

APPLICATION FOR SPECIAL EXCEPTION

Surface Mining 4 acres or less

Applicant <u>Teks Farms LLC - Charles A Pierce owner</u>	Street Address of Property (if different address): <u>2742 Hwy 43 N</u> <u>Canton, ms 39044</u>
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APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
<u>7-1-2020</u>	<u>BA-1</u>	See (Exhibit A)		<u>X</u>	See (Exhibit B)

Other Comments: As per Section 805 of the Madison County Zoning Ordinance.

093A-02-012 /01.01
093A-11-011 /01.00

Respectfully Submitted

Charles A. Pierce

Owner of TEKS FARMS, LLC

Petition submitted to Madison County Planning and Development Commission on _____

Recommendation of Madison County Planning and Development Commission on Petition _____

Public Hearing date as established by the Madison County Board of Supervisors _____

Final disposition of Petition _____

TEKs Farms, LLC

2742 Highway 43 North
Canton, Mississippi 39046
601-955-9362
teksfarmsllc@yahoo.com

Re: Application to extract dirt

The purpose of this application is to secure permission to extract dirt while constructing an approximate 4-acre lake / pond, on 39.66 acres of property purchased on July 10, 2020. Dawn Street, owner of Soil Master's LLC, the dirt contractor, is willing to construct the lake / pond and clear scrub brush and undergrowth from the property. The property is located directly on Mississippi Highway 43 North Canton, Mississippi 39046 (See attached legal description and photos).

We request that we be able to remove or sell any excess dirt that is obtained during the lake construction that will enhance the aquatic and wildlife value to the property to enhance our family's enjoyment and beautification of the land, as well as provide necessary water for our cattle.

The dirt contractor will construct a road directly beside the existing driveway in order to safely access Highway 43 north, just north of Quail Road. The dirt contractor will add appropriate size and quantity of gravel to maintain the roads safe entrance onto Highway 43 North.

The hours of operation would be:

8:00 – 5:00 Monday through Friday
8:00-12:00 on Saturday (if needed)

Mrs. Dawn Street of Soil Masters, LLC, may be representing TEKs Farms LLC at the board meeting in order to answer any questions you might have regarding the process and agreement.

Attached is a map showing the above property. The red lines on the map illustrate the location of the proposed lake and also the access road onto Highway 43 North.



Charles A. Pierce
Owner of TEKs Farms, LLC
601-955-9362

TEKs Farms, LLC

(Exhibit A)

Legal Description

Teks Farms LLC Charles A. Pierce (Tony)

39.66 Acres

Part of Section 2 & 11 T-9-N, R-3-E

Madison County, MS

Commencing at a found iron pin that is 762.89 feet North of and 3,206.70 feet East of the Southwest Corner of Section 2, Township 9 North, Range 3 East, Madison County, Mississippi;

from said point run East for a distance of 107.05 feet to a point;

thence run South for a distance of 110.70 feet to a set iron pin on the South Right of Way of Highway 43, and the POINT OF BEGINNING.

thence run South 16 degrees 29 minutes 15 seconds East for a distance of 222.19 feet to a set iron pin; thence run North 73 degrees 19 minutes 18 seconds East for a distance of 314.43 feet to a set iron pin;

thence run North 16 degrees 40 minutes 44 seconds West for a distance of 323.58 feet to a found iron pin on the South Right of Way of Mississippi Highway 43, lying in the center of an existing gravel drive;

thence run along said Right of Way along a curve to the right a distance of 41.87 feet, said curve having a radius of 2,347.99 feet and a chord bearing North 59 degrees 41 minutes 30 seconds East for a distance of 41.87 feet to a point;

thence run South 32 degrees 45 minutes 14 seconds East for a distance of 279.23 feet to a point; thence run North 89 degrees 59 minutes 13 seconds East for a distance of 572.72 feet to a point; thence run South 06 degrees 04 minutes 36 seconds East for a distance of 624.44 feet to a point; thence run South 00 degrees 17 minutes 50 seconds West for a distance of 2,136.34 feet to a point; thence run North 89 degrees 51 minutes 25 seconds West for a distance of 443.35 feet to a point; thence run North 00 degrees 30 minutes 18 seconds East for a distance of 2,128.71 feet to a point; thence run South 89 degrees 49 minutes 09 seconds West for a distance of 947.31 feet to a point;

TEKs Farms, LLC

thence run North 00 degrees 17 minutes 50 seconds East for a distance of 384.06 feet to a point on the Southern Right of Way of Mississippi Highway 43;

thence run North 41 degrees 34 minutes 52 seconds East for a distance of 91.02 feet to a point;

thence continue along said Right of Way, along a curve to the right a distance of 303.07 feet, said curve having a radius of 2,311.42 feet, and a chord bearing North 47 degrees 27 minutes 27 seconds East for a distance of 302.85 feet, back to the POINT OF BEGINNING.

This tract contains 39.66 acres being located in the Southeast Quarter of Section 2, and the Northeast Quarter of Section 11, Township 9 North, Range 3 East, Madison County, Mississippi.

This description based off survey plat by Williams, Clark, and Morrison Engineers and Surveyors dated June 23, 2020.

TEKs Farms, LLC

(Exhibit B)



Teks Farms LLC
Charles A. Pierce
(Tony)
39.66 Acres
Part of Section 2 & 11
T-9-N, R-3-E
Madison County, MS

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MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY
Mining and Reclamation Division
P. O. Box 2279
Jackson, Mississippi 39225-2279
(601) 961-5515

NOTICE OF EXEMPT OPERATION

This form shall be filed with the Office of Geology, Mining and Reclamation Division **only** for operations affecting 4 acres or less **and greater** than 1320 feet from another mine. **NOTE:** Local, county, federal or other state agencies may also require permits before mining can be done on your site. This is *your* responsibility.

Name of applicant/operator: Tek's Farms Attn: Charles A. Pierce (So. 1 Master LLC)
Mailing address: 2742 Hwy 43 (operator - Dawn Street)
Canton, MS 39046
Telephone number: 601-455-9362 Dawn - 601-906-1840

Do you have any **other** exempt mining operations on file? ☐ yes ☒ no
Do you plan to file for a **permit** and expand this site later? ☐ yes ☒ no

LOCATION

SW 1/4 of Section 2, Township 9-N Range 3-E County Madison

Include a map or aerial photo marked with site location with this form.

Name of land owner: Tek's Farms LLC Attn: Charles A. Pierce - Owner
Mailing address: 2742 Hwy 43 N
Canton, MS 39046
Telephone number: 601-455-9362

Date operation to begin ASAP Date operation to end (estimated) Aug 2021
Material to be mined Dirt Number of acres to be mined 4 or less (A)*
Total acres to be affected by operation (mine, roads, storage, etc.) 4 or less (B)*
Is operation closer than 1,320 feet (1/4 mile) to another mine? ☒ no ☐ yes*

*If items A or B exceed 4 acres or you answered YES above, you need to apply for a MINING PERMIT.

Applicant/operator: Charles A. Pierce By Charles A. Pierce
Signature

Date: 7/9/2020 Position Owner

For Office of Geology use only

Date: _____ By _____

Division Director
Mining and Reclamation Division

BOOK 3880 PAGE 317 DOC 01 TY W
INST # 895869 MADISON COUNTY MS.
This instrument was filed for
record 7/10/20 at 3:40:11 PM
RONNY LOTT, C.C. BY: KAA D.C.

PREPARED BY AND RETURN TO:

HERRING, LONG & CREWS, P.C.

ATTORNEYS AT LAW

P. O. BOX 344

CANTON, MS 39046

TELEPHONE: 601-859-2573

26⁰⁰#612

GRANTOR'S ADDRESS:

2770 Highway 43 North

Canton, MS 39046

Phone: 601-859-5403

GRANTEES' ADDRESS:

2742 Highway 43 North

Canton, MS 39046

Phone: 601-955-9362

**INDEXING INSTRUCTIONS: Part of Sections 2 and 11, Township 9 North, Range 3
East, Madison County, Mississippi**

STATE OF MISSISSIPPI

COUNTY OF MADISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00),
cash in hand paid, and for other good and valuable considerations, the receipt and sufficiency of

which is hereby acknowledged, **REBECCA P. BYNUM, TRUSTEE, OR HER SUCCESSORS IN TRUST OF THE REBECCA P. BYNUM REVOCABLE TRUST DATED THE 4TH DAY OF APRIL, 2017, AND ANY AMENDMENTS THERETO,** GRANTOR, does hereby sell, convey and warrant unto **TEKS FARMS, LLC, A MISSISSIPPI LIMITED LIABILITY COMPANY, GRANTEE,** the following described real property lying and being situated in Madison County, Mississippi, and being more particularly described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

This conveyance is made subject to the following exceptions:

1. It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis. When said taxes are finally determined, if the proration as of this date is incorrect, then the Grantor agrees to pay to Grantee any amount which is a deficit on an actual proration and likewise, the Grantee agrees to reimburse the Grantor any amount overpaid by it.
2. Zoning Ordinances and Subdivision Regulations of Madison County, Mississippi.
3. This conveyance and the warranty hereof are made subject to all zoning ordinances, subdivision regulations, building restrictions, restrictive covenants, easements, rights-of-way and mineral reservations of record, if any, pertaining to the above described property.
4. Grantor hereby conveys any minerals rights which she may own in, on or under the above described property.
5. A Right-of-Way to Madison County as shown by instrument dated October 15, 1959 and recorded in Book 75 at page 163 of the aforesaid records.

6. A Right-of-Way Easement to South Central Bell Telephone Company as shown by instrument dated June 16, 1982 and recorded in Book 182 at page 614 of the aforesaid records.

7. Release of Damages as shown by instruments recorded in Book 181 at page 177 and in Book 181 at page 180 of the aforesaid records.

8. The above described property does not constitute any portion of the Grantor's homestead.

WITNESS my signature on this the 10th day of July, 2020.

REBECCA P. BYNUM, TRUSTEE, OR
HER SUCCESSORS IN TRUST OF THE
REBECCA P. BYNUM REVOCABLE
TRUST DATED THE 4TH DAY OF
APRIL, 2017, AND ANY
AMENDMENTS THERETO,
GRANTOR

BY: Rebecca P. Bynum
REBECCA P. BYNUM, TRUSTEE

STATE OF MISSISSIPPI

COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for said county and state, on this 10th day of July, 2020, within my jurisdiction, the within named **REBECCA P. BYNUM**, who acknowledged that she is the Trustee of The Rebecca P. Bynum Revocable Trust dated the 4th day of April, 2017, and any Amendments thereto, and in said capacity she executed the above and foregoing instrument, after first having been duly authorized so to do.



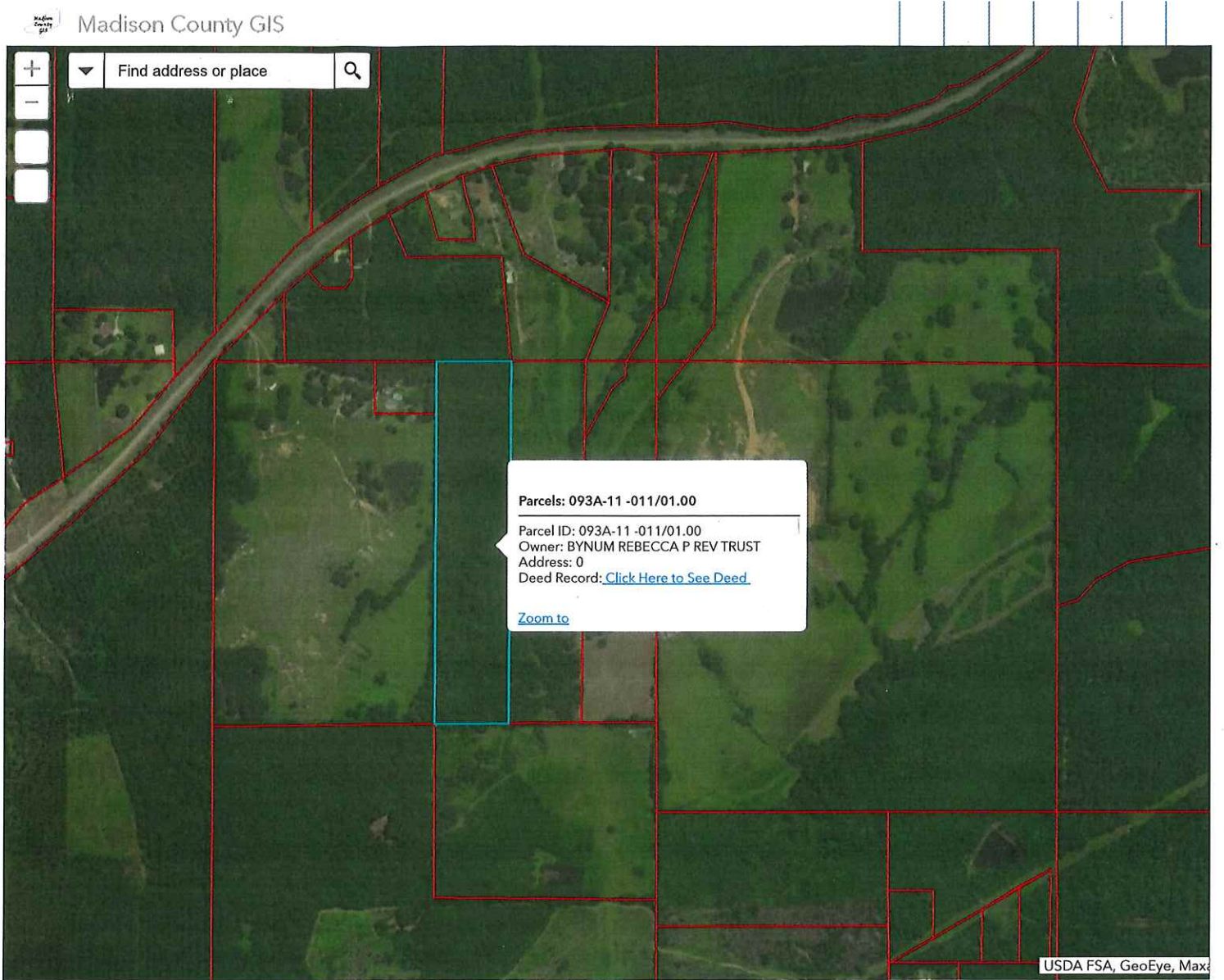
Robert W. Long
NOTARY PUBLIC

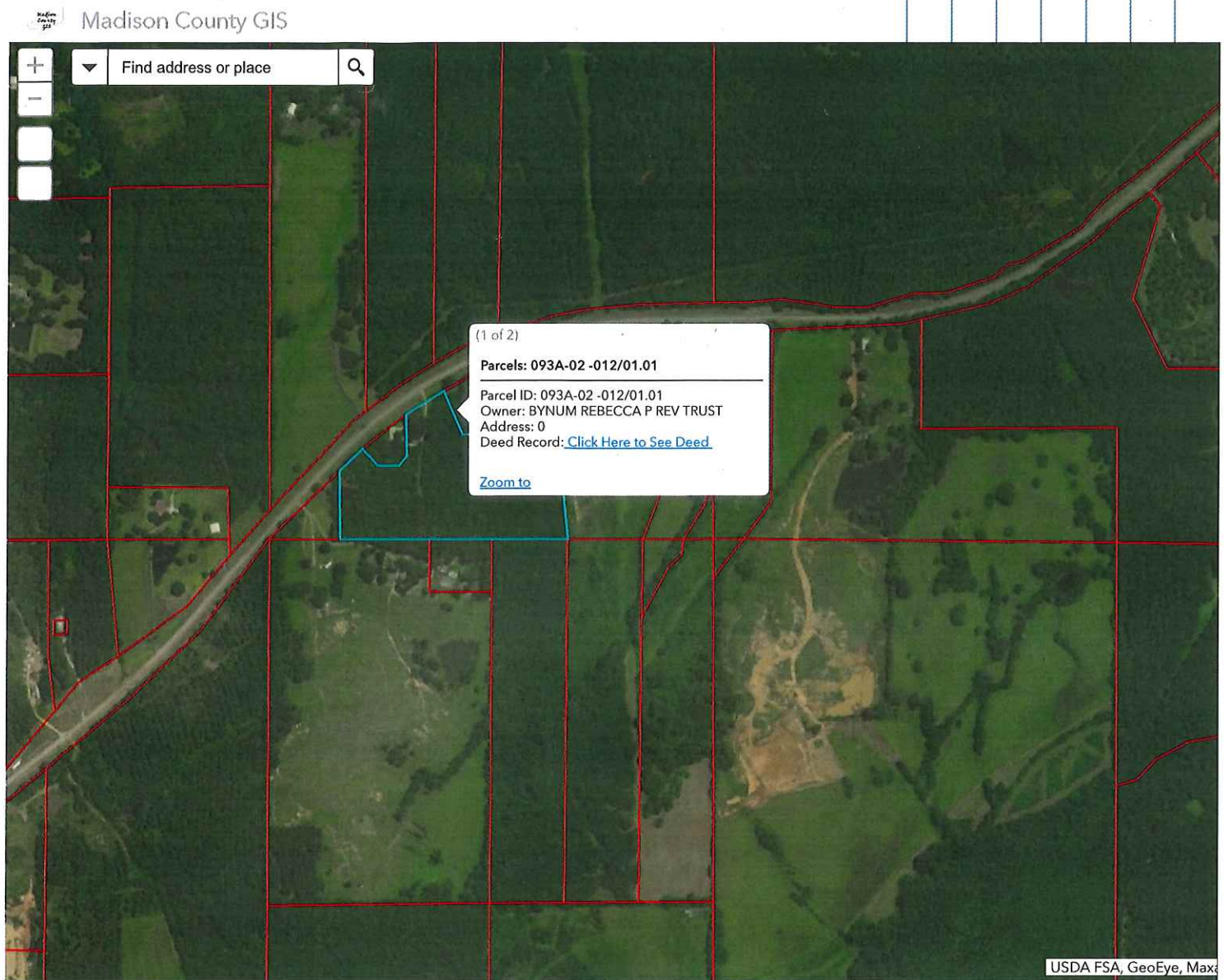
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EXHIBIT "A"
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600ft

-89.949 32.648 Degrees