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January 3, 2013

Via Electronic Mail and Regular U.S. Mail

Mr. David Overby, County Administrator
Madison County Board of Supervisors
Post Office Box 608
Canton, MS 39046

**Re: Keith Brown-Corrective Rights of Way for Park Place Boulevard, and
Invoice for Services Rendered through January 3, 2013**

Dear David:

Enclosed please find the correspondence dated December 26, 2012, from Barry Zirulnik with the Corrective Rights of Way in connection with the Keith Brown matter. Please forward the same to the Board President with my recommendation for execution.

I am also attaching what I expect to be my final bill for services rendered. Please place the same on the Claims Docket.

As always, it is a pleasure working with you, and should you have any questions, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric T. Hamer', is written over a horizontal line.

Eric T. Hamer

ETH/bb
Enclosures

PRICE & ZIRULNIK, PLLC

ATTORNEYS AT LAW

850 East River Place, Suite 305

Post Office Box 3439

Jackson, Mississippi 39207-3439

Barry S. Zirulnik*

* Also Admitted in Virginia

Telephone: 601-353-3000

Facsimile: 601-353-3007

E-Mail: barryzirulnik@att.net

December 26, 2012

Eric T. Hamer, Esq.
Hamer & Associates, P.A.
PO Box 2185
Ridgeland, MS 39158

Re: Keith Brown - Corrective Rights of Way for Park Place Boulevard

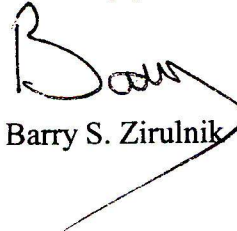
Dear Eric:

Please present the enclosed original Corrective Rights of Way instrument to the Board for its approval at your earliest possible convenience. Once approved and executed by the Board, please provide me with a copy of instrument as filed in the land records.

As relayed by email, I have not heard back from John Hedglin with the City of Madison. I would very much appreciate your providing me with an update as to any progress that has been made as between the County and City in resolving what I understand to be a disagreement as to the responsible party to finish the final layer of the road.

As always, I appreciate your assistance in having the corrected instrument finalized and filed of record.

Sincerely yours,



Barry S. Zirulnik

Enclosures

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Return to:
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CORRECTIVE RIGHTS OF WAY

GRANTOR:
Keith Elbert Brown
1194 Robinson Springs Road
Madison, Mississippi 39110
Telephone No. (601) 853-9142

GRANTEE:
MADISON COUNTY, MISSISSIPPI
146 West Center Street
Canton, Mississippi 39056
Telephone No. (601) 859-8241

INDEXING INSTRUCTIONS: S1/2 OF Section 1, T7N, R1E, Madison County, Mississippi_

CORRECTIVE RIGHTS OF WAY

WHEREAS, on August 1, 2007, Keith Elbert Brown executed certain Rights of Way to Madison County, Mississippi which was recorded in Book 2223 at Page 0176 in the land records of the Office of the Chancery Clerk of Madison County, Mississippi; and

WHEREAS, the parties discovered an error in the legal description contained in the aforesaid Rights of Way instrument and the parties do further desire to correct the error in said legal description by the execution of this document.

NOW, FOR AND IN CONSIDERATION of Ten and No/100 Dollars, cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, Keith Elbert Brown, Grantor, does hereby grant, bargain, sell, convey and warrant, subject to the exceptions and conditions hereinafter set forth, unto MADISON COUNTY, MISSISSIPPI, a body politic and corporate duly organized and existing under the Constitution and laws of the State of Mississippi, Grantee, certain Rights of Way for roadway and drainage purposes over, across, and upon the following described land and property lying and being situated in the County of Madison, State of Mississippi, (the "Rights of Way") to-wit:

- A. That certain Rights of Way described in Exhibit "A" attached hereto and entitled "Legal Description For Park Place Boulevard - Parcel 'I' Correction, Madison County, MS"; and
- B. A one-eighth (1/8) undivided interest in and to so much of that certain Rights of Way described in Exhibit "B" attached hereto, and entitled "Legal Description For Park Place Boulevard - Parcel 'A' Correction, Madison County, MS", to the limited extent that said Rights of Way describes land and property lying within that certain parcel of land described herein as Exhibit "C" attached hereto.

Provided that, in the event that the above-described Rights of Way cease to be used for the purpose of a roadway and drainage in connection therewith, the above-described Rights of Way shall, without entry or suit, immediately terminate and the conveyance hereunder shall be null and void, and Grantor, his/her successors and assigns, shall be entitled to immediate possession of said property.

This conveyance and the warranty hereof are subject to the following exceptions:

1. Madison County, Mississippi, ad valorem taxes for the year 2007, which taxes were paid by Grantor.
2. Madison County, Mississippi zoning and subdivision regulation ordinances, in any.
3. All oil and gas therein or thereunder including but not limited to all prior reservations, conveyances and leases or record regarding the oil, gas and minerals lying in, on and under the subject property.

4. All prior easements, rights of way, leases, restrictions, and covenants or record affecting the subject property.

The Grantor acknowledges the existence of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, and acknowledges that Grantor is aware of Grantor's rights under said Act, including, but not limited to:

- a) notification of the Grantee's desire to obtain the property and receipt of a copy of the above named Act;
- b) the opportunity to receive an appraisal and to accompany the appraiser during the initial inspections; and
- c) an opportunity to have the value of the property determined by a Court of competent jurisdiction and to be compensated therefore.

Grantor fully understands that he/she has the right to receive just compensation for the property herein conveyed based upon an appraisal of said property.

The Grantor does hereby waive all additional rights and privileges pursuant to Public Law 91-646, and under the "Real Property Acquisition Policies Law," plus any rights and privileges under the "Relocation Assistance Law," and Grantor further acknowledges that the Grantee has complied with any and all laws and procedures set forth above.

IN WITNESS WHEREOF, the GRANTOR and GRANTEE herein have executed this instrument on this the 26 day of December, 2012.

Keith Elbert Brown
GRANTOR

By: 

Printed Name: Keith Elbert Brown

MADISON COUNTY, MISSISSIPPI
A body politic, GRANTEE

By: _____

Printed Name: John Bell Crosby

Title: President, Madison County

Board of Supervisors

STATE OF MISSISSIPPI
COUNTY OF Hinds

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 26th day of December, 2012 within my jurisdiction, the within named Keith Elbert Brown, who acknowledge that he executed the above and foregoing instrument.



Kay Thompson
NOTARY PUBLIC

My commission expires:

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 _____, 201__, within my jurisdiction, the within named John Bell Crosby, who acknowledged that he is President of the Board of Supervisors of MADISON COUNTY, MISSISSIPPI, a body politic, Grantee, and that for an on behalf of the said body politic and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said body politic so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the ____ day of _____, 201__.

NOTARY PUBLIC

My Commission Expires:

**Legal Description
For
Park Place Boulevard – Parcel “I” Correction
Madison County, MS**

A tract or parcel of land containing **1.02 acres**, more or less, lying and being situated in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 12, Township 7 North, Range 1 East, City of Madison, Madison County, Mississippi and being more particularly described by metes and bounds as follows:

Commencing at found $\frac{1}{2}$ inch iron pin marking the Southeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 12 and the Southeast corner of said March Bennett Estate partition; run thence

South for a distance of 210.33 feet; thence

West for a distance of 487.67 feet to the Northeast corner of the Brown property as recorded in Deed Book 502, Page 615 in the Office of the Chancery Clerk of Madison County; thence

North 86 degrees 30 minutes 10 seconds West along the North line of said Brown property for a distance of 151.12 feet to the **Point of Beginning** of the herein described property; thence

Southeasterly along the arc of a curve to the right for a distance of 116.67 feet, said curve having a radius of 570.00 feet and a deflection angle of 11 degrees 43 minutes 40 seconds, (chord bearing and distance, South 21 degrees 44 minutes 35 seconds East, 116.47 feet) to a found concrete right of way monument; thence

North 75 degrees 22 minutes 31 seconds East for a distance of 33.65 feet to a found concrete right of way monument; thence

South 14 degrees 37 minutes 29 seconds East for a distance of 29.48 feet to a set $\frac{1}{2}$ inch iron pin; thence

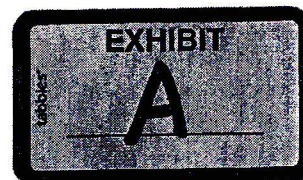
South 28 degrees 43 minutes 57 seconds West for a distance of 48.58 feet to a found concrete right of way monument; thence

South 25 degrees 37 minutes 06 seconds East for a distance of 34.45 feet to a found concrete right of way monument; thence

South 28 degrees 39 minutes 16 seconds East for a distance of 113.54 feet to a set $\frac{1}{2}$ inch iron pin; thence

South 87 degrees 49 minutes 07 seconds East for a distance of 26.93 feet to a set $\frac{1}{2}$ inch iron pin marking the West line of the Highland of Madison Development, Inc. property as recorded in Deed Book 531, Pages 346-348 in the Office of the Chancery Clerk of Madison County; thence

South 00 degree 56 minutes 22 seconds East along said West line of the Highland of Madison Development, Inc. property for a distance of 28.58 feet to a set $\frac{1}{2}$ inch iron pin marking the Northerly right of way of Highland Colony Parkway; thence



North 87 degrees 46 minutes West along said Northerly right of way of Highland Colony Parkway for a distance of 87.21 feet; thence

Southwesterly along said Northerly right of way of Highland Colony Parkway and the arc of a curve to the left for a distance of 121.94 feet, said curve having a radius of 1,117.00 feet and a deflection angle of 6 degrees 15 minutes 17 seconds, (chord bearing and distance, South 89 degrees 06 minutes 21 seconds West, 121.88 feet); thence

North 00 degrees 56 minutes 22 seconds West for a distance of 58.31 feet to a set ½ inch iron pin; thence

North 44 degrees 57 minutes 16 seconds East for a distance of 23.54 feet to a found concrete right of way monument; thence

North 2 degrees 17 minutes 14 seconds West for a distance of 49.29 feet to a found concrete right of way monument; thence

Northwesterly along the arc of a curve to the left for a distance of 44.07 feet, said curve having a radius of 470.00 feet and a deflection angle of 5 degrees 22 minutes 19 seconds, (chord bearing and distance, North 9 degrees 51 minutes 57 seconds West, 44.05 feet) to a found concrete right of way monument; thence

South 75 degrees 22 minutes 31 seconds West for a distance of 30.02 feet to a set ½ inch iron pin; thence

Northwesterly along the arc of a curve to the left for a distance of 24.00 feet, said curve having a radius of 440.00 feet and a deflection angle of 3 degrees 07 minutes 33 seconds, (chord bearing and distance, North 13 degrees 58 minutes 24 seconds West, 24.00 feet) to a found concrete right of way monument; thence

North 75 degrees 22 minutes 31 seconds East for a distance of 30.00 feet to a found concrete right of way monument; thence

Northwesterly along the arc of a curve to the left for a distance of 162.57 feet, said curve having a radius of 470.00 feet and a deflection angle of 19 degrees 49 minutes 04 seconds, (chord bearing and distance, North 25 degrees 23 minutes 14 seconds West, 161.76 feet) to a set ½ inch iron pin marking said North line of the Brown property; thence

South 86 degrees 30 minutes 10 seconds East along said North line of the Brown property for a distance of 121.73 feet to the **Point of Beginning**.

Prepared by:
Benchmark Engineering and Surveying, LLC
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Brandon, MS 39042

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Email: benchmark@benchmarkms.net

**Legal Description
For
Park Place Boulevard – Parcel “A” Correction
Madison County, MS**

A tract or parcel of land containing 4.33 acres, more or less, lying and being situated in the Southeast ¼ of the Southwest ¼ of Section 1 and the East ½ of the Northwest ¼ of Section 12, Township 7 North, Range 1 East, City of Madison, Madison County, Mississippi and being more particularly described by metes and bounds as follows:

Commencing at found ½ inch iron pin marking the Southeast corner of the Northeast ¼ of the Northwest ¼ of said Section 12; run thence

South for a distance of 210.33 feet; thence

West for a distance of 487.67 feet to the Northeast corner of the Brown property as recorded in Deed book 502, Page 615 in the Office of the Chancery Clerk of Madison County; thence

North 86 degrees 30 minutes 10 seconds West along the North line of said Brown property for a distance of 151.12 feet to the **Point of Beginning** of the herein described property; thence

Northwesterly along the arc of a curve to the left for a distance of 148.79 feet, said curve having a radius of 570.00 feet and a deflection angle of 14 degrees 57 minutes 21 seconds, (chord bearing and distance, North 35 degrees 05 minutes 06 seconds West, 148.37 feet) to a found concrete right of way monument; thence

North 42 degrees 33 minutes 47 seconds West for a distance of 30.19 feet to a found concrete right of way monument; thence

Northwesterly along the arc of a curve to the right for a distance of 416.20 feet, said curve having a radius of 720.00 feet and a deflection angle of 33 degrees 07 minutes 12 seconds, (chord bearing and distance, North 26 degrees 00 minutes 11 seconds West, 410.43 feet) to a found concrete right of way monument; thence

North 65 degrees 19 minutes 22 seconds East for a distance of 66.64 feet to a found concrete right of way monument; thence

North 24 degrees 40 minutes 38 seconds West for a distance of 59.80 feet to set ½ inch iron pin; thence

South 65 degrees 19 minutes 22 seconds West for a distance of 47.52 feet to a found concrete right of way monument; thence

Northeasterly along the arc of a curve to the right for a distance of 119.14 feet, said curve having a radius of 720.00 feet and a deflection angle of 9 degrees 28 minutes 51 seconds, (chord bearing and distance, North 00 degrees 17 minutes 42 seconds East, 119.00 feet) to a found concrete right of way monument; thence

North 5 degrees 02 minutes 08 seconds East for a distance of 54.72 feet to a found concrete right of way monument; thence

Northeasterly along the arc of a curve to the right for a distance of 422.44 feet, said curve having a radius of 750.00 feet and a deflection angle of 32 degrees 16 minutes 19 seconds, (chord bearing and distance, North 21 degrees 10 minutes 17 seconds East, 416.88 feet) to a found concrete right of way monument; thence



North 37 degrees 18 minutes 27 seconds East for a distance of 500.45 feet to a set ½ inch iron pin; thence

North 87 degrees 29 minutes 21 seconds West for a distance of 121.78 feet to a set ½ inch iron pin; thence

South 37 degrees 18 minutes 27 seconds West for a distance of 430.96 feet to a found concrete right of way monument; thence

Southwesterly along the arc of a curve to the left for a distance of 478.76 feet, said curve having a radius of 850.00 feet and a deflection angle of 32 degrees 16 minutes 19 seconds, (chord bearing and distance, South 21 degrees 10 minutes 17 seconds West, 472.46 feet) to a found concrete right of way monument; thence

South 5 degrees 02 minutes 08 seconds West for a distance of 54.72 feet to a found concrete right of way monument; thence

Southeasterly along the arc of a curve to the left for a distance of 149.25 feet, said curve having a radius of 820.00 feet and a deflection angle of 10 degrees 25 minutes 41 seconds, (chord bearing and distance, South 00 degrees 10 minutes 43 seconds East, 149.04 feet) to a found concrete right of way monument; thence

South 84 degrees 36 minutes 26 seconds West for a distance of 80.00 feet to a found concrete right of way monument; thence

Southeasterly along the arc of a curve to the left for a distance of 139.01 feet, said curve having a radius of 900.00 feet and a deflection angle of 8 degrees 50 minutes 57 seconds, (chord bearing and distance, South 9 degrees 49 minutes 03 seconds East, 138.87 feet) to a found concrete right of way monument; thence

North 75 degrees 26 minutes 01 seconds East for a distance of 80.00 feet to a found concrete right of way monument; thence

Southeasterly along the arc of a curve to the left for a distance of 405.77 feet, said curve having a radius of 820.00 feet and a deflection angle of 28 degrees 21 minutes 10 seconds, (chord bearing and distance, South 28 degrees 23 minutes 12 seconds East, 401.65 feet) to a set ½ inch iron pin; thence

South 42 degrees 33 minutes 47 seconds East for a distance of 30.19 feet to a found concrete right of way monument; thence

Southeasterly along the arc of a curve to the right for a distance of 59.61 feet, said curve having a radius of 470.00 feet and a deflection angle of 7 degrees 16 minutes 01 seconds, (chord bearing and distance, South 38 degrees 55 minutes 46 seconds East, 59.57 feet) to a set ½ inch iron pin marking said North line of the Brown property; thence

South 86 degrees 30 minutes 10 seconds East along said North line of the Brown property for a distance of 121.73 feet to the **Point of Beginning**.

Prepared by:
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A parcel or tract of land containing 4.338 acres, more or less, lying and being situated in the SE1/4 of the NW1/4 of Section 12, T7N, R1E, Madison County, Mississippi, and said parcel being more particularly described as follows:

Commencing at a found 1" pipe representing the Northwest corner of the East 1/2 of the Southwest 1/4 of Section 12, T7N, R1E, Madison County, Mississippi; run thence South 86 degrees 30 minutes 10 seconds East for a distance of 685.16 feet; run thence North 00 degrees 56 minutes 22 seconds West for a distance of 917.83 feet to the Northwest corner of the Gladys Odell Brown Tract, as described and recorded in Deed Book 141 at Page 215 of the Land Records of Madison County; run thence South 87 degrees 47 minutes 30 seconds East and along the North line of said tract for a distance of 208.87 feet to the Northeast corner of said Gladys Odell Brown tract; run thence North 00 degrees 56 minutes 22 seconds West for a distance of 208.69 feet to the POINT OF BEGINNING of the following described parcel or tract of land, and from said point; continue thence

North 00 degrees 56 minutes 22 seconds West for a distance of 238.10 feet; run thence

North 86 degrees 36 minutes 45 seconds West for a distance of 171.45 feet; run thence

South 89 degrees 49 minutes 03 seconds West for a distance of 685.19 feet; run thence

South 00 degrees 36 minutes 08 seconds West for a distance of 193.33 feet; run thence

South 86 degrees 30 minutes 10 seconds East for a distance of 663.87 feet back to the POINT OF BEGINNING of the above described parcel or tract of land.

