

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JULY 18, 2000 – 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 Aldermen Fisher followed by the Pledge of the Alderman Brantley.

ROLL CALL - Deputy Clerk Wayne Derrick

Present: Jehu Brabham - Alderman-At-Large
 Tony Hisaw - Alderman Ward 1
 Rodney DePriest - Alderman Ward 2
 Clint Brantley - Alderman Ward 3
 Phil Fisher - Alderman Ward 4
 Herb Touchton - Alderman Ward 5
 Sharbert Lott - Alderman Ward 6
 Ken Dreher - City Attorney
 Wayne Derrick – Deputy Clerk

Absent:

RECOGNITIONS -

APPROVAL OF CONSENT AGENDA ITEMS A-T

MOTION made by Touchton and **SECONDED** by Alderman Lott to approve Consent Agenda Items A-R listed on page 909 of this Minute Book AA. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PLANNING & ZONING ITEMS FOR PRELIMINARY SITE PLAN – 539 HIGHWAY 80 WEST (HOWARD VAUGHN BUILDERS)

Upon recommendation of the Planning & Zoning Board and Zoning Administrator Gary Ward **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to approve the preliminary site plan for said location. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PLANNING & ZONING ITEMS FOR CONDITIONAL USE FOR SHELIA AND EDDIE ROBINSON – 1003 NEAL STREET (CHILDCARE FACILITY)

Upon recommendation of the Planning & Zoning Board and Zoning Administrator Gary Ward **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brantley to approve the said location for operation of a Childcare Facility. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PLANNING & ZONING ITEMS FOR DEMOLISHING STRUCTURE AT 312 INDIAN MOUND (M. PAUL MULRENIN)

Upon recommendation of the Planning & Zoning Board and Zoning Administrator Gary Ward **MOTION** made by Alderman Lott and **SECONDED** by Alderman Brabham to approve the demolishing of structure located at 312 Indian Mound. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PLANNING & ZONING ITEMS FOR CUTTING AND CLEANING PROPERTY OF OVERGROWTH AT 705 PINEHURST STREET (RALPH W. CORNELIUSSEN, JR.)

Upon recommendation of the Planning & Zoning Board and Zoning Administrator Gary Ward **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to approve the cutting and cleaning property of overgrowth located at 705 Pinehurst. **MOTION CARRIED UNANIMOUSLY**

Original
907-900

APPROVAL OF PLANNING & ZONING ITEMS FOR CUTTING AND CLEANING PROPERTY OF OVERGROWTH AT 109 MCRAVEN STREET (COMPANION MORTGAGE CORP.)

Upon recommendation of the Planning & Zoning Board and Zoning Administrator Gary Ward **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to approve the cutting and cleaning property of overgrowth located at 109 McRaven Street. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PLANNING & ZONING ITEMS FOR CUTTING AND CLEANING PROPERTY OF OVERGROWTH AT 559 SUNNY ORCHARD LANE (SCOTT AND EVELYN SHAFFER)

Upon recommendation of the Planning & Zoning Board and Zoning Administrator Gary Ward **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Brabham to approve the cutting and cleaning property of overgrowth located at 559 Sunny Orchard Lane. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PLANNING & ZONING ITEMS FOR CUTTING AND CLEANING PROPERTY OF OVERGROWTH AT 101 MEADOWVIEW COVE (DONNA JOHNSON)

Upon recommendation of the Planning & Zoning Board and Zoning Administrator Gary Ward **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to approve the cutting and cleaning property of overgrowth located at 101 Meadowview Cove. **MOTION CARRIED UNANIMOUSLY**

ACCEPTANCE OF AMENDED STREET RIGHT-OF-WAY – WAL-MART ACCESS ROAD

Upon recommendation of Assistant Engineer, Bert Kuyrkendall **MOTION** made by Alderman Lott and **SECONDED** by Alderman Touchton to accept amended street right-of-way – Wal-Mart Access Road. **MOTION CARRIED UNANIMOUSLY**

OTHER BUSINESS

BID OPENING INFORMATION – HOBBY FARMS/BANKS ROAD PROJECT

Assistant Engineer Bert Kuyrkendall informed the Board that bids had been taken for the Hobby Farms/Banks Road Project and that they were taken under advisement for verification. The Project would be awarded in a subsequent meeting

ADJOURN 7:37 P.M.

MOTION made by Alderman Touchton and **SECONDED** by Alderman Lott to adjourn. **MOTION CARRIED UNANIMOUSLY**

Copy of Agenda can be found on page 909 of this Minute Book AA.

APPROVED: Rosemary G. Aultman 7/21/00
Rosemary G. Aultman, Mayor Date

ATTEST: Wayne Derrick 07/21/2000
Wayne Derrick, Deputy Clerk Date

SEAL:

Zoning Action Application

BOARD APPROVED

Request for:

- ☐ Rezoning
☐ Dimensional Variance
☒ Conditional Use (Special Exception)

Owner's Name Sheila & Eddie Robinson Phone # 925-5020

Address 17 Lifer Rd.
Clinton - 39056

Property Address 1003 Neal Street

Current Zoning Residential Requested Change Commercial

Date of Public Hearing before Planning & Zoning Commission _____

Date of Mayor & Board of Aldermen Meeting _____

Requirements of Applicant: (General Guidelines Only)

1. Letter stating reason for request.
2. Copy of the written legal description.
3. Site plan or plat of property.
- ④ Identification of property owners within 160 feet of subject property (*required for rezoning request only*).
5. \$250.00 fee required for processing.

PLEASE NOTE: APPLICANT IS RESPONSIBLE FOR COMPLYING
WITH ALL APPLICABLE REQUIREMENTS OF THE
ZONING ORDINANCE.

Applicant shall be present at both the Planning & Zoning Commission and Mayor/ Board of Aldermen meetings. Documents shall be submitted thirty (30) days prior to public hearing before the Planning and Zoning Commission.

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

Sheila Robinson
Signature

5/5/00
Date

May 5, 2000

Mr. & Mrs. Eddie J. Robinson
17 Lifer Rd.
Clinton, MS 39056

Dear Sirs,

We are submitting this letter along with an application to request rezoning of my property at 1003 Neal Street for conditional use as a day care center. We feel that there is an additional need in the Clinton area for child care centers. This will be an improvement in the area as well as contributing to the upkeep of the neighborhood. The property will be constructed in a manner so that there is access for entering and exiting. Thank you for your consideration of this matter.

Sincerely,

Eddie J. Robinson
Sheila Robinson

Eddie J. Robinson
Sheila G. Robinson

RECEIVED

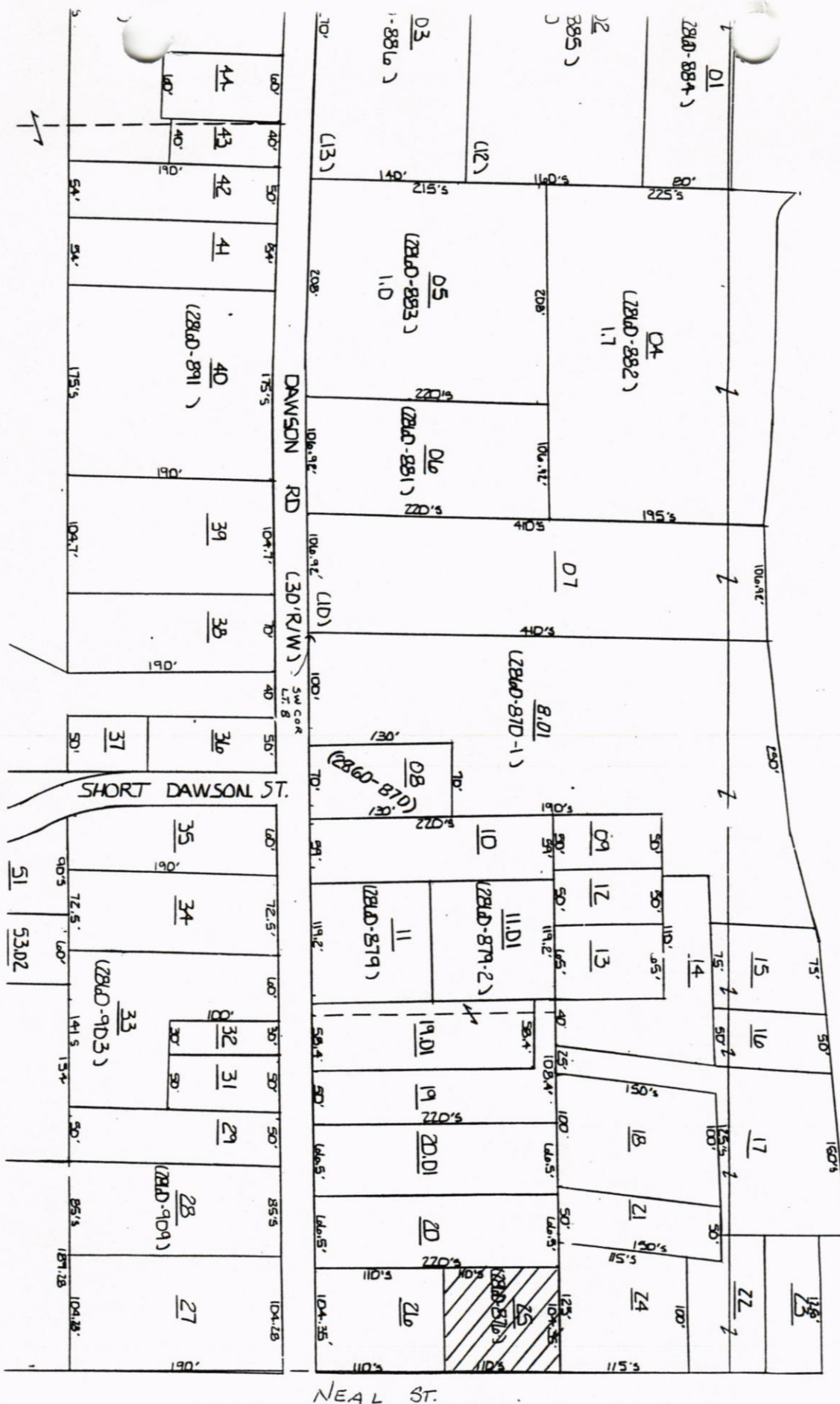
MAY 06 2000

CITY OF CLINTON
PLANNING & ZONING

Legal Description
Eddie J. & Sheila G. Robinson

104.35' west side of Neal St. 104.35' east & west in the
northeast corner Lot 8 Dickey Survey; Town of Clinton.

a.k.a. - 1003 Neal Street



NEAL ST.

**RESOLUTION APPROVING A CONDITIONAL USE FOR
SHEILA & EDDIE ROBINSON FOR PROPERTY LOCATED AT
1003 NEAL STREET, CLINTON, MISSISSIPPI**

WHEREAS, Sheila and Eddie Robinson, did file a request for a conditional use for the property located at 1003 Neal Street to operate a child care facility; and

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on June 27, 2000, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on June 27, 2000, adopted a motion to approve the request for a conditional use and that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinances; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the area involved in the request; and

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Sheila and Eddie Robinson for a Conditional Use of the property located at 1003 Neal Street as a child care facility and hereby granted and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.
2. The recommendation of the Planning and Zoning Commission is advisory in nature.
3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the need for the conditional use.
4. The requested designation meets the definitions of a Conditional Use of the Zoning Ordinance.

5. The Conditional-Use will promote the general welfare of the City of Clinton and will not adversely affect adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matter will allow the City to continue to monitor the area.
6. The Mayor and Board of Aldermen find that Section 402 of the Zoning Ordinances has been complied with and that the requirements of Section 2405.01 of the Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.
7. The granting of this conditional-use does not relieve the requested from compliance with any applicable law, court order, covenants or contracts.

The foregoing Resolution, having been reduced to writing, Alderman _____ moved that said Resolution be adopted. Alderman _____ seconded. The vote was as follows:

Alderman Brabham voted: _____
Alderman Hisaw voted: _____
Alderman DePriest voted: _____
Alderman Brantley voted: _____
Alderman Fisher voted: _____
Alderman Touchton voted: _____
Alderman Lott voted: _____

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

The foregoing ordinance was approved this the ____ day of _____, 2000.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, MAYOR

ATTEST:

Wayne Derrick, Acting City Clerk
(S E A L)

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 312 Indian Mound, Clinton, Mississippi, and after full consideration of the matter, Alderman _____ offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT 312 INDIAN MOUND, CLINTON, MISSISSIPPI UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY §21-19-11, MISSISSIPPI CODE OF 1972, AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at 312 Indian Mound, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

WHEREAS, notice was given to the owner of said property as required by §21-19-11 of the Mississippi Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., July 18, in the Municipal Room of the Police and Justice Building, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanliness, constitutes a menace to the public health and safety of the community and does

adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

NOW BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at 312 Indian Mound Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.
3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advises the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances.

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

Alderman Brabham voted: _____

Alderman Hisaw voted: _____

Alderman DePriest voted: _____

Alderman Brantley voted: _____

Alderman Fisher voted: _____

Alderman Touchton voted: _____

Alderman Lott voted: _____

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

The foregoing Resolution was approved this the _____ day of _____, 2000.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, Deputy City Clerk

(SEAL)

City of Clinton
Public Works Department
Post Office Box 156
Clinton, Mississippi 39056
(601)924-2239

To: Michael Paul Mulrenin
Post Office Box 12234
Jackson, MS 39236

Mortgage Electronic Registration System, Inc.
Post Office Box 2026
Flint, Michigan 48501-2026

FINDING OF FACTS AND CONCLUSIONS

A hearing was held before the Zoning Administrator at 2:00 P.M. on Monday, April 24, 2000, in the City Hall Conference Room, 300 Jefferson Street, Clinton, Mississippi 39056. The subject of the hearing was Lot 6, Stonegate Subdivision, Part 2, Hinds County, First Judicial District, Mississippi ("the Property").

Said hearing was held pursuant to proper notice to the Owner of the Property, Michael Paul Mulrenin ("Mulrenin"), who was present and proper notice to the Mortgagee, Mortgage Electronic Registration System, Inc. a Delaware Corporation, ("Mortgagee") which did not send a representative. Also present was the City Attorney, Kenneth R. Dreher.

The purpose of the hearing was set forth in the Complaint served on Mulrenin and the Mortgagee. No answer or response was filed by Mulrenin or the Mortgagee. The City presented the background and history of the subject property, including the following issues:

Upon information and belief, the Property is unfit for human habitation, use or occupancy and because of dilapidation, disrepair, structural defects or otherwise said Property is dangerous and/or injurious to the health and/or safety of the public or the occupants of the Property or the occupants of neighboring property and therefore should be removed or demolished.

For a number of years, based upon photographs, personal inspections and neighbor complaints, the Property has been shown to be unfit for human habitation, use or occupancy, is in a dilapidated state of disrepair, is dangerous and injurious to the

public health and safety, and dangerous and injurious to the occupants of neighboring property. Said Property shall be repaired or demolished.

The response by Mulrenin was to agree with the facts presented by the City and to state that, unless he had repaired the Property to the City's satisfaction by May 31, 2000, he agreed that the City should take such action as approved by the Mayor and Board of Aldermen to comply with the Ordinance, to include demolition of the structure located on the property and to charge such costs pursuant to the Ordinance.

It is therefore the finding and conclusion of the Zoning Administrator that, unless the Property has been repaired by May 31, 2000, the Zoning Administrator will present an Order to the Mayor and Board of Aldermen authorizing the demolition of the Property with costs to be assessed, pursuant to Ordinance.

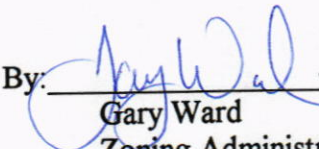
Attached hereto are the following:

1. Notice of Hearing Before Zoning Administrator;
2. Complaint; and
3. Ordinance Described in Complaint.

This the 8th day of May, 2000.

City of Clinton, Mississippi

By: _____


Gary Ward
Zoning Administrator
Public Officer
City of Clinton
P. O. Box 156
Clinton, MS 39056
(601)924-5462

City of Clinton
Public Works Department
Post Office Box 156
Clinton, Mississippi 39056
(601)924-2239

To: Michael Paul Mulrenin
50-L10 North Towne Drive
Jackson, MS

Mortgage Electronic Registration System, Inc.
Post Office Box 2026
Flint, Michigan 48501-2026

NOTICE OF HEARING BEFORE ZONING ADMINISTRATOR

You are hereby notified there will be a hearing, pursuant to the Ordinance adopted October 7, 1997 and styled:

AN ORDINANCE ADOPTING SECTIONS 43-35-101 THROUGH
43-35-117 OF THE MISSISSIPPI CODE OF 1972 AS AMENDED
TO PROVIDE A PRCEURE FOR DETERMING IF CONDITIONS
EXIST IN BUILDINGS WHICH ARE DANGEROUS TO OR
INJURIOUS TO THE HEALTH, SAFETY OR MORALS OF PERSONS
USING SUCH BUILDINGS AND TO SET OUT PROCEDURE FOR
RESOLVING SUCH MATTERS AND FOR RELATED PURPOSES

CHARGING PARTY: City of Clinton, Mississippi

OWNERS/PARTIES IN INTEREST:

1. Michael Paul Mulrenin
2. Mortgage Electronic Registration System, Inc.

HEARING DATE: Monday, April 24, 2000

HEARING TIME: 2:00 o'clock P.M.

ADDRESS OF HEARING PLACE: Conference Room
Clinton City Hall
300 Jefferson Street
Clinton, MS 39056

ISSUES INVOLVED: Upon information and belief, the Property is unfit for human habitation, use or occupancy and because of dilapidation, disrepair, structural defects or otherwise said Property is dangerous and/or injurious to the health and/or safety of the public or the occupants of the Property or the occupants of neighboring property and therefore should be removed or demolished.

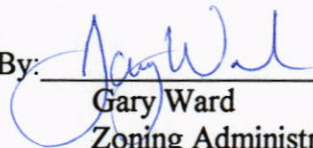
OTHER MATTERS: At said hearing you will have the opportunity to be heard upon the matters involved and to present all evidence and facts relating thereto as may be proper and pertinent. Adequate notice is expected for postponement requests.

If witnesses are needed to help you present your case, you must arrange for their appearance at the hearing.

Either party may be represented by an attorney or duly authorized representative. Parties are responsible for their own attorney's fees.

City of Clinton, Mississippi

By: _____


Gary Ward
Zoning Administrator
Public Officer
City of Clinton
P. O. Box 156
Clinton, MS 39056
(601)924-5462

City of Clinton
Public Works Department
Post Office Box 156
Clinton, Mississippi 39056
(601)924-2239

COMPLAINT

Comes now the City of Clinton, as charging party, and files its complaint against Michael Paul Mulrenin and Mortgage Electronic Registration System, Inc. and in support would show as follows:

1. City of Clinton (Clinton) is a municipal corporation existing under the laws of the State of Mississippi.
2. The legal description of the Property that is the subject of this Complaint is Lot 6, Stonegate Subdivision, Part 2, Hinds County, First Judicial District, Mississippi and the address is 312 Indian Mound, Clinton, Mississippi (the "Property").
3. Michael Paul Mulrenin is an adult resident citizen of Hinds County and the owner of the Property. His address is 50-L10 North Towne Drive, Jackson, Mississippi.
4. Mortgage Electronic Registration System, Inc. is a Delaware corporation which holds a deed of trust on the Property and therefore is a Party in Interest. Its address is Post Office Box 2026, Flint, Michigan 48501-2026.
5. Clinton has enacted an Ordinance styled as follows:

AN ORDINANCE ADOPTING SECTIONS 43-35-101 THROUGH
43-35-117 OF THE MISSISSIPPI CODE OF 1972 AS AMENDED
TO PROVIDE A PRCEURE FOR DETERMING IF CONDITIONS
EXIST IN BUILDINGS WHICH ARE DANGEROUS TO OR
INJURIOUS TO THE HEALTH, SAFETY OR MORALS OF PERSONS

USING SUCH BUILDINGS AND TO SET OUT PROCEDURE FOR
RESOLVING SUCH MATTERS AND FOR RELATED PURPOSES

6. Upon information and belief, the Property is unfit for human habitation, use or occupancy and because of dilapidation, disrepair, structural defects or otherwise said Property is dangerous and/or injurious to the health and/or safety of the public or the occupants of the Property or the occupants of neighboring property and therefore should be removed or demolished.

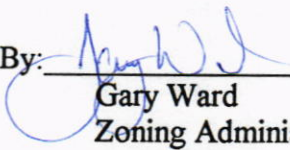
7. The Owner/Parties in Interest shall have the right to file an answer to this complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in this complaint.

8. Clinton shall have the right to exercise any remedy provided in the Ordinance.

9. A hearing on this matter is scheduled as follows:

Monday, April 24, 2000
City Hall Conference Room
300 Jefferson St.
Clinton, MS 39056

City of Clinton, Mississippi

By: 

Gary Ward
Zoning Administrator
Public Officer
City of Clinton
P. O. Box 156
Clinton, MS 39056
(601)924-5462

**AN ORDINANCE ADOPTING SECTIONS 43-35-101 THROUGH
43-35-117 OF THE MISSISSIPPI CODE OF 1972 AS AMENDED
TO PROVIDE A PROCEDURE FOR DETERMINING IF CONDITIONS
EXIST IN BUILDINGS WHICH ARE DANGEROUS TO OR
INJURIOUS TO THE HEALTH, SAFETY OR MORALS OF PERSONS
USING SUCH BUILDINGS AND TO SET OUT PROCEDURE FOR
RESOLVING SUCH MATTERS AND FOR RELATED PURPOSES**

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

SECTION 1. Adoption by City of Clinton of Sections 43-35-101 through 43-35-117 of the Mississippi Code of 1972, As Amended.

Sections 43-35-101 through 43-35-117 of the Miss. Code of 1972 as amended, is hereby adopted by the Mayor and Board of Aldermen by enactment of this Ordinance with the City of Clinton, Mississippi.

SECTION 2. Definitions.

The following terms, whenever used or referred to in this Ordinance, shall have the following respective meanings for the purposes of this Ordinance, unless a different meaning clearly appears from the context:

- (a) "Municipality" shall mean the City of Clinton, Mississippi.
- (b) "Governing body" shall mean the Board of Aldermen of the City of Clinton, Mississippi.
- (c) "Public officer" shall mean the officer or officers in charge of any municipal department who are authorized by ordinance adopted hereunder to exercise the powers prescribed by such ordinance and by this article.
- (d) "Public authority" shall mean any housing authority, or any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning buildings in the municipality.
- (e) "Owner" shall mean the holder of the title in fee, or a mortgagee or trustee, whose interest is shown of record, or who is in possession of a building, or any person in control of a building, or the agent of any such person.

- (f) "Parties in interest" shall mean individuals, associations, or corporations who have an interest of record in or who are in possession of a building.
- (g) "Building" means any building or structure or part thereof used and occupied by humans as a dwelling, store, factory, warehouse, requiring the presence of humans therein, or intended to be so used, and includes any yard, garden, parking or storage area, outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

SECTION 3. Public Officer Designated.

The Mayor and Board of Aldermen shall designate a qualified person who shall exercise the powers prescribed by this Ordinance, and who shall herein be known as the Public Officer. Upon enactment of this Ordinance, the Public Officer shall be the Zoning Administrator of the City of Clinton.

SECTION 4. Complaints and Hearings.

Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality, charging that any building is unfit for human habitation, use or occupancy, or whenever it appears to the public officer, on his own motion, that any building is unfit for human habitation, use or occupancy, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such premises a complaint, stating the charges in that respect and containing a notice that a hearing will be held before the public officer, or his designated agent, at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; and that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

SECTION 5. Orders to Remedy or Vacate.

If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation, use or occupancy, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring him, to the extent and within the time specified in the order, to repair, alter or improve the said building to render it fit for human habitation, use or occupancy or, at the option of the owner, to vacate and close the building as a human habitation, or for human use or occupancy.

SECTION 6. Posting of Premises.

If the owner fails to comply with such order within the time prescribed, the public officer may cause the building to be vacated and closed; and the public officer may cause to be posted on the main entrance of any building so closed a placard with the following words:

"This building is unfit for human habitation, use or occupancy; the use or occupation of this building by humans is prohibited and unlawful."

Any person who shall rent, lease or occupy, or who shall permit any person to rent, lease or occupy such building for a human habitation, use or occupancy, shall be liable for such fine as may be prescribed by the ordinances of the municipality.

SECTION 7. Final Notice.

If, after notice and hearing, the public officer determines that a building is in such condition, because of dilapidation, disrepair, structural defects, or otherwise, that it is dangerous or injurious to the health or safety of the public or the occupants of buildings or the occupants of neighboring buildings, said public officer shall issue and cause to be served upon the owner an order requiring him to repair, alter or improve the said building to the extent and within the time specified in such order, or, at the option of the owner, to remove or demolish such building. If the owner fails to comply with such order within the time prescribed, the public officer may cause such building to be repaired, altered or improved in accordance with the order. If such repairs, alterations or improvements cannot be made at a reasonable cost in relation to the value of the building, said public officer may cause such building to be removed or demolished; the ordinance of the municipality may fix a certain percentage of such cost in relation to the value of a building as being reasonable for such purpose; and the cost of such repairs, alterations, improvements or removal, or demolition, in addition to a penalty not to exceed twenty percent (20%) of the actual costs which may be imposed by the municipality, shall be a lien against such real estate, and assessed and collected as a special tax. The governing authorities of any municipality ordering such assessment shall fix a day for the hearing of objections to such assessment and shall cause the municipal clerk to give to the property owner ten (10) days' written notice, by mail, if the post-office address of the owner be known, but if the post-office address of the owner be unknown, notice shall be given by posting notice for at least ten (10) days in five (5) public places in the municipality, of the time and place for the hearing of objections to such assessment; one of such public places for posting notice as aforesaid shall be on the land which is the subject matter of such assessment. If the amount of said special tax is not paid in full within six (6) months from and after the date the assessment becomes final, the tax collector shall proceed to advertise and sell the said real estate, or a sufficient amount

thereof to recover said special tax and all costs of the sale, after having given notice of the time and place of such sale as is required by law for the sale of land for delinquent ad valorem taxes. From the proceeds of said sale, the tax collector shall first pay the cost of the sale, after which he shall pay the cost of such repairs, alterations, improvement, removal or demolition and any penalty imposed by the municipality; and any amount remaining over shall be deposited by him with the clerk of the circuit court as hereinafter provided. If the building is removed or demolished by the public officer, he may sell the materials of such building and shall credit the proceeds of such sale against the cost of the removal or demolition; and any balance remaining shall be deposited in the circuit court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by the final award or judgment of such court. Nothing in this subsection shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

SECTION 8. Conditions Dangerous or Injurious to Health.

The public officer may determine that a building is unfit for human habitation, use or occupation, if he finds that conditions exist in such buildings which are dangerous or injurious to the health, safety or morals of the persons using such buildings for human habitation, use or occupation, or to the public. Such conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. Such ordinance may provide additional standards to guide the public officer, or his agents, in determining the fitness of a building for human habitation, use or occupation.

SECTION 9. Process of Notice.

Complaints or orders issued by a public officer pursuant to this Ordinance shall be served upon persons either personally or by registered mail; but if the whereabouts of such persons is unknown, and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) successive weeks in a newspaper printed and published in the municipality, or, in the absence of such a newspaper, in one printed and published in the county and circulating in the municipality in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed in the proper office or offices for the filing of lis pendens notices in the county in which the dwelling is located, and such filing of the complaint shall have the same

force and effect as other lis pendens notices provided by law. The rules and evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

SECTION 10. Equitable relief; application and hearing.

Any person affected by an order issued by the public officer may apply to the circuit court for an injunction restraining the public officer from carrying out the provisions of the order, and the court, or any judge thereof, may, upon such application, issue an order restraining the public officer pending final disposition of the cause. Hearings shall be had by the court on such applications within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised, and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the public officer shall be entitled to recover any damages for action taken by the public officer under such order or because of non-compliance therewith.

SECTION 11. Powers of public officer.

The public officer may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers, in addition to others herein granted:

- (a) To investigate the building conditions in the municipality in order to determine which buildings therein are unfit for human habitation, use or occupation;
- (b) To administer oaths, affirmations, examine witnesses, and receive evidence;
- (c) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (d) To appoint and fix the duties of such officers, agents and employees, as he deems necessary to carry out the purposes of the ordinance; and,

- (e) To delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

SECTION 12. Estimating annual expenses and costs.

The governing body of the municipality shall, as soon as possible after the adoption of this Ordinance, prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the buildings in such municipality for the purpose of determining the fitness of such buildings for human habitation, use or occupancy, and for the enforcement and administration of its ordinances adopted under this article; and the municipality is authorized to make such appropriations from its revenues as it may deem necessary for this purpose, and may accept and apply grants or donations to assist it in carrying out the provisions of this Ordinance.

SECTION 13. Construction with other laws.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

SECTION 14. Severability.

In the event any section or provision of this Ordinance is declared to be unenforceable by a court of competent jurisdiction, such shall not affect the validity and enforceability of the remaining provisions hereof.

This Ordinance shall be effective thirty (30) days from and after passage.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 7TH day of OCTOBER, 1997.

A Motion for adoption was made by Alderman FISHER and seconded by Aldermen LOTT. The foregoing ordinance having been first reduced to writing, was considered and approved section by section and then, as a whole, it was submitted to the Board of Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted: AYE
Alderman Hisaw voted: AYE
Alderman Depriest voted: AYE
Alderman Brantley voted: AYE
Alderman Fisher voted: AYE
Alderman Touchton voted: AYE
Alderman Lott voted: AYE

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

The foregoing ordinance was approved this the 7th day of OCTOBER, 1997.

CITY OF CLINTON

BY: /s/ ROSEMARY G. AULTMAN
ROSEMARY AULTMAN, Mayor

ATTEST:

/s/ NELSON BYRD
NELSON BYRD, City Clerk

(S E A L)

SLUMCLEA.ORD
10/2/97-MMH
Revised 10/7/97

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 705 Pinehurst Dr., Clinton, Mississippi, and after full consideration of the matter, Alderman _____ offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT 705 PINEHURST DR., CLINTON, MISSISSIPPI UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY §21-19-11, MISSISSIPPI CODE OF 1972, AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at 705 Pinehurst Dr., Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; and

WHEREAS, notice was given to the owner of said property as required by §21-19-11 of the Mississippi Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., July 18, in the Municipal Room of the Police and Justice Building, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanness, constitutes a menace to the public health and safety of the community and does

adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

NOW BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at 705 Pinehurst Dr. Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.
3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advises the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances.

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

Alderman Brabham voted: _____

Alderman Hisaw voted: _____

Alderman DePriest voted: _____

Alderman Brantley voted: _____

Alderman Fisher voted: _____

Alderman Touchton voted: _____

Alderman Lott voted: _____

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

The foregoing Resolution was approved this the _____ day of _____, 2000.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, Deputy City Clerk

(SEAL)

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 109 McRaven St., Clinton, Mississippi, and after full consideration of the matter, Alderman _____ offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT 109 McRAVEN STREET, CLINTON, MISSISSIPPI UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY §21-19-11, MISSISSIPPI CODE OF 1972, AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at 109 McRaven St., Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

WHEREAS, notice was given to the owner of said property as required by §21-19-11 of the Mississippi Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., July 18, in the Municipal Room of the Police and Justice Building, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanliness, constitutes a menace to the public health and safety of the community and does

adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

NOW BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at 109 McRaven St. Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.
3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advises the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances.

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

Alderman Brabham voted: _____

Alderman Hisaw voted: _____

Alderman DePriest voted: _____

Alderman Brantley voted: _____

Alderman Fisher voted: _____

Alderman Touchton voted: _____

Alderman Lott voted: _____

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

The foregoing Resolution was approved this the _____ day of _____, 2000.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, Deputy City Clerk

(SEAL)

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 559 Sunny Orchard Ln., Clinton, Mississippi, and after full consideration of the matter, Alderman

_____ offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT 559 SUNNY ORCHARD LN., CLINTON, MISSISSIPPI UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY §21-19-11, MISSISSIPPI CODE OF 1972, AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at 559 Sunny Orchard Ln., Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; and

WHEREAS, notice was given to the owner of said property as required by §21-19-11 of the Mississippi Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., July 18, in the Municipal Room of the Police and Justice Building, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanness, constitutes a menace to the public health and safety of the community and does

constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

NOW BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at 559 Sunny Orchard Ln., Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.
3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advises the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances.

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

Alderman Brabham voted: _____

Alderman Hisaw voted: _____

Alderman DePriest voted: _____

Alderman Brantley voted: _____

Alderman Fisher voted: _____

Alderman Touchton voted: _____

Alderman Lott voted: _____

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

The foregoing Resolution was approved this the _____ day of _____, 2000.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, Deputy City Clerk

(SEAL)

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 101 Meadowview Circle, Clinton, Mississippi, and after full consideration of the matter, Alderman Brabham offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT 101 MEADOWVIEW CIRCLE, CLINTON, MISSISSIPPI UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY §21-19-11, MISSISSIPPI CODE OF 1972, AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at 101 Meadowview Circle, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

WHEREAS, notice was given to the owner of said property as required by §21-19-11 of the Mississippi Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., July 18, 2000, at the Municipal Room of the Police and Justice Building, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanliness,

constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

NOW BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at 101 Meadowview Circle, Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.
3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advises the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under §21-19-11 of the Mississippi Code of 1972, as amended, and other applicable statutes and ordinances.

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

Alderman Brabham voted:	<u>"Aye"</u>
Alderman Hisaw voted:	<u>"Aye"</u>
Alderman DePriest voted:	<u>"Aye"</u>
Alderman Brantley voted:	<u>"Aye"</u>
Alderman Fisher voted:	<u>"Aye"</u>
Alderman Touchton voted:	<u>"Aye"</u>
Alderman Lott voted:	<u>"Aye"</u>

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

The foregoing Resolution was approved this the 18th day of July, 2000.

CITY OF CLINTON

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

W. Derrick
WAYNE DERRICK, Deputy City Clerk

(SEAL)

**BUTLER, SNOW,
O'MARA, STEVENS
& CANNADA, PLLC**

ATTORNEYS AT LAW

DEBORA L. HORN
(601) 949-4571

FISH OFFICE BOX 22567
JACKSON, MISSISSIPPI 39225-2567

AMSOUTH PLAZA
17TH FLOOR
210 EAST CAPITOL STREET
JACKSON, MISSISSIPPI 39201

TELEPHONE: (601) 948-5711
FACSIMILE: (601) 949-4555

E-Mail: debbie.horn@butlersnow.com
www.butlersnow.com

June 26, 2000

Richard L. Broome, P.E.
City of Clinton
Engineering Department
P.O. Box 156
300 Jefferson Street
Clinton, MS 39060

Re: Wal-Mart Property
(Amendment to Road Right-of-Way)

Dear Mr. Broome:

Enclosed please find an original Amendment to Right-of-Way Easement which has been executed by the Hederman family members. I would appreciate your having the appropriate party execute this instrument on behalf of the City of Clinton and return to me for recording in the land records. A self-addressed stamped envelope has been provided for your convenience. If you should have any questions regarding this matter, please contact me or Ann Corso. Thank you for your assistance.

Very truly yours,



Debora L. Horn
Staff Attorney

DLH:edc

#70701v2<Jackson> -Wal-Mart-Clinton-Letter-Broom 062600.wpd

Enclosure

Prepared by:
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
Attn: Ann Fortenberry Corso
17th Floor, Deposit Guaranty Plaza
Post Office Box 22567
Jackson, MS 39225-2567
(601) 948-5711

To the Chancery Clerk of the First Judicial District of Hinds County, Mississippi:
The real property described herein is situated in the NW Quarter of the NE Quarter of Section 33, Township 6 North, Range 1 West, of the First Judicial District of Hinds County, Mississippi.

AMENDMENT TO RIGHT-OF-WAY EASEMENT

THIS AMENDMENT TO RIGHT-OF-WAY EASEMENT (the "Amendment") is made and entered into as of the 23rd day of June, 2000, by and among ROBERT M. HEDERMAN, III, BERNICE HEDERMAN HUSSEY, ZACHARY T. HEDERMAN, JR., H. HENRY HEDERMAN, JR. and ARNOLD S. HEDERMAN, JR., as Trustees under Warranty Deed dated December 29, 1976, and recorded in Book 2424, Page 326 of the First Judicial District of Hinds County (collectively, the "Grantors"), and the CITY OF CLINTON, MISSISSIPPI, a municipal corporation organized and existing under the laws of the State of Mississippi (the "Grantee").

WHEREAS, Grantors executed that certain Right-of-Way Easement Agreement (the "Easement") to the Grantee, dated effective as of June 8, 1999, and recorded in the office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi in Book 5139 at Page 053;

WHEREAS, the Grantors and the Grantee desire to amend the Easement by substitution of a true and correct description of the property subject to the Easement;

NOW, THEREFORE, the Grantors and the Grantee, intending to be legally bound hereby, covenant and agree that the legal description in the Easement, as recorded in Book 5139 at Page 053 of the records of the aforesaid Chancery Clerk, is hereby amended by deleting Exhibit A attached thereto in its entirety and by substituting in place and instead thereof Exhibit A attached hereto, and the Grantors do hereby sell, convey and warrant unto the Grantee a permanent right of way easement for the construction, improvement, operation and maintenance of a public road, upon and across that certain property situated in Hinds County, Mississippi and more particularly described on Exhibit A attached hereto (the "Property").

Grantee joins in this instrument for the purpose of agreeing to the amendments made herein to the Easement.

This Amendment may be executed in several counterparts, each of which shall be deemed an original for all purposes, and said counterparts shall constitute but one in the same instrument which may be sufficiently evidenced by one counterpart.

IN WITNESS WHEREOF, the Grantors and the Grantee have executed this Amendment as of the day and year first above written, although actually executed on the dates set forth below.

- GRANTORS -

Robert M. Hederman

ROBERT M. HEDERMAN, III, Trustee
Date: June 23, 2000

BERNICE HEDERMAN HUSSEY, Trustee
Date: _____, 2000

ZACHARY T. HEDERMAN, JR., Trustee
Date: _____, 2000

H. HENRY HEDERMAN, JR., Trustee
Date: _____, 2000

ARNOLD S. HEDERMAN, JR., Trustee
Date: _____, 2000

- GRANTEE -

CITY OF CLINTON, MISSISSIPPI

By: Rosemary G. Aultman

Title: Mayor

Date: July 5, 2000

This Amendment may be executed in several counterparts, each of which shall be deemed an original for all purposes, and said counterparts shall constitute but one in the same instrument which may be sufficiently evidenced by one counterpart.

IN WITNESS WHEREOF, the Grantors and the Grantee have executed this Amendment as of the day and year first above written, although actually executed on the dates set forth below.

- GRANTORS -

ROBERT M. HEDERMAN, III, Trustee
Date: _____, 2000

Bernice Hederman Hussey, Trustee

BERNICE HEDERMAN HUSSEY, Trustee
Date: 6-12 _____, 2000

ZACHARY T. HEDERMAN, JR., Trustee
Date: _____, 2000

H. HENRY HEDERMAN, JR., Trustee
Date: _____, 2000

ARNOLD S. HEDERMAN, JR., Trustee
Date: _____, 2000

- GRANTEE -

CITY OF CLINTON, MISSISSIPPI

By: _____

Title: _____

Date: _____, 2000

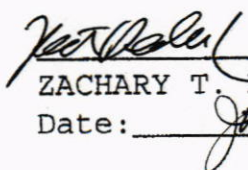
This Amendment may be executed in several counterparts, each of which shall be deemed an original for all purposes, and said counterparts shall constitute but one in the same instrument which may be sufficiently evidenced by one counterpart.

IN WITNESS WHEREOF, the Grantors and the Grantee have executed this Amendment as of the day and year first above written, although actually executed on the dates set forth below.

- GRANTORS -

ROBERT M. HEDERMAN, III, Trustee
Date: _____, 2000

BERNICE HEDERMAN HUSSEY, Trustee
Date: _____, 2000



ZACHARY T. HEDERMAN, JR., Trustee
Date: June 14th, 2000

H. HENRY HEDERMAN, JR., Trustee
Date: _____, 2000

ARNOLD S. HEDERMAN, JR., Trustee
Date: _____, 2000

- GRANTEE -

CITY OF CLINTON, MISSISSIPPI

By: _____

Title: _____

Date: _____, 2000

This Amendment may be executed in several counterparts, each of which shall be deemed an original for all purposes, and said counterparts shall constitute but one in the same instrument which may be sufficiently evidenced by one counterpart.

IN WITNESS WHEREOF, the Grantors and the Grantee have executed this Amendment as of the day and year first above written, although actually executed on the dates set forth below.

- GRANTORS -

ROBERT M. HEDERMAN, III, Trustee
Date: _____, 2000

BERNICE HEDERMAN HUSSEY, Trustee
Date: _____, 2000

ZACHARY T. HEDERMAN, JR., Trustee
Date: _____, 2000

H. Henry Hederman, Jr. Trustee

H. HENRY HEDERMAN, JR., Trustee
Date: 6-9-00, 2000

ARNOLD S. HEDERMAN, JR., Trustee
Date: _____, 2000

- GRANTEE -

CITY OF CLINTON, MISSISSIPPI

By: _____

Title: _____

Date: _____, 2000

This Amendment may be executed in several counterparts, each of which shall be deemed an original for all purposes, and said counterparts shall constitute but one in the same instrument which may be sufficiently evidenced by one counterpart.

IN WITNESS WHEREOF, the Grantors and the Grantee have executed this Amendment as of the day and year first above written, although actually executed on the dates set forth below.

- GRANTORS -

ROBERT M. HEDERMAN, III, Trustee
Date: _____, 2000

BERNICE HEDERMAN HUSSEY, Trustee
Date: _____, 2000

ZACHARY T. HEDERMAN, JR., Trustee
Date: _____, 2000

H. HENRY HEDERMAN, JR., Trustee
Date: _____, 2000

Arnold S. Hederman, Jr.

ARNOLD S. HEDERMAN, JR., Trustee
Date: 6/14, 2000

- GRANTEE -

CITY OF CLINTON, MISSISSIPPI

By: Rosemary G. Aultman

Title: Mayor

Date: July 5, 2000

STATE OF Mississippi
COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 23rd day of April, 2000, within my jurisdiction, the within named **ROBERT M. HEDERMAN, III**, who acknowledged that he is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi, and that in said fiduciary capacity, and as his act and deed in said capacity, he executed the above and foregoing Amendment to Right-of-Way Easement.

Rhomonica Selbert
NOTARY PUBLIC

My Commission Expires:
Notary Public State of Mississippi At Large
My Commission Expires: June 25, 2002
Bonded Thru Heiden, Brooks & Garland, Inc.

[AFFIX NOTARIAL SEAL]

STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2000, within my jurisdiction, the within named **BERNICE HEDERMAN HUSSEY**, who acknowledged that she is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi and that in said fiduciary capacity, and as her act and deed in said capacity, she executed the above and foregoing Amendment to Right-of-Way Easement.

NOTARY PUBLIC

My Commission Expires:

[AFFIX NOTARIAL SEAL]

STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2000, within my jurisdiction, the within named **ROBERT M. HEDERMAN, III**, who acknowledged that he is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi, and that in said fiduciary capacity, and as his act and deed in said capacity, he executed the above and foregoing Amendment to Right-of-Way Easement.

NOTARY PUBLIC

My Commission Expires:

[AFFIX NOTARIAL SEAL]

STATE OF Tennessee

COUNTY OF Shelby

Personally appeared before me, the undersigned authority in and for the said county and state, on this 12th day of June, 2000, within my jurisdiction, the within named **BERNICE HEDERMAN HUSSEY**, who acknowledged that she is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi and that in said fiduciary capacity, and as her act and deed in said capacity, she executed the above and foregoing Amendment to Right-of-Way Easement.

Mary Alice Allen
NOTARY PUBLIC

My Commission Expires:

August 13, 2002
[AFFIX NOTARIAL SEAL]

STATE OF Mississippi
COUNTY OF Rankin

Personally appeared before me, the undersigned authority in and for the said county and state, on this 14th day of June, 2000, within my jurisdiction, the within named **ZACHARY T. HEDERMAN, JR.**, who acknowledged that he is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of First Judicial District of Hinds County, Mississippi, and that in said fiduciary capacity, and as his act and deed in said capacity, he executed the above and foregoing Amendment to Right-of-Way Easement.

Carolyn Sue Smith
NOTARY PUBLIC

My Commission Expires:
Notary Public State of Mississippi At Large
My Commission Expires: September 17, 2000
BONDED THRU HEIDEN-MARCHETTI, INC.
[AFFIX NOTARIAL SEAL]

STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2000, within my jurisdiction, the within named **H. HENRY HEDERMAN, JR.**, who acknowledged that he is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of First Judicial District of Hinds County, Mississippi, and that in said fiduciary capacity, and as his act and deed in said capacity, he executed the above and foregoing Amendment to Right-of-Way Easement.

NOTARY PUBLIC

My Commission Expires:

[AFFIX NOTARIAL SEAL]

STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2000, within my jurisdiction, the within named **ZACHARY T. HEDERMAN, JR.**, who acknowledged that he is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of First Judicial District of Hinds County, Mississippi, and that in said fiduciary capacity, and as his act and deed in said capacity, he executed the above and foregoing Amendment to Right-of-Way Easement.

NOTARY PUBLIC

My Commission Expires:

[AFFIX NOTARIAL SEAL]

STATE OF Mississippi

COUNTY OF Madison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 9th day of June, 2000, within my jurisdiction, the within named **H. HENRY HEDERMAN, JR.**, who acknowledged that he is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of First Judicial District of Hinds County, Mississippi, and that in said fiduciary capacity, and as his act and deed in said capacity, he executed the above and foregoing Amendment to Right-of-Way Easement.

Harriette W. Halbert
NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Sept. 9, 2001.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.
[AFFIX NOTARIAL SEAL]

STATE OF

Mississippi

COUNTY OF

Simpson

Personally appeared before me, the undersigned authority in and for the said county and state, on this 14th day of June, 2000, within my jurisdiction, the within named **ARNOLD S. HEDERMAN, JR.**, who acknowledged that he is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of First Judicial District of Hinds County, Mississippi, and that in said fiduciary capacity, and as his act and deed in said capacity, he executed the above and foregoing Amendment to Right-of-Way Easement.

Wanda J. Butt
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 30, 2003
BONDED THROUGH STEGALL NOTARY SERVICE

[AFFIX NOTARIAL SEAL]

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the said county and state, on this 14th day of June, 2000, within my jurisdiction, the within named _____, who acknowledged that [he] [she] is _____ of the **CITY OF CLINTON, MISSISSIPPI**, a municipal corporation organized and existing under the laws of the State of Mississippi, and that for and on behalf of the said municipal corporation, and as its act and deed, [he] [she] executed the above and foregoing Amendment to Right-of-Way Easement, after first having been duly authorized by said municipal corporation so to do.

NOTARY PUBLIC

My Commission Expires:

[AFFIX NOTARIAL SEAL]

STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2000, within my jurisdiction, the within named **ARNOLD S. HEDERMAN, JR.**, who acknowledged that he is Trustee under Warranty Deed dated December 29, 1976, recorded in Book 2424, Page 326, of the Office of the Chancery Clerk of First Judicial District of Hinds County, Mississippi, and that in said fiduciary capacity, and as his act and deed in said capacity, he executed the above and foregoing Amendment to Right-of-Way Easement.

NOTARY PUBLIC

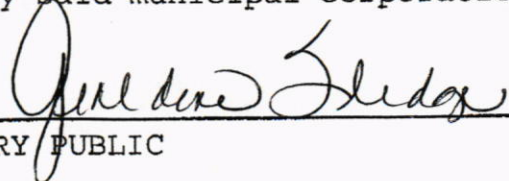
My Commission Expires:

[AFFIX NOTARIAL SEAL]

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 _____, 2000, within my jurisdiction, the within named _____, who acknowledged that [he] [she] is _____ of the **CITY OF CLINTON, MISSISSIPPI**, a municipal corporation organized and existing under the laws of the State of Mississippi, and that for and on behalf of the said municipal corporation, and as its act and deed, [he] [she] executed the above and foregoing Amendment to Right-of-Way Easement, after first having been duly authorized by said municipal corporation so to do.



NOTARY PUBLIC

My Commission Expires:

Notary Public State of Mississippi At Large
My Commission Expires: August 10, 2002
Bonded Thru Helgen, Brooks & Garland, Inc.

[AFFIX NOTARIAL SEAL]

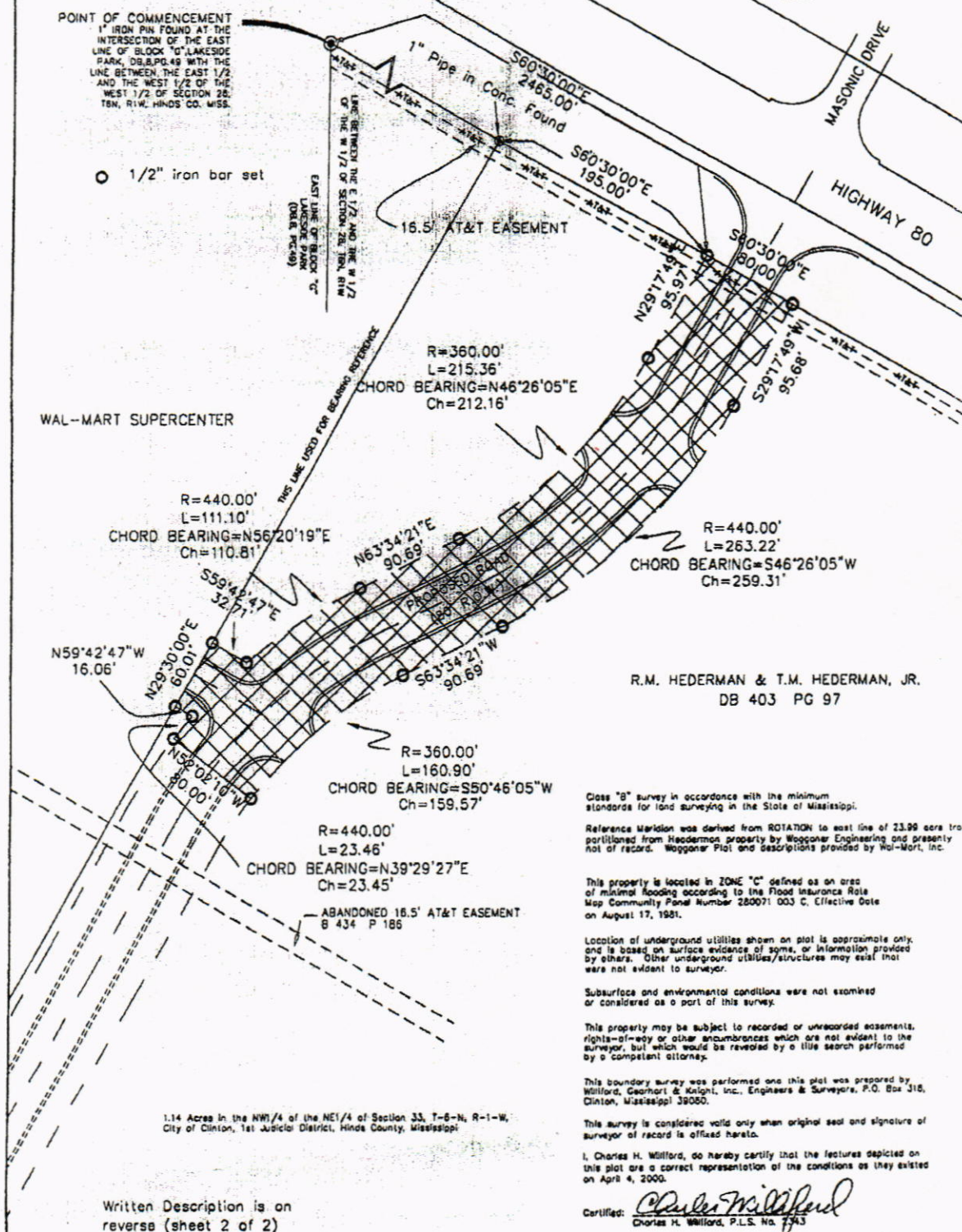
Exhibit A

1.14 acres for Proposed Road

A parcel of land situated in the Northwest Quarter of the Northeast Quarter (NW ¼, NE ¼) of Section 33, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi, and being out of and a part of a tract of land conveyed to R.M. Hederman and T.M. Hederman, Jr. as described by deed recorded in Deed Book 403, Page 97 in the Chancery Clerks Office of First Judicial District, Hinds County, Jackson, Mississippi. Said parcel being more particularly described as follows:

Commencing at a 1 inch iron pipe in concrete at the intersection of the line between the East ½ and the West ½ of the West ½ of Section 28, Township 6 North, Range 1 West, Hinds County, Mississippi, same being the East line of Block "G", Lakeside Park, as recorded in Plat Book 8, Page 49 in the Chancery Clerks Office of First Judicial District, Hinds County, Jackson, Mississippi with the South right-of-way line of U.S. Highway 80, thence run along said South right-of-way of U.S. Highway 80, South 60° 30' 00" East, 2270.00 feet to a 1 inch iron pipe set in concrete marking the Northeast corner of a 23.99 acre tract previously partitioned and described (Wal-Mart Supercenter); thence run South 60° 30' 00" East a distance of 195.00 feet to a ½" iron bar set on the South right-of-way line of Highway 80 and the Point of Beginning of the herein described parcel;

From the Point of Beginning thence continue along said South right-of-way line of U.S. Highway 80, South 60° 30' 00" East a distance of 80.00 feet to a ½ inch iron bar set; thence leave said right-of-way line of U.S. Highway 80 and run South 29° 42' 49" West a distance of 95.68 feet to a ½ inch iron bar set; thence run along a curve to the right with the following curve data: an arc length of 263.22 feet, a radius of 440.00 feet, a chord bearing of South 46° 26' 05" West, and a chord distance of 259.31 feet to a ½ inch iron bar set; thence run South 63° 34' 21" West a distance of 90.69 feet to a ½" iron bar set; thence run along a curve to the left with the following curve data: an arc length of 160.90 feet, a radius of 360.00 feet, a chord bearing of South 50° 46' 05" West, and a chord distance of 159.57 feet to a ½ inch iron bar set; thence run North 52° 02' 10" West a distance of 80.00 feet to a ½" iron bar set; thence run along a curve to the right with the following curve data: an arc length of 23.46 feet, a radius of 440.00 feet, a chord bearing of North 39° 29' 27" East, and a chord distance of 23.45 feet to a ½ inch iron bar set; thence run North 59° 42' 47" West a distance of 16.06 feet to a ½" iron bar set; thence run North 29° 30' 00" East a distance of 60.00 feet to a ½" iron bar set; thence run South 59° 42' 47" East a distance of 32.71 feet to a ½" iron bar set; thence run along a curve to the right with the following curve data: an arc length of 111.10 feet, a radius of 440.00 feet, a chord bearing of North 56° 20' 19" East, and a chord distance of 110.81 feet to a ½ inch iron bar set; thence run North 63° 34' 21" East a distance of 90.69 feet to a ½" iron bar set; thence run along a curve to the left the following curve data: an arc length of 215.36 feet, a radius of 360.00 feet, a chord bearing of North 46° 26' 05" East, and a chord distance of 212.16 feet to a ½ inch iron bar set; thence run North 29° 17' 49" East a distance of 95.97 feet back to the Point of Beginning, containing 1.14 acres, (49,784 square feet), more or less.



WILLIFORD, GEARHART & KNIGHT, INC.

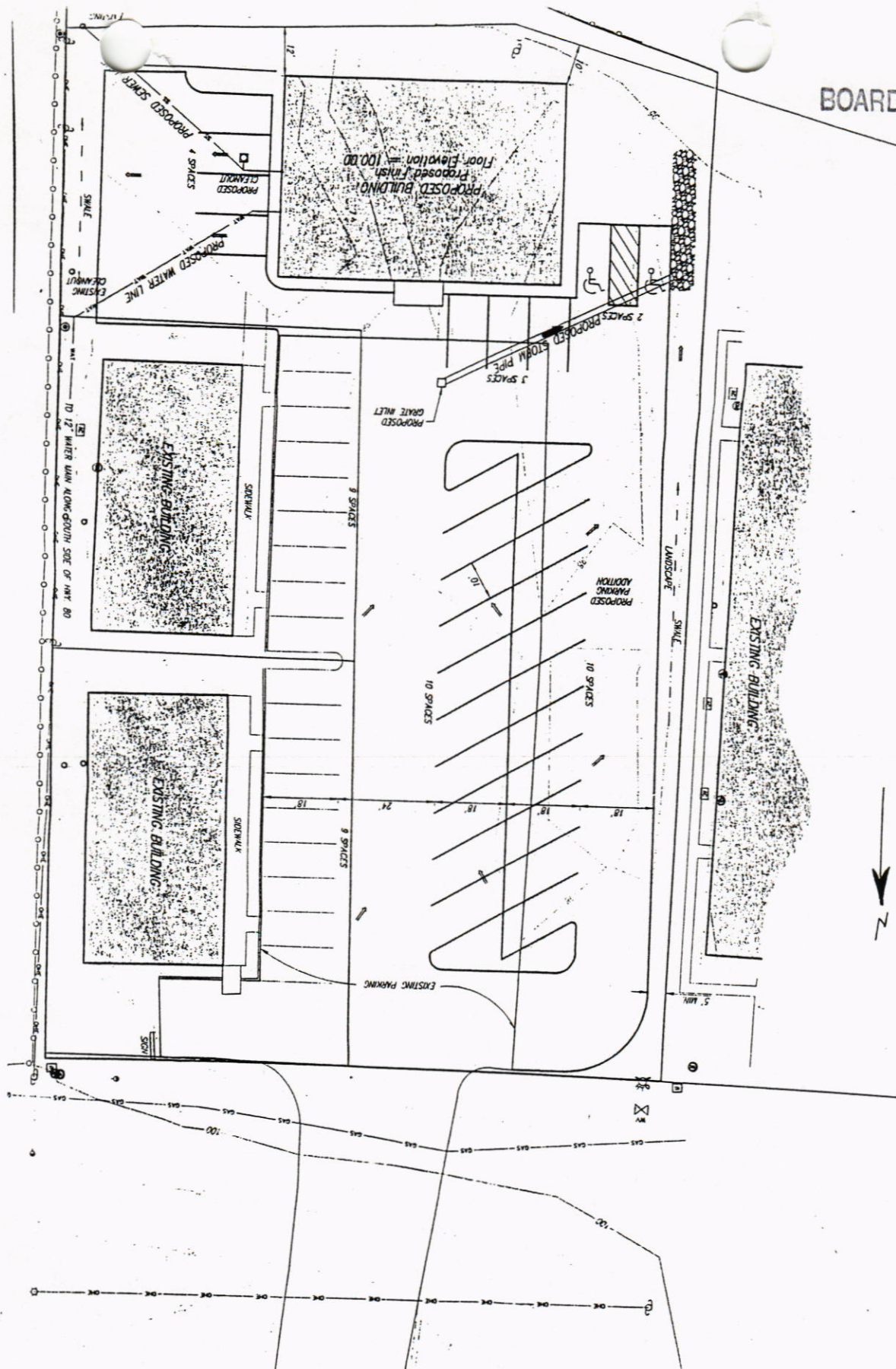
ENGINEERS & SURVEYORS

DATE
04/04/00
DRAWN BY
CLBCITY OF CLINTON
PROPOSED ACCESS ROAD
HIGHWAY 8089-112 ROAD PLAT
SCALE
1" = 100'

WCKJ - 89-112

SHEET NO.

1 OF 2



Hwy. 80