BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON STATE OF MISSISSIPPI

IN THE MATTER OF REZONING OF CERTAIN LAND SITUATED IN SECTION 1 TOWNSHIP 7 NORTH, RANGE 2 EAST MADISON COUNTY, MISSISSIPPI

PETITIONER:

Hust Farms, LLC

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

Comes now Hust Farms, LLC, the prospective owner of the hereinafter described land and property, and files this petition with the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a tract or parcel of land situated in Section 1 Township 7N, Range 2 East, Madison County, Mississippi, more particularly described as follows, to-wit:

Graham Shaw Property

Being a tract of land situated in the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter, of Section 1, Township 7 North, Range 2 East, Madison County, Mississippi and being the remaining property of Graham Boyd Shaw as described by deed recorded in Deed Book 130, Page 283 and Deed Book 224, Page 344 within the Chancery Clerk's Office of said Madison County, and being more particularly described as follows:

BEGINNING at the Northernmost corner of Lot 241 of Twin Harbors Subdivision, Part III-B, a subdivision according to the map thereof, on file and of record in the Office of the Chancery Clerk of Madison County, Mississippi and recorded in Plat Cabinet "C", Slot 80. Said point also being on the South right-of-way line of Old Rice Road and the being the Northwest corner of the herein described tract of land;

THENCE run Easterly, along the South right-of-way line of Old Rice Road, as it exist this date, October 2014, for approximately 2,000 feet to its intersection with the West line of Pearl River Church Road:

THENCE run Southerly, along the West line of said Pearl River Church Road, for a distance of

approximately 490 feet to its intersection with the North right-of-way line of the Natchez Trace Parkway;

THENCE run West, along the Northerly right-of-way line of said Natchez Trace Parkway, for a

distance of approximately 75 feet to a point;

THENCE run Southerly, continuing along the right-of-way line of said Natchez Trace Parkway, for a distance of approximately 864 feet to the Northeast corner of Lot 202 within Twin Harbors Subdivision, Part III-A, as per plat recorded in Cabinet "C", Slot 46 within the Chancery Clerk's Office of said Madison County;

THENCE run Westerly, along the Northerly line of said Lot 202 of Twin Harbors Subdivision, Part III-A, for a distance of approximately 489 feet to the Northwest corner of said Lot 202 and the Southeasterly corner of Lot 201;

THENCE run Northwesterly, along the Easterly boundary line of said Twin Harbors Subdivision, Part III-A, and also the Easterly boundary line of said Twin Harbors Subdivision, Part III-B, for a distance of approximately 1,814 feet to the Point of Beginning, and containing 33.0 acres, more or less.

SEE EXHIBIT A

from its present Zoning District Classification of Special Use (SU-1) District to a Residential Estate (R-1) District, in support thereof would respectfully show as follows, to-wit:

- 1. The subject property consists of 33+/- acres.
- 2. The zoning proposed is in compliance with the adopted Thoroughfares Plan of Madison County. The zoning proposed is not in compliance with the adopted Land Use Plan of Madison County, because the Land Use Plan has the property designated as Public/Quasi Public and surrounding privately owned properties in the neighborhood are currently zoned Residential Estate District (R-1) with a Land Use Designation of Residential Estate. Therefore, the zoning and land use designations should be changed in support of the changes in the neighborhood. The zoning and land use proposed is the highest and best use of the property.
- 3. List of changes or conditions that support rezoning and land use change:
 - A. The character of the property and neighborhood has changed to such an extent as to justify reclassification, AND there is a PUBLIC NEED for the rezoning.
 - B. Special Use (SU-1) zoning and Public/Quasi Public Land Use Designation is currently applied to all areas of the Pearl River Valley Water Supply

District (District), and including the subject property. Surrounding privately owned properties in the neighborhood are currently zoned Residential Estate District (R-1) and Residential Estate Land Use Designation. The subject property has been privately owned since 1972.

- C. The character of the neighborhood has changed from undeveloped property of the District to residential estate single family housing. There are over 250 single family homes located within one-half (1/2) mile from the subject property.
- D. There is a public need for the rezoning and land use change. There are currently several subdivisions being developed and hundreds of homes built in the neighborhood, within two miles of the property, due to the public need and demand for single family, residential estate housing.

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that this petition be received, and after due consideration, the Board of Supervisors of Madison County will enter an order amending the zoning and land use plan to reflect R-1 zoning, and reclassifying this property from its present SU-1 District classification to a R-1 District, and from Public/Quasi Public land use to Residential Estate land use.

Respectfully submitted, this the 22nd day of October, 2014.

Jonathan R. Hust

Petitioner and Member of Hust Farms, LLC.

Petitioner and Member of Hust Farms, LLC.

Petitioner and Member of Hust Farms, LLC.

Authorization Affidavit

We, Graham Boyd Shaw and wife, Sybil H. Shaw, purchased and have been owners of the property described below since 1972:

SE1/4 SW1/2 and W1/2 SW1/4 SE1/4 of Section 1, Township 7 North, Range 2 East, LESS AND EXCEPT THE FOLLOWING TRACTS:

TRACT 1: From the southeast corner of Section 1, Township 7 North, Range 2 East, go north 89° 08' west 1993.85 feet; thence north 89° 49' west 574.31 feet to the point of beginning; thence north 89° 49' west 1300.00 feet; thence north 1325.6 feet; thence southeasterly to the point of beginning; containing 19.8 acres, more or less, and situated in the SE1/4 Sw1/4 of Section 1; and

TRACT 2: From the southeast corner of Section 1, Township 7 North, Range 2 East, go north 89° 08' west 1993.85 feet, to the point of beginning; thence north 89° 49' west 75.07 feet; thence north 00° 06' west 863.92 feet, thence north 89° 54' east 75 feet to a point on the west boundary of a county road; thence south 00° 06' east 864.30 feet, along said west boundary to the point of beginning; containing 1.5 acres, more or less, and situated in the W1/2 SW1/4 Se1/4 of Section 1.

We, Graham Boyd Shaw and wife, Sybil H. Shaw have signed a purchase agreement with Hust Farms, LLC to sell our interest in subject property. The closing date of this sale has been established as November 7, 2014. This affidavit certifies that the party, Hust Farms, LLC (PETITIONER) is granted authorization and power to petition the Madison County Planning and Zoning Commission (COMMISSION) and the Madison County Board of Supervisors (BOARD) on behalf of our interests in the subject property.

Authorization Affidavit: Date: /6/17/12/ Date: $\frac{0}{17}/\frac{4}{4}$ (For Notary Use Only): City/County of Rankin State of MISSISSIPPI I, Loura M. Lavinghouze ____, a Notary Public in Mississippi hereby certify that the following person: Graham Boyd Shaw and Sylvi H., appeared before me in the State and City/County aforesaid and executed this affidavit on the following date: 10/17/./4 Janus house Registration Number: 7072 Notary Signature: 6/29/2017 My Commission Expires:_



P. O. Box 107 Canton, MS 39046 Phone: (601) 856-5969 Fax: (601) 856-8936

October 17, 2014

Jonathan Hust Hust Farms LLC

RE:

Property in Section 1, T7N, R2E Madison County, Mississippi

To Whom it May Concern:

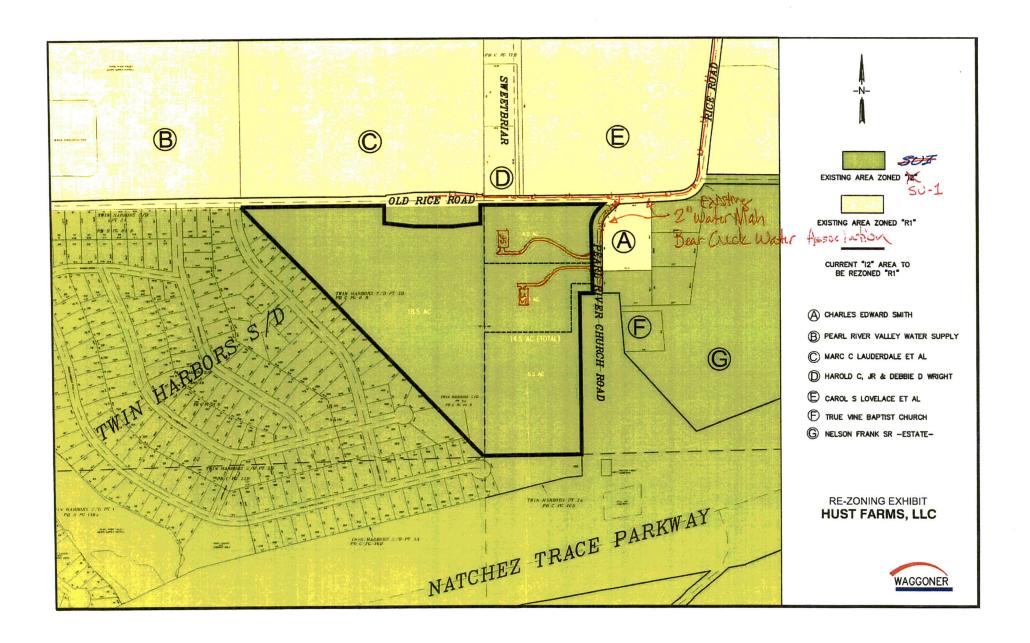
Please be advised that the property east of Twin Harbors Subdivision and south of Old Rice Road as shown on the re-zoning exhibit for Hust Farms, LLC (see attached) does lie within Bear Creek Water Association's water certificated area. The association will provide any developments within that area such services in accordance with its standard water extension policies and procedures.

Please contact me if you need any additional information.

Sincerely,

Nolan P. Williamson, P.E. Engineering Manager

Mil. Will



STATE OF MISSISSIPPI COUNTY OF MADISON .

BUDK 129 PAGE 198

WARRANTY DEED



In consideration of Ten Dollars (\$10.00), cash in hand paid by the grantees, and other good and valuable considerations, the receipt of which is hereby acknowledged, I, GEO. M. HARRISON, do hereby sell, convey and warrant unto GRAHAM BOYD SHAW and wife SYBIL H. SHAW, the following described lands lying and being situated in Madison County, Mississippi, to-wit:

SE1/4 SW1/4 and W1/2 SW1/4 SE 1/4 of Section 1, Township 7 North, Range 2 East, LESS AND EXCEPT THE FOLLOWING TRACTS: TRACT 1: From the southeast corner of Section 1, Trownship 7 North, Range 2 East, go north 89° 08' west 1993.85. feet; thence north 89° 49' west 574.31 feet to the point of beginning, thence north 89° 49' west 574.31 49' west 1300.00 feet; thence north 1325.6 feet; thence south 64° 34' east 1857.3 feet to the point of beginning; containing 19.8 acreas, more or less, and situated in the SEI/4 SWI/4 of Section 1; and TRACT 2: From the southeast corner of Section 1, Township 7 North, Range 2 East, go north 89° 08' west 1993.85 feet, to the point of beginning; thence north 89° 49' west 75.07 feet; thence north east 75 feet to a point on the west boundary of a county road; thence south 00° 06' east 864.30 feet, along said west boundary to the point of beginning; containing 1.5 acres, more or less, and situated in the W1/2 SW1/4 SE1/4 of Section 1.

Less and except an undivided one-half (1/2) interest in and to all oil, gas and other minerals in, on and under said land, reserved by prior owners.

Subject to the ZONING AND SUBDIVISION REGULATION ORDINANCE of Madison County, Mississippi as shown In Minute Book A-D at pages 266 through 287, as amended.

This property does not constitute any part of the homestead of the grantor.

day of November Witness my signature, this the

. 1972.

STATE OF MISSÍSSIPPI COUNTY OF HINDS

BUOK 129 PAGE 199

Personally appeared before me, the undersigned Notary Public in and for said County and State, the within named GEO. M. HARRISON, who acknowledged that he signed and delivered the above and foregoing instrument on the day and year therein mentioned, as and for his act and deed.

Witness my signature and official seal, this the

Notary Public Suffer Could'TY

My commission expires:

Asy . 27 1976

STATE OF MISSISSIPPI. County of Madison:

1. W. A. Stims Clerk of the Chancery Court of said County, certify that the within instrument was filed

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STATE OF MISSISSIPPI COUNTY OF MADISON

BOOK 130 PAGE 283

CORRECTION DEED

WHEREAS, by Warranty Deed dated November 27, 1972, recorded in book 129 at page 198 of records in the office of the Chancery Clerk, Madison County, Mississippi, George M. Harrison conveyed certain lands to Graham Boyd Shaw and wife Sybil H. Shaw;

AND WHEREAS, there was an error in the description of TRACT 1 of the exceptions contained in said deed;

AND WHEREAS, all of the parties to said deed are desirous of more accurately describing the lands intended to have been conveyed by said deed;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable considerations cash in hand paid to the undersigned by the grantees herein, the receipt of which is hereby acknowledged, I, GEORGE M. HARRISON, do hereby convey and quitclaim unto GRAHAM BOYD SHAW and wife SYBIL H. SHAW as joint tenants with the right of survivorship and not as tenants in common, the following described lands lying and being situated in Madison County, Mississippi, to-wit:

SEX SWA and Wa SWA SEA of Section 1, Township 7 North, Range 2 East, LESS AND EXCEPT THE FOLLOWING TRACTS: TRACT 1: From the southeast corner of Section 1, Township 7 North, Range 2 East, go north 89° 08' west 1993.85 feet; thence north 89° 49' west 574.31 feet to the point of beginning, thence north 89° 49' west 1300.00 feet; thence north 1325.6 feet; thence southeasterly to the point of beginning; containing 19.8 acres, more or less, and situated in the SEA SWA of Section 1; and TRACT 2: From the southeast corner of Section 1, Township 7 North, Range 2 East, go north 89° 08' west 1993.85 feet, to the point of beginning; thence north 89° 49' west 75.07 feet; thence north 00° 06' west 863.92 feet, thence north 89° 54' east 75 feet to a point on the west boundary of a county road; thence south 00° 06' east 864.30 feet, along said west boundary to the point of beginning; containing 1.5 acres, more or less, and situated in the Wa SWA SEA of Section 1.

Witness my signature, this March 6, 1973.

George M. Harrison

BOOK 130 PAGE 284

STATE OF MISSISSIPPI COUNTY OF HINDS .

Personally appeared before me, the undersigned Notary Public in and for said County and State, the within named GEORGE M.

HARRISON, who acknowledged that he signed and delivered the above and foregoing instrument on the day and year therein mentioned, as and for his act and deed.

Witness my signature and official seal, this the day of March 1973.

My commission expires:

Notary Public Sende in the Notary Public Sende in the Send in the Sende in the Sende in the Sende in the Sende in the Send in the Sende in the Sende in the Sende in the Sende in the Send

STATE OF MISSISSIPPI, County of Madison:

Str. W. A. Sinis, Clerk of the Chancery Court of said County, certify that the within Instrument was filed for recorded in my office this the day of March, 1923, at 15 o'clock P. M., and was duty recorded on the 20 day of March, 1923, Book No. 130 on Page 283 in March 1923, W. A. Sinis, Clerk

By Rashuman

800K 224 PAGE 344

. 1637 QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the undersigned, GRAHAM BOYD SHAW, and wife, SYBIL H. SHAW, do hereby sell, convey and quitclaim unto GRAHAM BOYD SHAW and wife, SYBIL R. SHAW, as tenants in common, all of their right, title and interest in and to the following described land and property lying and being satuated in Madison County, Mississippi, to wit:

SEY SWY and WY SWY SEY Of Section 1, Township 7 North, Range 2 East, LESS AND EXCEPT THE FOLLOWING TRACTS:

TRACT 1: From the southeast corner of Section 1, Township 7 North, Ranga 2 East, go north 89° 08' west 1993.85 feet; thence north 89° 49' west 574.31 feet to the point of beginning, thence north 89° 49' wast 1300.00 feet; thence north 1325.5 feet; thence south 64° 34' east 1857.3 feet to the point of beginning; containing 19.8 acres, more or less, and situated in the SE4 SW4 of Section 1; and

TRACT 2: From the southeast corner of Section 1, Township 7 North, Range 2 East, go north 89° 08' west 1993.85 feet, to the point of beginning; thence north 89° 49' west 75.07 feet; thence north 00° 06' west 863.92 feet, thence north 89° 54' east 75 feet to a point on the west boundary of a county road; thence south 00° 06' east 864.30 feet, along said west boundary to the point of beginning; containing 1.5 acres, more or less, and situated in the Wi SWi SE of Section 1.

Watness the signatures of the undersigned on this the

16 day of February, 1987.

800X 224 PAGE 345

STATE OF MISSISSIPPI COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the said County and State, within my jurisdiction, the within named GRAHAM BOYD SHAW and SYBIL H. SHAW, who acknowledged that they signed, executed and delivered the above and foregoing quitclaim deed for the purposes mentioned on the day and year therein mentioned.

Given under my hand and official scal, this the 16 m day of February , 1987.

My Commission Expires:
No Cottoniston Optics Feb. 13, 19904

Address of Grantors and Grantees:

3908 Greantree Place Jackson, Mississippi 39211 .

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particler to the Chancery Court of Said Country, cartify that the within instrument was filed

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6. The Current and Proposed Zoning of the Subject Property
The Current Zoning of the Subject Property is SU-1 District
The Proposed Zoning of the Subject Property is R-1 District

7.	Specific Use of the Subject Property if rezoned.
Th	e specific use of the subject property if rezoned is residential estate, R-1.
	*

Hust Farms, LLC 46 Peach Tree Lane Madison, Mississippi 39110

October 20, 2014

City Hall City of Madison, Mississippi 1004 Madison Avenue Madison, MS 39110

Attention: To Whom It May Concern

Re: Notification of Petition to Rezone

Dear Sirs:

This letter is the official notice of our plans to file a petition with the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a tract or parcel of land situated in Section 1 Township 7N, Range 2 East, Madison County, Mississippi, more particularly described as follows, to wit:

Graham Shaw Property

Being a tract of land situated in the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter, of Section 1, Township 7 North, Range 2 East, Madison County, Mississippi and being the remaining property of Graham Boyd Shaw as described by deed recorded in Deed Book 130, Page 283 and Deed Book 224, Page 344 within the Chancery Clerk's Office of said Madison County, and being more particularly described as follows: BEGINNING at the Northernmost corner of Lot 241 of Twin Harbors Subdivision, Part III-B, a subdivision according to the map thereof, on file and of record in the Office of the Chancery Clerk of Madison County, Mississippi and recorded in Plat Cabinet "C", Slot 80. Said point also being on the South right-of-way line of Old Rice Road and the being the Northwest corner of the herein described tract of land; THENCE run Easterly, along the South right-of-way line of Old Rice Road, as it exist this date, October 2014, for approximately 2,000 feet to its intersection with the West line of Pearl River Church Road; THENCE run Southerly, along the West line of said Pearl River Church Road, for a distance of approximately 490 feet to its intersection with the North right of way line of the Natchez Trace Parkway;

THENCE run West, along the Northerly right-of-way line of said Natchez Trace Parkway, for a distance of approximately 75 feet to a point;

THENCE run Southerly, continuing along the right-of-way line of said Natchez Trace Parkway, for a distance of approximately 864 feet to the Northeast corner of Lot 202 within Twin Harbors Subdivision, Part III-A, as per plat recorded in Cabinet "C", Slot 46 within the Chancery Clerk's Office of said Madison County;

THENCE run Westerly, along the Northerly line of said Lot 202 of Twin Harbors Subdivision, Part III A, for a distance of approximately 489 feet to the Northwest corner of said Lot 202 and the Southeasterly corner of Lot 201;

THENCE run Northwesterly, along the Easterly boundary line of said Twin Harbors Subdivision, Part III-A, and also the Easterly boundary line of said Twin Harbors Subdivision, Part III-B, for a distance of approximately 1,814 feet to the Point of Beginning, and containing 33.0 acres, more or less.

The property is located within one (1) mile of the City of Madison corporate boundaries. We are requesting to change the present Zoning District Classification of Special Use (SU-1) District to a Residential Estate (R·1) District. The following is a list of changes or conditions that support the rezoning and land use change:

- A. The character of the property and neighborhood has changed to such an extent as to justify reclassification, AND there is a PUBLIC NEED for the rezoning.
- B. Special Use (SU-1) zoning and Public/Quasi Public Land Use Designation is currently applied to all areas of the Pearl River Valley Water Supply District (District), and including the subject property. Surrounding privately owned properties in the neighborhood are currently zoned Residential Estate District (R-1) and Residential Estate Land Use Designation. The subject property has been privately owned since 1972.
- C. The character of the neighborhood has changed from undeveloped property of the District to residential estate single family housing. There are over 250 single family homes located within one-half (1/2) mile from the subject property.
- D. There is a public need for the rezoning and land use change. There are currently several subdivisions being developed and hundreds of homes built in the neighborhood, within two miles of the property, due to the

public need and demand for single family, residential housing.

If you should have any questions, please contact me.

Sincerely,

Jonathan Hust

601-540-6863 cell phone

Cc: Scott Weeks, Madison County Planning and Zoning Administrator

Attachment: Exhibit A

