

**RONNY LOTT**  
MADISON COUNTY CHANCERY CLERK

**MEMORANDUM**

TO: Madison County Board of Supervisors

FROM: Ronny Lott, Chancery Clerk 

DATE: February 16, 2016

RE: *Nunc Pro Tunc* Minutes of April 7, 2008

Due to an error discovered in the minutes of **April 7, 2008**, I am requesting that you authorize me to *nunc pro tunc* a certain item of said minutes as follows:

***In re: Approval of Consent Agenda Items***

WHEREAS, the Board President announced that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (3) through (19) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

**5. Approval of Zoning Matter - Yvonne Henry Petition to Rezone R-1 Residential to C-2 Commercial/Highway 51**

**ORDER BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI**

WHEREAS, Yvonne P. Henry, did file an application to rezone certain property from its present R-1 Residential Classification to a C-2 Commercial Classification; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That there has been a change in the character of the area to such an extent so as to justify rezoning the subject property; and
2. That there is a public need for rezoning the subject property; and
3. That, in accordance with applicable Mississippi law and Article III of the Zoning Ordinance of Madison County, the following described tract of real property be, and the same is hereby, rezoned from its present **R-2 Residential Classification to C-1 Commercial Classification**, to wit:

Due to a clerical error, in the Order within the minutes of April 7, 2008, the Order should reflect ***R-1 Residential to C-2 Highway Commercial Classification***,

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

**IN THE MATTER OF REZONING OF  
CERTAIN LAND SITUATED IN SECTION 14,  
TOWNSHIP 8 NORTH, RANGE 2 EAST,  
MADISON COUNTY, MISSISSIPPI**

**PETITIONER:  
YVONNE P. HENRY**

**PETITION TO REZONE AND RECLASSIFY REAL PROPERTY**

COMES NOW, your Petitioner, **YVONNE P. HENRY**, owner of the hereinafter described real property, and files this her Petition with the Board of Supervisors of Madison County, Mississippi, to Rezone and Reclassify a parcel of real property.

**I.**

Petitioner seeks to Rezone and Reclassify a tract or parcel of real property situated in Section 14, Township 8 North, Range 2 East, Madison County, Mississippi, and more particularly described as follows, to wit:

**See Exhibit "A" attached hereto and incorporated herein for Legal Description.**

Petitioner seeks to Rezone and Reclassify the above described real property from its present Use District Classification of R-1 Residential to C-2 Commercial.

**II.**

Petitioner has record title to the subject real property described in Exhibit "A" as evidenced by Warranty Deed recorded in Book 311 at Page 404 in the office of the land records

of the Chancery Clerk of Madison County, Mississippi. A true and correct copy of said Warranty Deed is attached hereto and incorporated herein as Exhibit "B".

### III.

A copy of the land ownership map of Madison County, Mississippi reflecting the real property to be Rezoned and Reclassified is attached hereto and incorporated herein as Exhibit "C". A letter from Bear Creek Water Association reflecting that Bear Creek Water Association shall provide water and sewer services to the subject property is attached hereto and incorporated herein as Exhibit "D".

### IV.

The real property described in Exhibit "A" consists of approximately 13.5 acres, more or less, and is currently undeveloped. The predominant uses in the immediate area consist of commercial, industrial and agricultural uses.

### V.

The Nissan plant is located within approximately two (2) miles of the subject property to be Rezoned and Reclassified. This Rezoning and Reclassifying of Petitioner's real property would allow said property to be utilized for its highest and best use, that being commercial development.

### VI.

The Land Use and Transportation Plan of Madison County, Mississippi shows C-1 General Commercial zoning classification for the parcel of real property described in Exhibit "A". Petitioner requests that this Board enter its Order thereby amending the Land Use and Transportation Plan of Madison County, Mississippi to reflect C-2 Highway Commercial zoning classification for said parcel of real property.

## VII.

Petitioner would show that with the development of the Nissan plant located within approximately two (2) miles of the subject property, along with the commercial development that has been built and that is sure to continue to be built in the immediate area, that a change in the neighborhood has, and will continue to occur, and as such there is a public need for those commercial developments allowed under C-2 Commercial zoning ordinances. Petitioners would show that the highest and best use for this parcel of real property is C-2 Commercial developments.

## VIII.

Petitioner would show that there is a public need to rezone and reclassify said parcel of real property to C-2 Commercial classification. Due to the development of the Nissan plant located within approximately two (2) miles of the subject property, as well as the present and future growth expansion of such type of commercial developments in the area, there is a public need for commercial development such as those allowed under C-2 Commercial zoning ordinances.

## IX.

Petitioner submits that this Rezoning and Reclassifying of Petitioner's real property would be a benefit to the surrounding area with the development of those commercial developments allowed under C-2 Commercial zoning ordinances.

## X.

Petitioner would submit that the new West Sowell connector road, when completed, will intersect Highway 51 essentially directly across Highway 51 from the location of this parcel of real property.

## XI.

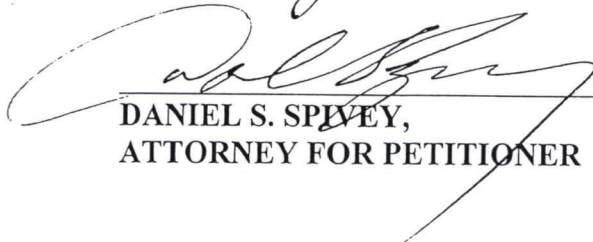
Petitioner would submit that within the preceding ten (10) years, numerous properties located within one (1) to two (2) miles of this subject property have been rezoned from their original zoning classification to Commercial Development Classification. Examples of such recent rezoning and reclassification include, but are not limited to, the following: Paula Mathes – one (1) acre, R-1 to C-1, Section 28, February 2, 1998; Wayne Ball – four and one-half (4.56) acres, R-1 to C-2, Section 22, November 13, 1998; James E. Harreld – ten (10) acres, R-1 to I-1, Section 15, July 14, 2000; James Harreld – R-1 to C-2, Section 15, March 16, 2001; James Harreld – nine and one half (9.67) acres, R-1 to C-2 and I-1, Section 15, March 18, 2001; Homelands, LP/Sartain – seventy-six (76.4) acres, A-1 to C-2, Section 15, February 25, 2005; Sandra Bennett, et al – twenty (20) acres, A-1 to I-1, Section 10, June 27, 2005; and Blackhawk – one and one-half (1.88) acres, A-1 to C-2, Section 15, May 1, 2006.

**WHEREFORE, PREMISES CONSIDERED,** Petitioner respectfully requests this Petition to Rezone and Reclassify Real Property be received, and after due consideration, the Board of Supervisors of Madison County will enter an Order Rezoning and Reclassifying the real property described in Exhibit “A” from R-1 Residential to C-2 Commercial zoning classification.

**FURTHER,** Petitioner requests that the Board of Supervisors enter its Order amending the Land Use and Transportation Plan of Madison County, Mississippi to allow C-2 Highway Commercial zoning classification for said parcel of real property.

AND if mistaken in the relief sought, Petitioner requests this Honorable Board grant any general or specific relief to which Petitioner may, in these premises, be entitled.

Respectfully submitted, this the 31<sup>st</sup> day of January, 2008.

  
DANIEL S. SPIVEY,  
ATTORNEY FOR PETITIONER

OF COUNSEL:  
DANIEL S. SPIVEY (MSB# 8609)  
P. O. BOX 8  
141 EAST CENTER STREET  
CANTON, MISSISSIPPI 39046  
(601) 859-5251

Starting at the NW corner of Sec. 14, T8N, R2E, Madison County, Mississippi, proceed southerly along section line, 1320.0 feet to a point; thence S89° 56'E, 1230.0 feet to a point; thence S00° 03'W, 885.0 feet to the point of beginning; thence N89° 56'W, 789.3 feet to an iron pin, said pin being on the east right-of-way line of U. S. Highway No. 51; thence N23° 39'E, 191.0 feet along said right-of-way to an iron pin, thence S89° 56'E, 712.9 feet to an iron pin; thence S00° 03'W, 175.0 feet to the point of beginning, containing 3.0 acres, more or less.

Starting at the NW corner of Sec 14, T8N, R2E, Madison County, Mississippi, proceed southerly along section line, 1320.0 feet to a point; thence S89° 56'E, 1230.0 feet to a point; thence S00° 03'W, 710.0 feet to the point of beginning; thence N89° 56'W, 712.9 feet to an iron pin, said iron pin being on the east right-of-way of U. S. Highway No. 51; thence N23° 39'E, 218.3 feet along said right-of-way to an iron pin; thence S89° 56'E, 625.5 feet to an iron pin; thence S00° 03'W, 200.0 feet to the point of beginning, containing 3.0 acres, more or less.

Starting at the Northwest corner of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi, proceeding southerly along section line 1320.0 feet to a point, thence S89° 56'E 1230.0 feet to a point, being the point of beginning; and from said POINT OF BEGINNING run thence S00° 03'W for 1320.0 feet to a point, thence S89° 56'E for 150.0 feet to a point, thence N00° 03'E for 1320.0 feet to a point, thence N89° 56'W for 150.0 feet to the point of beginning, containing 4.5 acres, more or less, and all being situated in S ½ NW ¼ of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi.

Starting at the Northwest corner of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi, proceed Southerly along section line 1320.0 feet to a point, thence S89° 56'E 1230.0 feet to a point, thence S 00° 03'W for 885.0 feet to the point of beginning; and from said point of BEGINNING run thence South 00°03'W 435.0 feet to a point, thence S89°56'E for 150.0 feet to a point, thence N 00° 03'E for 435.0 feet to a point, thence N89°56'W for 150.0 feet to the point of beginning, containing 1.5 acres, more or less, and all being situated in the S ½ NW ¼ of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi.

Starting at the NW corner of Sec. 14, T8N, R2E, Madison County, Mississippi, proceed southerly along section line, 1320.0 feet more or less to a point; thence S89° 56'E, 1230.0 feet more or less to a point; thence S00° 03'W, 510.0 feet more or less to the point of beginning; thence N89° 56'W, 625.5 feet more or less to an iron pin, said iron pin being on the east right-of-way of U. S. Highway No. 51; thence N23° 39'E, 251.0 feet more or less, along said right-of-way to an iron pin; thence S89° 56'E, 525.0 feet more or less to an iron pin; thence S00° 03'W, 230.0 feet more or less to the point of beginning, containing 3.0 acres, more or less.

