

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

**IN THE MATTER OF REZONING OF
CERTAIN LAND SITUATED IN SECTION 21
TOWNSHIP 8 NORTH, RANGE 2 EAST
MADISON COUNTY, MISSISSIPPI**

**RONALD L. HUTCHINSON, PETITIONER
JOHN C. HARRELD, PETITIONER**

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

COME NOW, Ronald L. Hutchinson and John C. Harreld, 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 21, Township 8 North, Range 2 East, Madison County, Mississippi, more particularly described as set forth in Exhibit A.

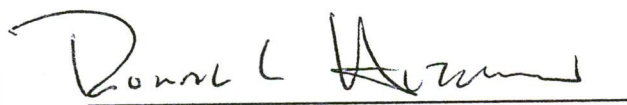
SEE EXHIBIT A

From its present Zoning District Classification of R-1 District to a C-2 District, in support thereof would respectfully show as follows,

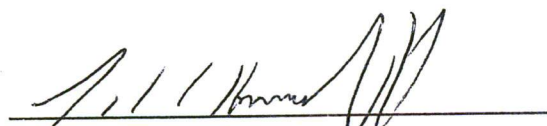
1. The subject property consists of 70.93 acres.
2. The zoning proposed is not in compliance with the adopted Land Use and Transportation Plan of Madison County, but is the highest and best use.
3. The predominant use in the area is commercial.
4. There is both a public need for the rezoning and a change in the character of the neighborhood sufficient to justify rezoning.
5. The 70.93 acres in question is part of and bordered on the North and East by C-2 property.
6. The 70.93 acres will be accessed by The Calhoun Station Parkway on the East West run of Church Road on the North.
7. The Buffer Zone is located West of the 70.93 acres. There will be no access on the North South run of Church Road, West of the Buffer Zone.
8. The 70.93 acre tract will be used to develop Calhoun Station Commercial Park.
9. Water and sewer service will be provided by Bear Creek Water Association. Electric service will be provided by Entergy.
10. Please refer to Exhibit B for our restrictive covenants for the C-2 property.

WHEREFORE, the Petitioners respectfully request that this Petition be received and after due consideration, the Board of Supervisor of Madison County will enter an order (amending the Land Use Plan) rezoning and reclassifying the 70.93 acres from R-1 to C-2.

DATED this the 30th day of January, 2015



Ronald L. Hutchinson, Petitioner



John C. Harreld, Petitioner

LEGAL DESCRIPTION REZONING AREA:

A PARCEL OF LAND CONTAINING 70.93 ACRES (3,089,802.08 SQUARE FEET), MORE OR LESS, BEING SITUATED IN SECTION 21, TOWNSHIP 8 NORTH, RANGE 2 EAST, MADISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 21; RUN THENCE S00°21'33"W FOR A DISTANCE OF 2242.24 FEET; THENCE S89°39'18"E FOR A DISTANCE OF 41.68 FEET TO THE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE S89°39'18"E FOR A DISTANCE OF 112.09 FEET TO THE CENTERLINE OF AN EXISTING DITCH; THENCE RUN ALONG SAID CENTERLINE OF DITCH THE FOLLOWING CALLS AND DISTANCES:

S33°33'35"E FOR A DISTANCE OF 31.89 FEET; S51°28'57"E FOR A DISTANCE OF 45.37 FEET; S89°50'32"E FOR A DISTANCE OF 79.55 FEET; N88°25'37"E FOR A DISTANCE OF 22.51 FEET; S69°38'56"E FOR A DISTANCE OF 35.37 FEET; S55°09'09"E FOR A DISTANCE OF 49.05 FEET; S53°44'59"E FOR A DISTANCE OF 51.56 FEET; S83°23'26"E FOR A DISTANCE OF 65.03 FEET; S62°58'35"E FOR A DISTANCE OF 32.76 FEET; S77°30'23"E FOR A DISTANCE OF 23.99 FEET; N44°16'55"E FOR A DISTANCE OF 46.79 FEET; S85°08'15"E FOR A DISTANCE OF 23.64 FEET; S04°39'33"W FOR A DISTANCE OF 24.57 FEET; S28°20'49"E FOR A DISTANCE OF 72.90 FEET; N72°27'23"E FOR A DISTANCE OF 47.66 FEET; N17°23'06"E FOR A DISTANCE OF 31.37 FEET; N46°35'09"E FOR A DISTANCE OF 31.55 FEET; S48°41'07"E FOR A DISTANCE OF 27.32 FEET; S27°55'50"E FOR A DISTANCE OF 27.41 FEET; S02°57'57"W FOR A DISTANCE OF 62.70 FEET; S81°10'16"E FOR A DISTANCE OF 50.91 FEET; S67°52'53"E FOR A DISTANCE OF 27.26 FEET; N53°32'17"E FOR A DISTANCE OF 19.31 FEET; N20°22'56"E FOR A DISTANCE OF 46.45 FEET; N04°51'12"W FOR A DISTANCE OF 77.49 FEET; N73°18'29"E FOR A DISTANCE OF 40.39 FEET; S24°23'08"E FOR A DISTANCE OF 67.99 FEET; S14°27'36"E FOR A DISTANCE OF 76.59 FEET; S88°09'09"E FOR A DISTANCE OF 83.39 FEET; S15°45'47"W FOR A DISTANCE OF 68.26 FEET; S09°56'15"W FOR A DISTANCE OF 37.48 FEET; S19°24'17"E FOR A DISTANCE OF 27.04 FEET; THENCE LEAVE SAID CENTERLINE OF DITCH AND RUN N89°36'19"E FOR A DISTANCE OF 335.53 FEET TO THE WESTERN RIGHT OF WAY LINE OF CALHOUN STATION PARKWAY; THENCE RUN ALONG SAID RIGHT OF WAY 369.32 FEET ALONG THE ARC OF A 2050.00 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC HAVING A 368.82 FOOT CHORD BEARING N14°37'49"E; THENCE LEAVE SAID RIGHT OF WAY AND RUN N00°20'42"E FOR A DISTANCE OF 1543.54 FEET; THENCE S89°36'14"W FOR A DISTANCE OF 220.00 FEET; THENCE S89°36'14"W FOR A DISTANCE OF 220.00 FEET; THENCE N00°20'42"E FOR A DISTANCE OF 640.22 FEET; THENCE S89°36'10"W FOR A DISTANCE OF 940.13 FEET TO THE POINT OF BEGINNING.

0462-690

STATE OF MISSISSIPPI
COUNTY OF MADISON

308027

WARRANTY DEED

FOR AND IN CONSIDERATION of ten and no/100 dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, Joe W. Martin and wife, Sara Jane Martin, the Grantors, do hereby convey and warrant unto John C. Harreld and Ronald L. Hutchinson, the Grantees, the following described real property lying and being situated in Madison County, Mississippi, to-wit:

TRACT ONE:

Commence at a 1/2" square iron pin marking the Northwest corner of Section 16, Township 8 North, Range 2 East, Madison County, Mississippi, and run thence South 00 degrees 03 minutes 44 seconds West for a distance of 5,280.00 feet to a ferrous metal rod marking the Northwest corner of Section 21, Township 8 North, Range 2 East, said rod also being the point of beginning for the parcel herein described; and from said point of beginning run thence South 00 degrees 20 minutes 42 seconds West, along the West line of said Section 21, for a distance of 2,430.00 feet; thence leave said section line and run North 89 degrees 36 minutes 19 seconds East for a distance of 420.00 feet; thence South 00 degrees 20 minutes 42 seconds West for a distance of 210.00 feet; thence run North 89 degrees 36 minutes 19 seconds East for a distance of 2,331.11 feet to the Western right-of-way of Interstate 55; run thence Northerly along said Western right-of-way 2,257.41 feet along the arc of a 5,622.43 foot radius curve to the left, said arc having a 2,242.28 foot chord which bears North 11 degrees 38 minutes 59 seconds East; thence North 00 degrees 28 minutes 56 seconds West for a distance of 446.96 feet to the North line of Section 21; thence leave said right-of-way and run along said section line South 89 degrees 36 minutes 14 seconds West for a distance of 3,184.25 feet to the point of beginning, containing 184.1228 acres, more or less, and all lying and being situated in the North 1/2 of Section 21, lying West of Interstate 55, Township 8 North, Range 2 East, Madison County, Mississippi.

And, for the consideration hereinabove set forth, Joe W. Martin and wife, Sara Jane Martin, the Grantors, do hereby convey and quitclaim unto John C. Harreld and Ronald L. Hutchinson, the Grantees, all of the Grantors' right, title and interest in and to the following described real property lying and being situated in Madison County, Mississippi:

TRACT TWO:

Commence at a nail at the centerline of Church Road marking the Southwest corner of the Northwest 1/4 of Section 21, Township 8 North, Range 2 East, Madison County, Mississippi, and run thence North 89 degrees 36 minutes 19 seconds East for a distance of 420.00 feet to the point of beginning of the parcel herein described;

STATE OF MISSISSIPPI
COUNTY OF MADISON

308027

WARRANTY DEED

FOR AND IN CONSIDERATION of ten and no/100 dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, Joe W. Martin and wife, Sara Jane Martin, the Grantors, do hereby convey and warrant unto John C. Harreld and Ronald L. Hutchinson, the Grantees, the following described real property lying and being situated in Madison County, Mississippi, to-wit:

TRACT ONE:

Commence at a 1/2" square iron pin marking the Northwest corner of Section 16, Township 8 North, Range 2 East, Madison County, Mississippi, and run thence South 00 degrees 03 minutes 44 seconds West for a distance of 5,280.00 feet to a ferrous metal rod marking the Northwest corner of Section 21, Township 8 North, Range 2 East, said rod also being the point of beginning for the parcel herein described; and from said point of beginning run thence South 00 degrees 20 minutes 42 seconds West, along the West line of said Section 21, for a distance of 2,430.00 feet; thence leave said section line and run North 89 degrees 36 minutes 19 seconds East for a distance of 420.00 feet; thence South 00 degrees 20 minutes 42 seconds West for a distance of 210.00 feet; thence run North 89 degrees 36 minutes 19 seconds East for a distance of 2,331.11 feet to the Western right-of-way of Interstate 55; run thence Northerly along said Western right-of-way 2,257.41 feet along the arc of a 5,622.43 foot radius curve to the left, said arc having a 2,242.28 foot chord which bears North 11 degrees 38 minutes 59 seconds East; thence North 00 degrees 28 minutes 56 seconds West for a distance of 446.96 feet to the North line of Section 21; thence leave said right-of-way and run along said section line South 89 degrees 36 minutes 14 seconds West for a distance of 3,184.25 feet to the point of beginning, containing 184.1228 acres, more or less, and all lying and being situated in the North 1/2 of Section 21, lying West of Interstate 55, Township 8 North, Range 2 East, Madison County, Mississippi.

And, for the consideration hereinabove set forth, Joe W. Martin and wife, Sara Jane Martin, the Grantors, do hereby convey and quitclaim unto John C. Harreld and Ronald L. Hutchinson, the Grantees, all of the Grantors' right, title and interest in and to the following described real property lying and being situated in Madison County, Mississippi:

TRACT TWO:

Commence at a nail at the centerline of Church Road marking the Southwest corner of the Northwest 1/4 of Section 21, Township 8 North, Range 2 East, Madison County, Mississippi, and run thence North 89 degrees 36 minutes 19 seconds East for a distance of 420.00 feet to the point of beginning of the parcel herein described;

thence run North herein described; thence run North 89 degrees 36 minutes 19 seconds East for a distance of 2,331.08 feet to the Western right-of-way of Interstate 55; thence run South 22 degrees 27 minutes 58 seconds West, along said Western right-of-way, for a distance of 64.41 feet to a fence corner; thence leave said right-of-way and run North 89 degrees 12 minutes 29 seconds West, along said fence line, for a distance of 1,792.58 feet; thence North 88 degrees 45 minutes 05 seconds West, along said fence line, for a distance of 514.70 feet; thence North 04 degrees 25 minutes 40 seconds East for a distance of 7.50 feet to the point of beginning, containing 1.87 acres, more or less, and all lying and situated in the South 1/2 of Section 21, Township 8 North, Range 2 East, Madison County, Mississippi.

The warranty of this conveyance is made subject to the following exceptions, to-wit:

1. Madison County, Mississippi, ad valorem taxes for the year 2000, have been prorated between the parties as of the date of this conveyance, and the Grantees hereby assume and agree to pay such taxes in full when due.

2. The Zoning Ordinance and Subdivision Regulations of Madison County, Mississippi, as amended.

3. Less and except an undivided one-half interest in and to all of the oil, gas and other minerals lying in, on and under that part of the subject property that is situated in the East 1/2 of the Northwest 1/4 and the Northeast 1/4 of Section 21, Township 8 North, Range 2 East, Madison County, Mississippi.

4. That certain right-of-way and easement for the construction, operation and maintenance of a water line, as conveyed to Big Black Water Association, Inc. by instrument dated April 14, 1980, and recorded in deed book 169, at page 439, in the office of the Chancery Clerk of Madison County, Mississippi.

5. That certain right-of-way and easement for the construction, operation and maintenance of a sewer line, as conveyed to Big Black Water Association, Inc. by instrument dated December 6, 1996, and recorded in deed book 390, at page 252, in the office of the Chancery Clerk of Madison County, Mississippi.

6. Subject to the existing right-of-way for Church Road, a public road, which runs along the North and West sides of Tract One.

7. Subject to those certain rights-of-way and easements for

thence run North herein described; thence run North 89 degrees 36 minutes 19 seconds East for a distance of 2,331.08 feet to the Western right-of-way of Interstate 55; thence run South 22 degrees 27 minutes 58 seconds West, along said Western right-of-way, for a distance of 64.41 feet to a fence corner; thence leave said right-of-way and run North 89 degrees 12 minutes 29 seconds West, along said fence line, for a distance of 1,792.58 feet; thence North 88 degrees 45 minutes 05 seconds West, along said fence line, for a distance of 514.70 feet; thence North 04 degrees 25 minutes 40 seconds East for a distance of 7.50 feet to the point of beginning, containing 1.87 acres, more or less, and all lying and situated in the South 1/2 of Section 21, Township 8 North, Range 2 East, Madison County, Mississippi.

The warranty of this conveyance is made subject to the following exceptions, to-wit:

1. Madison County, Mississippi, ad valorem taxes for the year 2000, have been prorated between the parties as of the date of this conveyance, and the Grantees hereby assume and agree to pay such taxes in full when due.

2. The Zoning Ordinance and Subdivision Regulations of Madison County, Mississippi, as amended.

3. Less and except an undivided one-half interest in and to all of the oil, gas and other minerals lying in, on and under that part of the subject property that is situated in the East 1/2 of the Northwest 1/4 and the Northeast 1/4 of Section 21, Township 8 North, Range 2 East, Madison County, Mississippi.

4. That certain right-of-way and easement for the construction, operation and maintenance of a water line, as conveyed to Big Black Water Association, Inc. by instrument dated April 14, 1980, and recorded in deed book 169, at page 439, in the office of the Chancery Clerk of Madison County, Mississippi.

5. That certain right-of-way and easement for the construction, operation and maintenance of a sewer line, as conveyed to Big Black Water Association, Inc. by instrument dated December 6, 1996, and recorded in deed book 390, at page 252, in the office of the Chancery Clerk of Madison County, Mississippi.

6. Subject to the existing right-of-way for Church Road, a public road, which runs along the North and West sides of Tract One.

7. Subject to those certain rights-of-way and easements for

public utilities, as depicted upon the survey of Roger T. Ellison, dated March 22, 2000.

8. Subject to a pond encroachment near the Southwest corner of Tract One, as depicted upon the survey of Roger T. Ellison, dated March 22, 2000.

9. Subject to the fence line encroachment, located near the Northeast corner of Tract One, of 2.44 feet onto the adjoining highway right-of-way, as depicted upon the survey of Roger T. Ellison, dated March 22, 2000.

10. Grantors hereby transfer and assign to Grantees all of their cotton base upon and attributable to the above described real property.

WITNESS OUR SIGNATURES, this the 25 day of April, 2000.

Joe W. Martin
JOE W. MARTIN

Sara Jane Martin
SARA JANE MARTIN

STATE OF MISSISSIPPI
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned authority in and for the county and state aforesaid, within my jurisdiction, on this the 25 day of April, 2000, Joe W. Martin and wife, Sara Jane Martin, who acknowledged that they executed the above and foregoing Warranty Deed.

[Signature]
NOTARY PUBLIC



My Commission Expires:

June 23, 2001

GRANTORS:
Mr. and Mrs. Joe W. Martin
279 Old Jackson Road
Madison, MS 39110
(601) 859-3406

GRANTEES:
John C. Harrel
140 Arrington Drive
Madison, Mississippi 39110
(601) 898-2124

Ronald L. Hutchinson
184 Church Road
Madison, Mississippi 39110
(601) 856-2093

INDEXING INSTRUCTIONS: 184.1228 acres, more or less, in the N 1/2 of Section 21, West of Interstate 55, and 1.87 acres, more or less, in the South 1/2 of Section 21, all in T8N, R2E, Madison County, Mississippi.

RECORDING COSTS ATTACHED: \$7.00

BEAR CREEK WATER ASSOCIATION



P. O. Box 107
Canton, MS 39046

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

February 12, 2015

Mr. Scott Weeks
Madison County Zoning Administrator
P.O. Box 608
Canton, MS 39046

RE: Property on South Side of Church Road
Madison County, Mississippi

Dear Mr. Weeks:

This letter is to notify you that the property located on the south side of Church Road and the westerly side of Calhoun Station Parkway, owned by John C. Harreld and Ronald L. Hutchinson, and located in Section 21, Township 8 North, Range 2 East, does lie within the water and sewer certificate of Bear Creek Water Association. We will provide the water and sewer service according to our normal extension policies.

Please contact me if you need any additional information.

Sincerely,



Nolan P. Williamson, P.E.
Engineering Manager

May 7, 2015

John Harreld – Ron Hutchinson

2122

Zoning Restrictions

The owner of the subject property, in response to the adjacent residents, propose the following:

- Handwritten:* → ~~WEST~~ J.H.
1. A buffer reserved along Church Road on the west side of the subject property, offering 50 feet of visual barrier. On the north side of the property, a 3' berm with a visual barrier will be constructed.
 2. Owner assumes restrictions on east west Church Road to maintain berm area.
 3. No access to Church Road, all traffic routed to Calhoun Station Parkway.
 4. All lighting to be designed to eliminate off-site glare.
 5. All metal buildings will be required to provide brick, stone, stucco, or similar material to front side of structure.
 6. No business allowed that might create offensive odors or noise.
 7. All outside storage of goods/services will be appropriately screened.
 8. No RV parks.
 9. No new/used car dealerships.
 10. No hotels.
 11. Enclosed dumpsters for each business.
 12. Will cooperate with Madison County to site a fire station on the subject property.
 13. These restrictions shall be binding on the developer or property owner for a period of 15 years (or period as agreed on).
 14. Compliance with Madison County setback requirements for C-2 Commercial and signage restrictions.
 15. No commercial incineration.
 16. No junkyards or salvage yards.
 17. No rubbish, garbage or trash dumps.
 18. No drive-in movie theaters, tourist cabins, and tourist courts.
 19. No amusement parks, tattoo parlors, pool halls and adult entertainment facilities.
 20. No truck stops.
 21. No tobacco stores.
 22. No convenience stores.