

RESOLUTION AUTHORIZING SURPLUS SAND AND DIRT FROM EXCAVATION OF SULPHUR SPRINGS LAKE PROJECT AND PLAN TO BE DONATED TO PEARL RIVER VALLEY WATER SUPPLY DISTRICT, AN ENTITY OF THE STATE OF MISSISSIPPI

WHEREAS, it appears that the construction of Sulphur Springs Lake Project, previously adopted as a part of the Urban Renewal Plan (the Plan) by vote of the Madison County Board of Supervisors on January 7, 2013, has generated the creation of substantial dirt, sand and other fill materials; and

WHEREAS, by vote of the Madison County Board of Supervisors on July 21, 2014, the excess dirt and sand was declared as "surplus", within the meaning of section 19-7-3(3) MS Code of 1972 (Annotated), and also in compliance with Attorney General Opinion 2009-00140 (Meadows) as "no longer being needed for county operations or related purposes and not contemplated to ever be used again in the operation of county business"; and also as inappropriate for use by the Madison County Road Department; and

WHEREAS, it was found by the Board of Supervisors that the transport of the dirt and sand to other county owned locations would constitute a prohibitive expense to the county, and

WHEREAS, the storage of the sand and dirt within the premises of the Sulphur Springs Lake Project Area would impede and interfere with the efficient completion of the park project; and

WHEREAS, the Pearl River Valley Water Supply District (PRVWSD), an agency of the State of Mississippi has indicated its desire to accept a large quantity of said surplus sand and dirt to be used for purposes of shoreline protection and for other purposes and offered to load, transport, and unload said quantities of the sand and dirt at its own expense and at no cost to Madison County; and

WHEREAS, pursuant to section 17-25-25(6) Madison County is authorized to dispose, give or to donate said quantities of the surplus sand and dirt to the PRV, as it is another governing authority or state agency of the State of Mississippi, doing so in accordance with section 31-7-13(m)(vi) MS Code of 1972 (Annotated); and

WHEREAS, there are sufficient quantities of said surplus dirt and sand subject to be disposed of in accordance with the previous Resolution of July 21, 2014, in addition to the donation of whatever quantities might be desired by the PRVWSD under the instant Resolution.

THEREFORE, the Madison County Board of Supervisors approves the donation of certain undeclared quantities of sand and dirt from the excavation site of the

Sulphur Springs Lake Project to be removed, loaded, transported at the exclusive expense of the PRVWSD and further authorizes that, subject to notice and availability, the PRVWSD may continue to have, possess, and to remove quantities of the sand and dirt as their future requests may necessitate.

After discussion of said Resolution which was placed on the Consent Agenda of the Madison County Board of Supervisors, the Resolution was adopted and approved.