

APPLICATION FOR SPECIAL EXCEPTION

Surface Mining-

Applicant

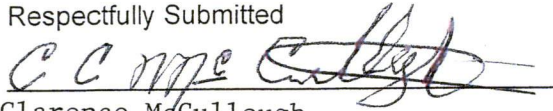
Clarence McCullough
755 Cotton Hill Rd.
Madison, MS 39110

Street Address of Property (if different address):

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
	Agricultural	See (Exhibit A)	114H-27-007		See (Exhibit B)

Other Comments: As per Section 2605 of the Madison County Zoning Ordinance.

Respectfully Submitted


Clarence McCullough

.....

Petition submitted to Madison County Planning and Development
Commission on Feb 13, 2014

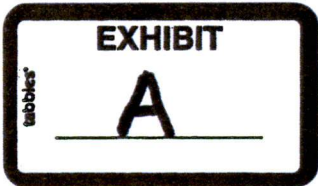
Recommendation of Madison County Planning and Development
Commission on Petition Approve w/ conditions

Public Hearing date as established by the Madison County Board of
Supervisors _____

Final disposition of Petition _____

LEGAL DESCRIPTION

Six (6) acres, more or less, out of the North End of the NW1/4 of the NW1/4 of Section 27, Township 11 North, Range 4 East, Madison County, Mississippi and being Parcel Number 114H-27-007/00.00 in the current records of the Chancery Clerk of Madison County, Mississippi.



SEE MAP 114E

7/02
1.9 ACc

7/03
2.1 ACc

21

22

18/03
1.35 ACc

27 9/03
1 ACc

18/02
1.86 ACc

18/10
3.46 ACc

9/02
2 ACc

18/01
5.89 ACc

18/09
3.46 ACc

7
3.6 ACc

9/01
6 ACc

10
18.5 ACc

13/05
4 ACc

13/01
35.77 ACc

18/04
13.38 ACc

6
3 ACc

13/04
4 ACc

4
1 ACc

32
11.63 ACc

11/01
4.5 ACc

13/03
4.23 ACc

13/02
1 ACc

LORING ROAD

11/05
1 ACc

11/04
1 ACc

11/03
1 ACc

12/04
3.37 ACc

11/06
1 ACc

11/07
1 ACc

12/01
1.72 ACc

12/03
1.88 ACc

2
24.34 ACc

5
28.53 ACc

11/01.01
23.5 ACc

12/02
100 ACc

EXHIBIT

B

tabbles

INDEXING INSTRUCTION:

6.0 acres, more or less, in the NW¹/₄
of the NW¹/₄ of Section 27, T11N,
R4E, Madison County, Mississippi.

486412

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the **SUM** of **TEN DOLLARS (\$10.00)**, cash in hand and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **I, Monette Watts**, in my official capacity as Personal Representative of the Estate of Garfield Health, Deceased, by the estate duly probated in the probate Court of Wayne County, State of Michigan, (Case No. 2002-656099-DE), **Grantor**, do hereby bargain, sell, convey and quitclaim unto **C.C. McCullough, Grantee**, the following described land, lying and being situated in Madison County, Mississippi, to-wit:

Six (6) acres, more or less, out of the North End of the NW¹/₄ of the NW¹/₄ of Section 27, Township 11 North, Range 4 East, Madison County, Mississippi and being Parcel Number 114H-27-007/00.00 in the current records of the Chancery Clerk of Madison County, Mississippi.

THIS conveyance is made subject to the following exceptions, to-wit:

1. Madison county and State of Mississippi ad valorem taxes for the year 2005 which are liens but are not yet due and payable shall be prorated as follows: Grantor, __/12ths, Grantee, __/12ths
2. Madison county Zoning and Subdivision Regulation Ordinance of 1976, as amended, adopted July 23, 1976 and recorded in Supervisors Minutes Book AL Page 77 in the records of the Chancery Clerk of Madison County, Mississippi, at Canton, Mississippi.
3. Reservations, conveyances and/or leases of record in regards to the oil, gas and other minerals lying in on and under the subject property.

4. Rights-of-way and easements for road, power lines and other utilities.

WITNESS MY SIGNATURE on this the 26 day of October 2005.

Monette R. Watts
MONETTE WATTS

**STATE OF MISSISSIPPI
COUNTY OF MADISON**

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Monette Watts, who acknowledged to me that she is the Personal Representative of the Estate of Garfield Heath, Deceased, and that it is in said capacity that she signed and delivered the above and foregoing instrument on the date and for the purpose therein stated, after being by me first duly sworn, and thereby being duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, on this 26 day of October, 2005.

[Signature]
NOTARY PUBLIC



Grantor:

Monette Watts
117 Yellow Poplar
Harvest, AL 35749
Ph. (601) 859-9479

Grantee:

C. C. McCullough
755 Cotten Hill Road
Madison, MS 39110
Ph. (601) 859-9479

12⁰⁰/_{#623}

Instrument prepared without title search by:

Ferr Smith & Associates
Attorneys at Law
George C. Nichols
MB# 3844
Post Office Box 691
Canton, Mississippi 39046
Telephone: (601) 859-6500
Facsimile: (601) 859-0650

ccccc12

MADISON COUNTY MS This instrument was
filed for record 2005, Oct. 28, at 12:55 P.M.

Book 1980 Page 260
ARTHUR JOHNSTON, C. C.

BY: [Signature] D.C.



McCullough Mine

Erosion Control Plan: There will be a thirty (30) feet undisturbed buffer zone that will be maintained around the parameters of the site. There will only be disturbing of the areas that are necessary in order to keep property as natural as possible. There will be silt fence control used to help control the "run-off" settlement. There will be a small developed pond place on the Southeast side of property to control the water "run-off". Cleared areas will be seeded until the area become necessary for use. If an area is undisturbed for a period exceeding thirty (30) days, temporary seeding will be implemented. Up-slope water will be diverted around the disturbed areas. A construction entrance will be developed for entrance and exit to control the area of mud and silt. Silt fences will also be used wherever necessary to prevent silt "run-off".

Housekeeping: All equipment maintenance and repair will be done off of the construction site. Trash cans will be placed at convenient locations throughout the site. The main trash collection bin will be located on the corner of the construction site.

Implementation Sequence:

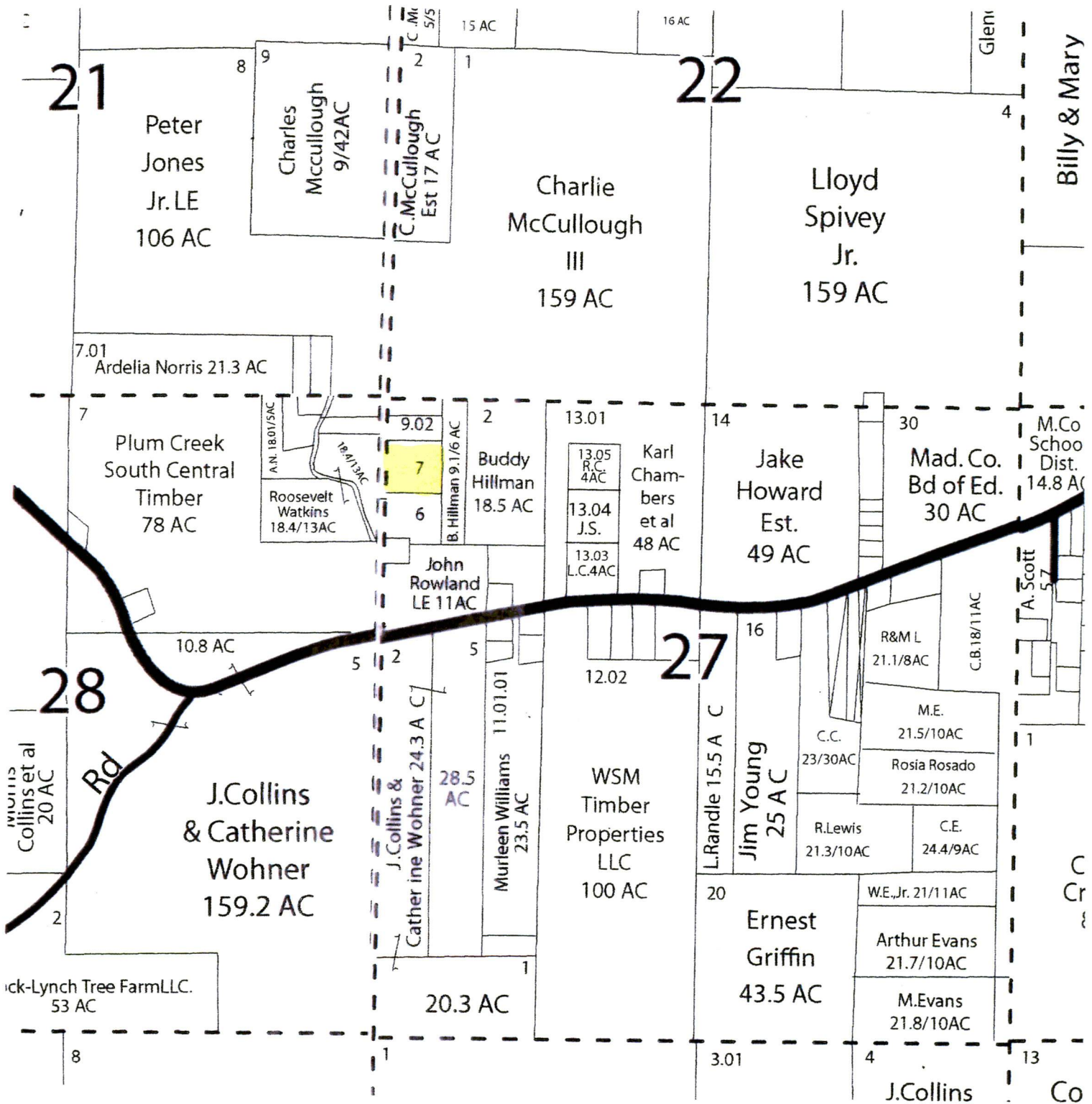
1. Divert upslope water around area until it is necessary.
2. Do not disturb an area until it is necessary.
3. Time construction activities to limit impact from seasonal weather.
4. Cover or stabilize disturbed area as soon as possible.
5. Do not remove temporary controls until after site stabilization.

Maintenance Plan: All disturbed areas will be checked. After rainfall, erosion and sediment controls will be checked. All necessary maintenance repairs will be made within 24 hours. When sediment has reached fifty percent capacity, the sediment will be removed from basins and fences. The vegetated areas will be maintained to keep the property as natural as possible.

Hours of Operation and life of operation: Mining Operations will take place between the hours of 8:00 a.m. and 5:00 p.m. The site will be mined until it is depleted, estimated to be 5 to 10 years.

Reclamation Plan: Site will be covered with 6 inches of top soil and planted in grass.

Road Damage Bond: Applicant will provide a road damage bond if required by the county.



6 - Roosevelt Owens
 9.02 - state of Mississippi



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

December 17, 2013

Mr. Clarence McCullough
755 Cotton Hill Road
Madison, MS 39110

Dear Mr. McCullough:

Re: Clarence McCullough, Ross Road Mine
Madison County
Notice of Exempt Operation 45-158
Section: 27, Township: 11N, Range: 4E

This letter is to acknowledge receipt of your Notice of Exempt Operation received on 12/17/2013. **In the event this operation exceeds four (4) acres, you will be required to obtain a state mining permit.**

In addition to a Notice of Exempt Operation, you must apply for and obtain coverage under a Mining Storm Water General NPDES Permit prior to any mining activities at this site. Operating without a Storm Water Permit is a violation of the Mississippi State Law, Sections 49-17-1 through 49-17-43, which provides for significant monetary penalties. In order to ensure compliance, please contact the Mining and Solid Waste Branch, Environmental Permits Division at 601-961-5567 for compliance information.

If you have any questions, please contact me at 601-961-5527.

Sincerely,

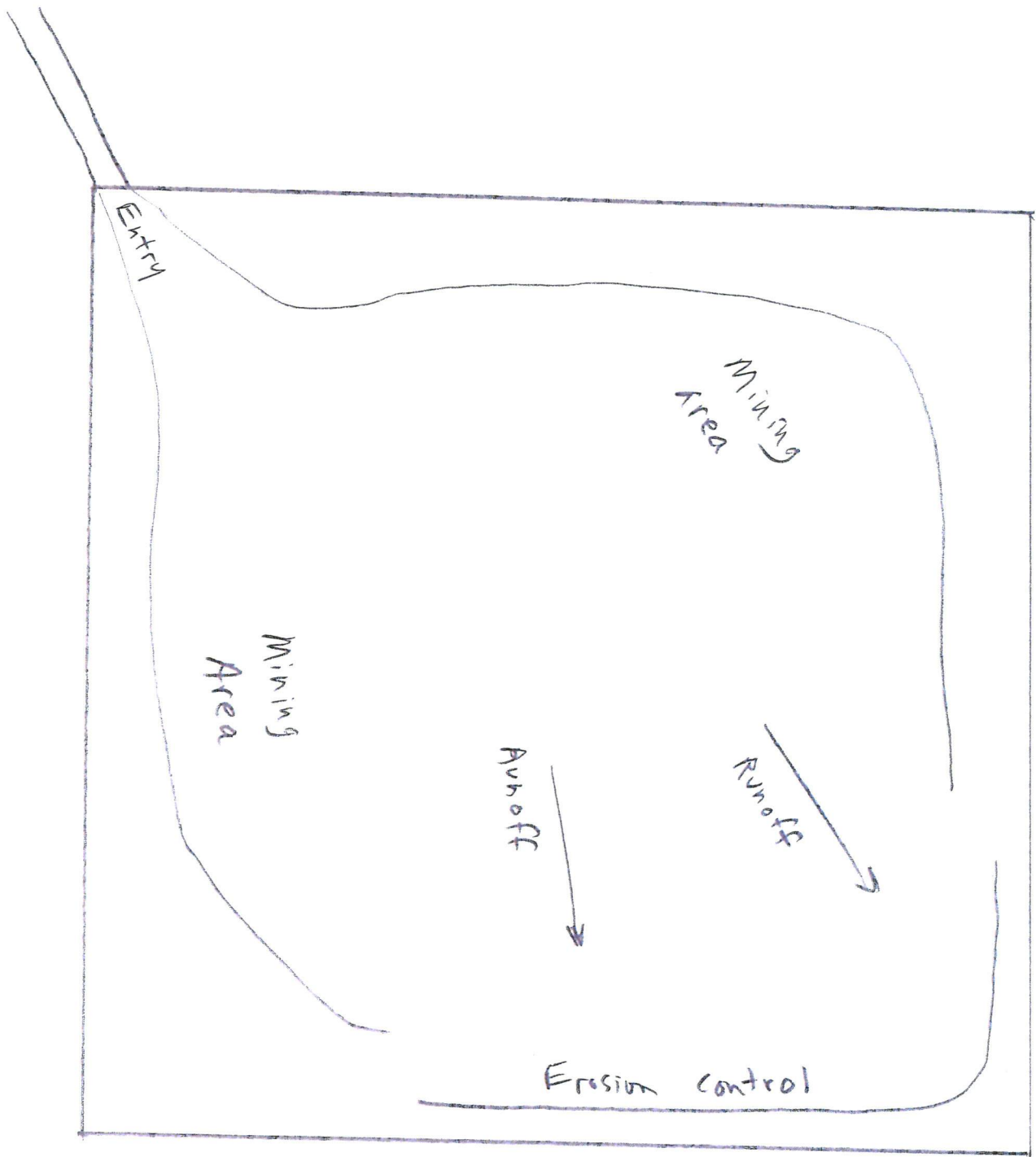
A handwritten signature in black ink, appearing to read "James Matheny".

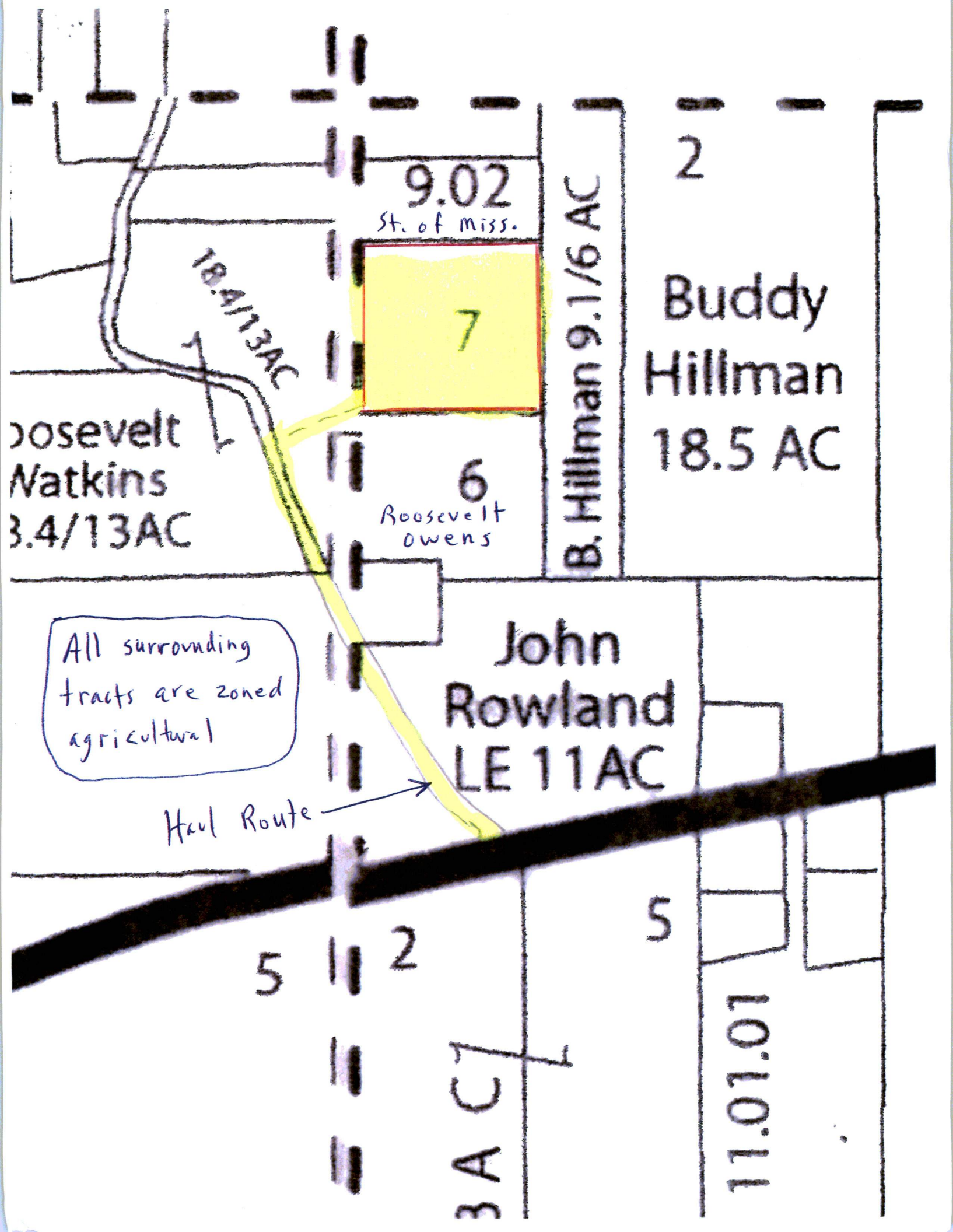
James Matheny
Director
Mining and Reclamation Division

Enclosure

65104 EXE20130001

OFFICE OF GEOLOGY





9.02

St. of Miss.

18.4/13AC

7

Buddy Hillman
18.5 AC

B. Hillman 9.1/6 AC

Roosevelt Watkins
3.4/13AC

6

Roosevelt Owens

All surrounding tracts are zoned agricultural

Haul Route

John Rowland
LE 11AC

5

2

3 A C 7

5

11.01.07

MONTGOMERY MCGRAW, PLLC
ATTORNEYS AT LAW

151 West Peace Street
P.O. Box 1039
Canton, MS 39046

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

John S. McDavid, Esq.
Sender's Email: Jmcdavid@montgomerymcgraw.com

February 20, 2014

VIA HAND DELIVERY

Mr. Brad Sellers
Madison County Planning and Development Commission
Madison County Administrative Bldg.

RE: Application for Special Exception
Clarence McCullough
Surface Mine

Dear Brad:

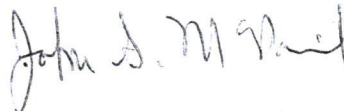
I have spoken to the principal at Velma Jackson High School and he said he would like the traffic prohibited from the mine for the following times:

7:00 a.m. to 8:05 a.m.
3:15 p.m. to 4:05 p.m.

Please let me know if there is anything else you need from us. Thank you for your assistance in this matter.

Sincerely,

Montgomery McGraw, PLLC



John S. McDavid

JSM/lb

cc: Mr. Clarence McCullough