

The Clerk of the Board of Supervisors reported that pursuant to a resolution declaring the intention of the Board of Supervisors (the "Governing Body") of Madison County, Mississippi (the "County") calling for a public hearing to be held at 6:00 o'clock p.m. on January 7, 2013, with respect to the Urban Renewal Plan (Sulphur Springs Lake Project), did cause a notice of the public hearing to be published in *The Madison County Herald*, a legally qualified newspaper published in the County and having a general circulation in the County on December 27, 2013, as evidenced by the proof of publication on file in the office of the Clerk. The President of the Governing Body of the County then called the meeting to order, and the public hearing was duly convened. At the time, all present were given an opportunity to present oral and written comments on the Urban Renewal Plan (Sulphur Springs Lake Project), which is included herein as **EXHIBIT A**. A general description of the testimony presented is set forth in **EXHIBIT B** hereto. At the conclusion of the public hearing, Supervisor \_\_\_\_\_ offered and moved the adoption of the following:

**“A RESOLUTION APPROVING AND ADOPTING THE URBAN RENEWAL PLAN (SULPHUR SPRINGS LAKE PROJECT); PROVIDING FOR THE IMPLEMENTATION OF SUCH PLAN; AND FOR RELATED PURPOSES.”**

**WHEREAS**, under the power and authority granted by the laws of the State of Mississippi (the "State") and particularly under Section 43-35-1 *et seq.*, Mississippi Code of 1972, as amended from time to time (the "Act") the Governing Body of the County on December 17, 2012, did adopt a certain resolution (the "URP Resolution") entitled RESOLUTION TAKING OFFICIAL ACTION TOWARD THE APPROVAL OF A PROPOSED URBAN RENEWAL PLAN (SULPHUR SPRINGS LAKE PROJECT) AND SETTING PUBLIC HEARING FOR SUCH PROPOSED URBAN RENEWAL PLAN; and

**WHEREAS**, as directed by the URP Resolution and as required by law, a Notice of Public Hearing was published in *The Madison County Herald*, a legally qualified newspaper published in the County and having general circulation in the County, and was so published in said newspaper on December 27, 2012; as evidenced by the publisher's proof of publication of the same heretofore presented to the Governing Body and filed with the Clerk all in accordance with State law and attached hereto as **EXHIBIT C**; and

**WHEREAS**, the Notice of Public Hearing generally described the Urban Renewal Plan and further called for a public hearing to be held in the regular meeting place of this Governing Body at the Chancery Courthouse in Canton, Mississippi, at 6:00 o'clock p.m. on January 7, 2013, in order for the general public to state and present their views on the Urban Renewal Plan; and

**WHEREAS**, at 6:00 o'clock p.m. on January 7, 2013, the public hearing was held and all in attendance were given the opportunity to state and present their views on the Urban Renewal Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY, AS FOLLOWS:**

Section 1. That all the findings and facts made and set forth in the preamble to this resolution shall be and the same are hereby found, declared and adjudicated to be true and

correct.

Section 2. That no families will be displaced within the urban renewal area as a result of the redevelopment project described in the Urban Renewal Plan.

Section 3. That the Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the County as a whole, for the rehabilitation or redevelopment of the urban renewal area.

Section 4. That the Urban Renewal Plan is necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.

Section 5. That the Governing Body is now fully authorized and empowered under the provisions of the Act, to adopt and implement the Urban Renewal Plan and does hereby adopt and approve such plan as the Urban Renewal Plan of the County to be implemented for the development and redevelopment of the County.

Section 6. This resolution shall become effective immediately and all resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, repealed.

Supervisor \_\_\_\_\_ seconded the motion to adopt the foregoing resolution, and the question being put to a role call vote, the results were as follows:

Supervisor John Bell Crosby	voted: _____
Supervisor Ronny Lott	voted: _____
Supervisor Gerald Steen	voted: _____
Supervisor Karl Banks	voted: _____
Supervisor Paul Griffin	voted: _____

The motion having received the affirmative vote of a majority of the members present, the President of the Governing Body declared the motion carried and the resolution adopted, on this the 7th day of January, 2013.

**MADISON COUNTY, MISSISSIPPI**

\_\_\_\_\_  
**PRESIDENT, BOARD OF SUPERVISORS**

**ATTEST:**

\_\_\_\_\_  
**CLERK, BOARD OF SUPERVISORS**

**EXHIBIT A**  
**URBAN RENEWAL PLAN**

**EXHIBIT B**  
**PUBLIC HEARING TESTIMONY**

# MEMO

**To:** Madison County Board of Supervisors  
**From:** Brad Sellers  
**Subject:** Urban Renewal Plan  
**Date:** January 2, 2013

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The Madison County Planning Commission reviewed the Urban Renewal Plan at the December 14, 2012 meeting. Following discussion, a motion and second were made to approve the plan, with all members voting “aye” to approve the plan, as it complies with the Goals and Objectives of the Madison County Comprehensive Plan.

**URBAN RENEWAL PLAN**  
**(SULPHUR SPRINGS LAKES PROJECT)**

**I. Existence of Urban Renewal Plan**

This Urban Renewal Plan shall constitute an urban renewal plan of Madison County, Mississippi (the "County"), as set forth in Mississippi Code Annotated § 43-35-1et seq., as amended (the "Act").

**II. Designation of Urban Renewal Area**

The Board of Supervisors of the County did by Resolution of December 3, 2012, declare that certain property located in unincorporated Madison County, Mississippi area of operation and more particularly described in **EXHIBIT "1"** hereto to be blighted within the meaning of Mississippi Code Annotated § 43-35-3(i) of the Act and did designate such area as appropriate for an urban renewal project. The property described on **EXHIBIT "1"** hereto is the "Urban Renewal Area" for purposes of this Urban Renewal Plan.

**III. The Urban Renewal Project**

The Urban Renewal Area shall be redeveloped, renovated and rehabilitated through acquisition, construction, renovation and equipping approximately \_\_\_\_ acres of property to include \_\_\_\_\_ (collectively, the "Urban Renewal Project"). Included in the Urban Renewal Project will be ancillary supporting facilities, adequate parking, adequate private streets for ingress and egress from and onto public streets and roads, and adequate connection to public utilities.

**IV. Relationship to Local Objective**

The Urban Renewal Project will not require a zoning change to and shall be accomplished in accordance with the all County zoning ordinance and building code, unless exceptions are made in accordance with law. The Urban Renewal Project will constitute an appropriate land use.

**V. Ownership of Urban Renewal Project**

The owner and operator of the Urban Renewal Project will be the County.

## VI. Financing

The Board of Supervisors of the County will issue its urban renewal revenue bonds (the "Bonds") in an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) in order to partially finance the Urban Renewal Project. Such Bonds shall be issued in the form of one or more instruments. The proceeds from sale of the Bonds shall be used to finance the Urban Renewal Project, fund a debt service reserve fund for the Bonds, if necessary, and pay costs of issuance for the Bonds. The Bonds shall be limited obligations of the County the principal of and interest on which shall be payable in accordance with the terms of a bond purchase agreement between the County and the purchaser of the Bonds and will be further payable from the following:

(a) income, proceeds, revenues and funds derived from or held in connection with the Urban Renewal Project; and

(b) such other collateral, if any, as may be specified in the aforesaid bond purchase agreement and as allowed by the Act.

The County will irrevocably pledge and assign the foregoing sources of revenue, without recourse, for the benefit of the holder or holders of the Bonds. The Bonds shall not constitute an indebtedness of the County within the meaning of any constitutional provision or statutory limitation, and shall never constitute nor give rise to an indebtedness of the County within the meaning of any constitutional or statutory debt limitation or restriction. The County shall not be obligated to pay the Bonds and the interest thereon, except from any revenues derived by the County from the aforesaid sources of revenue.

## VII. Ad Valorem Taxes

The Urban Renewal Project shall not be subject to ad valorem taxation during the County's ownership thereof, unless otherwise required by Mississippi law.

## EXHIBIT "1"

### PROJECT SITE DESCRIPTION

That certain tract of land situated in unincorporated Madison County, Mississippi, more particularly described as follows:

A parcel of land containing 60.05 acres (2,615,718.97 square feet), more or less, being situated in Lots 5 and 6 of Section 17, East of the Choctaw Boundary Line and South of Revive Road, Township 10 North, Range 5 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at a found concrete monument marking the Southeast corner of Section 17, Township 10 North, Range 5 East, Madison, Mississippi; run thence along the South line of said Section 17 South 89 degrees 46 minutes 00 seconds West for a distance of 2640.00 feet to the POINT OF BEGINNING for the parcel herein described; thence continue South 89 degrees 46 minutes 00 seconds West for a distance of 424.23 feet; thence run North for a distance of 331.98 feet; thence run North 89 degrees 00 minutes 00 seconds West for a distance of 1189.70 feet to an iron pin on the Eastern right of way line of a gravel road, said right of way purchase being described in Book 3 at Page 9 of the Madison County Land Records; thence run along said right of way of road North 07 degrees 34 minutes 16 seconds West for a distance of 878.51 feet to a point on the South right of way line of Revive Road; thence run along said right of way North 82 degrees 25 minutes 44 seconds East for a distance of 35.00 feet; thence North 07 degrees 34 minutes 16 seconds West for a distance of 92.03 feet; thence run 169.12 feet along the arc of a 1959.89 foot radius curve to the left, said arc having a 169.07 foot chord bearing North 48 degrees 24 minutes 07 seconds East to a found concrete right of way monument; thence run North 58 degrees 54 minutes 28 seconds East for a distance of 209.66 feet; thence North 34 degrees 53 minutes 16 seconds East for a distance of 292.97 feet; thence North 46 degrees 43 minutes 19 seconds East for a distance of 503.29 feet to a found concrete right of way monument; thence South 40 degrees 44 minutes 13 seconds East for a distance of 10.00 feet; thence run 137.29 feet along the arc of a 522.96 foot radius curve to the right, said arc having a 136.90 foot chord bearing North 56 degrees 41 minutes 28 seconds East to a found concrete right of way monument at the intersection of said South right of way line of Revive Road with the Western right of way line of Mississippi Highway 17; thence leave said right of way of Revive Road and run along said right of way of Mississippi Highway 17 South 61 degrees 55 minutes 56 seconds East for a distance of 310.61 feet to a found concrete right of way monument; thence South 37 degrees 19 minutes 03 seconds East for a distance of 759.09 feet; thence leave said right of way and run South 00



degrees 28 minutes 05 seconds East for a distance of 1441.36 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

A parcel of land lying and situated in the SW portion of Section 17, Township 10 North, Range 5 East, Madison County, Mississippi being more particularly described as follows:

Commence at a concrete monument representing the SE corner of Section 17, Township 10 North, Range 5 East, Madison County, Mississippi and run thence S 89 degrees 46 minutes 00 seconds W for a distance of 2640.00 feet to the southeast corner of that parcel described in Book 38 of page 234 as shown on a survey for Sacred Heart Catholic Congregation or Parish, signed by Roger T. Ellison, dated March 11, 2005; thence run North along the southerly boundary of said parcel for a distance of 209.00 feet; thence run N 89 degrees 00 minutes 00 seconds W for a distance of 1048.60 feet to an iron pin on the westerly right of way of Burns Road per Book 3, Page 9; thence run N 89 degrees 00 minutes 00 seconds W for a distance of 30.34 feet to an iron pin on the westerly right of way of said Burns Road, said iron pin being the Point of Beginning of the parcel herein described. From the Point of Beginning run thence S 3 degrees 07 minutes 12 seconds W for a distance of 84.06 feet to point; thence run S 10 degrees 09 minutes 37 seconds W for a distance of 83.42 feet to an iron pin on the Choctaw Boundary line per Book 232 at page 404, thence run N 9 degrees 55 minutes 59 seconds W along said Choctaw Boundary Line and the easterly line of Book 232 at page 404 for a distance of 1218.07 feet to an iron pin on the Southerly Right of way of Sulphur Springs Road (Revive Road per State Aid Project #TQS-1538(1)8; thence run N 56 degrees 42 minutes 24 seconds E along said right of way for a distance of 53.00 feet to an iron pin; thence run S 22 degrees 04 minutes 11 seconds E along said southerly right of way for a distance of 39.44 feet to an iron pin; thence run N 82 degrees 25 minutes 44 seconds E along said southerly right of way for a distance of 35.00 feet to an iron pin on the westerly right of way of Burns Road; thence run S 7 degrees 34 minutes 16 seconds E along said right of way for a distance of 1003.30 feet to the Point of Beginning. This parcel contains 1.86 acres, more or less.

URBAN RENEWAL PLAN  
(SULPHUR SPRINGS LAKES PROJECT)

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**EXHIBIT C**  
**COPY OF PROOF OF PUBLICATION**

ButlerSnow 14956758v1