


RONNY LOTT
MADISON COUNTY CHANCERY CLERK

MEMORANDUM

TO: Madison County Board of Supervisors
FROM: Ronny Lott, Chancery Clerk 
DATE: October 17, 2014
RE: *Nunc Pro Tunc* Minutes of July 7, 2014

Due to an error discovered in the minutes of July 7, 2014, I am requesting that you authorize me to *nunc pro tunc* a certain item of said minutes as follows:

In re: Acknowledgment of Donated Items

WHEREAS, Emergency Management Director Butch Hammack appeared before the Board and presented a list of donated items from the Mississippi Highway Patrol and requested the Board acknowledge same, a true and correct copy of which is attached hereto as Exhibit CC, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Hammack reported that said items consisted of a radio base station, tower and generator,

Following discussion, Mr. Gerald Steen did offer and Mr. Ronny Lott did second a motion to acknowledge receipt of said items listed in Exhibit DD. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said items were and are hereby acknowledged.

SO ORDERED this the 7th day of July, 2014.

The minutes should reflect that the motion offered of Mr. Steen and seconded by Mr. Lott was to (1) acknowledge receipt of said items listed in Exhibit DD, (2) approve the Assignment of 16th Section Lease Contract between Madison County Emergency Management Agency and Madison County Board of Education and (3) authorize Butch Hammack to execute said documents associated therewith.

INDEXING INSTRUCTIONS: 5.0± acres in NW1/4 NW1/4 Section 16, Township 8 North, Range 1 East, Madison County, Mississippi (Tax Parcel #081E-16-002/00.00).

ASSIGNOR:

Mississippi Department of
Public Safety/Mississippi
Highway Safety Patrol
Director of Communications
P.O. Box 958
Jackson, MS 39205
Telephone: (601)987-1322
Facsimile: (601)933-2676

ASSIGNEE:

Madison County, Mississippi,
Emergency Management Agency
ATTN: Butch Hammack
P.O. Box 608
Canton, MS 39046
Telephone: (601)859-4188

Prepared by:
Madison County School District
117 Fourth Street
Flora, MS 39071
Telephone: 601/879-3000

ASSIGNMENT OF 16TH SECTION OTHER
CLASSIFICATION LEASE CONTRACT

FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned, the Mississippi Department of Public Safety/Mississippi Highway Safety Patrol ("Assignor") does hereby set over and assign unto the Madison County,

Mississippi, Emergency Management Agency ("Assignee"), all of its right, title and interest in and to that certain leasehold estate consisting of the unexpired term of that certain 16th Section Lease Contract from the Madison County, Mississippi, Board of Education dated January 21, 2005 and recorded in Book 1885 at Page 591 in the records of the Chancery Clerk of Madison County, Mississippi (hereinafter the "Lease Contract"), insofar as, and only insofar as, same pertains to the following described property located within Madison County, Mississippi, to wit:

Parcel A

Commence at the southwest corner of the NW1/4 of Section 16, Township 8 North, Range 1 East, Madison County, Mississippi, and run thence North 0 degrees 49 minutes 36 seconds East, 2,030.27 feet along the West line of the said Section to the POINT OF BEGINNING for the parcel herein described; thence continue North 00 degrees 49 minutes 36 seconds East, 207.49 feet along the said West line of Section 16 to a point; thence North 60 degrees 00 minutes 00 seconds East, 208.71 feet to a point on the westerly right-of-way line of Miss. Highway No. 463; thence run Southerly, 197.275 feet along the arc of a 5.2281 degree curve to the right in the said right-of-way line, said arc having a chord bearing and length of South 12 degrees 38 minutes 39 seconds East, 197.009 feet; thence South 62 degrees 12 minutes 18 seconds West, 256.46 feet to the POINT OF BEGINNING, containing 1.0 acre, more or less.

Parcel B

Commence at the southwest corner of the NW1/4 of Section 16, Township 8 North, Range 1 East, Madison County, Mississippi, and run thence East, 355.40 feet to a point; run thence North, 2,161.95 feet to a concrete right-of-way marker which marks the Easterly right-of-way line of Miss. Highway No. 463 and also marks the POINT OF BEGINNING for the parcel herein described; thence run Northerly, 514.319 feet along the arc of a 4.7910 degree curve to the left in the said right-of-way line, said arc having a chord bearing and length of North 19 degrees 46 minutes 17 seconds West, 510.365 feet; thence North 89 degrees

00 minutes 39 seconds East, 371.55 feet along the North line of the said Section 16 to a point; thence South 21 degrees 00 minutes 23 seconds East, 521.34 feet to a point; thence West, 385.74 feet to the POINT OF BEGINNING, containing 4.0 acres, more or less.

This instrument is subject to the covenants and conditions contained in the hereinabove Lease Contract, and Assignee does hereby agree and covenant that he/she/it/they will do and perform all of the covenants required in said lease.

Assignee accepts this assignment and agrees to be obligated and bound to the Madison County Board of Education, Trustees of the Madison County 16th Section School Lands Trust, for the performance of all of the covenants contained in the 16th Section Lease Contract mentioned above.

This assignment is subject to the zoning and subdivision regulations ordinances of the County of Madison, Mississippi.

ASSIGNOR:

**Mississippi Department of Public
Safety/Mississippi Highway Safety Patrol**

By: _____ (signature)
Print Name and Title: _____

ASSIGNEE:

**Madison County, Mississippi Emergency
Management Agency**

By: _____
Butch Hammack, Director

This Assignment is approved this the ____ day of _____, 2014.

Madison County Board of Education

By: _____
William R. Grissett, Jr., President

ATTEST:

Ronnie L. McGehee, Superintendent

STATE OF MISSISSIPPI
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2014, within my jurisdiction, the within named **William R. Grissett, Jr. and Ronnie L. McGehee**, who acknowledged to me that they are President and Superintendent, respectively, of the **Madison County Board of Education**, and that for and on behalf of the said Madison County Board of Education, and as its act and deed, they executed the above and foregoing instrument, after first having been duly authorized so to do.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

STATE OF MISSISSIPPI
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2014, within my jurisdiction, the within named _____, who acknowledged to me that he/she is _____ of the Mississippi Department of Public Safety/Mississippi Highway Safety Patrol, and that for and on behalf of the said Mississippi Department of Public Safety/Mississippi Highway Safety Patrol, and as its act and deed, he/she executed the above and foregoing instrument, after first having been duly authorized so to do.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

STATE OF MISSISSIPPI
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2014, within my jurisdiction, the within named **Butch Hammack**, who acknowledged to me that he is the **Director of the Madison County, Mississippi, Emergency Management Agency**, and that for and on behalf of the said Madison County, Mississippi, Emergency Management Agency, and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized so to do.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

INDEXING INSTRUCTIONS: : 5.0± acres in NW1/4 NW1/4 Section 16, Township 8 North, Range 1 East, Madison County, Mississippi (Tax Parcel #081E-16-002/00.00).

LESSOR:
Madison County, Mississippi Board
of Education Trustees of The Madison
County School District 16th Section
School Lands Trust
117 Fourth Street
Flora, MS 39071
Telephone: (601)879-3000
Facsimile: (601)879-8093

LESSEE:
Madison County, Mississippi,
Emergency Management Agency
ATTN: Butch Hammack
P.O. Box 608
Canton, MS 39046
Telephone: (601)859-4188

PREPARED BY:
Madison County School District
117 Fourth Street
Flora, MS 39071
Telephone: (601)879-3000

AMENDMENT TO 16TH SECTION
OTHER CLASSIFICATION PROPERTY LEASE CONTRACT

WHEREAS, by instrument dated January 21, 2005, the MADISON COUNTY, MISSISSIPPI, BOARD OF EDUCATION TRUSTEES of the MADISON COUNTY SCHOOL DISTRICT 16TH SECTION SCHOOL LANDS TRUST (hereinafter called "Lessor"), granted a Sixteenth Section Other Classification Property Lease by document recorded in Book 1885 at Page 591 (hereinafter the "Lease Contract") to the MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY/MISSISSIPPI HIGHWAY

SAFETY PATROL in the office of the Chancery Clerk of Madison County, Mississippi, which describes the following property, to-wit:

Parcel A

Commence at the southwest corner of the NW1/4 of Section 16, Township 8 North, Range 1 East, Madison County, Mississippi, and run thence North 0 degrees 49 minutes 36 seconds East, 2,030.27 feet along the West line of the said Section to the POINT OF BEGINNING for the parcel herein described; thence continue North 00 degrees 49 minutes 36 seconds East, 207.49 feet along the said West line of Section 16 to a point; thence North 60 degrees 00 minutes 00 seconds East, 208.71 feet to a point on the westerly right-of-way line of Miss. Highway No. 463; thence run Southerly, 197.275 feet along the arc of a 5.2281 degree curve to the right in the said right-of-way line, said arc having a chord bearing and length of South 12 degrees 38 minutes 39 seconds East, 197.009 feet; thence South 62 degrees 12 minutes 18 seconds West, 256.46 feet to the POINT OF BEGINNING, containing 1.0 acre, more or less.

Parcel B

Commence at the southwest corner of the NW1/4 of Section 16, Township 8 North, Range 1 East, Madison County, Mississippi, and run thence East, 355.40 feet to a point; run thence North, 2,161.95 feet to a concrete right-of-way marker which marks the Easterly right-of-way line of Miss. Highway No. 463 and also marks the POINT OF BEGINNING for the parcel herein described; thence run Northerly, 514.319 feet along the arc of a 4.7910 degree curve to the left in the said right-of-way line, said arc having a chord bearing and length of North 19 degrees 46 minutes 17 seconds West, 510.365 feet; thence North 89 degrees 00 minutes 39 seconds East, 371.55 feet along the North line of the said Section 16 to a point; thence South 21 degrees 00 minutes 23 seconds East, 521.34 feet to a point; thence West, 385.74 feet to the POINT OF BEGINNING, containing 4.0 acres, more or less.

WHEREAS, said leasehold was assigned to the MADISON COUNTY, MISSISSIPPI, EMERGENCY MANAGEMENT AGENCY (hereinafter called "Lessee"), by document dated _____, 2014, and recorded in Book _____ at Page _____ in the office of the Chancery Clerk of Madison County, Mississippi; and

WHEREAS, said Lease Contract has a lease term beginning on the 1st day of July, 2004 and ending on the 30th day of June, 2044; and,

WHEREAS, said Lease Contract requires annual rental payments in the amount of Two Thousand and no/100 Dollars (\$2,000.00) for the first ten years of the lease; and,

WHEREAS, lease payments have been received by Lessor in said amounts for each year through 2013; and

WHEREAS, said Lease Contract, pursuant to paragraph 3, subparagraph A, states that the subject property should be reappraised prior to the tenth and twentieth and thirtieth anniversary dates of the commencement of the Lease Contract; and,

WHEREAS, the tenth anniversary date is July 1, 2014; and

WHEREAS, the subject property has been reappraised setting a new annual lease payment pursuant to paragraph 3, subparagraph A, of the Lease Contract.

THEREFORE, paragraph 2 of the Lease Contract should be amended to read as follows:

B. Lessee covenants and agrees to pay or cause to be paid to Lessor annually, on or before July 1st of each year during the term hereof, annual rentals in advance according to the following schedule:

<u>YEAR</u>	<u>ANNUAL RENTAL</u>
1-10	\$2,000.00
11-20	\$3,200.00 (Beginning with 2014 payment)
21-30	As Adjusted Pursuant to Paragraph 3
31-40	As Adjusted Pursuant to Paragraph 3

Failure of Lessee to pay the annual rentals listed above shall constitute a breach of this Lease Contract.

The Lease Contract will remain in full force and effect as to all other provisions contained therein.

WITNESS MY HAND this the ___ day of _____, 2014.

LESSOR:

MADISON COUNTY, MISSISSIPPI,
BOARD OF EDUCATION

By: _____
William R. Grissett, Jr., President

ATTEST:

Sam Kelly, Secretary

Ronnie L. McGehee, Madison County
Superintendent Of Education

LESSEE:

MADISON COUNTY, MISSISSIPPI,
EMERGENCY MANAGEMENT AGENCY

By: _____
Butch Hammack, Director

Reviewed and approved by the Madison County Board of Supervisors, this the ___ day of _____, 2014.

Karl M. Banks, President

ATTEST:

Cynthia Parker, Chancery Clerk

STATE OF MISSISSIPPI
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2014, within my jurisdiction, the within named **Butch Hammack**, who acknowledged to me that he is the **Director of the Madison County, Mississippi, Emergency Management Agency**, and that for and on behalf of the said **Madison County, Mississippi, Emergency Management Agency**, and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized so to do.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

STATE OF MISSISSIPPI
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2014, within my jurisdiction, the within named **William R. Grissett, Jr., Sam Kelly and Ronnie L. McGehee**, who acknowledged to me that they are **President, Secretary and Superintendent**, respectively, of the **Madison County Board of Education**, and that for and on behalf of the said **Madison County Board of Education**, and as its act and deed, they executed the above and foregoing instrument, after first having been duly authorized so to do.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

STATE OF MISSISSIPPI
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2014, within my jurisdiction, the within named **Karl M. Banks**, who acknowledged to me that he is President of the **Madison County Board of Supervisors**, and that for and on behalf of the said Madison County Board of Supervisors, and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized so to do.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

Amendments/2014/File#569 Amendment to Tower Lease