

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

IN THE MATTER OF REZONING CERTAIN
LAND SITUTED IN SECTION 19, TOWNSHIP 8
NORTH, RANGE 2 EAST, MADISON COUNTY, MISSISSIPPI

RECEIVED
OCT 30 2014

PETITIONER:

LUCKY TOWN ACRES, LP

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

Comes now Lucky Town Acres, LP, 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 19, Township 8 North, Range 2 East, Madison County, Mississippi, more particularly describe as follows, to-wit:

SEE EXHIBIT A

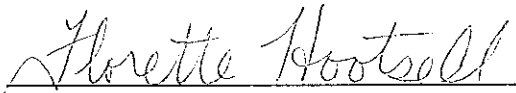
From its present Zoning District Classification of R-1 Residential District and A-1 Agricultural District to a R-2 Residential District, in support thereof Petitioner would respectfully show as follows, to-wit:

1. Subject property consists of ^{46.11}55.88 acres.
2. The zoning proposed is not in compliance with the adopted Land Use and Transportation Plan of Madison County, but is the highest and best use.
3. Changes and conditions in this area or neighborhood that support rezoning to a R-2 Residential District:

See Exhibit B

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that this petition be received, and after due consideration, the Board of Supervisors of Madison County, Mississippi will enter an order amending the Land Use Plan to reflect Moderate Density Residential zoning, and reclassify this property from its present R-1 Residential and A-1 Agricultural District classification to a R-2 Residential District.

Respectfully submitted, this the 30th day of October, 2014.



PETITIONER

Florette Schmidt Hootsell, Representing Lucky Town Acres, LP

Stubblefield & Hawley

Pd 8.00

BOOK 0490 PAGE 668

QUITCLAIM DEED

(C)

340657

STATE OF MISSISSIPPI
COUNTY OF MADISON

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, I, FRANCES V. SCHMIDT (Grantor), an unmarried widow, do hereby sell, convey and quitclaim unto LUCKY TOWN ACRES, L.P., a Mississippi Limited Partnership, (Grantee), all of my right, title and interest in and to the following real property, situated in the County of Madison, State of Mississippi, more particularly described as follows, to-wit:

See Exhibit "A" attached for property description

No part of the above described property constitutes any part of the homestead of the Grantor.

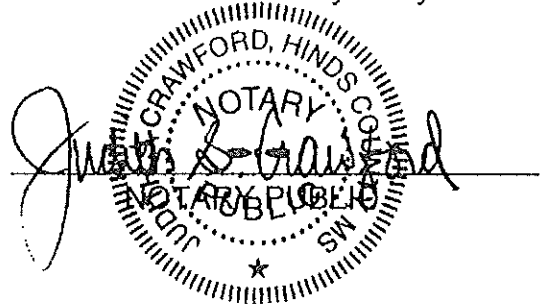
WITNESS my signature this the 30th day of December, 2000.

Frances V. Schmidt
FRANCES V. SCHMIDT

STATE OF MISSISSIPPI
COUNTY OF RANKIN

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid county and state, on this the 30th day of December, 2000, within my jurisdiction, the within named, FRANCES V. SCHMIDT, who acknowledged before me that

she executed the above and foregoing Quitclaim Deed on the day and year therein stated as her voluntary act and deed.



My Commission Expires:

August 24, 2001

Indexing Instructions: Metes and Bounds description in SE ¼ of Section 19-T8N-R2E, Madison County, Mississippi

GRANTOR'S/GRANTEE'S ADDRESS:

862 Gluckstadt Road
Madison, MS 39130
Ph: (601) 856-6400

Prepared By:
J. Stephen Stubblefield
MS Bar #8011
Stubblefield & Harvey, PLLC
3900 Lakeland Drive, Suite 401
Jackson, MS 39208

EXHIBIT "A"

BOOK 0490 PAGE 670

The Southeast Quarter (SE ¼), less 40 acres off the North end thereof,
Section 19, Township 8 North, Range 2 East,

Less and Except from said land twenty (20) acres in the Southeast corner described as: Beginning at a point which is 18.62 chs. Westerly along the center of Gravel Road from the SE cor. of Sec. 19; thence North 10.90 chs. to a stake; thence S 89° 45' E. parallel to the South line of the Section to a point which is 30 links West of the East line of said Section; thence South to the center of Gravel Road; thence Westerly along said road to the point of beginning, and containing 20.0 acres, more or less and all being in Section 19, Township 8 North, Range 2 East, Madison County, Mississippi;

Less and Except: A certain parcel of land being located in the SE ¼ of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described as follows, to-wit:
Commencing at the Southeast corner of said Section 19; run thence North 89° 45' West for a distance of 1228.92 feet; thence run North 719.60 feet to the Point of Beginning; thence run South 89° 45' East for a distance of 1241.85 feet; thence run North 176.01 feet; thence run North 89° 45' West for a distance of 1241.85 feet; thence run South for a distance of 176.01 feet to the Point of Beginning, containing 5.02 acres of land, more or less.

Signed for Identification:

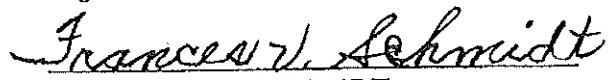

FRANCES V. SCHMIDT

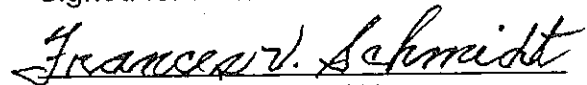
EXHIBIT "A"

BOOK 0490 PAGE 671

Less and Except: A parcel of land lying and being situated in the SW ¼ of the SE ¼ of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi and being more particularly described as follows, to-wit: Commencing at the SE Corner of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi; thence run Westerly along the North line of Mannsdale Public Road for a distance of 1664.0 feet to the Point of Beginning; thence turn to the right through a deflection angle of 86° 11' and run Northerly for a distance of 170.00 feet; thence turn to the left through a deflection angle of 85° 23' and run Westerly along a line parallel with the North line of Mannsdale Public Road for a distance of 323.39 feet; thence turn to the left through a deflection angle of 94° 37' and run Southerly for a distance of 170.00 feet to a point on the North line of Mannsdale Public Road; thence turn to the left through a deflection angle of 85° 23' and run Easterly along the North line of Mannsdale Public Road for a distance of 323.39 feet to the Point of Beginning, containing 1.258 acres, more or less.

Less and Except: A parcel of land containing 3.0 acres, more or less, being situated in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi and being more particularly described by Metes and Bounds as follows, to-wit:

Signed for Identification:


FRANCES V. SCHMIDT

Commence at the center of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi; run thence South for 661.03 feet along the East right-of-way of county road to an iron rod, being the POINT OF BEGINNING; thence continue South 01 degrees 35 minutes 51 seconds East for 77.00 feet along the aforesaid county road to an iron rod; thence South 77 degrees 13 minutes 10 seconds East for 776.34 feet to an iron rod; thence North 01 degrees 25 minutes 11 seconds West for 269.78 feet to an iron rod in fence line; thence South 88 degrees 24 minutes 09 seconds West for 752.86 feet along the aforesaid fence line to the POINT OF BEGINNING.

Less and Except: A parcel of land containing 1.66 acres (72,493.61 square feet), more or less, being situated in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by Metes and Bounds as follows, to-wit:

Commence at a ferrous metal rod on the Eastern right-of-way of Catlett Road, said rod marking the Southwest corner of the Northern ½ of the Northern ½ of the Southeast ¼ of Section 19; run thence along said right-of-way South 00 degrees 12 minutes.

Signed for Identification:


FRANCES V. SCHMIDT

EXHIBIT "A"

20 seconds West for a distance of 77.00 feet to the POINT OF BEGINNING for the parcel herein described; thence run South 00 degrees 12 minutes 20 seconds West for a distance of 192.85 feet; thence leave said right-of-way and run South 89 degrees 45 minutes 57 seconds East for a distance of 751.80 feet; thence North 75 degrees 22 minutes 49 seconds West for a distance of 776.24 feet to the POINT OF BEGINNING.

Less and Except: A parcel of land containing 5.00 acres (217,800.00 square feet), more or less, being situated in the Southeast $\frac{1}{4}$ of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by Metes and Bounds as follows, to-wit: Commence at the Southeast corner of Section 19; run thence West for a distance of 1229.20 feet; thence North for a distance of 17.53 feet to a ferrous metal rod on the Northern right-of-way of Gluckstadt Road, said rod being the POINT OF BEGINNING for the parcel herein described; thence run along said right-of-way South 89 degrees 57 minutes 54 seconds West for a distance of 228.33 feet; thence North 89 degrees 50 minutes 01 seconds West for a distance of 206.48 feet; thence leave said right-of-way and run North

Signed for Identification:


FRANCES V. SCHMIDT

EXHIBIT "A"

BOOK 0490 PAGE 674

03 degrees 55 minutes 54 seconds West for a distance of 170.00 feet; thence run North 00 degrees 48 minutes 26 seconds West for a distance of 319.12 feet; thence North 89 degrees 11 minutes 34 seconds East for a distance of 444.03 feet; thence South 00 degrees 48 minutes 26 seconds East for a distance of 495.46 feet to the POINT OF BEGINNING.

Said above described tract with exceptions containing 84.06 acres, more or less.

Signed for Identification:

Frances V. Schmidt
FRANCES V. SCHMIDT



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 5 day of July, 2001, at 9 o'clock a M., and was duly recorded on the JUL 05 2001, Book No. 490, Page 668.

STEVE DUNCAN, CHANCERY CLERK

BY: J Cole D.C.

LEGAL DESCRIPTION

A PARCEL OF LAND CONTAINING 46.11 ACRES (2,008,733.94 SQUARE FEET), MORE OR LESS, BEING SITUATED IN SECTION 19, TOWNSHIP 8 NORTH, RANGE 2 EAST, MADISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT A FOUND IRON PIN MARKING THE SOUTHWEST CORNER OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 19; RUN THENCE S00°12'20"W FOR A DISTANCE OF 352.89 FEET TO THE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, RUN S85°06'48"E FOR A DISTANCE OF 260.65 FEET; THENCE S0°31'11"E FOR A DISTANCE OF 39.69 FEET; THENCE N11°06'24"E FOR A DISTANCE OF 112.65 FEET; THENCE S89°45'57"E FOR A DISTANCE OF 431.55 FEET; THENCE N00°25'03"E FOR A DISTANCE OF 269.72 FEET; THENCE S89°46'03"E FOR A DISTANCE OF 630.94 FEET; THENCE S00°14'02"W FOR A DISTANCE OF 1096.74 FEET; THENCE S89°11'34"W FOR A DISTANCE OF 3.17 FEET; THENCE S00°48'26"E FOR A DISTANCE OF 875.44 FEET; THENCE S89°53'06"W FOR A DISTANCE OF 30.00 FEET; THENCE S87°00'01"W FOR A DISTANCE OF 100.54 FEET; THENCE N83°32'21"W FOR A DISTANCE OF 100.50 FEET; THENCE N88°40'37"W FOR A DISTANCE OF 200.01 FEET; THENCE S89°01'55"W FOR A DISTANCE OF 5.19 FEET; THENCE N03°55'39"W FOR A DISTANCE OF 160.47 FEET; THENCE N89°18'39"W FOR A DISTANCE OF 323.39 FEET; THENCE N89°24'41"W FOR A DISTANCE OF 143.56 FEET; THENCE N00°00'09"E FOR A DISTANCE OF 675.58 FEET; THENCE N89°58'37"W FOR A DISTANCE OF 476.74 FEET; THENCE N00°23'11"E FOR A DISTANCE OF 389.60 FEET; THENCE N00°20'30"W FOR A DISTANCE OF 383.60 FEET TO THE POINT OF BEGINNING.

THIS IS A CLASS "B" SURVEY ACCORDING TO THE "STANDARDS OF PRACTICE FOR SURVEYING" IN THE STATE OF MISSISSIPPI, ESTABLISHED BY THE AUTHORITY OF SECTION 73-13-15(f), MISSISSIPPI CODE OF 1972 AS AMENDED.

ONLY VISIBLE UTILITIES ARE SHOWN ON THIS PLAT.

REFERENCE MERIDIAN - TRUE NORTH BASED ON SOLAR OBSERVATION.

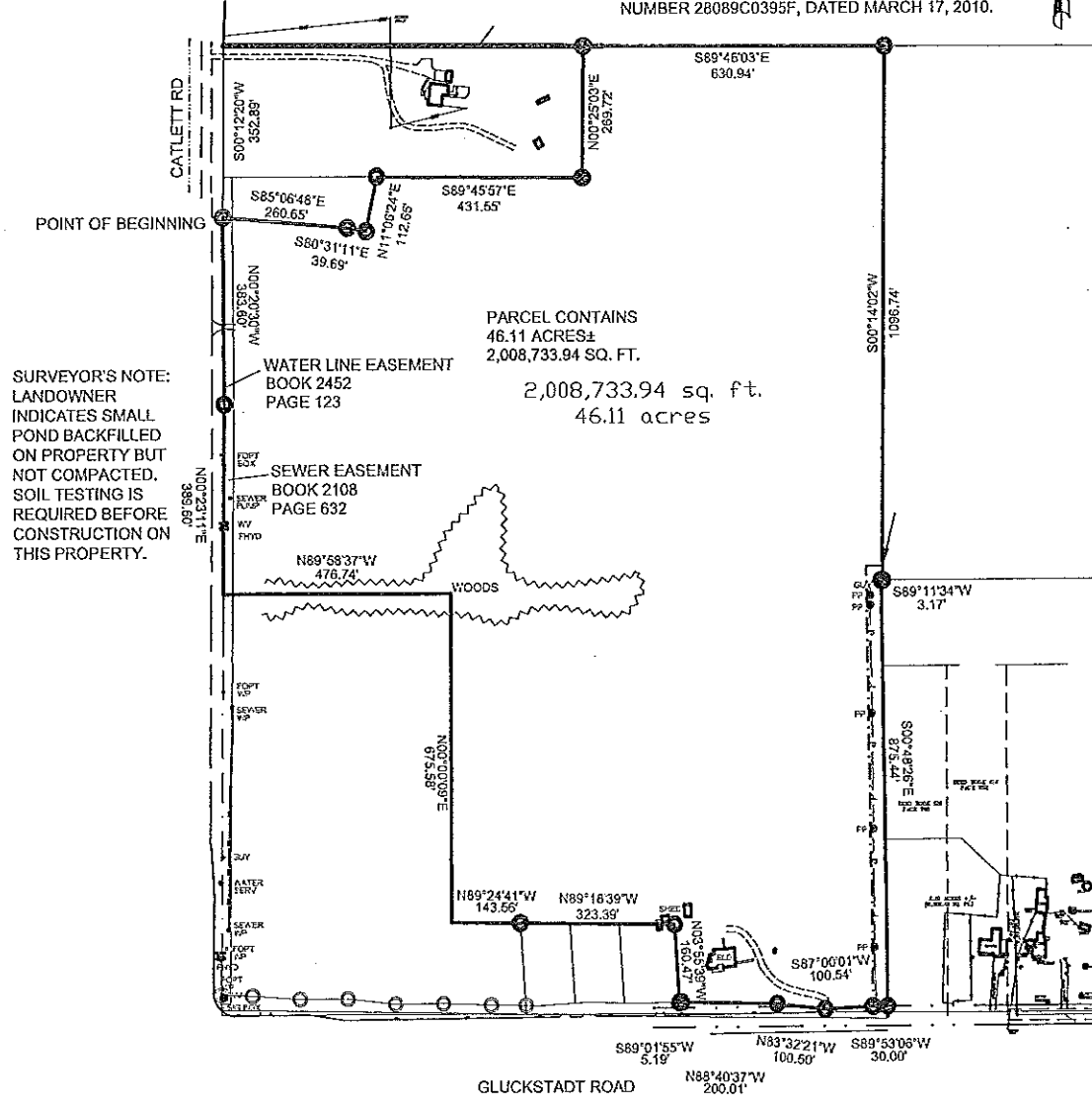
○ INDICATES 1/2" X 18" FERROUS METAL ROD @ PROPERTY CORNERS. FIP INDICATES FOUND IRON PIN. SIP INDICATES SET IRON PIN.

A CURRENT TITLE REPORT WAS NOT FURNISHED TO US FOR OUR USE IN PREPARING THIS SURVEY. THEREFORE, THERE MAY BE ADDITIONAL EASEMENTS, AND / OR SERVITUDES EFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY.

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE AND SEAL OF SURVEYOR PRESENT.

POINT OF COMMENCEMENT
FIP MARKING THE SW CORNER
N 1/2 N1/2 SE 1/4 SECTION 19

THIS PROPERTY IS LOCATED IN FLOOD
ZONE "X" ACCORDING TO FIRM MAP
NUMBER 28089C0395F, DATED MARCH 17, 2010.



SURVEYOR'S NOTE:
LANDOWNER
INDICATES SMALL
POND BACKFILLED
ON PROPERTY BUT
NOT COMPACTED.
SOIL TESTING IS
REQUIRED BEFORE
CONSTRUCTION ON
THIS PROPERTY.

452 HOLLY HEDGE DRIVE
MADISON, MS 39110

CELL (601)954-3785
romans58@comcast.net

I, Roger T. Ellison, P.L.S., do hereby certify that the survey shown hereon was performed under my supervision, and that the features depicted on this plat are a correct representation of conditions as they existed on 10/10/14, to the best of my knowledge and belief.

Roger T. Ellison, P.L.S. # 2710

SURVEY FOR:

LUCKY TOWN ACRES, LLC

PROPERTY SITUATED IN
SECTION 19, T-8-N, R-2-E,
MADISON COUNTY, MS

DRAWN BY: DME	DATE: 10/10/14	SURVEY CLASS: B
CHECKED BY: RTE	SCALE: 1" = 300'	JOB #: AS-045-03-14



P. O. Box 107
Canton, MS 39046

Phone: (601) 856-5969
Fax: (601) 856-8936

September 26, 2014

Lucky Town Acres, L.P.
862 Gluckstadt Road
Madison, MS 39110

RE: Property in Section 19, T8N, R2E
Madison County, Mississippi

To Whom it May Concern:

Please be advised that all the properties near the northeast corner of Gluckstadt Road and Catlett Road do lie within Bear Creek Water Association's water and sewer certificated area. The association will provide any developments within that area such services in accordance with its standard water and sewer extension policies and procedures. This includes any properties within Section 19, Township 8 North, Range 2 East of Madison County.

Please contact me if you need any additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nolan P. Williamson".

Nolan P. Williamson, P.E.
Engineering Manager

EXHIBIT B

A petition to rezone real property must comply with two standards, a change in the character of the neighborhood, and a public need. Lucky Town Acres, LP submit the following in support of the petition being considered.

A steady progression of commercial and moderate density residential properties have developed along Gluckstadt Road from east of Highway 51 to Highway 463, including Red Oak Subdivision, Ridgefield Subdivision, Arrington Subdivision, Belle Terre Subdivision, Stillhouse Creek, and Wellington, all in this area.

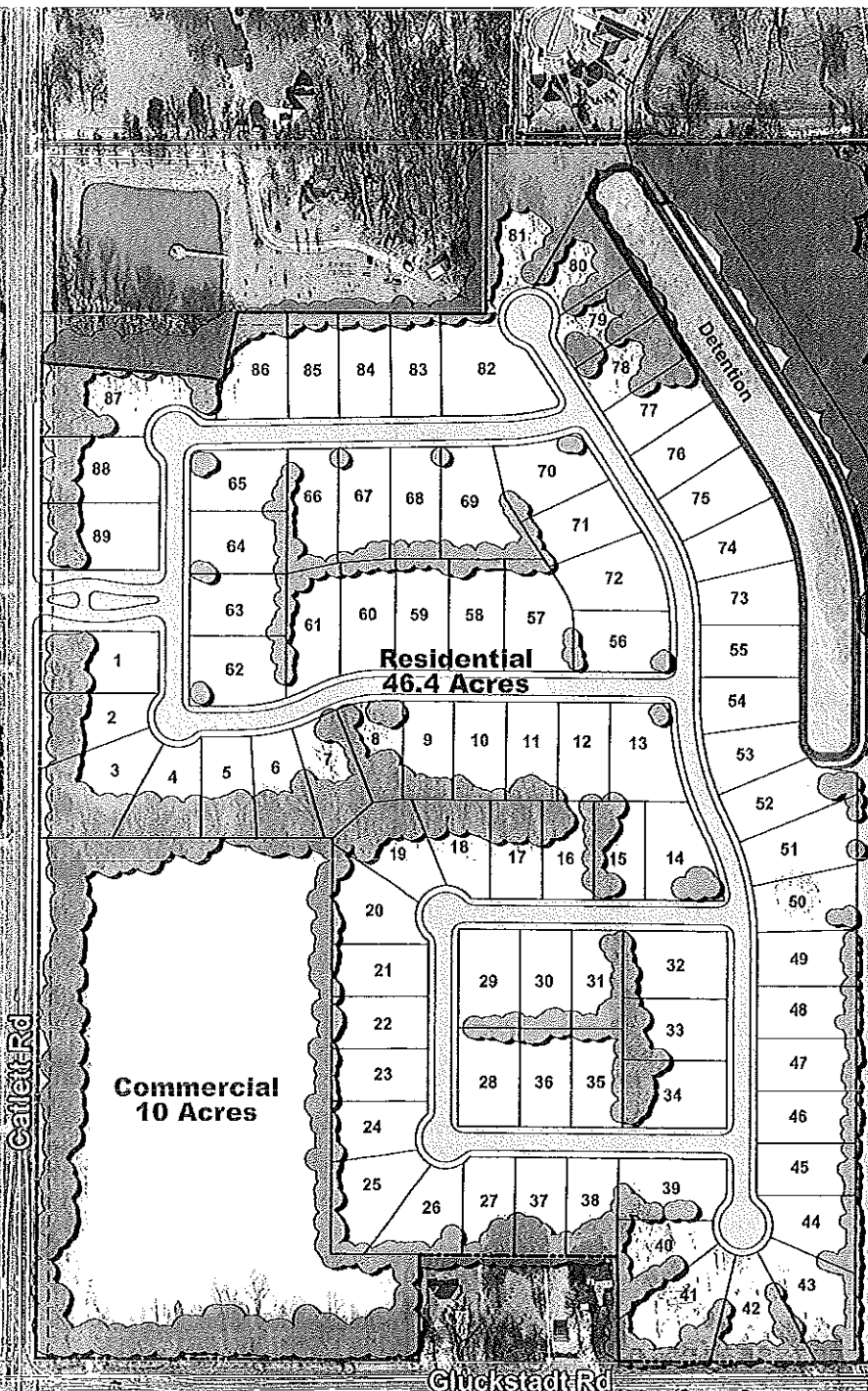
The availability of water and sewer in this area is a major change, along with the widening of Gluckstadt Road to three lanes, with a signalized intersect at Gluckstadt Road and Catlett/Bozeman Road. Future improvements are planned for Bozeman Road to address the increase of traffic.

Mississippi Department of Transportation is currently replacing the interchange at I-55 and Gluckstadt Road to accommodate the increase in traffic.

The development of the subdivisions mentioned, along with the availability of the necessary utilities to support future development, clearly demonstrates a change in the character of this area. The zoning map identified as Exhibit C clearly show the number of moderate density zoned subdivisions in the area, all having been changed from A-1 Agricultural or R-1 Residential zoning to moderate density residential zoning.

Available residential lots in a well-planned subdivision, with desirable and thoughtful covenants, are at a premium in this area. Demand is high, and the subdivision proposed will help meet the need in this area.

This master plan has been prepared only for purposes of illustrating the general concept of the development. The Developer reserves the right to alter or revise the uses and locations illustrated on this plan without notice. All measurements and acreage shown are approximate.



**Residential
46.4 Acres**

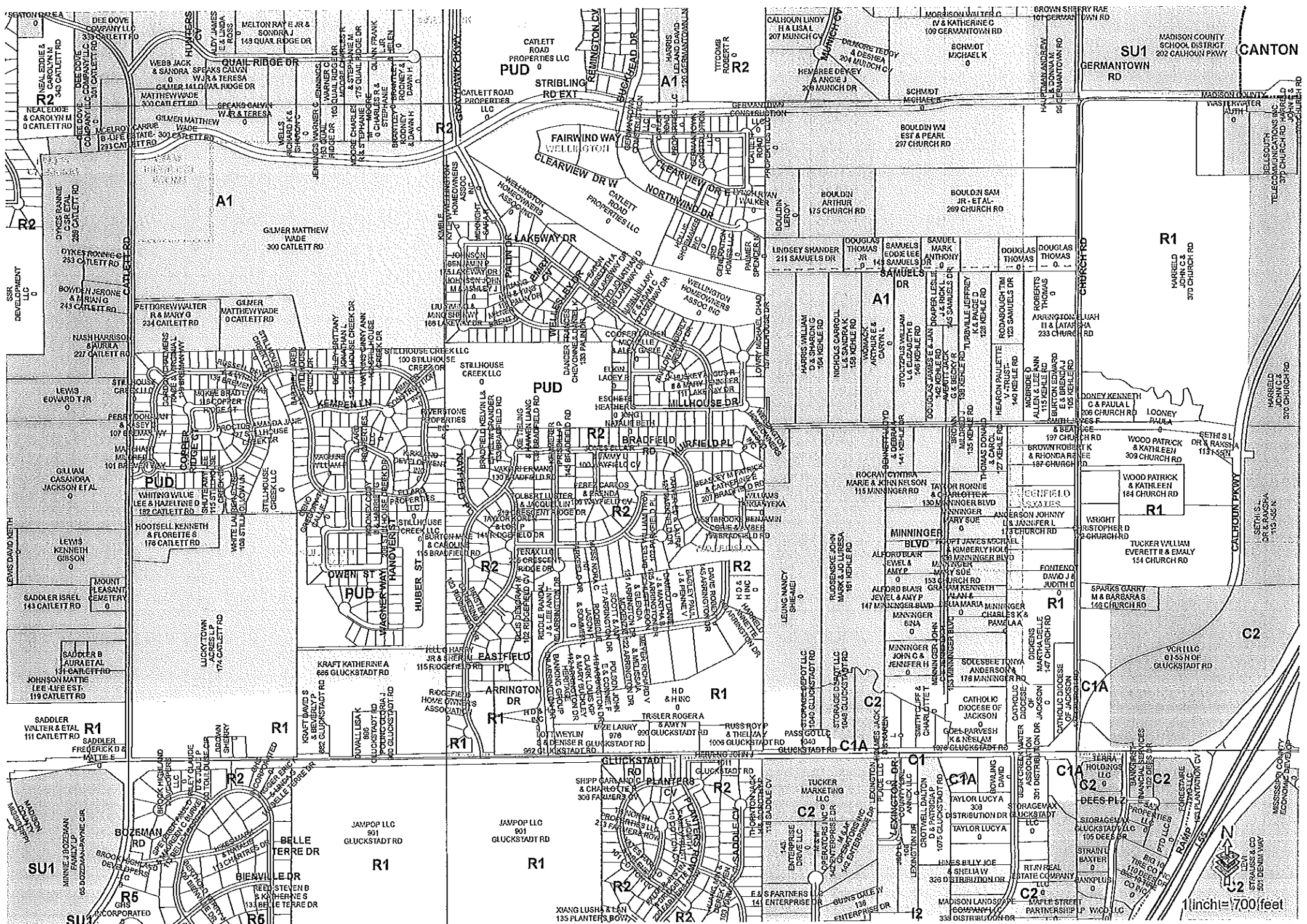
**Commercial
10 Acres**



Scale: 1" = 100'

**MCCRORY
& ASSOCIATES**
LAND DEVELOPMENT CONSULTANTS

EXHIBIT C



1 inch = 700 feet