

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, NOVEMBER 2, 2010 - 7:00 P.M.
MUNICIPAL COURTROOM – 305 MONROE STREET**

WELCOME AND CALL TO ORDER Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Morgan followed by the pledge of allegiance to the flag led by Alderman Cashion.

ROLL CALL City Clerk, Russell Wall

Present: Jehu Brabham – Alderman-at-Large
 Tony Hisaw – Alderman Ward 1
 Tony Greer – Alderman Ward 2
 William O Barnett – Alderman Ward 3
 Kathy Peace – Alderwoman Ward 4
 Mike Morgan – Alderman Ward 5
 Mike Cashion – Alderman Ward 6

APPROVAL OF CONSENT AGENDA ITEMS A - BB

MOTION made by Alderwoman Peace and **SECONDED** by Alderman Cashion to approve the Consent Agenda Items A-BB. Items C, D and E will serve to advertise favorably the opportunities, possibilities and resources of the City of Clinton. **MOTION CARRIED UNANIMOUSLY**

CONDITIONAL USE – 1104 INDUSTRIAL PARK DRIVE – REVEREND STACY BROWN

Upon presentation by Jerry Bounds, Director of Community Development, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brabham the board approved the conditional use request by the Reverend Stacy Brown to operate a church to be located at 1104 Industrial Park Drive in the City of Clinton, Mississippi. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

NEW CONSTRUCTION – 205 WEST LEAKE STREET – DEAN FARRAR

Upon presentation by Jerry Bounds, Director of Community Development, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Morgan the board approved a request by Dean Farrar to renovate a house located at 205 West Leake Street in the City of Clinton, Mississippi. The Historical Preservation Committee and the Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

ACCEPTANCE OF \$200.00 DONATION FROM THE CLINTON HOLIDAY INN EXPRESS FOR THE HAUNTING OF OLDE TOWN HAUNTED HOTEL

Upon presentation by Ray Holloway, Director of Parks and Recreation, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Barnett the board accepted the \$200.00 donation from the Clinton Holiday Inn Express for the Haunting of Olde Town Haunted Hotel. **MOTION CARRIED UNANIMOUSLY**

ACCEPTANCE OF FINAL WATER/SEWER EASEMENT FOR SHADY SPRINGS MANUFACTURED HOME COMMUNITY

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Cashion and **SECONDED** by Alderwoman Peace the board accepted the final water/sewer easement for the Shady Springs Manufactured Home Community. **MOTION CARRIED UNANIMOUSLY**

OTHER BUSINESS

SET A PUBLIC HEARING ON NOVEMBER 23, 2010, AT 6:30 PM BEFORE THE CLINTON PLANNING COMMISSION TO HEAR PUBLIC COMMENT ON THE PROPOSED NEW ZONING ORDINANCE BUT NOT INCLUDING ARTICLE XXVII SIGN REGULATION, SAID HEARING WILL BE HELD IN THE MUNICIPAL ROOM OF THE POLICE BUILDING, 305 MONROE STREET, CLINTON, MS

Upon presentation by Rosemary Aultman, Mayor, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Cashion the board set a Public Hearing on November 23, 2010, at 6:30 PM before the Clinton Planning Commission to hear public comment on the proposed new zoning ordinance but not including Article XXVII Sign Regulation, said hearing will be held in the Municipal Room of the Police Building, 305 Monroe Street, Clinton, MS. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:19 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Barnett to adjourn until the next regular meeting of the Mayor and Board of Aldermen to be held on November 16, 2010 at 7:00 pm. **MOTION CARRIED UNANIMOUSLY**

APPROVED: Rosemary G. Aultman
Rosemary Aultman, Mayor

11.3.2010
Date

ATTEST: Russell L. Wall
Russell L. Wall, City Clerk

11-3-2010
Date



City of Clinton
Mississippi
Community Development

October 14, 2010

Mr. Stacy Brown
1609 Twin Oaks Drive
Clinton, MS 39056

Reverend Brown:

I have received your letter requesting a conditional use to allow, Philadelphia Church located at 1104 Industrial Park Drive.

I have you on schedule to appear before the Planning and Zoning Commission on October 26, 2010 at 6:30 and the Mayor and Board of Alderman on November 2, 2010 at 7:00. Both meetings will be held in the Municipal Courtroom at the Police Department, 305 Monroe Street. If you would make a note of these dates and time, you or your representative must be present at the Planning and Zoning and The Mayor and Board of Alderman meetings.

If you have any questions I can be reached at (601) 924-2256.

Sincerely,



Jerry "J.B." Bounds
Director
Community Development

10-6-10

to: City of Chgo

From: PHILADELPHIA CHURCH
PASTOR STACY BROWN

We desire to use this facility at the given address
for church purposes.

Thank You,
Pastor Stacy Brown

REQUEST FOR CONDITIONAL USE
APPLICATION

Subject Property Address 1104 Clinton Industrial Park Rd.
Owner Elizabeth Lockett
Address 1104 Clinton Industrial Park Rd.
Clinton, Ms. 39056
Phone # 601-566-6948
Current Zoning District Commercial

Requirements of Applicant:

1. Letter stating reason for requested conditional use.
2. Copy of the written legal description.
3. Site plan of property.
4. \$250.00 fee required for processing.

Requirements for Granting Conditional Uses: (Section 2405.01 – Zoning Ordinance)

A conditional use shall not be granted unless satisfactory provisions and arrangements have been met concerning all the following:

- (a). Ingress and egress to property and proposed structures.
- (b). Off-street parking and loading areas.
- (c). Refuse and service areas.
- (d). Utilities, with reference locations, availability and compatibility.
- (e). Screening and buffering with reference to type, dimensions and character.
- (f). Required yards and other open space.
- (g). General compatibility with adjacent properties and other property in the district.
- (h). Any other provisions deemed applicable by the Mayor/Board of Aldermen.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for a conditional use.

Elizabeth Lockett
Signature

10-6-10
Date

PLANNING & ZONING COMMISSION

Clinton, Mississippi

Tuesday, October 26, 2010

6:30 p.m.

Municipal Courtroom

305 Monroe Street

Agenda

I. Call To Order

II. Consideration and Approval of September 27, 2010 Minutes.

III. New Considerations:

A. Conditional Use: 1104 Industrial Park Drive, Reverend Brown, Philadelphia Ministries - **Approved**

B. Construction: 205 W. Leake Street, Dean Farrar - **Approved**

C. Public Hearing: Consideration of the newly proposed Zoning Ordinance for the City of Clinton – **Recommend this item be shelved until further information can be obtained.**

IV. Other Business

V. Next Meeting

The next meeting will be held on Tuesday, November 22, 2010, beginning at 6:30 p.m.

VI. Adjournment

PLANNING & ZONING COMMISSION

Clinton, Mississippi

Tuesday, September 27, 2010

6:30 p.m.

Municipal Courtroom

305 Monroe Street

Meeting Minutes

Members Present: Foster Ellis, Dr. Ryan Tracy, James Martin, Bettye King, Pat Smith and Mark Williams

City Officials: Jerry Bounds

Minutes taken by Lauren Pennington.

I. Call To Order

James Martin called the meeting to order at 6:30 p.m.

II. Consideration and Approval of August 23, 2010 Minutes.

MOTION by Foster Ellis to approve the August 23, 2010 minutes. SECOND by Pat Smith. UNANIMOUS approval. NONE opposed.

III. New Considerations:

A. Approval of Conditional Use for NU- Season Ministries to operate as a church at 610 Springridge Road, Mr. Kendrick.

Jerry Bounds stated that this is a conditional use because all churches are conditional use in the City of Clinton.

Mr. Kendrick stated that he has been in contact with the previous tenant, Scott Phillips. He would like to buy the building eventually. He has served as a pastor for 23 years.

James Martin asked Mr. Kendrick if he is moving his congregation or starting a new one.

Mr. Kendrick stated he is starting a new congregation.

James Martin asked if there would be any renovations to the building.

Mr. Kendrick stated there would be no renovations at this time.

Jerry Bounds stated that if Mr. Kendrick would like a new sign he will have to get a permit.

A Public Hearing was held. NO comments made.

MOTION by Dr. Ryan Tracy to approve the Conditional Use for NU- Season Ministries to operate as a church at 610 Springridge Road. SECOND by Foster Ellis. Motion carried UNANIMOUSLY, NONE opposed.

B. New Construction: Dollar Tree, 1027 Hwy 80.

Jerry Bounds stated that there is already a Dollar Tree in Hammetts Crossing and that this would be the first stand alone Dollar Tree in the City of Clinton. Architectural Review has already approved the plans.

Mr. Burr, a representative for Dollar Tree, was present at the meeting. He stated that Dollar Tree is happy to invest in the City of Clinton.

James Martin stated part of the parking lot is in the City of Jackson.

Mr. Burr stated that they have been in contact with the City of Jackson and are taking their recommendations for the landscaping and parking lot into consideration.

Bettye King asked how many parking spaces there will be.

Mr. Burr stated that there will be 49 parking spaces.

Bettye King stated that their current location in Hammetts Crossing seemed to be doing well.

James Martin asked what type of landscaping they will be using.

Mr. Burr stated that there are currently 3 crepe myrtles. The City of Jackson recommended trees all around the store but they will not be able to do that because of the easements.

James Martin asked if there will be direct access off of Hwy 80.

Mr. Burr stated that there will not be direct access off of Hwy 80, the access will be through the current shopping center.

James Martin asked about the brick on the building.

Mr. Burr stated that it will be brick halfway up the building.

A Public Hearing was held. NO comments made.

MOTION by Bettye King to approve new construction at 1027 Hwy 80, Dollar Tree. SECOND by Mark Williams. Motion carried UNANIMOUSLY, NONE opposed.

C. Approval for New Residential Construction, Lot 9 Springhill, Karen Prevost.

Jerry Bounds stated that the plans have been before architectural review and have been approved. Showed the committee the roof color, trim color, siding color and front door stain. The plans have also been approved by the Historical Preservation committee.

James Martin asked if it will be the same style as the other homes being built in the subdivision.

Jerry Bounds stated yes it is.

A Public Hearing was held. NO comments made.

MOTION by Foster Ellis to approve the new residential construction at lot 9 Springhill. Second by Dr. Ryan Tracy. Motion carried UNANIMOUSLY, NONE opposed.

MOTION by Bettye King to adjourn. SECOND by James Martin.

D. Approval for construction at 305 E. College Street, Brian Hudson.

Jerry Bounds stated that the plans have been before Historical Preservation and been approved. Mr. Hudson will be putting in a new driveway and has to remove a tree that is in the way. He showed the plans to the committee.

James Martin asked if it is a pecan tree.

Mr. Hudson stated that it is a cotton wood tree that could do damage to the house in the long run.

A Public Hearing was held. NO comments made.

MOTION by Bettye King to approve the construction at 305 E. College Street. Second by Foster Ellis. Motion carried UNANIMOUSLY, NONE opposed.

MOTION to adjourn by Dr. Ryan Tracy. SECOND by Foster Ellis.

IV. The Meeting was adjourned at 7:30 p.m.

PLANNING & ZONING COMMISSION

Clinton, Mississippi

Tuesday, October 22, 2010

6:30 p.m.

Municipal Courtroom

305 Monroe Street

Meeting Minutes

Members Present: Foster Ellis, Dr. Ryan Tracy, James Martin, Nancy Davis, Pat Smith and Mark Williams

City Officials: Jerry Bounds

Minutes taken by Lauren Pennington.

I. Call To Order

James Martin called the meeting to order at 6:30 p.m.

II. Consideration and Approval of September 27, 2010 Minutes.

MOTION by Foster Ellis to approve the September 27, 2010 minutes. SECOND by Ryan Tracy. UNANIMOUS approval. NONE opposed.

III. New Considerations:

A. Approval of Conditional Use for Philadelphia Ministries to operate as a church at 1104 Industrial Park Drive, Reverend Brown.

Jerry Bounds stated that this is a conditional use because all churches are conditional use in the City of Clinton.

James Martin asked Reverend Brown if he had anything to add.

Reverend Brown stated he had nothing new to add.

James Martin asked if his church has been here for awhile.

Reverend Brown stated his church has been here for seven years.

A Public Hearing was held. NO Comments made.

MOTION by Dr. Ryan Tracy to approve the Conditional Use for Philadelphia Ministries to operate as a church at 1104 Industrial Park Drive. SECOND by Nancy Davis. Motion carried UNANIMOUSLY, NONE opposed.

B. New Construction: 205 W. Leake Street, Dean Farrar.

Jerry Bounds stated that Dean Farrar bought the property to remodel it. It has been before Historical Preservation and has been approved. He showed the committee the colors that will be used on the building.

Dean Farrar stated that he has had a lot of people interested in the building and he looks forward to bringing it back to life.

James Martin asked if it would be a complete remodel of the building.

Dean Farrar stated that yes it will be a complete remodel.

Ryan Tracy asked who is interested in the building, is it commercial or residential?

Dean Farrar stated that it is mostly commercial. He would like to bring another business to Olde Towne.

A Public Hearing was held. NO comments made.

MOTION by Mark Williams to approve construction at 205 W. Leake Street. SECOND by Foster Ellis. Motion carried UNANIMOUSLY, NONE opposed.

C. Consideration of the newly proposed Zoning Ordinance for the City of Clinton.

Jerry Bounds stated that every ten years the City will go back and make changes to the zoning ordinance. This is not only a sign ordinance but also a zoning ordinance.

James Martin stated that all comments will be taken before the Mayor and Board of Aldermen. We will recognize all the public here who have comments to make, please state your name and the business you represent. A hand count will be done on agreements and disagreements on statements. This is a public hearing, the committee cannot answer for the City or give legal advice.

Larry Smith stated that MS State Law requires any ordinance to be based on a comprehensive plan consisting of 4 parts, (1) goals and objectives, (2) land use plan, (3) transportation plan, (4) public facility plan.

Perry Powell, representing Venture Car wash on Hwy 80, stated that Venture built their car wash here based on the approval of their current sign. If they had known that they would have to take their sign down and put up a smaller one, they would not have built in the City of Clinton. Mr. Powell asked for Economic studies showing the impact lowering signs on business.

Chuck Richardson, representing Waffle House, stated that lowering their interstate sign would have a negative impact on their business. They hire from the local community and

if their business is negatively impacted it could affect their employees and their jobs. Stated that their business is best during the travel season and that if their sign cannot be seen from the interstate they will lose a majority of their sales and could possibly have to close their store and in this economic time, no one wants that.

James Martin asked if he had local sales numbers or if they are nationwide.

Chuck Richardson stated that all of his numbers are nationwide, would not have local sales unless a survey was ordered.

Marty Albright, representing Lamar Advertising, stated that amortization is not representation and they will not take their signs down.

Joshua Welch, owner of Froghead Grill and Irish Frog, stated that his sign is crucial to his business. According to comment cards left by his customers, 24.7% of his business is because they saw his sign. Asked for the Economic study showing the impact on businesses if their signs had to be lowered. He stated that if "overhead clutter" is what the City is concerned about, why aren't they looking at underground utilities? Showed the committee pictures of local power lines and telephone poles stating that they are the overhead clutter.

Augustus Harper stated that his land, that has been agricultural since the 1800's, would now be zoned commercial, he does farming and has livestock and he does not want that.

Bob Norman, owner of Sesame Seed, stated that an 80 page sign ordinance is too much, it seems unreasonable. How does no one in the City know about this sign ordinance? Business in Clinton is difficult at the best of times and since we are in an economic downturn, the City should be loosening up instead of tightening up. Where is the Chamber of Commerce on this issue? Why aren't they involved? Stated that the committee should table this issue and work with the local businesses and that no business owners seemed to know about this meeting until the last minute.

David Riley spoke on the C4 section of the zoning, do we really want these types of businesses in Clinton? Such as check into cash, adult entertainment?

John Weisenberger, lives in the agricultural area, stated that his father moved his family here when he was a child for safety reasons and as a child he hated it but since he now has a family of his own he understands why and that he loves it there now. Since his land has been taken in by the City they have had many restrictions put on them. His brother was denied the ability to put a mobile home on his property by the City, they should be able to bring or build what they want on their land. The roads in their area are terrible, trash all along the sides of them, if the City is going to take us in, they should take care of us.

Rebecca Carter, manager of Home Depot, stated it would cost them \$34,000.00 to replace their sign. It would affect her 120 employees and their families in a negative manner.

James Piden, representing local McDonalds and the My Joy Corporation, stated that this store is owned by local residents and eliminating their pole sign would not only negatively impact their business but the surrounding businesses as well. Would cost them \$150,000.00 to take down their sign. Where are the economic studies on the business impact for this issue? Suggests this issue be re-thought and will re-submit his argument in writing.

Caffrey Favrot, representing McDonalds, requests this issue be shelved.

Ricky Patel, owner of Lakeside Shell, stated that all of their advertising is done by signage and if this ordinance is passed and they have to lower their sign, their business will be negatively impacted. Please do away with this.

Bill Hetrick, with Remax Alliance and representing Cowboy Maloney, stated that Cowboy Maloney has spent \$250,000.00 to renovate the property his store is in and spent \$60,000.00 to renovate the sign itself.

Everett Kendrick, manger of Venture Car Wash, stated that he has built his business around his sign and they depend on it. All City police cars get washed for free. Please shelve this issue for now. His sign brings in 65% of business.

J R Patel, manager of Super 8 Motel, has been on the waiting list with MDOT to be on the interstate sign for three years and 38.4% of their business is because people see their sign from the interstate.

Greg Cronin, representing Cascades Racquet Club, stated that his summer tennis camp sign up went down 50% when the City banned banners. Signs are the only avenue in the City for small businesses.

George Lester asked the committee if they helped write this ordinance and how many of the members had read the new zoning ordinance.

Carolyn Burch, owner of H & R Block, has three businesses here in Clinton. 70 to 78% of the students that attend her tax school was because of the banners they had put up in the past and since banners were banned and the City will only be making it more difficult for the local businesses if they have to lower their signs.

Joe Sevalt, manager of Popeye's, stated that if they have to take their sign down they will most likely have to close their business. 40% of their business is because of their sign.

Mark Wilson, owner of Wilson Tire, asked how many of the committee members own a business themselves. Stated that it will be difficult for his customers to find his business if he has to take down his sign.

Debbe Tillman, representing Amaker Inc, asked if the businesses have to take down their signs would they be allowed to have banners again. Stated the City needs to be more business friendly.

Joshua Welch, owner of Froghead Grill and Irish Frog, asked where are the people who support this ordinance?

Greg Cronin, representing Cascades Racquet Club, asked who they would submit written suggestions too?

Jerry Bounds gave his email.

Jim Williamson stated that signs are the main advertisements for businesses and that lowering the signs would create traffic hazards since the businesses would be harder to find.

Bill Hetrick, with Remax Alliance and representing Cowboy Maloney, stated that the City should provide interpretation of the new zoning ordinance to help us understand it.

Bruce Vaughn, owner of Sonic, has multiple stores and has always built to the city standards. This is the first time any city has asked him to change his sign.

James Martin stated that this ordinance is still a work in progress and nothing is etched in stone.

Steve Kinging, representing Our Redeemer Lutheran Church, asked if the City will allow adult entertainment business in Clinton.

Ryan Tracy stated that any business that will go into the C4 district will have to follow strict guidelines.

Larry Smith stated that C4 will be a floating zone.

Stacy Patterson, owner of Springridge Shopping Center, stated she has no large chain businesses in her center. The City needs to think about the small businesses and see's no difference in this ordinance than the one that was proposed last year. Stated that the City needs to have more consideration.

Carolyn Burch, owner of H&R Block, stated that if the C4 district will have check into cash type of businesses and adult entertainment how will parents feel about sending their teenagers there to cash their checks since they have no checking accounts.

Steve Douglas, representing Budget Signs, stated that a representative from local businesses should be included in this process.

John Murphy stated he has a problem with the new standards after he has already built his banks to the City's standards.

Carol Norman, owner of Sesame Seed, stated that she went to 83 businesses and spoke with the owners. Stated that this sign ordinance would hurt the local businesses and that the City should be more sympathetic to the local businesses.

Dr. Ryan Tracy reminded the public that the planning and zoning committee does not write these ordinances and that they do not pass them. The planning and zoning committee is a representation of the citizens of the City.

Larry Smith stated that this zoning ordinance is a draft and changes can and most likely will be made.

Bill Hetrick, with Remax Alliance and representing Cowboy Maloney, asked when this proposed zoning ordinance will go before the Mayor and Board of Aldermen.

James Martin stated that there is no definite date as of yet, could be December or it could go into next year.

Joshua Welch, owner of Froghead Grill and Irish Frog, asked the committee if it was a conflict of interest to have a member of the planning and zoning committee trying to sell advertising to local businesses when this sign ordinance is trying to be put into place?

Dr. Ryan Tracy stated that he was the one to contact the businesses because he is helping start another Clinton paper and that he does not support the proposed sign ordinance as it stands now.

Joe Sevalt, manager of Popeye's, asked how much the City of Clinton has set aside for the legal battles that will come.

Diane Trip, owner of Chubby Cubby, stated that the proposed ordinance is too legalistic and 84 pages are too many.

Larry Smith stated that the sign ordinance is only 32 pages, not 84.

Kenneth Drer, Attorney for the City of Clinton, stated that if the business owners want to know what is going on in the City, they should attend the Mayor and Board of Aldermen meetings every first and third Tuesday of the month and they will hear what they have to say.

Greg Cronin, representing Cascades Racquet Club, stated that it is harder to talk at the Mayor and Board of Aldermen meetings, this is the first meeting he has felt he voice has been heard.

T.J. McSparrin, representing the Chamber of Commerce, stated that the Chamber of Commerce has sent out "blast" e-mails notifying the local businesses about this meeting and that if they have concerns or questions about the Chamber's involvement they need to let the Chamber know. The Chamber is here for the local businesses to help them as much as they can.

Stacy Petterson, owner of Springridge Shopping Center, asked if the proposed ordinance has to be re-written, who would re-write it.

Jerry Bounds stated that he and Larry Smith would.

Stacy Petterson, owner of Springridge Shopping Center, asked where the proposed ordinance would go after this hearing.

Jerry Bounds stated that it would go before the Mayor and Board of Aldermen in their work session.

MOTION by Dr. Ryan Tracy table the zoning ordinance until more information on the impact to businesses can be obtained. SECOND by Foster Ellis.

MOTION to adjourn by James Martin. SECOND by Mark Williams.

IV. The Meeting was adjourned at 9:00 pm.

City of Clinton
Mississippi
Community Development

October 6, 2010

Mr. Dean Farrar
165 Reunion Blvd.
Madison, MS 39110

Mr. Farrar:

I have received the drawings for the renovation to 205 West Leake Street. I have you on schedule to appear before the Planning and Zoning Commission on October 26, 2010 at 6:30 and the Mayor and Board of Alderman on November 2, 2010 at 7:00. Both meetings will be held in the Municipal Courtroom at the Police Department, 305 Monroe Street. If you would make a note of these dates and time, you or your representative must be present at the Planning and Zoning and The Mayor and Board of Alderman meetings.

If you have any questions I can be reached at (601) 924-2256.

Sincerely,



Jerry "J.B." Bounds
Director
Community Development

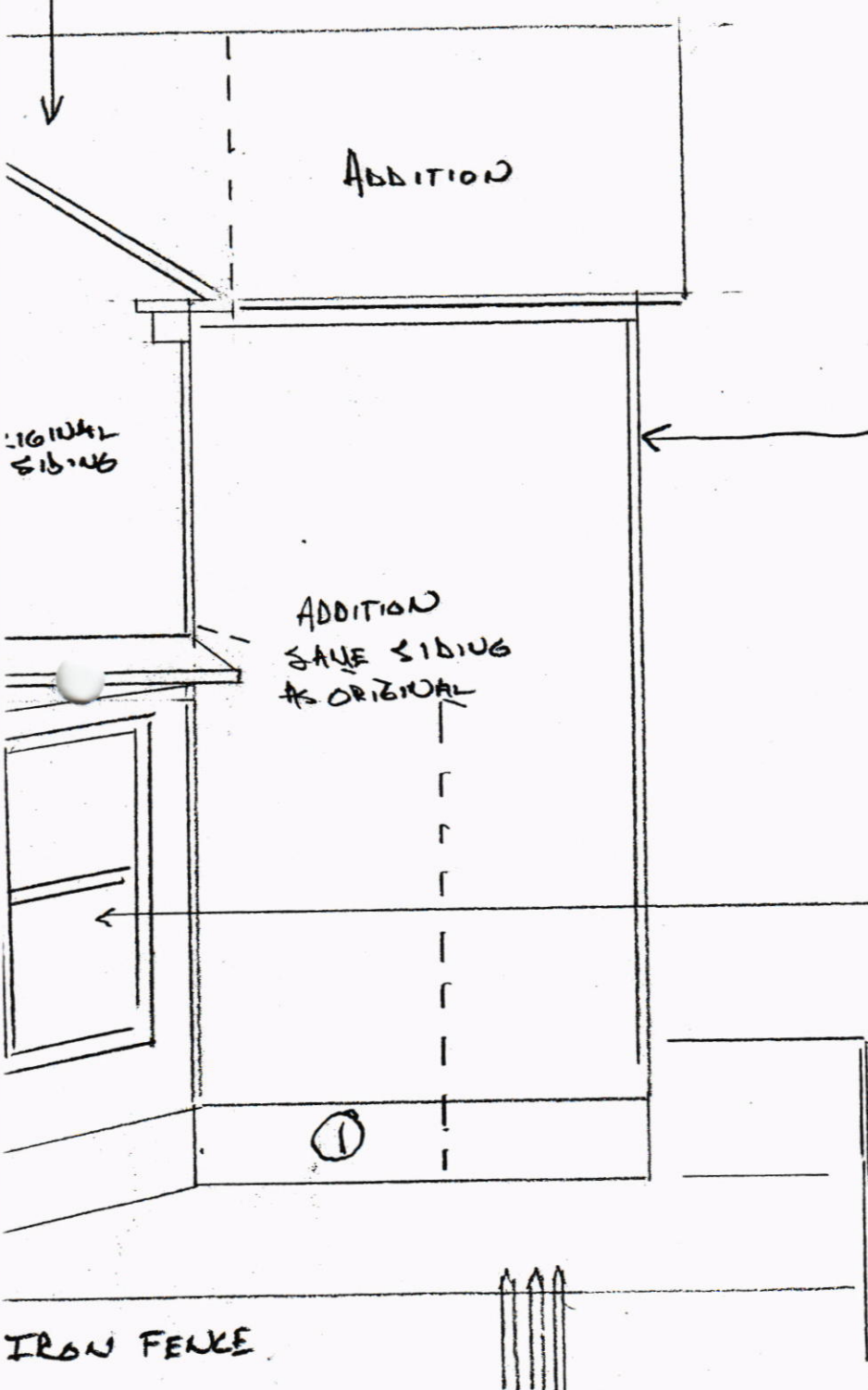
DEAN FARRAR
205 WEST LEAKE
CLINTON, MS
601-985-9661

Room
W.T.



WHITE PICKET OR BLACK

TO BE REPLACED
SHE SHED LOT "WEATHERWOOD"



ADDITION

ORIGINAL
SIDING

ADDITION
SAME SIDING
AS ORIGINAL

← 2 (ALL TRIM)

2005 10 13 10:00 AM
1000 10 13 10:00 AM

WINDOW TO BE REPLACED
WITH SAME LITE PATTERN AS
ORIGINAL

- 1 DOWNING STREET
- 2 NATURAL WHITE
- 3 TUSCAN HILLSIDE
- 4 LIGHT TAN

IRON FENCE

This instrument prepared by:

Mark T. Davis, Esq.
WATKINS LUDLAM WINTER & STENNIS, P.A.
P. O. Box 427
Jackson, Mississippi 39205
(601) 949-4900

Indexing Instructions:

Part of SW 1/4, Section 5, T5N, R1W
Hinds County, Mississippi

WATER LINE AND SEWER LINE EASEMENT AGREEMENT

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the undersigned **Homewood Company, L.L.C.** ("Grantor") does hereby grant, bargain, transfer and convey unto the **City of Clinton, Mississippi**, a municipal corporation and political subdivision of the State of Mississippi ("Grantee"), and its successors and assigns a permanent, non-exclusive easement (the "Easement") to install, lay, and thereafter use, repair, maintain, replace and remove underground water lines, underground sewer lines and related facilities (collectively, the "Lines") serving Shady Springs Manufactured Home Community and its tenants, upon, over, under, across, above and through the lands of Grantor being described on Exhibit "A" attached hereto, being located in the SW 1/4 of Section 5, Township 5 North, Range 1 West, in the City of Clinton, Hinds County, Mississippi (the "Property"), and located five (5) feet in width on both sides of the Lines, as the same may be located from time to time, (i) to and including (but not beyond) the water meter for each lot comprising part of Shady Springs Manufactured Home Community for the portion of the Lines that are water lines and (ii) to and including (but not beyond) the sewer tap for each lot comprising part of Shady Springs Manufactured Home Community for the portion of the Lines that are sewer lines (collectively, the "Easement Area"). Grantor and Grantee will, upon request by Grantor, execute and deliver to the other party a document amending this Water Line and Sewer Line Easement Agreement to delimit the exact location of the Easement Area; provided, however, Grantor will pay any costs to determine and describe the location of the Easement Area.

Together with the right of ingress and egress over the private streets located within Shady Springs Manufactured Home Community, including without limitation Stoney Brook Cove and Shady Oak Circle, and over the land included in the Easement Area for the purpose of, and to the extent reasonably necessary for, operating and maintaining the Lines for so long as they are utilized by Grantee. Grantor further conveys to Grantee the right to remove any fixtures, fencing, shrubbery, trees, undergrowth, and/or other obstructions (other than asphalt or concrete

roads, drives, curbs and parking pads for manufactured homes) over and under the Easement Area that materially interfere with the installation of the Lines, subject to Grantee's obligation to restore the property of Grantor and its tenants as set forth hereinafter. Grantor further conveys to Grantee the right to keep the Easement Area clear of any trees, undergrowth, and/or other obstructions (other than asphalt or concrete roads, drives, curbs and parking pads for manufactured homes) that materially interfere with the operation or maintenance of the Lines, subject to Grantee's obligation to restore the property of Grantor and its tenants as set forth hereinafter.

Grantor further conveys to Grantee a construction easement for a period of one (1) year after the date hereof (the "Construction Easement") for the right of ingress and egress upon the Easement Area and any additional land needed as working room, reasonably necessary for the purpose of constructing the Lines and for maintaining the Lines. Grantee shall have the right to use, occupy and/or improve for construction purposes the area included in the Construction Easement for one (1) year after the date hereof in order to complete the construction of the improvements related to the Lines. Grantee will conduct its operations in the construction and maintenance of the Lines in such a manner as to not unreasonably interfere with the operation of Shady Springs Manufactured Home Community and its tenants. All improvements installed by Grantee will be located underground with the exception of gate valve covers and water meter boxes, which will be as nearly flush with the ground as is practicable, and fire hydrants. The Lines will be installed by boring under existing asphalt or concrete roads, drives, curbs and parking pads for manufactured homes.

Grantee agrees to restore the property of Grantor and its tenants to substantially the same condition that existed prior to construction or maintenance of the Lines and to replace or relocate any fences, culverts, driveways, utilities or other structures which are necessary to move or which are damaged as a result of the construction or maintenance of the Lines, including without limitation restoration of asphalt or concrete roads, drives, curbs or parking pads for manufactured homes. Grantee will, at all times and at its sole risk and expense, maintain the Lines in good condition and in proper working order. Grantee will, promptly upon completion of the Lines and at its sole risk and expense, install a water meter for each lot comprising part of Shady Springs Manufactured Home Community and will, at all times and at its sole risk and expense, maintain said meters. Grantee will, from and after the installation of said meters and at its sole risk and expense, read the meters and bill the occupant of each lot comprising part of Shady Springs Manufactured Home Community for water service and sewer service provided to such occupant.

Grantor and Grantee agree that, if, at any time after completion of construction of the Lines, the Property is no longer used for the operation of a manufactured home community, then the Easement shall terminate and the parties hereto or their successors and/or assigns will execute and deliver an instrument terminating this Water Line and Sewer Line Easement Agreement, which will be recorded in the land records of Hinds County, Mississippi.

This Water Line and Sewer Line Easement Agreement was accepted by the City of Clinton, Mississippi, at its regular board meeting on the 12th day of October, 2010.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

WITNESS THE SIGNATURE OF GRANTOR as of the 12th day of October, 2010.

HOMWOOD COMPANY, L.L.C.

By: J. Kane Ditto
MANAGER

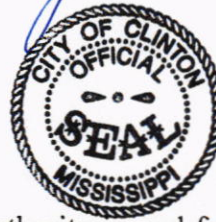
ATTEST:

By: Russell Wall
CITY CLERK
(SEAL)

CITY OF CLINTON, MISSISSIPPI

By: Rosemary J. Austman
MAYOR

STATE OF MISSISSIPPI
COUNTY OF Rankin



Personally appeared before me, the undersigned authority in and for the said county and state, on this 12th day of October, 2010, within my jurisdiction, the within named J. Kane Ditto, who acknowledged to me that he is Manager of Homewood Company, L.L.C., a Mississippi manager-managed limited liability company, and that for and on behalf of said limited liability company, and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

Nicole F. Stewart
NOTARY PUBLIC

My Commission Expires:
May 13, 2012
(Affix official seal)



STATE OF MISSISSIPPI
COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 4th day of NOVEMBER, 2010, within my jurisdiction, the within named ROSEMARY AUSTMAN and RUSSELL WALL, who acknowledged to me that they are Mayor and City Clerk of the City of Clinton, Mississippi, a body corporate and politic and a political subdivision of the State of Mississippi, and that for and on behalf of said city, and as its act and deed, they executed and sealed the above and foregoing instrument, after first having been duly authorized by said city so to do.

Jackie R. Barrett
NOTARY PUBLIC

My Commission Expires:
MISSISSIPPI STATE NOTARY PUBLIC
MY COMMISSION EXPIRES NOV. 26, 2010
EXTENDED THRU STEGALL NOTARY SERVICE
(Affix official seal)

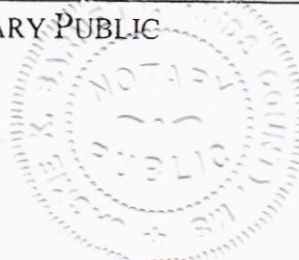


EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land lying and being situated in the East Half of the Southwest Quarter of Section 5, Township 5 North, Range 1 West, Hinds County, Mississippi, and being more particularly described as follows:

Commencing at the intersection of the centerline of Springridge Road with the centerline of East North McRaven Road, run S 64°04'00" E along the said centerline of East McRaven Road for a distance of 822.00 feet to a point; thence run S 26°27'00" W for a distance of 23.02 feet to an iron pin on the south right-of-way line of said East North McRaven Road, being the Point of Beginning; thence run S 63°24'49" E along said south right-of-way line for a distance of 508.93 feet to a nail in fence post; thence run S 00°29'10" W for a distance of 663.39 feet to a 2-inch iron pipe; thence run S 00°28'43" W for a distance of 827.03 feet to a point on an existing fenceline and an iron pin; thence run N 88°45'12" W along a wire fence for a distance of 453.65 feet to an iron pin; thence run N 00°01'50" W for a distance of 566.82 feet to a nail in fence post; thence run N 00°33'55" E for a distance of 1,141.50 feet to the Point of Beginning, containing 16.79 acres, more or less.