

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, AUGUST 15, 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 DePriest followed by the Pledge of Allegiance to the Flag led by Alderman Hisaw.

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:

Original
PP. 998-1050

RECOGNITIONS - Alderman Fisher recognized Aldermen that attended the National Guard's Day at Camp Shelby in May 2000

APPROVAL OF CONSENT AGENDA ITEMS A-N

MOTION made by Alderman Brabham and **SECONDED** by Alderman Lott to approve Consent Agenda Items A-R listed on Page 1000 of this Minute Book AA. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF THE PROPOSED CLINTON, MISSISSIPPI POST OFFICE – PRESENTATION

Presentation given by Jody Sloan, Real Estate Branch of Postal Service, Atlanta, Georgia – Advertising for Building approximately 18,000 square feet with required parking.

APPROVAL OF PLANNING & ZONING ITEMS A-B

No Public Hearing will be held at this time. Public Hearing has been held on June 27, 2000 and July 25, 2000.

Roger Williams with Taylor, Covington & Smith, attorney for property owners, presented position for rezoning. Skip Peters, spokesperson for tenants, presented position supporting recommendation of P&Z Commission that rezoning be denied.

Alderman Brabham presented ordinance to approve rezoning subject property from R-M to C-2. Alderman Brabham set forth his position that the decision to be made was to be based on facts rather than emotion. Alderman Brabham outlined the research and study he had done in preparation for the Board's decision. Key Issue: Does petitioner meet the criteria established in the Zoning Ordinance to justify rezoning. Factors to be considered by Mayor and Board of Aldermen included accessibility, affordability, visibility, utilities, and factors effecting public need. Alderman Brabham concluded that property owner had met his burden of proof. Alderman Brabham stated that the Board was fully informed on this issue. **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to adopt ordinance. (See Attached Ordinance Page 1017 of Minute Book AA)

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 cutting and clearing of overgrowth – 418 Johnson Street. **MOTION CARRIED UNANIMOUSLY** (See Attached Resolution Page 1022 of Minute Book AA)

APPROVAL OF REIMBURSEMENT OF \$44,157.20 TO MARK JORDAN FOR UPSIZING SEWER LINES THROUGH BRUENBURG SUBDIVISION

Upon recommendation of City Engineer Richard Broome **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Hisaw to approve reimbursement in the amount of \$44,157.20 to Mark Jordan for upsizing sewer lines through Bruenburg Subdivision. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF ENGAGEMENT LETTER – WILLIFORD, GEARHART & KNIGHT, INC., - ANNEXATION STUDY

Upon recommendation of the City Engineer Richard Broome **MOTION** made by Alderman Lott and **SECONDED** by Alderman Brabham to limit cost of annexation study by Williford, Gearhart & Knight to \$10,000. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF ADDITION OF \$30,000 TO THE 2000 STREET PAVING BUDGET

Upon recommendation of the City Engineer Richard Broome **MOTION** made by Alderman Brantley and **SECONDED** by Alderman DePriest to approve addition of \$30,000 to the Street Paving Budget. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AUTHORIZATION FOR CITY AGREEMENT/SPECIAL SERVICES CONTRACT

Upon recommendation of the Police Chief Don Byington **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve authorization for City Agreement/Special Services Contract. **MOTION CARRIED UNANIMOUSLY**

OTHER BUSINESS

APPROVAL TO READOPT RESOLUTION – 312 INDIAN MOUND

Upon recommendation of City Attorney Ken Dreher **MOTION** made by Alderman Lott and **SECONDED** by Alderman Brabham to readopt Resolution – 312 Indian Mound, Clinton, Mississippi. **MOTION CARRIED UNANIMOUSLY** (See Attached Resolution Page 1041 of Minute Book AA)

ADJOURN 7:56 P.M.

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

Copy of Agenda can be found on Page 1000 of this Minute Book AA.

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

August 31, 2000
Date

ATTEST: Wayne Derrick
Wayne Derrick, Deputy Clerk

August 31, 2000
Date

SEAL:



July 21, 2000

COPY

JUL 24 2000

CITY OF CLINTON

The Honorable Rosemary Aultman
Mayor, City of Clinton
PO Box 156
Clinton, MS 39060-0156

RE: Proposed Clinton, MS Post Office
Notice of Public Meeting

Dear Mayor Aultman:

Thank you for meeting with me by phone over the last two weeks. As we discussed, representatives from the U.S. Postal Service will attend the Mayor's & Board of Alderman's meeting on August 15th at 7 pm. I have enclosed a copy of the press release that will be printed in the paper soon.

Thank you for your assistance. I look forward to seeing you on August 15th.

If you have any questions, please call me at 770-454-0614.

Sincerely,

Jody B. Sloan
Real Estate Specialist

Enclosure

cc: Jerry Garth
Connie Wilson
Lamar Rutledge, Postmaster
Tyrone Watson/225 N. Humphries Blvd./Memphis, TN 38166-0832
Laurie Weiner/Govt. Relations/475 L'Enfant PI SW, Rm 10804/Washington, DC 20260-3500
file / r/f



July 20, 2000

The Honorable Rosemary Aultman
Mayor, City of Clinton
PO Box 156
Clinton MS 39060-0156

Dear Mayor Aultman:

The Postal Service had determined that the present postal facility located at 100 East Lawson Street is inadequate to serve future postal needs of Clinton. We need to expand operations to enhance both the quality of postal services we provide to your community and our employees' working conditions. After consulting with Postmaster Lamar Rutledge, we find that we need, ideally, approximately 17,708 square feet of net interior space.

To meet these new requirements, our first consideration is to expand the existing postal facility. If this is not feasible, we will then consider relocating to another building on a site that is, ideally, approximately 180,395 square feet. In the event another building must be identified, every effort will be made to locate it within the downtown business area of Clinton.

The Postal Service wishes to work in partnership with your community. Therefore, we ask your assistance and cooperation in having this project scheduled for the next available town meeting so that the general public may express its opinions and offer constructive comments on the project.

We welcome your timely suggestions and comments, both as we initiate this project and as it proceeds. Please address any questions, suggestions, or concerns to:

Jody Sloan, Real Estate Specialist
Atlanta Facilities Service Office
4000 Dekalb Technology Parkway, Building 300/Suite 300
Atlanta GA 30340-2799
Phone: 770/454-0614

Thank you for your participation in this process and we look forward to continue working with you and your staff as this project develops.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry Garth".

JERRY GARTH



POSTAL NEWS

FOR IMMEDIATE RELEASE
DATE: July 24, 2000

CONTACT: Postmaster Lamar Rutledge,
601-925-5049

Postal Service to attend Mayor & Board of Alderman Meeting in Clinton, Mississippi

The United States Postal Service will make a presentation, at the regularly scheduled Mayor's & Board of Alderman's Meeting, to discuss plans and potential alternatives for a larger Main Post Office facility for Clinton, Mississippi. The meeting is scheduled to take place on Tuesday, August 15th, at 7 P.M.. It will be held in the Municipal Room of the Clinton Police Department. Attending the meeting will be local officials and officials with the United States Postal Service. The public is invited to attend. There will be ample opportunity to ask questions or make comments/suggestions about the proposed Post Office plans.

Zoning Action Application

Request for:

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

Owner's Name Stefferdud Properties, LLC Phone # (601) 969-7817

Address c/o Taylor, Covington & Smith, P.A.

P.O. Box 3509, Jackson, MS 39207

Property Address 499 Springridge Road, Clinton, MS

Current Zoning R-M Requested Change C-2

Date of Public Hearing before Planning & Zoning Commission June 27, 2000

Date of Mayor & Board of Aldermen Meeting _____

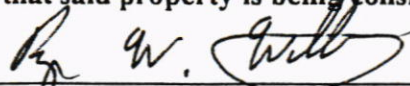
Requirements of Applicant: (General Guidelines Only)

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.


Signature Roger W. Williams, Attorney for
Stefferdud Properties, LLC

May 25, 2000
Date

TAYLOR, COVINGTON & SMITH, P.A.

ATTORNEYS AT LAW

315 TOMBIGBEE STREET

P.O. BOX 3509

JACKSON, MISSISSIPPI 39207-3509

PHONE (601) 969-7817

TELECOPIER (601) 969-7826

BOBBY L. COVINGTON
WILLIAM C. SMITH, JR.
WILLIAM C. SMITH, III
PAUL L. GUNN
ROGER W. WILLIAMS

O.B. TAYLOR (1880-1965)
J. MORTON MATRICK, OF COUNSEL

May 31, 2000

Mr. Gary Ward
Zoning Administrator
200 West Leake Street
Clinton, Mississippi 39060

Planning and Zoning Commission
City of Clinton, Mississippi

Mayor and Board of Aldermen
City of Clinton, Mississippi

RE: Application for Rezoning by Stefferud Properties, LLC, a Mississippi limited liability company; Premises located at 499 Springridge Road, Clinton, Mississippi

To Whom it May Concern:

This letter serves as Stefferud Properties, LLC's formal statement of intent in respect to their request for a change of zoning concerning the property located at 499 Springridge Road, Clinton, Mississippi, and more particularly described in Exhibit A hereto, from a zoning classifications of R-M to C-2.

The subject property is currently being used as a mobile home and RV park entitled Springridge Mobile Estates. The surrounding land use consists of various retail establishments, including restaurants such as Popeye's, Shoney's, Zan's Diner and Fazzoli's; hotels such as Hampton Inn and Holiday Inn Express; convenience stores such as Exxon and Texaco; and a BankPlus branch bank.

In recent years there have been numerous zoning changes granted in this area from residential or other classifications to commercial classifications such as C-2. As a result, virtually all of the property located in the immediate area is now zoned for commercial use. These rezonings indicate that the land in the immediate area has undergone use changes to more intensive commercial use. Our request is reasonable and compatible with the recent rezonings in the area, as well as the prevailing current use of the majority of the surrounding property.

The requirements set forth in the zoning process to show public need is used to define the need for specific zoning classifications as an alternative to specific uses. With the location of the interstate north of the subject property, the recent construction of numerous fast food and other restaurants and hotels to the west of the subject property, and the eminent development of adjacent commercial property, a new demand for property zoned for C-2 exists. A substantial portion of all property located in the subject neighborhood currently zoned for commercial use is already developed and, thus, not available for additional development.

It is the petitioner's belief that the request made for rezoning is wholly consistent with the character and nature of the subject property, being situated near the juncture of Interstate 20 and Springridge Road. This area has become perhaps the premier retail and commercial corridor in the City of Clinton, and as such is the ideal setting for a zoning classification of C-2.

For all the foregoing reasons, the petitioner respectfully requests the City of Clinton to approve the request to rezone the subject property to a classification of C-2.

In addition, the petitioner would like to address the issue of the continued use of the subject property in its present use as a mobile home and r.v. park following approval of our rezoning petition. As discussed herein above, petitioner has requested that the entire Springridge Mobile Estates be rezoned to a C-2 classification. However, it is possible, or even likely, that a large portion of the property on which the Springridge Mobile Estates is located will continue to be operated as a mobile home and r.v. park for some time to come. As a result, petitioner would respectfully request that as a part of this rezoning petition they be entitled to continue the use and operation of the Springridge Mobile Estates as a non-conforming use as allowed under Article XXII of the Zoning Ordinance of the City of Clinton.

According to Article XXII of the Ordinance, it is the intent of the Ordinance to permit nonconformities to continue until they are removed, but to prevent a nonconformity from being enlarged upon, expanded or extended. The Ordinance explains that "[n]o such nonconforming use shall be enlarged or increased to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance" and "[n]o additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land." Petitioner does not desire to expand the nonconforming use to a greater area of land or erect and construct additional nonconforming structures on the property. Rather, petitioner simply desires the right to maintain, operate and repair, if need be, the same number of mobile home pads or r. v. hookups as currently operating in the park. Petitioner will not build or construct new pads or hookups, only continue to use the ones already established in the park..

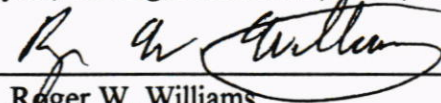
The park is operated in similar manner to an apartment complex; instead of renting apartment units the park rents mobile home pads and r. v. hookups. Just as an apartment complex would have the right to continue to rent the apartment units after tenants vacate them, the park has the right to continue to rent the pads and hookups as they are vacated by tenants. In addition, as allowed under the Ordinance, Petitioner has the right to repair and maintain the pads, hookups and other features of the mobile home park already in place.

Therefore, Petitioner would respectfully request that upon approval of its rezoning petition as set forth herein above it also be authorized to continue to operate and maintain the Springridge Mobile Estates mobile home park as a permitted nonconforming use as allowed under the Ordinance.

Respectfully Submitted,

Stefferd Properties, LLC

By: Taylor, Covington & Smith, P. A., its attorneys



Roger W. Williams

EXHIBIT A

That certain parcel of land lying and being situated in Section 32, Township 6 North, Range 1 West, Hinds County, Mississippi, and being more particularly described as follows:

Beginning at a point where the line between the North Half (N 1/2) and the South Half (S 1/2) of Section 32, Township 6 North, Range 1 West, Hinds County, Mississippi intersects the East right of way of Springridge Road, said point being 40 feet measured at right angles from the center of said Springridge Road, thence North 1 degree 45 minutes 30 seconds East along the East right of way of Springridge Road for a distance of 538.36 feet to the true point of beginning of the herein described property; continue North 1 degree 45 minutes 30 seconds East along the last mentioned call for a distance of 100 feet; thence South 89 degrees 40 minutes East for a distance of 342 feet to a point; thence North 1 degree 45 minutes 30 seconds East for a distance of 527 feet to a point; thence South 89 degrees 40 minutes East for a distance of 990.44 feet to a point on the bank of a creek being 20 feet from centerline of said creek; thence run along a traverse line being 20 feet, more or less, West of property line and also said centerline of creek the following calls; South 54 degrees 43 minutes East, 99.12 feet; North 83 degrees 24 minutes East 40 feet; South 2 degrees 18 minutes East 55 feet; South 71 degrees 27 minutes East 70 feet; South 37 degrees 31 minutes West 184 feet; South 77 degrees 17 minutes East 142 feet; South 78 degrees 07 minutes West, 52 feet; South 6 degrees 59 minutes West 135 feet; South 70 degrees 57 minutes West 79 feet; South 32 degrees 02 minutes East 105 feet; South 36 degrees 59 minutes West, 159 feet; South 50 degrees 01 minutes East 100 feet; South 47 degrees 54 minutes West 88 feet; South 14 degrees 06 minutes East 72 feet; South 25 degrees 16 minutes West 67 feet; South 12 degrees 41 minutes East 67 feet; South 6 degrees 40 minutes West 152 feet to a point on the line between the North Half (N 1/2) and the South Half (S 1/2) of Section 32, Township 6 North, Range 1 West; thence North 89 degrees 40 minutes West along said line between North Half (N 1/2) and South Half (S 1/2) of Section 32 a distance of 1058 feet to a point; thence North 1 degree 45 minutes 30 seconds East for a distance of 538.36 feet; thence North 89 degrees 40 minutes West for a distance of 342 feet to the point of beginning.

AND ALSO a perpetual non-exclusive easement over and across the following described property:

Beginning at a point where the line between the North Half (N 1/2) and the South Half (S 1/2) of Section 32, Township 6 North, Range 1 West, Hinds County, Mississippi, intersects the East right of way of Springridge Road, said point being 40 feet measured at right angles from the centerline of said Springridge Road; thence North 1 degree 45 minutes 30 seconds East along the East right of way of Springridge Road for a distance of 1,165.36 feet to the true point of beginning; thence South 89 degrees 40 minutes East for a distance of 342 feet to a point; thence South 1 degree 45 minutes 30 seconds West 5 feet to a point; thence North 89 degrees 40 minutes West 342 feet to a point; thence North 1 degree 45 minutes 30 seconds East 5 feet to the point of beginning.

**REQUEST FOR REZONING
SPRINGRIDGE MOBILE ESTATES
LIST OF PROPERTY OWNERS WITHIN 160 FEET**

<u>NAME</u>	<u>PARCEL NUMBER(S)</u>
Clinton Storage Park 40 Noerrh Town Drive, Suite 100 Jackson, MS 39211	2860 834 873
Sanders Family Ltd. Partnership Post Office Box 12158 Jackson, MS 39236	2862 45 130
Ellis Enterprises, Inc. 2015 Highpointe Drive Brandon, MS 39042	2860 834 775
BankPlus 210 East Broadway Street Yazoo City, MS 39194	2860 834 778
Lonnie H. & Wanda H. Rushing 300 Winging Hills Drive Clinton, MS 39206	2860 834 777
Prugon Properties, LLC 217 West Capitol Street, Suite 201 Jackson, MS 39201	2862 45 150
Christian D. & Maria L. Stefferud Trust Post Office Box 7000, #475 Redondo Beach, CA 90277-0710	2860 834 772
Springridge Development, Inc. Post Office Box 16850 Jackson, MS 39236	2860 834 701
South Central Bell Telephone Co. Post Office Box 811 Jackson, MS 39205	2860 834 702
Pine Trails Joint Venture, Ltd. 6584 Poplar Avenue, Suite 340 Memphis, TN 38138	2860 834 803

Three W Post Office Box 66 Vicksburg, MS 39181	2860 834 810
Stefferd Properties, LLC Post Office Box 7000, #475 Redondo Beach, CA 90277-0710	2860 834 770
Patel Ramanlal K Trust 103 Johnston Place Clinton, MS 39056	2860 834 779
Springridge Development, Inc. Post Office Box 16850 Jackson, MS 39236	2860 834 700
Stefferd Properties (subject property) Post Office Box 7000, #475 Redondo Beach, CA 90277	2860 834 730
Springridge Properties, LLC 507 Springridge Road, Suite O Clinton, MS 39056	2860 834 750
J. Richard & Sherri H. Gill 497 Springridge Road Clinton, MS 39056	2860 834 761
Raman K & Vasanti R. Patel 403 Parker Drive Clinton, MS 39056	2860 834 760
Hampton Inn of Clinton, MS 493 Springridge Road Clinton, MS 39056	2860 834 762
Mississippi School Board Association 489A Springridge Road Post Office Box 203 Clinton, MS 39056	2860 834 763

OFFICIAL FORM

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY
OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL
ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CLINTON,
MISSISSIPPI FOR THE PROPERTY DESCRIBED IN EXHIBIT "A"
FROM R-M TO C-2

WHEREAS, Stefferud Properties, LLC (the "Applicants") did file a petition to Rezone certain property from its present R-M use district classification to a C-2 use district classification: and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 25th day of July, 2000, at 7:00 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend the petition of the applicants be denied, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof, Alderman _____ offered the following ordinance and moved that it be adopted, to-wit;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 2406 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2406.03(a) Criteria for Rezoning, the Mayor and Board of Aldermen specifically finding that sufficient proof was presented to show this request meets the requirements of Section 2406.03(b) in that there was a change in the neighborhood and a public need for the rezoning.

Section 3. That pursuant to Article XV of the Zoning Ordinance, the proposed facility shall be "C-2, General Commercial District".

Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present R-M use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in Exhibit "A" attached hereto and made a part thereof.

Section 5. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 6. That this ordinance shall take effect thirty 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 ____ day of _____,
2000.

A Motion for adoption was seconded by Alderman _____
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 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, Deputy City Clerk

(S E A L)

In Support of the recommendation Against Stefferude Properties, LLC

On June 25, the Planning Commission, by a majority vote, recommended against rezoning Springridge Mobile Estates from RM to C2, as requested =
by Stefferude Properties, LLC. The Commission found that Stefferude =
Properties failed to show a public need as required by the Zoning =
Ordinance. The Commission also concluded that the rezoning would be =
inconsistent with the 1999 rezoning of property immediately adjacent to =
the park. That action rezoned property from C2 commercial to multi-family =
Residential. Please note that the park is located exactly as the =
Ordinance intended and is compatible with surrounding land use. On these =
Points alone, the mayor and board of aldermen should be compelled to =
Find in favor of the recommendation. There are also social and economic =
Issues that could not be taken into the commission's consideration, =
However these are as critical as the requirements set forth in the =
Zoning ordinance.

The approval of Stefferude properties' request would amount to an =
Eviction notice for the entire community. Stefferude Properties has =
Publicly stated that there are no immediate or future plans for the land
occupied by the residents of Springridge Mobile Estates, and that there =
are no plans to evict anyone However, the day after the =
property is rezoned, all that could change. Public Statements are worth less
than the air it takes to utter them; they are not =
legally binding. The fact is: A legally binding lease will not prevent =
park-wide eviction should the property be sold for commercial use after =
rezoning. Every action Stefferude Properties has taken to date, points =
to an inevitable, across-the-board, eviction.

Approval of the rezoning request would amount to evicting an entire =
community of 400 plus people, a substantial number of whom are single =
parents with children in the Clinton Public School system. There are =
here because of the school system, and pay dearly for the privilege. By =
granting this request, you, the leaders of the City, would be telling us =
that we are no longer welcome here, because there is no place for us to =
move within the Clinton School system.

Even if selling our homes were an option (and it is not), are there some 200 =
vacant apartments available within the Clinton School system? It is one =
thing to tell people that the needs of the many dictate that this action =
be taken. However, it is quite another matter when the greater public =
need is not served by the action. Local government participating =
in the involuntary eviction of an entire community as a conscious and =
deliberate act is flat wrong!

The financial burden of moving will be catastrophic for many families. =
It costs a minimum of \$1500 to move one of our homes. This figure does =
not include water, utilities, or sewer connections. Based on singlewide =
home, the average move is estimated to be somewhere between \$2300 and =
\$3000, if there are no unforeseen problems. This figure will obviously =
increase for a doublewide. The total cost to our community as a whole =
amounts to a staggering \$390,000 minimum. Then there is the matter of park
policy, throughout the Metro area, which prohibit homes over four years old from
being accepted. Even if this was not the case, there are not 200 home lots
available within the Jackson Metropolitan area. We know, we checked! Those who
cannot afford to move and those with homes over four years old will have no
choice but to gather what they can and abandon their homes as the bulldozers

approach! We estimate that 50% of our community will lose their homes. The elderly and single parents will comprise most of that number.

Given the severe impact the rezoning will have on some 400 decent, =
hardworking, taxpaying citizens of Clinton, ~~the~~ the rezoning of Springridge =
Mobile Estates cannot be justified. A brief glimpse at the planning map, =
or a quick jaunt through town will prove that there are plenty of vacant =
buildings and available land. There is no public need for more. =
However, there is a need for more residential land to attract and accommodate
people to support the existing and upcoming businesses, as well as contribute to
the tax base. In view of these facts we ask that you uphold the recommendation
of the Planning Commission and restore peace and stability to our lives.

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI
AMENDING THE OFFICIAL ZONING ORDINANCE AND ZOINING
MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE
PROPERTY DESCRIBED IN EXHIBIT "A" FROM R-M TO C-2

WHEREAS, Stefferud Properties, LLC (the "Applicants") did file a petition to Rezone certain property from its present R-M use district classification to a C-2 use district classification; and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 27th day of June, 2000, at 7:00 o'clock P.M. and, subsequently continued and concluded on the 25th day of July, 2000 at 7:00 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend the petition of the applicants be denied, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof,

Alderman Brabham offered the following ordinance and moved that it be adopted, to-wit:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 24-6 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2406.03(a) Criteria for Rezoning, the Mayor and Board of Aldermen specifically finding that sufficient proof was presented to show this request meets the requirements of Section 2406.03(b) in that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a PUBLIC NEED for the rezoning.

Section 3. That pursuant to Article XV of the Zoning Ordinance, the property described in Exhibit "A" shall be "C-2, General Commercial District".

Section 4. That the following described tract of real property be, and the same is, hereby rezoning from its present R-M use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in Exhibit "A" attached hereto and made a part thereof.

Section 5. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 6. That in support of this action, the Mayor and Board of Aldermen make the following findings of fact.

- a. 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.
- b. The recommendation of the Planning and Zoning Commission is advisory in nature.
- c. The Mayor and Board of Aldermen are knowledgeable of the area involved and are aware of the need for the C-2 rezoning designation.
- d. The Mayor and Board of Aldermen specifically find that, based upon the minutes of the public hearings held in this matter on June 27, 2000, and July 25, 2000, and the exhibits attached to those minutes, the Applicants have met their burden of proof under the Zoning Ordinance and demonstrated the necessary requirements to support rezoning.

Section 7. That this ordinance shall take effect thirty (30) days from and after passage.

ORDAINED, ADOPTED AND APPORVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 15th day of August, 2000.

A Motion for adoption was seconded by Alderman Fisher 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 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 ordinance approved and adopted.

The foregoing Ordinance was approved this the 15th day of August, 2000.

CITY OF CLINTON

BY: ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, Deputy City Clerk

(S E A L)

MSWORD/C-STEFFERUD.ORD
8/15/00-MMH

EXHIBIT A

That certain parcel of land lying and being situated in Section 32, Township 6 North, Range 1 West, Hinds County, Mississippi, and being more particularly described as follows:

Beginning at a point where the line between the North Half (N 1/2) and the South Half (S 1/2) of Section 32, Township 6 North, Range 1 West, Hinds County, Mississippi intersects the East right of way of Springridge Road, said point being 40 feet measured at right angles from the center of said Springridge Road, thence North 1 degree 45 minutes 30 seconds East along the East right of way of Springridge Road for a distance of 538.36 feet to the true point of beginning of the herein described property; continue North 1 degree 45 minutes 30 seconds East along the last mentioned call for a distance of 100 feet; thence South 89 degrees 40 minutes East for a distance of 342 feet to a point; thence North 1 degree 45 minutes 30 seconds East for a distance of 527 feet to a point; thence South 89 degrees 40 minutes East for a distance of 990.44 feet to a point on the bank of a creek being 20 feet from centerline of said creek; thence run along a traverse line being 20 feet, more or less, West of property line and also said centerline of creek the following calls; South 54 degrees 43 minutes East, 99.12 feet; North 83 degrees 24 minutes East 40 feet; South 2 degrees 18 minutes East 55 feet; South 71 degrees 27 minutes East 70 feet; South 37 degrees 31 minutes West 184 feet; South 77 degrees 17 minutes East 142 feet; South 78 degrees 07 minutes West, 52 feet; South 6 degrees 59 minutes West 135 feet; South 70 degrees 57 minutes West 79 feet; South 32 degrees 02 minutes East 105 feet; South 36 degrees 59 minutes West, 159 feet; South 50 degrees 01 minutes East 100 feet; South 47 degrees 54 minutes West 88 feet; South 14 degrees 06 minutes East 72 feet; South 25 degrees 16 minutes West 67 feet; South 12 degrees 41 minutes East 67 feet; South 6 degrees 40 minutes West 152 feet to a point on the line between the North Half (N 1/2) and the South Half (S 1/2) of Section 32, Township 6 North, Range 1 West; thence North 89 degrees 40 minutes West along said line between North Half (N 1/2) and South Half (S 1/2) of Section 32 a distance of 1058 feet to a point; thence North 1 degree 45 minutes 30 seconds East for a distance of 538.36 feet; thence North 89 degrees 40 minutes West for a distance of 342 feet to the point of beginning.

AND ALSO a perpetual non-exclusive easement over and across the following described property:

Beginning at a point where the line between the North Half (N 1/2) and the South Half (S 1/2) of Section 32, Township 6 North, Range 1 West, Hinds County, Mississippi, intersects the East right of way of Springridge Road, said point being 40 feet measured at right angles from the centerline of said Springridge Road; thence North 1 degree 45 minutes 30 seconds East along the East right of way of Springridge Road for a distance of 1,165.36 feet to the true point of beginning; thence South 89 degrees 40 minutes East for a distance of 342 feet to a point; thence South 1 degree 45 minutes 30 seconds West 5 feet to a point; thence North 89 degrees 40 minutes West 342 feet to a point; thence North 1 degree 45 minutes 30 seconds East 5 feet to the point of beginning.

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 418 Johnson Street, Clinton, Mississippi, and after full consideration of the matter, Alderman Hisaw 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 418 JOHNSON STREET PARCEL 2862-165-252, HINDS
COUNTY, CLINTON, MISSISSIPPI, UNDER THE AUTHORITY
GRANTED TO MUNICIPALITIES BY SECTION 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 418 Johnson Street, 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 Section 21-19-11 of the Miss. Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., August 15, 2000, at the Municipal Room of the Public Safety Complex, 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 Section 21-19-11 of the Miss. 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 418 Johnson Street, Clinton, Mississippi, in its present condition, constitutes 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 Section 21-19-11, Miss. 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 advise 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 may adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances.

A Motion for adoption was seconded by Alderman Brantley 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 15th day of August 2000.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, Deputy City Clerk

(S E A L)

Copy:
Mayor
Tim

& Return



MARK S. JORDAN
COMPANIES

3-31-99

File
Bruenburg

RECEIVED

MAR 31 1999

CITY OF CLINTON
ENGINEER DEPARTMENT

March 30, 1999

Richard Broome, City Engineer
City of Clinton
P.O. Box 156
Clinton, MS 39060

RE: BruenBurg Utilities

Dear Mr. Broome:

Per my conversation with you earlier this month concerning Clinton
reimbursing BruenBurg, LLC for the upsized utilities that the city requested,
I am enclosing a breakdown of the cost differences.

Should you have any questions please call.

Thank you

Sincerely,

Robert Riddell, ASLA
Sr. Vice President, Development

UTILITY CONSTRUCTORS, INC.

Utility & Commercial Contractors

March 24, 1999

Robert Riddell
Mark S. Jordan Companies
607 Highland Colony Parkway
Ridgeland, MS 39157

RECEIVED

MAR 31 1999

CITY OF CLINTON
ENGINEER DEPARTMENT

RE: Bruenburg Subdivision - Clinton, MS
Price Increase Comparison - (Water and Sewer)

1.) 12" C900 Waterline	\$19.25 L.F.				
8" C900 Waterline	(\$10.50 L.F.)				
	\$ 8.75 L.F.	@	1450 L.F.	=	\$12,687.50
2.) 12" x 12" Cross	\$685.00				
8" x 8" Cross	(\$400.00)				
	\$285.00	@	1 ea.	=	\$285.00
3.) 12" x 12" 12" Tee	\$375.00				
8" x 8" x 8" Tee	(\$275.00)				
	\$100.00	@	2 ea.	=	\$200.00
4.) 12" x 12" x 6" Tee	\$350.00				
8" x 8" x 6" Tee	(\$250.00)				
	\$100.00	@	4 ea.	=	\$400.00
5.) 12" x 8" Reducer	\$285.00	@	4 ea.	=	\$1,140.00
used to reduce 12" to 8" pipe					
6.) 18" San. Sewer (6-8)	\$35.00				
10" San. Sewer (6-8)	(\$15.50)				
	\$19.50	@	50	=	\$975.00
7.) 18" San. Sewer (8-10)	\$37.95				
10" San. Sewer (6-8)	(\$17.50)				
	\$20.45	@	1094	=	\$22,372.30
8.) 18" San. Sewer (10-12)	\$41.00				
10" San. Sewer (10-12)	(\$20.55)				
	\$20.45	@	742	=	\$15,173.90
9.) 18" Pipe - Gravel Beddin	\$3.25				
10" Pipe - Gravel Beddin	(\$2.25)				
	\$1.00	@	1886	=	\$1,886.00

UTILITY CONSTRUCTORS, INC.

Utility & Commercial Contractors

10.) Manholes 18" (10-12)	\$1,700.00				
Manholes 10" (10-12)	(\$1,300.00)				
	\$400.00	@	3	=	\$1,200.00
11.) Manholes 18" (12-14)	\$1,850.00				
Manholes 10" (12-14)	(\$1,450.00)				
	\$400.00	@	3	=	\$1,200.00
12.) 18 x 6" Sewer Serv. Tee	\$375.00				
10"x 6" Sewer Serv. Tee	(\$150.00)				
	\$225.00	@	6	=	\$1,350.00

Total Increase

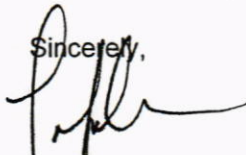
\$58,869.70

*#44,157.20
sewer*

These quantities are the actual installed quantities approved by the engineer on our last pay request.

If you have any questions, please let me know.

Sincerely,



Terry N. Lovelace
President



WILLIFORD, GEARHART & KNIGHT, INC.
ENGINEERS & SURVEYORS

PRINCIPALS
Charles H. Williford, P.E., P.L.S.
Gregory A. Gearhart, P.E.
Jeffery T. Knight, P.E.

ASSOCIATES
Bill W. Owen, P.E.
M. Lynn Wolfe, P.E.
Mike K. McKenzie, P.E.

June 11, 1998

Richard Broome, P.E.
City of Clinton
P.O. Box 156
Clinton, MS 39060

RE: City of Clinton
Water Model BruenBurg Subdivision
WGK# 97-171

Dear Richard:

As requested I have run a fire flow analysis of the Clinton Water System Model for the area known as the BruenBurg Subdivision and the commercial property adjacent to it. Required Fire Flow for the residential development is 1000 gpm at 20 psi, and 3500 gpm at 20 psi for the commercial property.

By using a 8" watermain through the subdivision area (with tie-ins at the existing 8" on the South Frontage Road and the 12" in Brighton Subdivision) the necessary residential fire flow of 1000 gpm at 20 psi can be achieved. However, the commercial fire flow of 3500 gpm cannot be achieved with either an 8" or 12" pipe and the current tanks and wells.

We modified the model to reflect a future Water Storage Tank installed at elevation 485 feet to try to achieve the required commercial flow. With this new tank, an 8" watermain through BruenBurg can only provide a fire flow of 1921 gpm at 20 psi. Adding a 12" tie-in from the South Frontage Road to this 8" (shown as pipe No. 13040 on EXHIBIT 1) the fire flow is still deficient, 1955 gpm at 20 psi. A 12" watermain through BruenBurg with the 12" tie-in increases the flow in the commercial area to 3284 gpm at 20 psi, which is still deficient but considerably closer to adequate.

The model indicates that the watermains through BruenBurg be 12" to support the future commercial development that is to be established on the South Frontage Road. Although considerable improvements to the city's storage and supply capacity south of I20 must be made before this commercial fire flow capability will be achieved, the 12" main will enable the City to take best advantage of those improvements when they are made.

Richard Broome

Page 2

June 9, 1998

If you have any questions or need additional assistance please call me or Greg at 925-4444

Sincerely,

WILLIFORD, GEARHART & KNIGHT, INC.



William S. (Bill) Gilliland

Engineer Assistant

Enclosures

pc: Tim Rogers, Director of Public Works, w/enclosures



*file
mark jordan*

WILLIFORD, GEARHART & KNIGHT, INC.
ENGINEERS & SURVEYORS

PRINCIPALS
Charles H. Williford, P.E., P.L.S.
Gregory A. Gearhart, P.E.
Jeffery T. Knight, P.E.

ASSOCIATES
Bill Owen, P.E.

October 22, 1997

Mr. Richard Broome, P.E.
City Engineer
City of Clinton
P.O. Box 156
Clinton, MS 39060

RECEIVED
OCT 23 1997
CITY OF CLINTON
ENGINEER DEPARTMENT

Re: Proposed Residential Development
Clinton, Mississippi
WGK #97-238

Dear Richard:

We appreciate your prompt review and consideration of the proposed development preliminary plat submittal. Based on your review comments, as shown below, we are pleased to provide the following information regarding same.

Review Comment 1) Please furnish the recorded easements to the City of Clinton shown on Page 2.

Response Attached find copies of the referenced easements as recorded in the Hinds County Chancery Clerks Office

Review Comment 2) Has the Natchez Trace agreed to the location of the proposed entrance?

Response As you are aware, we provided a package of information for submittal to the NTP by the City on September 2, 1997. The developer and the City have contacted them on a few occasions to determine the status of their review and as of this date they have not completed their review. Based on the existing access easements provided in the deed description, ingress/egress to the site should not be a hindrance in the development of the property.

Review Comment 3) Does the proposed entrance provide for adequate sight distance at the posted speed limit?

Response Yes. The posted speed limit in both directions along the frontage road is 45 MPH. Based on the AASHTO guidelines, approximately 350' of Safe Stopping Sight Distance (SSSD) is required based on the existing

horizontal and vertical conditions. With the access location as shown on the preliminary plat submittal, approximately 400' - 450' of clear sight is available along the frontage road from a westerly direction while approximately 700' - 800' of clear sight is available from an easterly direction.

Review Comment 4) Does any of the proposed development lie within the 100 year flood zone? Show limits if applicable.

Response Yes. Based on the Flood Insurance Rate Map (FIRM) Community Panel Number 280071-0001-C, Effective Date August 17, 1981, a portion of the southeastern corner of Phase 1 lies within the 100 year flood plain. The flood plain generally follows contour elevation 275 within this phase of development and will likely affect Lots 74 - 89 and 93. Based on this consideration, the final street elevation in any areas affected by the 100 year flood plain will be constructed to the applicable flood plain elevation. Likewise, the finished floor of any home affected by the flood plain elevation will be constructed to at least 1 foot above the referenced elevation.

Review Comment 5) Some method of detaining the increased storm water from this development should be proposed.

Response It is understood that some form of stormwater detention/retention will be required for the overall development and same has been discussed and reviewed by the owner. At this time it is uncertain as to what form of detention/retention will be used, however the construction plans will reflect appropriate measures to be taken when same becomes necessary.

Review Comment 6) Can the minimum fire flow be furnished to this development prior to tying to the 12 inch in Brighton Subdivision?

Response Based on the present hydraulic model, the minimum fire flow of 1000 GPM cannot be attained without tying into the existing 12 inch line at Brighton. The following information was calculated based on the proposed development being fully developed:

Proposed 12" Main (No Tie)

@ Entrance	776 GPM at 22.6 PSI
@ Center of Property	776 GPM at 32.6 PSI
Below Brighton	776 GPM at 31.6 PSI

Mr. Richard Broome
October 22, 1997
Page 3

Proposed 12" Main (With Tie)

@ Entrance	1556 GPM at 39.6 PSI
@ Center of Property	1546 GPM at 51.1 PSI
Below Brighton	1532 GPM at 52.1 PSI

Proposed 8" Main (With Tie)

@ Entrance	1475 GPM at 22.6 PSI
@ Center of Property	1545 GPM at 28.4 PSI
Below Brighton	1644 GPM at 23.0 PSI

Review Comment 7) The location and sizing of the main sewer outfall line must conform to the Master Plan. The City of Clinton may participate in the cost of increasing this line size.

Response Based on our calculations, the gravity sewer interceptor located along the creek, as shown in the Master Plan, will need to be 10 inches in diameter to serve the development. The Master Plan states that this interceptor should be 18 inches in diameter. The owner will work with the City in properly locating and sizing the interceptor sewer to be constructed.

We again appreciate the City's review and consideration of this proposed development and should you have any questions or need further information please feel free to call me or Greg.

Sincerely,
WILLIFORD, GEARHART & KNIGHT, INC.



Bill Owen, P.E.
Associate

Enclosures

cc: Gary Ward, City Zoning Administrator w/enclosures
 Robert Riddell, ASLA w/enclosures

10 7

AN ORDINANCE DEFINING THE LIMITATIONS OF THE PARTICIPATION .
OF THE CITY OF CLINTON IN THE COSTS OF EXTENDING UTILITY
LINES IN THE EVENT THE ANTICIPATED GROWTH OF THE CITY
REQUIRES LARGER LINES IN THE NECESSITY TO DEVELOP A PARTI-
CULAR LOT OR PARCEL OF LAND.

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

WHEREAS, the orderly development of the City of
Clinton, Mississippi, requires the installation of water and
sewer pipes of such size to insure that the service lines of
said systems anticipate and accommodate future as well as
present construction and such growth as may be foreseeable;
and, in many instances in anticipation of said future growth
and development it is necessary to install pipes to, along
or near the property of individual developers of a size
larger than is necessary to serve the property of the
individual developer; and,

WHEREAS, experience evidences that the installation
of said larger pipes will require the expenditure of a
greater sum of money than would otherwise be required for
the installation of sewer or water pipes to serve only the
area under development by said individual developers, but
the installation of such larger pipe would be to the mutual
advantage of the said developer and the City if done concurrently.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, that
upon the application of a developer or developers of real
property for the inclusion of water and/or sewer systems
within, or attachment to, the water and/or sewer system of
the City of Clinton, the developer or developers shall be
required to install all connecting lines from said development
to the water and/or sewer lines within the water and/or
sewer system of the City in size and of a material according
to the ordinances of the City and the determination of the
City Engineer of the adequacy of the proposed water and/or
sewer system and connecting lines.

BE IT FURTHER RESOLVED AND ORDAINED, that, if in
the determination of the Engineer of the City, with the
concurrence of the Mayor and Board of Aldermen of the City,
the orderly future growth and development of the City shall
require the installation of connecting lines from said
development to the water and/or sewer system of the City of
a size larger than that adequate to serve only the develop-
ment for which application is made; then and in that event
the City may require the installation of pipes and fittings
thereof of a size determined by the City Engineer as afore-
said. In said event, the City shall participate with said
developer in the payment of the cost of labor and material
to install the connecting water and/or sewer lines for the
development for which application is made to the extent that
the City shall pay the difference in the cost between the
oversize pipe and fittings so designated and the labor
additionally required thereby and the cost of the pipes,
fittings and labor otherwise deemed adequate and approved by
the City Engineer for said development by the applicant. The
applying developer shall provide for the City's inspection
and approval, concurrently with the application aforesaid,
copies of contract prices for both the smaller and oversize
pipes, fittings, material and labor.

7

BE IT FURTHER RESOLVED AND ORDAINED, that this ordinance shall take effect and be in force thirty (30) days after its passage.

FOR THE ORDINANCE: Farmer, Gough, Harper,
Pevey, Touchton

AGAINST THE ORDINANCE: NONE

ABSENT OR ABSTAINING: NONE

Charles G. Blass
CHARLES G. BLASS - Mayor

ATTEST:

Joe H. Price
JOE H. PRICE - City Clerk

Adopted this the 6th day of May 1975



WILLIFORD, GEARHART & KNIGHT, INC.
ENGINEERS & SURVEYORS

PRINCIPALS
Charles H. Williford, P.E., P.L.S.
Gregory A. Gearhart, P.E.
Jeffery T. Knight, P.E.
Billy W. Owen, P.E.
Michael K. McKenzie, P.E.

RECEIVED
JUL 31 2000
CITY OF CLINTON
ENGINEERING DEPARTMENT

July 31, 2000

Richard Broome, P. E., City Engineer
City of Clinton
P. O. Box 156
Clinton, Mississippi 39060

Re: City of Clinton
Annexation Water and Sewer Evaluation
WGK #92-257

Dear Richard:

Following our meeting with the representatives of Bridge and Slaughter, L. L. C. we have prepared a preliminary Scope of Work and Budget for your review. Per our discussion, the evaluation would be performed assuming the Rural Water Associations would continue providing service to their areas and that none of the Water Association facilities would be available for assisting the city in providing fire protection service. A possible exception to this approach would be the Southern Oaks subdivision, which may already have adequately-sized mains. Therefore, the evaluation would generally consists of:

Water System

1. Determine the supply, storage and distribution facilities required to provide fire protection throughout the annexation area.
2. Develop phased construction costs for these improvements.

Sewer System

1. Determine the collection and pumping system facilities required to provide sewer service to current residents.
2. Develop cost estimates for each area to be sewered.
3. Develop a long-term (20 year) plan for service throughout the area, including new treatment facilities.

Mr. Richard Broom, P. E, City Engineer
July 31, 2000
Page 2

4. Develop costs for the long-term program. A draft Scope of Work is attached.

We propose to perform these services under our current General Services Agreement on an hourly basis. We estimate that the planning and modeling of the water improvements will cost between \$4,000 and \$6,000, and the sewer evaluation will cost between \$10,000 and \$14,000, depending on level of detail, exhibits, etc. We can closely coordinate with you to tailor the actual scope and budget to your needs.

Thank you for this opportunity to be of assistance. Should you have any questions, please do not hesitate to call.

Sincerely,

WILLIFORD, GEARHART & KNIGHT, INC.

A handwritten signature in black ink, appearing to read "Gregory A. Gearhart". The signature is fluid and cursive, with the first name "Gregory" and last name "Gearhart" clearly distinguishable.

Gregory A. Gearhart, P.E.
Principal

GAG/pm

CITY OF CLINTON

Annexation Water/Sewer Evaluation Draft Scope of Work July, 2000

I. Water System

1. Collect data on existing water facilities in area and hydraulic analyses on file.
2. Verify fire flow requirements with State Rating Bureau.
3. Develop preliminary distribution system layout.
4. Develop 5 year and 20 year demand projections.
5. Build and run computer hydraulic model of proposed facilities to determine adequate line sizes.
6. Evaluate impact of demands on current storage and supply facilities.
7. Develop cost estimates.

II Sewer System

1. Identify drainage basins and reaches.
2. Identify flood plain/unusable land.
3. Develop preliminary collection system layout.
4. Project 5 year and 20 year flows.
5. Establish minimum line sizes.
6. Project 5-year treatment requirements.
7. Proposed collection/pumping treatment scheme for 20-year plan.
8. Develop phased cost estimates.

Memorandum

To: Mayor Rosemary G. Aultman
From: Richard L. Broome, P.E., City Engineer
Date: 8/2/00
Re: 2000 Street Paving

Richard

We have completed the list in the 2000 Street Paving Project and have expended approximately \$460,000. This leaves \$40,000 in the 2000 Street Paving Budget.

As you can see, Huntcliff Way is the next street on the list. The cost for milling and overlaying is \$60,000. This would require a \$20,000 increase to the budget.

Would you like for me to place this on the August 15, 2000 agenda for consideration?

ROAD SURFACE MANAGEMENT SYSTEM
PAVED ROADS - PRIORITIZED LISTING

Date: 04/05/99

REPAIR SUMMARY

WEIGHTING FACTORS - TRAFFIC = 34 %

ROUGHNESS = 33 %

ROAD CONDITION = 33 %

RANK	ROAD NAME	INVEN NUMBER	MAINT DIV.	DIRECTION OF TRAVEL		V O	R G	SECT START	SECT END	SECT LENGTH	GENERAL REPAIR	COMMENTS
				FROM STREET	TO STREET	L	H	(Mi.)	(Mi.)	(Mi.)		
48	PEACEFUL POND COVE	1-072	1-072	LAKE FOREST LAN	CUL-DE-SAC	M	F	0.000	0.066	0.066	OVERLAY	
49	SUNNY HILL COVE	1-073	1-073	LAKE FOREST LAN	CUL-DE-SAC	M	F	0.000	0.047	0.047	OVERLAY	
50	AUBURN DRIVE	2-014	2-014	SPRINGRIDGE RD.	TULANE DRIVE	M	F	0.000	0.388	0.388	OVERLAY	
51	TULANE DRIVE	2-015	2-015	SPRINGRIDGE ROA	DEAD END	M	F	0.000	0.533	0.533	OVERLAY	
52	WEST VIRGINIA DRIV	2-016	2-016	TULANE DRIVE	TULANE DRIVE	M	F	0.000	0.645	0.645	OVERLAY	
53	DREXEL DRIVE	2-017	2-017	TULANE DIRVE	TULANE DRIVE	M	F	0.000	0.292	0.292	OVERLAY	
54	OKLAHOMA DRIVE	2-019	2-019	WEST VIRGINIA	DEAD END	M	F	0.000	0.321	0.321	OVERLAY	
55	LANEY DRIVE	2-020	2-020	OKLAHOMA DRIVE	DEAD END	M	F	0.000	0.423	0.423	OVERLAY	
56	SPENCER COVE	2-023	2-023	LONGWOOD DRIVE	CUL-DE-SAC	M	F	0.000	0.069	0.069	OVERLAY	
57	CAROLINE COVE	2-024	2-024	LONGWOOD DRIVE	CUL-DE-SAC	M	F	0.000	0.091	0.091	OVERLAY	
58	COUNTRYWOOD CIRCLE	2-025	2-025	LONGWOOD DRIVE	LONGWOOD DRIVE	M	F	0.000	0.404	0.404	OVERLAY	
59	HICKORY LANE	2-037	2-037	CAMP GARAYWA RO	LONGWOOD DRIVE	M	F	0.000	0.232	0.232	OVERLAY	
60	GARAYWA COVE	2-038	2-038	CUL-DE-SAC	CUL-DE-SAC	M	F	0.000	0.178	0.178	OVERLAY	
61	LOWE CIRCLE	2-039	2-039	LONGWOOD DR.	CUL-DE-SAC	M	F	0.000	0.127	0.127	OVERLAY	
62	MAURI COVE	2-040	2-040	LONGWOOD DRIVE	CUL-DE-SAC	M	F	0.000	0.059	0.059	OVERLAY	
63	MOSS WOOD LANE	2-044	2-044	SHADOW WOOD DRI	ROYAL OAK DRIVE	M	F	0.000	0.186	0.186	OVERLAY	
64	PEBBLE BROOK DRIVE	2-051	2-051	WILLOW BROOK DR	TRAILWOOD DR.	M	F	0.000	0.570	0.570	OVERLAY	
65	WILLOW BROOK DRIVE	2-052	2-052	PEBBLE BROOK	MEADOWWOOD DRIV	M	F	0.000	0.342	0.342	OVERLAY	
66	WILLOW BROOK DR.	2-053	2-053	MEADOWWOOD DRIV	SPRINGRIDGE ROA	M	F	0.000	0.253	0.253	OVERLAY	
67	WILLOW COVE	2-054	2-054	WILLOW BROOK DR	CUL-DE-SAC	M	F	0.000	0.049	0.049	OVERLAY	
68	BROOK COVE	2-055	2-055	WILLOW BROOK DR	CUL-DE-SAC	M	F	0.000	0.052	0.052	OVERLAY	
69	MEADOWWOOD DRIVE	2-056	2-056	WILLOW BROOK DR	WILLOW BROOK DR	M	F	0.000	0.338	0.338	OVERLAY	
70	MEADOWWOOD COVE	2-057	2-057	WILLOW BROOK DR	CUL-DE-SAC	M	F	0.000	0.048	0.048	OVERLAY	
71	MEADOW CIRCLE	2-058	2-058	WILLOW BROOK DR	CUL-DE-SAC	M	F	0.000	0.054	0.054	OVERLAY	
72	MEADOWVIEW CIRCLE	2-059	2-059	WILLOW BROOK DR	CUL-DE-SAC	M	F	0.000	0.124	0.124	OVERLAY	
73	SPANISH COURT	2-061	2-061	SPANISH OAK	CUL-DE-SAC	M	F	0.000	0.070	0.070	OVERLAY	
74	PEBBLE LANE	2-062	2-062	PEBBLE BROOK DR	TRAILWOOD DR.	M	F	0.000	0.327	0.327	OVERLAY	
75	PEBBLE COVE	2-064	2-064	PEBBLE LANE	CUL-DE-SAC	M	F	0.000	0.046	0.046	OVERLAY	
76	COBBLESTONE COURT	2-065	2-065	PEBBLE LANE	CUL-DE-SAC	M	F	0.000	0.074	0.074	OVERLAY	
77	CASA URBANO DRIVE	2-067	2-067	CUL-DE-SAC	CUL-DE-SAC	M	F	0.000	0.308	0.308	OVERLAY	
78	LOS PALACHIOS DRIV	2-069	2-069	CASA URBANO DRI	CUL-DE-SAC	M	F	0.000	0.052	0.052	OVERLAY	
79	LOS PUEBLOS	2-070	2-070	CASA GRANDE DR.	CUL-DE-SAC	M	F	0.000	0.142	0.142	OVERLAY	
80	MESA VERDE COVE	2-071	2-071	CASA GRANDE	CUL-DE-SAC	M	F	0.000	0.073	0.073	OVERLAY	
81	ROYAL OAK DRIVE	2-079	2-079	SPANISH MOSS DR	DEAD END	M	F	0.000	0.305	0.305	OVERLAY	
82	HUNTCLIFF WAY	3-001	3-001	PINEHAVEN RD.	NORTHSIDE DRIVE	M	F	0.000	0.969	0.969	OVERLAY	
83	HAMPTON STREET	3-003	3-003	HUNTCLIFF WAY	DARTMOOR DRIVE	M	F	0.000	0.310	0.310	OVERLAY	
84	DARTMOOR DRIVE	3-008	3-008	HUNTCLIFF WAY	HAMPTON STREET	M	F	0.000	0.156	0.156	OVERLAY	
85	LIVE OAK DRIVE	3-012	3-012	NORTHSIDE DRIVE	TANGLEWOOD DRIV	M	F	0.000	0.308	0.308	OVERLAY	
86	SHADY GLEN DRIVE	3-018	3-018	NORTHSIDE DRIVE	BRIARWOOD DRIVE	M	F	0.000	0.201	0.201	OVERLAY	
87	BRIARWOOD DR.	3-071	3-071	DOGWOOD DR.	SHADY GLEN DRIV	M	F	0.000	0.070	0.070	OVERLAY	
88	BRIARWOOD DRIVE	3-019	3-019	TANGLEWOOD DRIV	SHADY GLEN DR.	M	F	0.000	0.153	0.153	OVERLAY	
89	BASEBALL ALLEY	3-035	3-035	CYNTHIA ROAD	DEAD END	M	F	0.000	0.664	0.664	OVERLAY	
90	AMARELLO DRIVE	3-053	3-053	CHERRY PARK BLV	CHERRY STONE DR	M	F	0.000	0.116	0.116	OVERLAY	
91	CHERRY STONE CIRCL	3-055	3-055	CHERRY PARK BLV	CHERRY PARK BLV	M	F	0.000	0.941	0.941	OVERLAY	
92	CHERRY STONE DRIVE	3-054	3-054	OLD VICKSBURG R	CHERRY PARK BLV	M	F	0.000	0.280	0.280	OVERLAY	
93	CHERRYWOOD DRIVE	3-056	3-056	CHERRY PARK BLV	CHERRY STONE DR	M	F	0.000	0.101	0.101	OVERLAY	
94	MANCHU COURT	3-057	3-057	CHERRY STONE CI	CUL-DE-SAC	M	F	0.000	0.107	0.107	OVERLAY	

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: August 15, 2000

AGENDA ITEM NO. _____

CONSENT AGENDA: \$ _____

TO: _____

FOR: Authorization for City Agreement /Special Services Contract

ACCT. NO. _____

DISCUSSION/ACTION: _____

INTRODUCED BY: Don Byington

DB

TELEPHONE: 924-5252

EXHIBITS FOR REVIEW:

Minutes _____
Ordinance _____
Resolution _____Invoice _____
Plans, Maps _____
Contract _____Other _____

_____RECOMMENDATION: _____

BOARD ACTION:

MOTION MADE BY: _____

SECONDED BY: _____

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN: _____

Brabham _____
Hisaw _____
DePriest _____
Brantley _____
Fisher _____
Touchton _____
Lott _____

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.

RESOLUTION

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, CONFIRMING THE ACTIONS OF THE PUBLIC OFFICER AND HIS FINDING OF FACTS AND CONCLUSIONS AND AUTHORIZING THE REMOVAL OF THE BUILDING LOCATED AT 312 INDAIN MOUND, CLINTON, MISSISSIPPI AND THE ASSESSMENT OF THE COSTS TO THE OWNER PURSUANT TO THE ORDINANCE ADOPTED ON OCTOBER 7, 1997, AND §43-35-10 ET SEQ. OF THE MISS. CODE OF 1972, AS AMENDED.

WHEREAS, 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"); and

WHEREAS, 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; and

WHEREAS, 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, and 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.

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, it was the finding and conclusion of the Zoning Administrator that, unless the Property has been repaired by May 31, 2000, the Zoning Administrator would present a request to the Mayor and Board of Aldermen to authorize the demolition of the Property with costs to be assessed to Mulrenin, pursuant to Ordinance.

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

1. The matters set out above are found to be true and correct
2. The Finding of Facts and Conclusions of May 8, 2000, are hereby approved and a copy is attached hereto as Exhibit "A".
3. 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.
4. Despite promises to resolve this matter by May 31, 2000, no action has been taken by either Mulrenin or the Mortgagee.
5. The Zoning Administrator/Public Officer is hereby directed to take such action as is appropriate under the Ordinance to remove the dilapidated building from the property. However, no action is to be taken prior to August 18, 2000.
6. All costs are to be assessed to the Owner, pursuant to the Ordinance.

A Motion for adoption was seconded by Alderman Brabham 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 Aldermen 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 Resolution approved and adopted.

The foregoing Resolution was approved this the 15th day of August, 2000.

CITY OF CLINTON

BY: ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, Deputy City Clerk

(S E A L)

MSWORD/C-MULREN.RES

Exhibit A

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