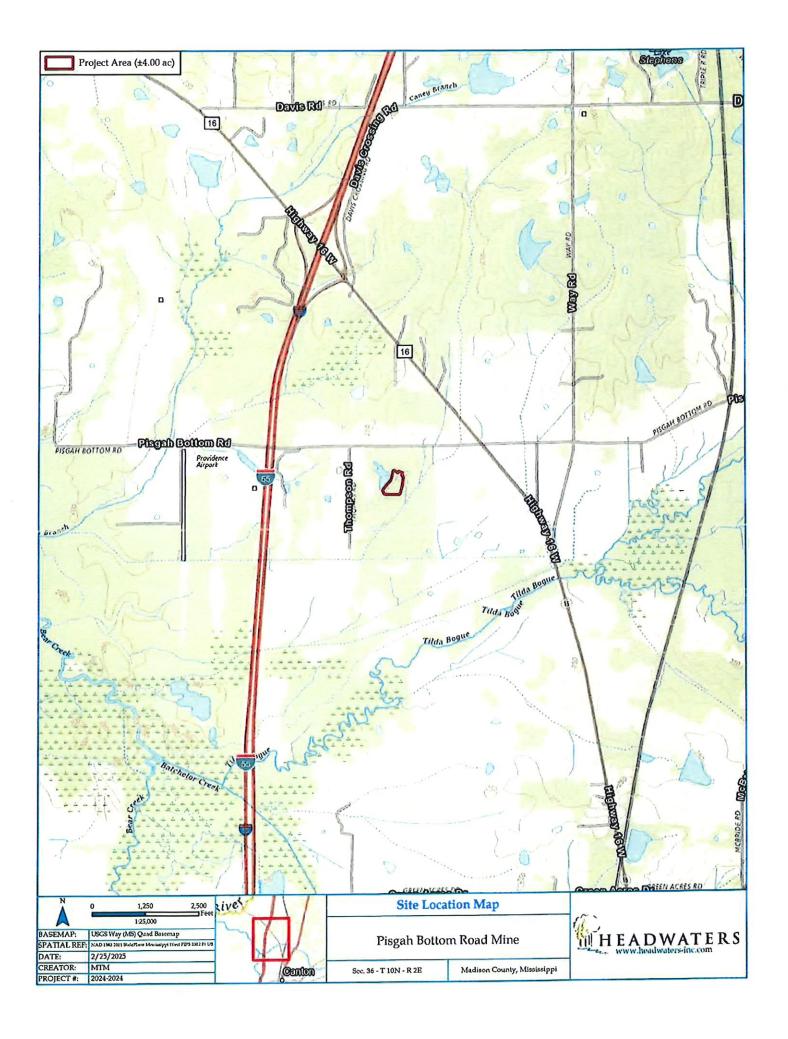
NOTICE OF EXEMPT OPERATION

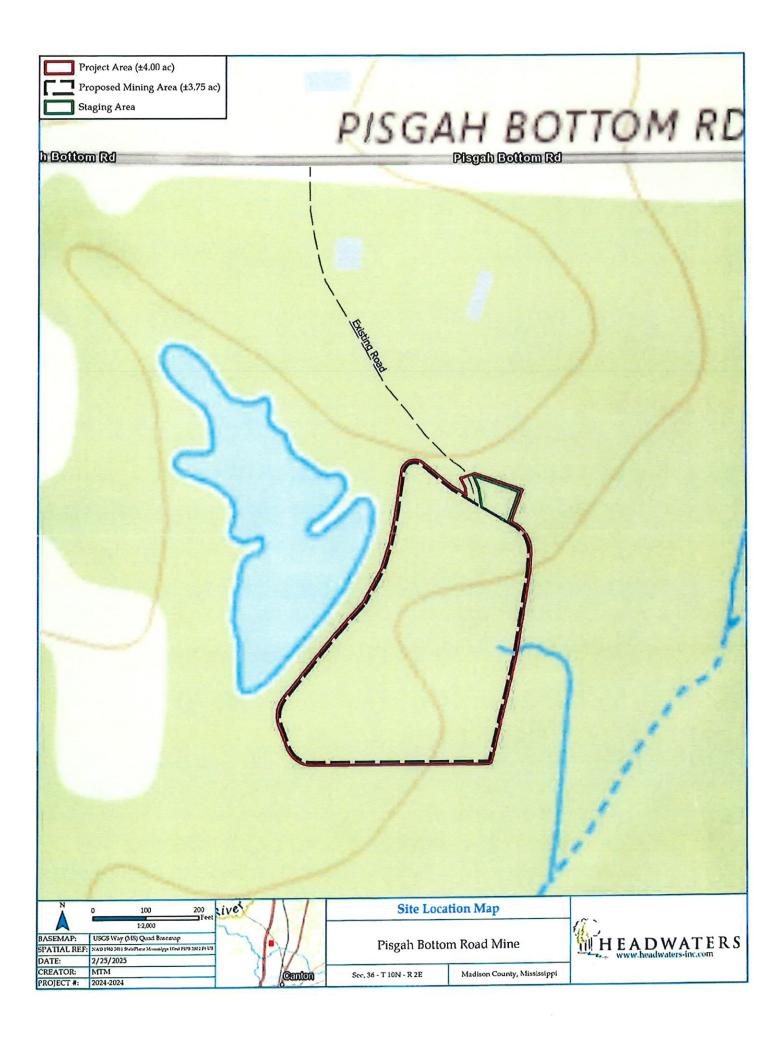
This form shall be filed with the Office of Geology, Mining and Reclamation Division only for operations affecting 4 acres or less and greater than 1320 feet from another mine. NOTE: Local, county, federal or other state agencies may also require permits before mining can be done on your site. This is your responsibility.

may also require permits before	e mining can be done on your site. This is your responsibility.				
Name of applicant/operator: Mailing address:	P.O. Prawler 879				
Telephone number:	601-932-2060				
Do you have any other exempt mining operations on file? [] yes [X] no Do you plan to file for a permit and expand this site later? [X] yes [] no					
	LOCATION				
	f Section 36, Township ION Range 2 E County Madison				
Include a	map or aerial photo marked with site location with this form.				
Name of land owner: Mailing address:	Sam Hodges 717 Piggan Buttom Boad				
Telephone number					
Material to be mined Vic	Date operation to end (estimated) 3/1/27 Number of acres to be mined 3.75 peration (mine, roads, storage, etc.) 4.00 [X] no [] yes* (A)*				
*If items A or B exceed 4 acres or you answered YES above, you need to apply for a MINING PERMIT.					
Amiliant/operator Bichard	Bula By Kicking W				
Date: 2/2	Signature Position President				
Date:	For Office of Geology use only				
Form MRD- 9	rev. 08/05				









MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY

Mining and Reclamation Division P. O. Box 2279 Jackson, Mississippi 39225-2279 (601) 961-5515

Application Number

Permit Number

PERFORMANCE BOND

	Bond No. K41990028
KNOW ALL MEN BY THESE PRESENTS, that _	Hemphill Construction Company, Inc.
	P O Drawer 879 Florence MS 39073-0879
as Principal, hereinafter called Principal, and	Federal Insurance Company
	O Box 1650 Whitehouse Station NJ 08889-1650
as Surety, hereinafter called Surety, are held and fin	mly bound unto the State of Mississippi in the amount of
	One Hundred Thousand Dollars (\$ 100,000.00
for the payment whereof Principal and Surety bind jointly and severally, firmly by these presents:	themselves, their heirs, executors, administrators, successors, and assign
surface mining operation as required by the Mississ Mississippi Code of 1972), hereinafter called the Acceptance Principal estimates that	the Office of Geology, hereinafter called Office, for a permit to engage in sippi Surface Mining and Reclamation Act of 1977 (Section 53-7-1 et seq t, which permit application is by reference made a part hereof; in said acres of land will be affected by the surface mining clamation of lands to be affected by the proposed mining operation.
realemation plan approved by the Office on all affect	OBLIGATION is such that if Principal shall faithfully perform the ted lands covered by said permit application in accordance with the Act, tions of the surface mining permit, then this obligation shall be null and
Whenever Principal shall be, and declared by the Of written notice of such default and may commence co accordance with Section 53-7-35, Mississippi Code	fice to be, in default under the surface mining permit, Surety shall be given prective action within sixty (60) days from the date of such notice, all in of 1972.
Dated the21day of Februar	y, 20 <u>25</u>
Mary Both Witness Mary Beth Harrison	By Richard A. Rula, President Print Name and Title
Susan G. Johnston Winess Susan G. Johnston	By Mary Anne Goodin, Attorney in Fact

Form MRD-4

rev. 11/02

Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company Westchester Fire Insurance Company | ACE American Insurance Company

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY have each executed and attested these presents and affixed their corporate seals on this 9th day of April 2024.

Journ Gellan

Purpose HD Swindells, Assistant Secretary

(Fast)

STATE OF NEW JERSEY County of Hunterdon

SS.

On this 9th day of April, 2024 before me, a Notary Public of New Jersey, personally came Rupert HD Swindells and Warren Eichhorn, to me known to be Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY, the companies which executed the foregoing Power of Attorney, and the said Rupert HD Swindells and Warren Eichhorn, being by me duly sworn, severally and each for himself did depose and say that they are Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal



Albert Contursi
NOTARY PUBLIC OF NEW JERSEY
No 50202369
Commission Expires August 22,2027

CERTIFICATION

Resolutions adopted by the Boards of Directors of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY on August 30, 2016; WESTCHESTER FIRE INSURANCE COMPANY on December 11, 2006; and ACE AMERICAN INSURANCE COMPANY on March 20, 2009:

*RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- [3] Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-infect of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written
- Lommitments.

 (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

- I, Rupert HD Swindells, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY (the "Companies") do hereby certify that
 - (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
 - (ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this February 21, 2025



Rupere HD Swindells, Assistant Secretary

Knbeig HD 2/Aipgen? Wassagger aggren.

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:

Telephone [908] 903-3493 Fax [908] 903-3656 e-mail: surely @chubb.com

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF GEOLOGY

Mining and Reclamation Division

P.O. Box 2279

Jackson, Mississippi 39225-2279 (601) 961-5515

ORGANIZATION REPORT

This is the initial and principal instrument that identifies an organization to the Office of Geology. It is imperative that it be fully and correctly executed and filed with the Office of Geology.

- 1. Full Name of Organization: Hemphill Construction Company, Inc.
- Post Office Box or Street Address, City, State, and Zip and Telephone Number:
 P. O. Drawer 879 Florence, MS 39073 601-932-2060 ext. 120
- 3. Type of Organization (state whether corporation, partnership, limited partnership, joint venture, individual, trust, etc.): Corporation
- 4. If reorganized, give full name and address of previous organization.

N/A

5. If foreign corporation, give state or country under the laws of which it was incorporated.

N/A

6. If foreign corporation, give name and address of person registered as Mississippi agent.

N/A

- 7. If limited partnership, give name of Mississippi county in which certificate detailing the organization was filed.

 N/A
- 8. Directors, Officers, Partners, Trustees, and General Partners* (required of all organizations except individuals):

Title Name Address
President Richard A. Rula P. O. Drawer 879 Florence, MS 39073
Secretary Mary Beth Harrison P. O. Drawer 879 Florence, MS 39073
Treasurer Darin Grantham P. O. Drawer 879 Florence, MS 39073

*If separate Form MRD-1's are already on file for any partner or joint venturer, include and clearly specify the organization names that appear on those forms.

I declare that I am authorized to make this report, that it was prepared by me or under my supervision, and that facts and information stated herein are true, correct, and complete to the best of my knowledge.

February 14, 2025	fiction of				
Date	Signature				
Hemphill Construction Company, Inc.	Richard A. Rula				
P. O. Drawer 879 rganization	Name of Person (Print)				
Florence, MS 39073	President				
Street Address or P. O. Box	Title (If agent, attach authorization from operator)				
Florence, MS 39073	Telephone: 601-932-2060 ext. 120				
City State Zip	(Area Code) (Number)				

Form MRD-1

rev. 11/02



MADISON COUNTY BOARD OF SUPERVISORS

HEAVY HAULING PERMIT

Madison County Road Department 3137 South Liberty Street Canton, Mississippi 39046 601-855-5670

Application Da	Application Date: 04/10/2025		Landowner	!	Sam Hodges and Christy Hodges		
		APP	LICANT INFORMA	TION			
Hemphill Constru	ıction (Co. Inc. Business Address 1858 HWY 49 S	S. Florence, MS 39	1073		1	ess Phone # 1-932-2060
Company Contact Contact Email Address Richard A. Rula rrula@hemphillconstruction.com				Contact Cell #			
		C	ONTRACT HAULE	Ŕ			
Business Name Hemphill Construc			S. Florence, MS 39	Florence, MS 39073		Business Phone # 601-932-2060	
Company Contact Brandon H. Brown	1	Contact Email Address bhbrown@hemp	contact Email Address bhbrown@hemphillconstruction.com			Contact Cell# 601-559-7788	
		· si	TE INFORMATION	l			
Section Township 36 10N	Real 2	7 121	· -	- 1	nated Dally Loads	MANAGE COMMANDE	Estimated Total Project Loads 5,600
Describe operations	(i.e. typ each tv	pe of operation, number and pe of equipment in use, hour	location of ingress/ers of operation requi	egress p	oints onto Cou nd any other pe	nty róa ertinan	ads, number of people it info.).
Mine operations Rd.,three [3] op	s for d erator	lirt, one location of ingirs of equipment and fif trucks, 6:30 am to 6:00	ress onto Pisgal teen [15] truck o	h Bott	om Road at	717	Pisgah Bottom

List County foads being travelled. Describe requested haul route (if applicable).

Ingress onto Pisgah Bottom road, travel 0.41 miles to US HWY 16 to I-55 to Bozeman Road or Reunion Parkway Phase II

PERMIT STIPULATIONS

No equipment or vehicles are to block restrict, or back across any lanes of traffic without using the appropriate temporary traffic control application from Chapter 6 of the latest version of the MUTCD.

All public streets shall be kept free of mud and debris. It is recommended that a mechanical broom be kept onsite.

Erosion and sediment control shall be installed at the discretion of the County Road Manager.

Two "Trucks Entering Highway" signs — diamond shape, orange with black letters, reflectorized must be installed at each location where trucks enter the roadway and may be required at other intersections at the discretion of the County Road Manager. Minimum size shall be 36"x36" but may be increased to 48'X48" at major intersections. Signs shall be removed when operations are not taking place at the site.



continued on next page

PERMIT STIPULATIONS (continued)
A 12" minimum diameter pipe shall be installed under any driveway created for the project crossing a roadside ditch to allow for normal
flow of water and to not damage the road shoulder. When hauling is complete, the pipe shall be removed and the shoulder restored to
its previous condition.
No hauling shall take place on county roads during periods of wet weather unless written permission is granted by the County Road
Manager .
-
A Road Bond in the amount of \$ 15.000.00 is required for this Permit.
Applicant agrees that upon request from the County Road Manager, a copy of all load tickets from the mill will be provided to the
County.
Applicant agrees that they are responsible for any and all damage done to Madison County Roads caused by his or her operations.
The damages shall be determined by the County Road Manager or his designee.
The Applicant further agrees to indemnify and hold Madison County harmless for any and all claims, accidents, damages, liabilities and
expenses occasioned wholly, or in part, by any act or omission of applicant, its agents or employees. In case County shall, without fault
on its own part, be made a party to any litigation commenced by or against applicant, then applicant shall protect and hold County
harmless, and shall pay all costs, expenses and reasonable attorney's fees incurred or paid by County in connection with said litigation.
, , , , , , , , , , , , , , , , , , , ,
and the state of the Anglicant
By signing below, applicant agrees with all permit stipulations outlined above and is authorized to sign on behalf of the Applicant
Company. Applicant's Printed Name Applicant's Printed Name
Richard A. Rula
OFFICE USE ONLY
Petralt Approval Date / Initial Approval Date
4/14/2025 1
Approved Spart Dyles, MADISON COUNTY ROAD MANAGER
LP//LL/ ZOZ S Renswell sate: S.B. Modified Termination Date Initial
egniftemlitation Date
0/30/2025
A CODY OF THIS PERMIT MUST BE KEPT IN EACH TRUCK HALLING LINDER THE PERMIT AND MUST PRESENTED TO ANY

A COPY OF THIS PERMIT MUST BE KEPT IN EACH TRUCK HAULING UNDER THE PERMIT AND MUST PRESENTED TO ANY MADISON COUNTY OFFICIAL WISHING TO VIEW IT.