

**Resolution and Agreement for Temporary Road Maintenance Agreement between
Birdsong Construction Company, Inc. and the Madison County Board of Supervisors**

WHEREAS S&C Farms has approached the Madison County Zoning Department requesting a Conditional Use Permit for Parcels 093B-04-001/01.00, 093B-04-001.02.00, 093C-05-011.00.00, 09C3-05-010.02.00, 103H-33-001/03.00, and 093C-05-007/02.00, located adjacent to Hwy 51 in Madison County, being approximately 627.2 acres; and

WHEREAS, the parcels are currently zoned for Agricultural Use in accordance with Section 805 of the Zoning Ordinance of Madison County; and

WHEREAS, the applicant S&C Farms is applying for a Conditional Use Permit to allow Birdsong Construction Company, Inc., to operate a surface mine to extract fill dirt from said parcels; and

WHEREAS, Birdsong Construction Company, Inc. in order to operate such surface is also in the process of receiving additional permits from MDEQ and other agencies, as required, and has further agreed to enter into such other contracts and agreements regarding hours of operation, traffic control, and to do all other things as necessary to comply with public convenience and to accomplish the public purpose of reducing traffic congestion on public roads adjacent to the site of the mining operation; and

WHEREAS, as custodians of the county road system, the Madison County Board of Supervisors is obligated to protect all county roads within its jurisdiction from excessive wear and tear such that all county roads might remain in a good state of repair in the interest of the traveling public; and

WHEREAS, the board of supervisors is concerned that Branscomb Road, a county public gravel road lying adjacent to the surface mining site may become damaged because of excessive use by heavy trucks accessing the dirt pit, and would mandate, therefore, that Birdsong Construction Company, Inc., enter into an agreement to maintain said Branscomb Road in an "as is" condition at all times during the pendency of the surface mining operation, and further it desires to mandate that Branscomb Road remain passable, at all times, to the traveling public; and

WHEREAS, said agreement would ensure penalties and repercussions for Birdsong Construction Company, beneficiary of the aforesaid Conditional Use Permit, if said county road is damaged by operation of the surface mining operation, including the county's right to shut down all traffic on Branscomb Road, at its sole discretion, if it determines that public safety might be jeopardized by continued use of heavy vehicular traffic heading to and from the dirt pit, and would ensure that Birdsong Construction Company would commit to maintain said Branscomb Road in an "as is" condition as it was before the dirt

pit began operations, and would maintain the conditions of said road up to “county standards.”

Therefore, BE IT RESOLVED that this Resolution is also identified as an Agreement between Madison County and Birdsong Construction Company under which Birdsong Company would operate a surface mining operation adjacent to Branscomb Road, a county public road, in such a way as to maintain the road in a safe condition being fully passable to the traveling public, including providing traffic control and reasonable hours of operation, and that the company would agree to repair any unsafe conditions to the road caused by operation of the dirt pit, and in doing so would repair the road to “county standards.”

BE IT RESOLVED this _____ day of August 2025

Madison County Board of Supervisors

Birdsong Construction Company

By _____
Gerald Steen, President
