

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, MAY 19, 2009 - 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 Mayor Aultman.

ROLL CALL City Clerk, Russell Wall

Present: Jehu Brabham – Alderman-at-Large
 Tony Hisaw – Alderman Ward 1
 Tony Greer – Alderman Ward 2
 Kathy Peace – Alderwoman Ward 4
 Mike Morgan – Alderman Ward 5

Absent: Mike Bishop – Alderman Ward 3
 William Barnett – Alderman Ward 6

RECOGNITION

The Mayor recognized Stephen Greer, for first place MHSAA 5A State Track and Field Championships – Pole Vault and Michael Greer, for second place MHSAA 5A State and Track Filed Championships – Pole Vault.

PUBLIC HEARING

A public hearing was held to determine the request by Morrison Heights Baptist Church to close a portion of Mt. Salus Road. No one from the public made any comments and the public hearing was adjourned.

APPROVAL OF CONSENT AGENDA ITEMS A-K

MOTION made by Alderman Brabham and **SECONDED** by Alderwoman Peace to approve the Consent Agenda Items A-K. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION APPOINTING MISSISSIPPI MUNICIPAL LEAGUE 2009 VOTING DELEGATES FOR THE CITY OF CLINTON, MISSISSIPPI

Upon presentation by Rosemary Aultman, Mayor, **MOTION** made by Alderman Greer and **SECONDED** by Alderwoman Peace the board approved a resolution appointing Mississippi Municipal League 2009 voting delegates for the City of Clinton, Mississippi. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF THE APPOINTMENT OF FOSTER ELLIS TO THE PLANNING AND ZONING COMMISSION

Upon presentation by Tony Hisaw, Alderman Ward 1, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brabham the board approved the appointment of Foster Ellis to the Planning and Zoning Commission for a term of (3) three years. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION TO APPROVE ONE ADDITIONAL PAYMENT (13TH CHECK) TO RETIREES OF THE CITY OF CLINTON FIRE AND POLICE DISABILITY RELIEF FUND FOR 2009

Upon presentation by Russell Wall, City Clerk, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderwoman Peace the board approved a resolution to approve one additional payment (13th check) to retirees of the City of Clinton Fire and Police Disability Relief Fund for 2009. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A TEMPORARY EASEMENT BETWEEN MORRISON HEIGHTS BAPTIST CHURCH AND THE CITY OF CLINTON, MISSISSIPPI

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Morgan the board approved a temporary easement between Morrison Heights Baptist Church and the City of Clinton, Mississippi. A copy of the temporary easement is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AN ORDINANCE TO CLOSE A PORTION OF MT. SALUS ROAD

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brabham the board approved an ordinance to close a portion of Mt. Salus Road. The ordinance is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:16 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Morgan to adjourn until the next regular meeting of the Mayor and Board of Aldermen to be held on June 2, 2009 at 7:00 pm. **MOTION CARRIED UNANIMOUSLY**

APPROVED: Rosemary D. Aultman
Rosemary Aultman, Mayor

5.20.09
Date

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

5-20-09
Date



Interoffice

MEMORANDUM

To: Russell
From: Lucy *Lucy*
Date: May 12, 2009
Re: May 19th Agenda

Under recognitions for the next agenda please add Stephen and Michael Greer. The Mayor will recognize them at the March 19th board meeting for:

Stephen Greer, First Place MHSAA 5A State Track and Field Championships – Pole Vault
Michael Greer, Second Place MHSAA 5A State Track and Field Championships – Pole Vault

From the desk of...

Lucy Lupo
Executive Asst. to the Mayor
City of Clinton
Post Office Box 156
Clinton, Mississippi 39060
Telephone: 601-925-6103
Fax: 601-924-0113

**PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY**

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

PASTE PROOF HERE

C19341
CITY OF CLINTON-LEGALS,
0200227762
Salus Road Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A PUBLIC HEARING ON MAY 19, 2009 AT 7:00 P.M. IN THE MUNICIPAL ROOM OF THE POLICE BUILDING, 305 MONROE STREET, CLINTON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A PORTION OF MT SALUS ROAD SHALL BE ABANDONED.

A public hearing will be held on May 19, 2009 at 7:00 p.m. in reference to the closing/abandonment of a portion of Mt Salus Road as described as follows:

Being situated in the NW ¼ of Section 33, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and being more particularly described by metes and bounds as follows to-wit:

Commence at the southwest corner of Lot 1 of Block "C" of Lakeside Park, a subdivision, the map or plat of which is recorded in Plat Book 8 at Page 49 of the Chancery Records of Hinds County at Jackson, Mississippi and run thence North 86°10'32" East for a distance of 407.86 feet along the southern line of the said Lakeside Park to an iron pin; thence leave said southern line of Lakeside Park and run South 00°10'32" West for a distance of 347.30 feet; thence South 74°26'44" East for a distance of 453.19 feet; thence run 225.21 feet along the arc of a 133.00 foot radius curve to the left, said arc having a 199.25 foot chord which bears North 53°13'02" East; thence South 00°24'33" West for a distance of 368.89 feet; thence South 88°27'06" East for a distance of 427.00 feet; thence South 00°23'11" West for a distance of 866.71 feet; thence North 83°07'00" West for a distance of 430.00 feet; thence North 84°28'53" West for a distance of 367.66 feet to the **POINT OF BEGINNING** for the parcel herein described; thence continue North 84°28'53" West for a distance of 482.26 feet; thence run 42.93 feet along the arc of a 30.00 foot radius curve to the right, said arc having a 39.36 foot chord which bears North 43°29'09" West; thence North 02°29'25" West for a distance of 90.88 feet; thence run 119.49 feet along the arc of a 85.00 foot radius curve to the left said arc having a 109.89 foot chord which bears North 40°02'48" West; thence South 11°16'39" West for a distance of 36.66 feet along an existing gate and the extensions thereof; thence run 61.73 feet along the arc of a 40.00 foot radius curve to the right, said arc having a 55.79 foot chord which bears South 44°38'57" East; thence South 00°26'12" East for a distance of 144.30 feet; thence South 84°03'31" East for a distance of 549.18 feet to a found ½" square iron rod; thence North 05°31'07" East for a distance of 29.03 feet to the **POINT OF BEGINNING**, containing 0.5331 acres (23,224 square feet), more or less.

APPROVED:
Mayor Rosemary Aultman

ATTEST:
City Clerk Russell Wall

May 4, 2009

0200227762-01

ANN MIDDEKE

an authorized clerk of THE CLARION-LEDGER, a newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

5/4/2009

Size: 529 words / 2.00 col. x 65.00 lines

Published: 1 time(s)

Total: \$71.98

Signed

Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 5/4/2009.

Notary Public

RICK TYLER

Notary Public State of Mississippi at Large. Bonded thru
Notary Public Underwriters

(SEAL)



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: May 19, 2009

AGENDA ITEM NO. **7**

CONSENT AGENDA:

TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Approve a resolution appointing Mississippi Municipal League 2009 Voting delegates for the City of Clinton, Mississippi.

INTRODUCED BY: Rosemary Aultman, Mayor

BOARD ACTION:

MOTION MADE BY: Greer

SECONDED BY: Peace

VOTE CAST:
TAKEN:

"AYE"

"NAY"

ACTION

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Peace

✓

Morgan

✓

Barnett

A

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

**RESOLUTION APPOINTING MISSISSIPPI
MUNICIPAL LEAGUE 2009 VOTING
DELEGATES FOR THE
CITY OF CLINTON, MISSISSIPPI**

WHEREAS, the Mississippi Municipal League amended the bylaws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a second vice president and to vote on any proposed bylaw changes; and

WHEREAS, the amended bylaws require the governing authority, Mayor and Board of Aldermen, to designate in its minutes the voting delegate and two alternates to cast the vote for each member municipality.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD
OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI.**

In accordance with the bylaws of the Mississippi Municipal League, the voting delegates for the 2009 Mississippi Municipal League election to be held at the annual convention on July 13 – 16, 2009 are as follows:

Voting Delegate:	Rosemary G. Aultman, Mayor
First Alternate:	Jehu Brabham, Alderman-at-Large
Second Alternate:	Tony Hisaw, Alderman Ward 1

That public interest and necessity requiring same, this Resolution shall become effective upon passage.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by Alderman Greer, and seconded by Alderwoman Peace, and was adopted by the following vote, to-wit:

Alderman Brabham	AYE	Alderwoman Peace	AYE
Alderman Hisaw	AYE	Alderman Morgan	AYE
Alderman Greer	AYE	Alderman Barnett	ABSENT
Alderman Bishop	ABSENT		

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the 19th day of May, 2009.

APPROVED: Rosemary G. Aultman
Rosemary G. Aultman, Mayor

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



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: May 19, 2009

AGENDA ITEM NO. 8

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Foster Ellis, appointment to P&Z Commission

3 yr term

INTRODUCED BY: Tony Hisaw, Alderman, Ward 1

TELEPHONE:

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

HS

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: *Hisaw*

SECONDED BY: *Brabham*

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Peace
Morgan
Barnett

✓
✓
✓
A
✓
✓
A

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

Foster Ellis, Jr.

Experience

1988-Present General Maintenance Systems, Inc. Jackson, MS

President and C.E.O

- Direct the day-to-day operations of G.M.S., Inc.
- Supervise the maintenance crew chiefs on all jobs.
- Provide public relations efforts and prepare all bids on prospective new customer accounts.

2004-2008 Mississippi Department of Employment Security
Office of the Governor Jackson, MS

Business Developer (Governor Appointment) / October 2004 thru October 2008

- To inform small businesses and large corporations of numerous beneficial workforce services available to the employer through the publicly funded workforce system.

1987-1988 Western Temporary Services Jackson, MS

Account Executive / October thru December 1987

- Duties included contact with major companies and corporations in reference to placing temporary person in temporary positions and also professional person in entry level positions; which includes maintaining employment pay rate of job skills, workers compensation, employment benefits, unemployment, insurance and bonding.

1987 State Farm Mutual Auto Insurance Company Jackson, MS

Claim Service Representative / May thru September 1987

- Duties included making adjustments on losses be it property or casualty for persons insured by State Farm

1982-1987 J.C. Penney, Inc. Jackson, MS

Merchandise Manager / June 1982 thru May 1987

- Duties included providing personnel leadership through evaluating job performance and implementing appraisal programs designed to produce an efficient, trained, sales-oriented team. Scheduling staffing requirements based on customer flow. Supervising and determining merchandise presentation. Assisted in college recruitment of entry-level management positions on the district level of 14 (fourteen) J.C. Penney stores. Interfaced with management on all decisions effecting the department.

Miscellaneous Employment:

1979-1982 Jackson State University Jackson, MS
Student Assistant / September 1979 thru April 1982

- Duties included filing business graduate student academic records, providing tutorial sessions for freshmen and sophomore marketing students and other duties as assigned.

Education

2005 University of Southern Mississippi Hattiesburg, MS
▪ Economic Development Seminar

1997 Millsaps College Jackson, MS
▪ Leadership Seminar

1977-1982 Jackson State University Jackson, MS
▪ Bachelor of Science In Marketing,
May 1982

1974-1977 Warren Central High School Vicksburg, MS
▪ Diploma

Member**Affiliations:**

- Chairman - Metro Jackson Chamber Small Business Council
- Former Chairman - Metro Jackson Chamber (Business Industrial Teachers Exchange Program)
- District Chairman - Andrew Jackson Boy Scouts
- Chairman - Keep Jackson Beautiful
- Co-Chairman - United Way Contribution Campaign for State Personnel
- Board of Directors - Greater Jackson Chamber Partnership
- Board of Directors - Jackson Chamber of Commerce
- Board of Directors - Central Mississippi Growth Foundation
- Advisory Board - First American Bank
- Board Of Directors - YMCA (Farish Street Branch)
- Board Of Directors - Hinds County Private Industry Council
- Board Of Directors - New Hope Foundation
- Board Of Directors - Greater Mt. Calvary Community Development
- Member - N.A.A.C.P.
- Former President - Alpha Phi Alpha Fraternity; Metro Graduate Chapter
- Regional Leadership Director, Alpha Phi Alpha Fraternity

Clark / Atlanta University—Atlanta, GA

Fisk University—Nashville, TN

- Member – 100 Black Men Of Jackson
- Governor Appointee – Commissioner For Volunteer Service
- Reserve Officer – Jackson Police Department
- Former Captain – Mississippi State Guard
- City Of Jackson – Mayor's Transportation Task Force (a Review Of The City Busing And Airline Transport)

Personal Awards

- Top 40 Under 40 – Mississippi's Most Outstanding Young Business People
- Outstanding Community Volunteer Award – McRae's / Goodwill Industries
- Loan Executive – United Way
- Graduate – Metro Leadership Jackson
- Honorary Staff Member – House Of Representatives / State Of Tennessee
- Alpha Man Of The Year Award
- Outstanding Young Men Of America
- Who's Who Among American Executives
- Who's Who In The South And South East

Company Awards

- 1995 Metro Jackson's Outstanding Small Business
- 1997 Ms. Dept. Of Economic & Community Development – Businessman Of The Quarter
- 1997 Ms. Dept. Of Economic & Community Development – Small Business Of The Year
- U.S. Small Business – Advocate Of The Year Award

Company Certifications

- Mississippi Development Authority - Minority Business Enterprise Division
- Mississippi Department Of Transportation - Unified Certification Certificate
- Jackson Municipal Airport Authority - Disadvantaged Business Enterprise Program
- City Of Jackson – Minority Business Enterprise
- Building Trade Association

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: May 19, 2009

AGENDA ITEM NO. 9

CONSENT AGENDA:

TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Resolution to approve one additional payment (13th check) to retirees of the City of Clinton Fire and Police Disability Relief Fund for 2009.

INTRODUCED BY: Russell Wall, City Clerk

BOARD ACTION:

MOTION MADE BY: Hisaw

SECONDED BY: Peace

VOTE CAST:
TAKEN:

"AYE" "NAY"

ACTION

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Peace

✓

Morgan

✓

Barnett

A

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

**RESOLUTION TO APPROVE ONE ADDITIONAL PAYMENT (13TH CHECK)
TO RETIREES OF THE CITY OF CLINTON FIRE AND POLICE DISABILITY
RELIEF FUND FOR 2009**

WHEREAS, on October 16, 1990, a Resolution was adopted by the City of Clinton requesting the Mississippi Legislature to enact legislation to authorize the City of Clinton to establish the payment of one (1) additional payment per year from the monies accumulated in the Clinton Fire and Police Disability and Relief Fund to be paid directly to retired members of said Fund, or the beneficiaries thereof, who on December 1 of each year are receiving retirement allowance under Section 21-29-39 of the Mississippi Code of 1972. The amount shall be equal to the annual percentage change in each fiscal year of the consumer price index set by the United States government, not to exceed two and one-half percent (2 ½) of the annual retirement allowance for each full fiscal year that the retired member or beneficiary has actually drawn retirement payments from the date of retirement or the passage of the Act, whichever is the later date: and

WHEREAS, the Mississippi Legislature approved such request in the form of House Bill 1542, approved by the Governor on April 9, 1991, authorizing the governing authorities of the City of Clinton to establish the payment of an additional payment each year to retired members of the Clinton Fire and Police Disability and Relief Fund based on the change in the consumer price index; to provide that payment of the additional payments shall not be established unless the disability and relief fund currently is actuarially sound and will remain actuarially sound if the additional payments are made; and for related purposes; and

WHEREAS, on March 4, 1997, a Resolution was adopted by the City of Clinton requesting the Mississippi Legislature to set the maximum amount of additional benefit payment (COLA) to retirees of the Clinton Fire and Police Disability and Relief Fund at a maximum of ten percent (10%) of the recipients' annual retirement allowance; and

WHEREAS, the Mississippi Legislature approved such request in the form of House Bill No. 1919, approved by the Governor on April 10, 1997, setting the maximum amount of additional benefit payment (COLA) to retirees of the Clinton Fire and Police Disability and Relief Fund at a maximum of ten percent (10%) of the recipient's annual retirement allowance to provide that payment of the additional payments shall not be established unless the disability and relief fund currently is actuarially sound and will remain actuarially sound if the additional payments are made; and for related purposes; and

WHEREAS, the governing authorities wish to establish the additional payments authorized in House Bill no. 1542, as limited by House Bill No. 1919 and request the Board of Trustees of the Public Employees' Retirement System to make payments directly to the person authorized and entitled to receive the payments.

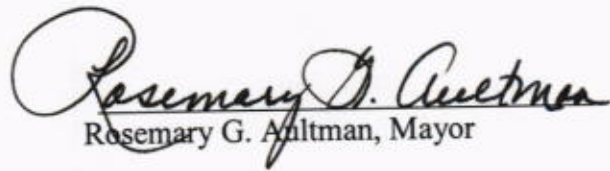
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, that the City hereby authorize the payment of one (1) additional payment from the monies accumulated in the Clinton Fire and Police Disability and Relief Fund to retired members of such disability and relief fund or beneficiaries thereof who on December 1, 2009, are receiving a retirement allowance under section 21-29-139, Mississippi Code of 1972. The amount of such payment shall be equal to the annual percentage change in each fiscal year of the consumer price index set by the United States government, not to exceed two and one-half percent (2 ½) of the annual retirement allowance for each full fiscal year after June 30, 1990, that the retired member or beneficiary has actually drawn retirement payments from the date of retirement and further limited to a maximum of ten percent (10%) of the annual retirement allowance for any year.

BE IT FURTHER RESOLVED that the governing authorities of the City of Clinton hereby request the Board of Trustees of the Public Employees' Retirement System to make payments directly to the person authorized and entitled to receive the payment in accordance with House Bill No. 1542 and House Bill No. 1919 for the calendar year 2009.

Alderman Hisaw moved that the foregoing Resolution be adopted. Alderwoman Peace seconded the motion. The vote was as follows:

Alderman Brabham	AYE	Alderman Hisaw	AYE
Alderman Greer	AYE	Alderman Bishop	ABSENT
Alderwoman Peace	AYE	Alderman Morgan	AYE
Alderman Barnett	ABSENT		

Approved on the 19th day of May, 2009.


Rosemary G. Aultman, Mayor

ATTEST:



Russell I. Wall, City Clerk



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: May 19, 2009

AGENDA ITEM NO. 10

CONSENT AGENDA:

TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Approval of a temporary easement between Morrison Heights Baptist Church and the City of Clinton, Mississippi.

INTRODUCED BY: Ken Dreher, City Attorney

BOARD ACTION:

MOTION MADE BY: Greer

SECONDED BY: Morgan

VOTE CAST:
TAKEN:

"AYE"

"NAY"

ACTION

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Peace

✓

Morgan

✓

Barnett

A

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

TEMPORARY EASEMENT

STATE OF MISSISSIPPI
COUNTY OF HINDS

THIS INDENTURE, made this 19th day of MAY, 2009, between the undersigned Trustees of Morrison Heights Baptist Church, an unincorporated religious association, having its principal place of business at 3000 Hempstead Blvd., Clinton, Mississippi (601) 924-5620, GRANTOR, and The City of Clinton, Mississippi, a body politic and corporate of the State of Mississippi, having its principal place of business at 300 Jefferson Street, Clinton, Mississippi (601) 925-6103, GRANTEE.

WITNESSETH: That Grantor owns a tract of property lying and being situated in the NE ¼ of Section 32 and the NW ¼ of Section 33, T6N, R1W, City of Clinton, Hinds County, Mississippi ("Church Property");

WITNESSETH: That Grantee owns a tract of property to the South and East of the Church Property ("City Property");

WITNESSETH: That Grantor desires to close a portion of Mt. Salus Road on the Church Property that is not used by the public;

WITNESSETH: That Grantee had utilized a portion of Mt. Salus Road for access to and from the City Property; and,

WITNESSETH: That Grantee desires a temporary easement for ingress and egress and electricity for itself and the public over and across a portion of the Church Property for the benefit of the City Property as provided herein.

The Grantor, for valuable consideration, the sufficiency and receipt of which is hereby acknowledged, hereby grants and conveys to Grantee, its successors and assigns, a temporary non-exclusive easement for ingress and egress and an electrical service line thirty feet (30') in width, being fifteen feet (15') on each side of the centerline of an existing unimproved road located approximately as shown on the map attached as Exhibit "A" and incorporated herein by reference ("Easement Area").

The easement hereby created and conveyed is subject, as to said lands, to all matters of public record.

The parties hereto hereby agree that the rights hereinabove granted shall be subject to the following terms and conditions:

1. This easement is conveyed for the purpose of construction, reconstruction, use and maintenance of the above-described road and electrical service line solely for ingress, egress and electricity for the benefit of the City Property and none other.
2. Grantor reserves for itself, its successors and assigns, the right at all times and for any purpose to cross and recross said road and electrical service line at any place, on grade or otherwise, and to use said Easement Area in a manner that will not unreasonably interfere with the rights granted to the Grantee herein.
3. Grantor may grant to third parties, upon such terms as it chooses, any or all of the rights reserved by it herein; provided such use shall not unreasonably interfere with the rights granted to the Grantee.
4. The cost of road and the electrical service line installation, maintenance and/or repair and shall be solely borne by Grantee. If the use of the road or electrical service line by Grantee or any person or entity using the same for and on behalf of Grantee results in any damage to improvements of

Grantor, then Grantee shall promptly repair any and all improvements to their condition prior to the damage.

5. Although the terms of this paragraph shall not apply to the City, should Grantee assign its rights under this Easement to a person or entity having a leasehold or fee simple interest in the City Property, that person or entity shall obtain and, during the terms of such use, maintain the following policies of insurance:
 - a. General Liability Insurance covering personal injuries and property damage ("Liability Coverage");
 - b. Vehicle Liability Insurance covering personal injuries and property damage ("Vehicle Liability Coverage");
 - c. Worker's Compensation Insurance which meets the requirements of the State of Mississippi; and
 - d. Employer's Liability Insurance coverage ("Employer's Liability Coverage").

Unless specified above, minimum amounts of insurance shall be such limits as the Grantor may reasonably require from time to time, with initial limits being:

- (a) Five Hundred Thousand Dollars (\$500,000.00) for injury to one person,
 - (b) One Million Dollars (\$1,000,000.00) for any one occurrence, and
 - (c) Five Hundred Thousand Dollars (\$500,000.00) property damage for any one occurrence;
- With respect to Vehicle Liability Coverage:
- (a) Five Hundred Thousand Dollars (\$500,000.00) for any one occurrence; and
 - (b) One Million Dollars (\$1,000,000.00) in the aggregate.

e. Without limiting the foregoing, in each case all of such policies shall be issued by an insurance carrier having an A.M. Best's rating of at least A- (that's A minus) and of financial size category X, or otherwise be acceptable to Grantor.

f. Furnish to Grantor written evidence of such insurance signed and warranted by an authorized representative of the insurance companies, indicating that these policies are in force, that the premiums therefor have been paid and that, the insurance described therein shall not be cancelled or modified until thirty (30) days after prior written notice of such cancellation or modification has been provided to Grantor. Such evidence shall be delivered to Grantor within fifteen (15) days of the date hereof or sooner if construction of a roadway is contemplated hereunder and annually thereafter. In the event Grantee, or any Permittee of Grantee, fails to provide such insurance coverage, or annual evidence thereof, Grantor shall have the right to terminate this Grant of Easement by filing a Notice of such termination in the Office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi.

6. Grantee may not assign its rights and obligations under this Easement without having first conveyed a fee simple or leasehold interest in part or all of the City Property to the assignee, and having furnished written notice of the assignment to Grantor in a form that is recordable in the land records with assignee assuming in writing all obligations of the Grantee from and after the effective date of the assignment.
7. Although the terms of this paragraph shall not apply to the City, should Grantee assign its rights under this Easement to a person or entity having a leasehold or fee simple interest in the City Property, that person or entity agrees to defend, indemnify and save harmless Grantor, its successors and assigns, from and against all causes of action, litigation, cost, loss, liability, damage and expense (including but not limited to attorneys' fees, expert witness fees and cost and expenses of Grantor) for injury or death to persons, whomsoever, and damage to or loss of property to whomsoever belonging, including the respective contractors, agents, employees and representatives of Grantor, arising out of or in any way connected with the use of the road, the electrical service line, and Easement Area by the assignee of Grantee, its respective contractors, agents, employees or representatives.
8. Grantor shall have the right to fence or gate the Easement Area but shall provide a key, code, or other access to Grantee.

9. If, for a period of five (5) years, Grantee shall cease to use or preserve said road or electrical utility line, or any portion thereof, for prospective future use, this easement shall automatically terminate without notice; and Grantee, its successors and assigns, hereby agree that they shall, at Grantor's option, and in form and substance satisfactory to Grantor, quitclaim unto said Grantor all right, title and interest of Grantee hereunder.
10. Grantor reserves the right to relocate the Easement Area at Grantor's sole cost and expense by replacing the then existing road and electrical service line with an equivalent road and electrical service line at another location selected by Grantor and to file an amendment to this Easement reflecting the amended location and releasing the location shown on Exhibit "A" from the terms and conditions of the Easement. Upon request of Grantor, Grantee shall join in such amendment.
11. This Easement is a temporary easement. It shall terminate on the acceptance by the City of Clinton of an extension of Hampstead Blvd., provided that the extension of Hampstead Blvd. either provides direct access to the City Property or that access for ingress, egress and a service electrical line is provided to Grantee by a separate easement. The City of Clinton agrees to utilize reasonable efforts to obtain the extension of Hampstead Blvd and direct access or access by an easement for ingress, egress and an electrical service line thereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument, in duplicate to become effective as of the day and year first above written.

GRANTOR:

Evelyn Gibson, Steve McPeek, Danny Davis and Dale Parker, as Trustees of MORRISON HEIGHTS BAPTIST CHURCH and their successors in office

Evelyn Gibson, as Trustee for Morrison Heights Baptist Church

Steve McPeek, as Trustee for Morrison Heights Baptist Church

Danny Davis, as Trustee for Morrison Heights Baptist Church

Dale Parker, as Trustee for Morrison Heights Baptist Church

MORRISON HEIGHTS BAPTIST CHURCH

By: _____
Evelyn Gibson, Trustee for
Morrison Heights Baptist Church

By: _____
Steve McPeek, Trustee for
Morrison Heights Baptist Church

By:

Danny Davis, Trustee for
Morrison Heights Baptist Church

By:

Dale Parker, Trustee for
Morrison Heights Baptist Church

ACCEPTED BY:

CITY OF CLINTON, MISSISSIPPI

GRANTEE

By: Rosemary G. Autman
Name: ROSEMARY G. AUTMAN
Title: MAJOR

Attest: Russell Wall
City Clerk



STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2009, within my jurisdiction, the within named **Steve McPeck**, who acknowledged that he is a duly elected and constituted Trustee of MORRISON HEIGHTS BAPTIST CHURCH, a Mississippi unincorporated religious society organized in accordance with Miss. Code Ann. § 79-11-31, and that for and on behalf of said church as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said church so to do.

(Seal)

Notary Public

My Commission Expires: _____

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2009, within my jurisdiction, the within named **Evelyn Gibson**, who acknowledged that he is a duly elected and constituted Trustee of MORRISON HEIGHTS BAPTIST CHURCH, a Mississippi unincorporated religious society organized in accordance with Miss. Code Ann. § 79-11-31, and that for and on behalf of said church as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said church so to do.

(Seal)

Notary Public

My Commission Expires: _____

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2009, within my jurisdiction, the within named **Danny Davis**, who acknowledged that he is a duly elected and constituted Trustee of MORRISON HEIGHTS BAPTIST CHURCH, a Mississippi unincorporated religious society organized in accordance with Miss. Code Ann. § 79-11-31, and that for and on behalf of said church as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said church so to do.

(Seal)

Notary Public

My Commission Expires: _____

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 2009, within my jurisdiction, the within named **Dale Parker**, who acknowledged that he is a duly elected and constituted Trustee of MORRISON HEIGHTS BAPTIST CHURCH, a Mississippi unincorporated religious society organized in accordance with Miss. Code Ann. § 79-11-31, and that for and on behalf of said church as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said church so to do.

(Seal)

Notary Public

My Commission Expires: _____

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me the undersigned authority in and for the aforesaid jurisdiction, on this the ____ day of _____, 2009, the within named Rosemary G. Aultman and **RUSSELL L WALL** as Mayor and City Clerk, respectively, who after being by me duly sworn acknowledged that they signed and delivered the above and foregoing instrument for and on behalf of the City of Clinton, a body politic and corporate of the State of Mississippi, as its act and deed after having first been duly authorized by the Mayor and Board of Aldermen of the City of Clinton so to do.

Sworn to and subscribed before me this the ____ day of _____, 2009.

Notary Public

My Commission Expires: _____

This instrument was prepared by:

Gee Ogletree
Adams and Reese LLP
Box 24297
Jackson, MS 39225-4297
(601) 353-3234

Indexing Instructions: NE ¼ of Section 32 and NW ¼ Section 33, T6N, R1W, First Judicial District, Hinds County, Mississippi

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: May 19, 2009

AGENDA ITEM NO. //

CONSENT AGENDA:

TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Approval of an ordinance to close a portion of Mt. Salus Road.

INTRODUCED BY: Ken Dreher, City Attorney

BOARD ACTION:

MOTION MADE BY: Greer

SECONDED BY: Brabham

VOTE CAST:
TAKEN:

"AYE" "NAY"

ACTION

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Peace

✓

Morgan

✓

Barnett

A

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON, MISSISSIPPI, ABANDONING
A PORTION OF MT SALUS ROAD, CITY OF CLINTON,
HINDS COUNTY, FIRST DISTRICT, MISSISSIPPI**

WHEREAS, on May 19, 2009, there came on for hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, an Agenda matter, being a request by Morrison Heights Baptist Church (Petitioner), to close or abandon a certain unimproved street located in Clinton, Hinds County, Mississippi, being a portion of Mt. Salus Road, being further described as:

See Exhibit "A" attached hereto and made a part hereof.

WHEREAS, notice of public hearing on the proposed abandonment was published May 4, 2009 in the Clarion Ledger, and;

WHEREAS, a public hearing was held on May 19, 2009, as set out in said notice, and;

WHEREAS, there was no objection to the abandonment of said street as requested by the Petitioner, and;

WHEREAS, said street has never been developed or used by the City of Clinton and therefore no compensation or damages are due to any adjoining land owner, and;

WHEREAS, the evidence of record is that said street or roadway as above described is no longer needed and has in fact never been utilized by the City and in accordance with the request, should be declared abandoned;

NOW, THEREFORE;

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, as follows:

Section 1. The street, thoroughfare, alley or public easement located in Clinton, Hinds County, Mississippi described as:

See Exhibit "A" attached hereto and made a part hereof.

should be, and the same is hereby abandoned as of this date, being May 19, 2009.

Section 2. Title of abandoned property is vested to the owners of the abutting land as set out by law and no damages or compensation is to be paid since Petitioner owns all land on both sides of the property described in Exhibit "A" and, as part of it's Petition for Closure of a portion of Mt. Salus Road, petitioner waived any payment of damages. No other person is entitled to compensation.

Section 3. This Ordinance shall take effect and be in force from and after thirty (30) days; provided, however, the effective date of the abandonment of said alley, thoroughfare or public easement shall be as of the date of May 19, 2009.

SO ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, on the 19th day of May 2009.

A Motion for adoption was made by Alderman GREER and seconded by Alderman Brabham and the foregoing Ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham:	<u>AYE</u>
Alderman Hisaw:	<u>AYE</u>
Alderman Greer:	<u>AYE</u>
Alderman Bishop:	<u>ABSENT</u>
Alderman ^{WRIGHT} man Peace:	<u>AYE</u>
Alderman Morgan:	<u>AYE</u>
Alderman Barnett:	<u>ABSENT</u>

Whereupon the Mayor declared the Motion carried and the Ordinance approved and adopted.

The foregoing Ordinance was approved this the 19th day of May 2009.

CITY OF CLINTON, MISSISSIPPI

By: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

By: Russell Wall
RUSSELL WALL, City Clerk



Prepared by:

Kenneth R. Dreher
KENNETH R. DREHER, P.A.
Post Office Box 1121
Clinton, MS 39060
Telephone: (601)925-5316

mw\Clinton\mt saulus
May 16, 2009\jbell

ACKNOWLEDGEMENT

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the said county and state, on this ____ day of May, 2009, within my jurisdiction, the within named Rosemary Aultman who acknowledged that she is Mayor of the CITY OF CLINTON, a Mississippi Municipal Corporation, and Russell Wall, who acknowledged that he is the City Clerk of the CITY OF CLINTON, and that for and on behalf of the CITY OF CLINTON, and as its act and deed they executed the above and foregoing instrument, after first having been duly authorized so to do.

NOTARY PUBLIC

ROBERT B. BARNES
CIVIL ENGINEER
LAND SURVEYOR



4 OLD RIVER PLACE, SUITE D
JACKSON, MISSISSIPPI 39202
VOICE (601) 353-SURV
FAX (601) 353-7805

LEGAL DESCRIPTION

MT. SALUS ROAD CLOSING

REVISED

Being situated in the NW $\frac{1}{4}$ of Section 33, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and being more particularly by metes and bounds as follows, to-wit:

Commence at the southwest corner of Lot 1 of Block "C" of Lakeside Park, a subdivision, the map or plat of which is recorded in Plat Book 8 at Page 49 of the Chancery Records of Hinds County at Jackson, Mississippi and run thence North $86^{\circ} 10' 32''$ East for a distance of 407.86 feet along the southern line of the said Lakeside Park to an iron pin; thence leave said southern line of Lakeside Park and run South $00^{\circ} 10' 32''$ West for a distance of 347.30 feet; thence South $74^{\circ} 28' 44''$ East for a distance of 453.19 feet; thence run 225.21 feet along the arc of a 133.00 foot radius curve to the left, said arc having a 199.25 foot chord which bears North $53^{\circ} 13' 02''$ East; thence South $00^{\circ} 24' 33''$ West for a distance of 368.99 feet; thence South $88^{\circ} 27' 06''$ East for a distance of 427.00 feet; thence South $00^{\circ} 23' 11''$ West for a distance of 866.71 feet; thence North $83^{\circ} 07' 00''$ West for a distance of 430.00 feet; thence North $84^{\circ} 28' 53''$ West for a distance of 367.66 feet to the **POINT OF BEGINNING** for the parcel herein described; thence continue North $84^{\circ} 28' 53''$ West for a distance of 482.26 feet; thence run 42.93 feet along the arc of a 30.00 foot radius curve to the right, said arc having a 39.36 foot chord which bears North $43^{\circ} 29' 09''$ West; thence North $02^{\circ} 29' 25''$ West for a distance of 90.88 feet; thence run 119.49 feet along the arc of a 85.00 foot radius curve to the left, said arc having a 109.89 foot chord which bears North $40^{\circ} 02' 48''$ West; thence South $11^{\circ} 16' 39''$ West for a distance of 38.66 feet along an existing gate and the extensions thereof; thence run 61.73 feet along the arc of a 40.00 foot radius curve to the right, said arc having a 55.79 foot chord which bears South $44^{\circ} 38' 57''$ East; thence South $00^{\circ} 26' 12''$ East for a distance of 144.30 feet; thence South $84^{\circ} 03' 31''$ East for a distance of 549.18 feet to a found $\frac{1}{2}$ " square iron rod; thence North $05^{\circ} 31' 07''$ East for a distance of 29.03 feet to the **POINT OF BEGINNING**, containing 0.5331 acres (23,224 square feet), more or less.

EXHIBIT

'A'