

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, OCTOBER 20, 1998 - 7:00 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET**

WELCOME AND CALL TO ORDER - Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Brabham followed by the Pledge of Allegiance to the Flag led by Alderman Hisaw.

ROLL CALL - City Clerk Nelson Byrd

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
 Nelson Byrd - City Clerk

APPROVAL OF CONSENT AGENDA ITEMS A-V

MOTION made by Alderman Lott and **SECONDED** by Alderman Touchton to approve Consent Agenda Items A-V listed on page 797 of this Minute Book Z. Item B will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in item D, G, L, O, & P may be found in the office of the City Clerk.

MOTION CARRIED UNANIMOUSLY

ADDITION TO AGENDA

Mayor Aultman announced that item 12 "Resolution Authorizing the Condemnation of an Easement" would be added to the agenda.

BIDS TAKEN UNDER ADVISEMENT ON CLINTON CENTER-SPRINGRIDGE RD.

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Brabham to take under advisement until a future Board Meeting the bid of Hemphill Construction on the Springridge Road at Clinton Center Drive Intersection Improvements **MOTION CARRIED UNANIMOUSLY**

COMMITTEE RECOMMENDED FOR ENGINEERING PROPOSAL STUDY

Mayor Aultman asked that Aldermen Touchton, Fisher, Lott and the Mayor serve on a committee to recommend a selection from proposals received for Engineering Services on the construction phase of the Clinton Parkway Project. City Engineer Broome will assist as a non-voting member. **NO BOARD ACTION**

ADOPTION OF RESOLUTION FOR CLINTON PARKWAY PROJECT

Upon recommendation of City Attorney Ken Dreher, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Fisher to adopt that Resolution authorizing the settlement of acquisition of parcels 13 and 35 with Carey Evans on the Clinton Parkway Project found on pages 798-806 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

FINAL RESOLUTION APPROVED FOR GULF STATES CANNERS EXEMPTION

Upon recommendation of the State Tax Commission, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve a Final Resolution granting exemption from ad valorem taxes for a period of five years from and after 12-31-97 with a total true value of \$2,475,925. Resolution and supporting data can be found on pages 807-816 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

BUDGET APPROVED FOR SELF-FUNDED GROUP INSURANCE FUND

MOTION made by Alderman Brantley and **SECONDED** by Alderman Lott to approve that Budget for the Self-Funded Group Insurance Fund for FYE 9-30-99 found on page 817 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

ADOPTION OF RESOLUTION AUTHORIZING CONDEMNATION OF EASEMENT

Upon Recommendation of City Attorney Ken Dreher, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Fisher to adopt that Resolution found on pages 818-822 of this Minute Book Z that authorizes the condemnation of an easement on the Clinton-Raymond Road/Interstate 20 interchange modifications by eminent domain, if necessary. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:24 p.m.

MOTION made by Alderman Fisher and **SECONDED** by Alderman Brantley to adjourn **MOTION CARRIED UNANIMOUSLY**

Copy of Agenda can be found on page 797 of this Minute Book Z.

APPROVED: Rosemary G. Aultman October 23, 1998
Rosemary G. Aultman, Mayor Date

ATTEST: Nelson Byrd October 23, 1998
Nelson Byrd, City Clerk Date

SEAL:

**RESOLUTION AUTHORIZING THE SETTLEMENT OF
ANTICIPATED LITIGATION AGAINST CARY EVANS
TO ACQUIRE RIGHT-OF-WAY AND CONSTRUCTION
EASEMENTS FOR THE CLINTON NORTH-SOUTH
CONNECTOR PROJECT BY EXCHANGE OF PARCELS**

WHEREAS, it has been reported to the Mayor and Board of Aldermen of the City of Clinton, State of Mississippi, that the attempt to obtain the right-of-way and temporary easement required for construction, expansion, maintenance and repair of the Clinton North-South Connector Project (the Project) has been unsuccessful, and condemnation proceedings will have to be instituted in order to acquire the right-of-way and temporary easement across certain land because of the failure of efforts to enter into a voluntary agreement with Cary Evans for a road right-of-way and accompanying temporary construction easement running from the South to the North on his property located in Section 29, Township 6 North, Range 1 West, Clinton, First Judicial District of Hinds County, Mississippi; and

WHEREAS, it is necessary to obtain this right-of-way and easement for construction of the Project to improve the access and safe passage on the roadways of Clinton and the long range transportation plans of the City of Clinton, Mississippi; and

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have previously found and determined that the Project will be necessary to promote the health, safety, and welfare of the citizens of the City of Clinton, Mississippi.

WHEREAS, the amount of the offer by the City to Evans for right-of-way and construction easements total \$1,550.00 and the cost of litigation would greatly exceed this amount; and

18

WHEREAS, Evans has offered to compromise and settle this matter by conveying the required right-of-way and construction easements to the City in exchange for a similar parcel of property which adjoins Evans' property; and

WHEREAS, the property sought by Evans in exchanges will abut the proposed Clinton North-South Connector Project, but would have no value to the City while it would be placed back on the tax rolls by virtue of the exchange; and

WHEREAS, the total amount of right-of-way sought by the City from Evans is 0.030 acres, more or less and the parcel sought in exchange by Evans from the City is 0.114 acres, more or less; and

WHEREAS, resolution of this matter without litigation will result in substantial savings to the City by avoidance of the costs of attorneys, expert witnesses and court costs;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the matters set out above are true and correct and that it is in the best interest of the City to resolve this matter without litigation; and be it further

RESOLVED that the Mayor and Board of Aldermen hereby direct its legal counsel to prepare the necessary documents to acquire the required right-of-way and construction easements from Evans by exchange of parcels with the City retaining a construction easement in the parcel conveyed to Evans until the completion of construction of the Clinton North-South Connector Project. Exhibit "A" is a legal description of the property to be conveyed to Evans and Exhibit "A-1" is a plat thereof. Exhibit "B" is a legal description of the Required Right of Way to be conveyed to the City and Exhibit "B-1" is a plat thereof. Exhibit "C" is a legal description of

the construction easement to be conveyed to the City and Exhibit "C-1" is a plat thereof. Additionally the City will retain a construction easement in the property described in Exhibit "A".

A motion to adopt this Resolution was made by Aldermen Touchton and seconded by Aldermen Fisher. After a thorough discussion of this matter a vote was taken and the results were as follows:

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 20th day of October, 1998.

CITY OF CLINTON

BY: Rosemary A. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(S E A L)

EVANS.RES
10/20/98-MMH

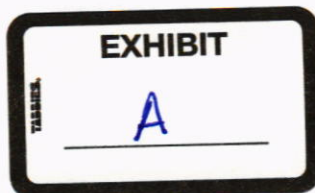
PARCEL 12X

EDWARD C. RATLIFF, III and BARBARA M. RATLIFF
D.B. 1732 PG. 385

REMAINING ACREAGE

Commencing at the Northeast Corner of Section 29, Township 6 North, Range 1 West, as marked by a found ½" iron pin, go South 00° 00' 00" West, a distance of 1,235.63 feet; thence go South 90° 00' 00" West, a distance of 4,335.77 feet to the intersection of the west property line of Carey W. Evans lot and the north right-of-way line of East Main Street (50' ROW) as it is now laid out and exists March 28, 1995; thence run along said north right-of-way of East Main Street, N 89°20'07" W, 37.01 ft. to the intersection of said East Main right-of-way and the proposed east limits of City of Clinton Parkway; thence along said Parkway east line N 03°39'12" E, 122.00 ft.; continue N 20°39'26" E, 77.46 ft. to a point intersection the said west Carey W. Evans line; thence along said Evans line, S 00°33'44" E, 194.59 ft. to the point of beginning and being situated in and a part of the Northwest 1/4 of Section 29, Township 6 North, Range 1 West, City of Clinton, First Judicial District, Hinds County, Mississippi.

The above described parcel contains 0.114 acres, (4,982 square feet), more or less, and is more particularly shown on a plat by ABMB Engineers, Inc. dated August 24, 1998, said plat attached and made a part hereof.



LINE	DIRECTION	DISTANCE
L1	N20°39'26"E	77.46'
L2	S00°33'44"E	194.59'
L3	N89°20'07"W	37.01'
L4	N03°39'12"E	122.00'

BEARINGS SHOWN ON THIS PLAT WERE DERIVED FROM A SOLAR OBSERVATION AT STATION 10+68.73 OFFSET 18.13' LEFT FORESIGHTING A POINT AT STATION 15+49.72 OFFSET 62.96' RT. (N 05° 17' 09" E)

SCALE: 1"=50'

LOT 7 LOT 8
MISSISSIPPI COLLEGE

CAREY W. EVANS
PARCEL 13

LEGEND

- [1/2]" SET IRON PIN
- [1/2]" FOUND IRON PIN
- EXISTING RIGHT-OF-WAY
- REQUIRED RIGHT-OF-WAY
- PROPERTY LINE
- FENCE LINE
- REQ'D CONSTRUCTION EASEMENT

LEE K.
LUNDGREN

P.O.B. STA.
SW Corner of
Carey Evans (DB.1664 Pg. 99)
(SEE INSET "A")

L3
EAST MAIN STREET (50'R/W)

PROPERTY LINES WERE ESTABLISHED USING THE PHYSICAL EXISTENCE OF STREETS AND THE DOCUMENTS OF RECORD

IMPROVEMENTS ARE NOT INDICATED ON THIS SURVEY.

CLASS "B" SURVEY AS PER RULES AND REGULATIONS OF MISSISSIPPI STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

REFERENCE MATERIALS

D.B. 1732 PG. 385
TAX MAP 080.03

REMAINING AREA TAKEN FROM
TITLE OR RECORD DESCRIPTION

POINT OF COMMENCEMENT NE CORNER
OF SECTION 29 T6N R1W
HINDS COUNTY, MISSISSIPPI

P.O.B. @ STA 31+78.08 85.21' RT.
CENTERLINE OF PROPOSED CLINTON
PARKWAY, PROJECT NO.
STP-7312(2)

SE COR. CAREY W. EVANS
PROPERTY (DB 1664 PG 99)

N00°33'44"W
194.59'
4,335.77'
WEST
1,235.63'
SOUTH

INSET "A"

DESCRIPTION: PARCEL 12X
EDWARD C. RATLIFF, et ux
DEED BOOK 1732 PAGE 385
PORTION OF LOT 118 & 119
SECTION 29, T6N, R1W
CITY OF CLINTON
HINDS COUNTY, MISSISSIPPI

CLINTON PARKWAY
CITY OF CLINTON
HINDS COUNTY, MISSISSIPPI
PROJECT NO. STP-7312(2)

ABMB
ENGINEERS
INCORPORATED
401 E. CAPITOL, SUITE 400
JACKSON, MS (601)354-0696

EXHIBIT

A-1

802

SURVEYED BY:
JCK

SURVEY DATE:
3/28/95

DATE:
11/07/97

REMAINING RATLIFF AREA 4,982 SQ. FT., 0.114 AC.

SAID PARCEL MAY BE SUBJECT TO RECORDED, UNRECORDED OR MISINDEXED INSTRUMENTS OR FACTS WHICH WOULD BE REVEALED BY A COMPETENT TITLE EXAMINATION OF SAID PARCEL.

PARCEL 13

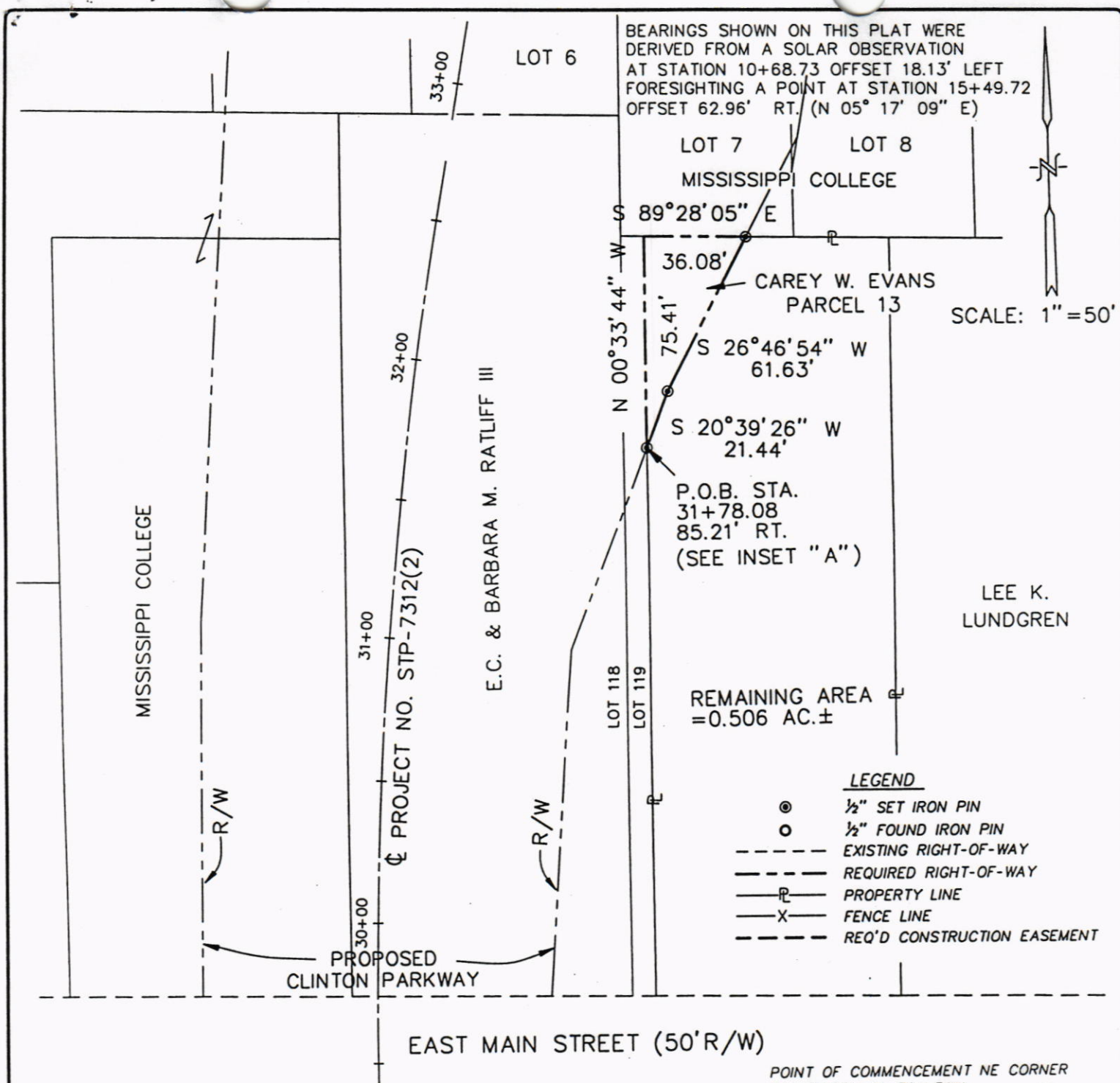
CAREY W. EVANS
D.B. 1664 PG. 99

REQUIRED RIGHT-OF-WAY

Commencing at the Northeast Corner of Section 29, Township 6 North, Range 1 West, as marked by a found ½" iron pin, go South 00° 00' 00" West, a distance of 1,235.63 feet; thence go South 90° 00' 00" West, a distance of 4,335.77 feet to the intersection of the west property line of Carey W. Evans lot and the north right-of-way line of East Main Street (50' ROW) as it is now laid out and exists March 28, 1995; thence, go North 00° 33' 44" West, a distance of 194.59 feet, along the west property line of Carey W. Evans property to the intersection of said west property line and the east right-of-way line of Proposed Clinton Parkway at Station 31+78.08, 85.21 feet right of center-line and the Point of Beginning. From said point of beginning run thence North 00° 33' 44" West, a distance of 75.41 feet along the west property line of Carey W. Evans property to the north property line of Carey W. Evans property; thence South 89° 28' 05" East, a distance of 36.08 feet, along the north property line; thence South 26° 46' 54" West, a distance of 61.63 feet; thence South 20° 39' 26" West, a distance of 21.44 feet to the point of beginning and being situated in and a part of the Northwest 1/4 of Section 29, Township 6 North, Range 1 West, City of Clinton, First Judicial District, Hinds County, Mississippi.

The above described required right-of-way contains 0.030 acres, (1,290 square feet), more or less, and is more particularly shown on a plat by ABMB Engineers, Inc. dated November 07, 1997, said plat attached and made a part hereof.





PROPERTY LINES WERE ESTABLISHED USING THE PHYSICAL EXISTANCE OF STREETS AND THE DOCUMENTS OF RECORD

IMPROVEMENTS ARE NOT INDICATED ON THIS SURVEY.

CLASS "B" SURVEY AS PER RULES AND REGULATIONS OF MISSISSIPPI STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

REFERENCE MATERIALS

D.B. 1664 PG. 99
TAX MAP 080.03

REMAINING AREA TAKEN FROM TITLE OR RECORD DESCRIPTION

EXHIBIT

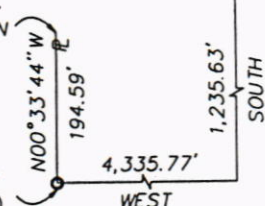
B-1

P.O.B. @ STA 31+78.08 85.21' RT.
CENTERLINE OF PROPOSED CLINTON PARKWAY, PROJECT NO. STP-7312(2)

SE COR. CAREY W. EVANS PROPERTY (DB 1664 PG 99)

INSET "A"

POINT OF COMMENCEMENT NE CORNER OF SECTION 29 T6N R1W HINDS COUNTY, MISSISSIPPI



DESCRIPTION: PARCEL 13
CAREY W. EVANS
DEED BOOK 1664 PAGE 99
PORTION OF LOT 119
SECTION 29, T6N, R1W
CITY OF CLINTON
HINDS COUNTY, MISSISSIPPI

CLINTON PARKWAY
CITY OF CLINTON
HINDS COUNTY, MISSISSIPPI
PROJECT NO. STP-7312(2)

REQUIRED RIGHT-OF-WAY 1,290 SQ. FT., 0.030 AC.

SAID PARCEL MAY BE SUBJECT TO RECORDED, UNRECORDED OR MISINDEXED INSTRUMENTS OR FACTS WHICH WOULD BE REVEALED BY A COMPETENT TITLE EXAMINATION OF SAID PARCEL.

ABMB
ENGINEERS
INCORPORATED
401 E. CAPITOL, SUITE 400
JACKSON, MS (601)354-0696

DRAWN BY:
RLC

CHECKED BY:
DMR



SURVEYED BY:
JCK

SURVEY DATE:
3/28/95

DATE:
11/07/97

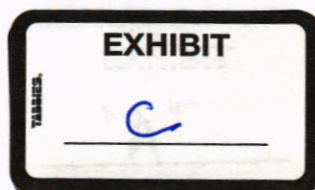
PARCEL 35

CAREY W. EVANS
D.B. 1914 PG. 377

REQUIRED CONSTRUCTION EASEMENT

Commencing at the northeast corner of Section 29, Township 6 North Range 1 West, go South 00° 00' 00" West, a distance of 1,282.89 feet; thence South 90° 00' 00" West, a distance of 4,591.02 feet to the point of intersection of the east line of Carey W. Evans property with the south right-of-way line of East Main Street (50 foot right-of-way) as it is now laid out and exists March 28, 1995 and Point of Beginning, being 156.93 feet left of Survey Station 29+28.07 of the Proposed Clinton Parkway, Project No. STP-7312(2). From said point of beginning run thence South 00° 55' 39" East, a distance of 8.30 feet along said east property; thence North 89° 16' 04" West, a distance of 13.64 feet; thence North 00° 30' 32" East, a distance of 8.28 feet to the south right-of-way line of East Main Street (50 foot right-of-way); thence South 89° 20' 07" East, a distance of 13.43 feet along the south right-of-way line of East Main Street to the point of beginning and being situated in and a part of the Northwest 1/4 of Section 29, Township 6 North, Range 1 West, City of Clinton, First Judicial District, Hinds County, Mississippi.

The above described required construction easement contains 0.003 acres, (112 square feet), more or less, and is more particularly shown on a plat by ABMB Engineers, Inc. dated November 21, 1997, said plat attached and made a part hereof.



CLASS "B" SURVEY AS PER RULES AND REGULATIONS OF MISSISSIPPI STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BEARINGS SHOWN ON THIS PLAT WERE DERIVED FROM A SOLAR OBSERVATION AT STATION 10+68.73 OFFSET 18.13' LEFT FORESIGHTING A POINT AT STATION 15+49.72 OFFSET 62.96' RT. (N 05° 17' 09" E)

PROPERTY LINES WERE ESTABLISHED USING THE PHYSICAL EXISTANCE OF STREETS AND THE DOCUMENTS OF RECORD

IMPROVEMENTS ARE NOT INDICATED ON THIS SURVEY.

POINT OF COMMENCEMENT NE CORNER OF SECTION 29 T6N R1W HINDS COUNTY, MISSISSIPPI

P.O.B. @ STA. 29+28.07
156.93' LT. OF PROPOSED
CLINTON PARKWAY
PROJECT NO. STP7312(2)

SCALE: 1"=50'

INSET "A"

ABANDONED 16' ALLEY

P.O.B. STA. 29+28.07, 156.93' LT.
(SEE INSET "A")

EAST MAIN STREET (50' R/W) S 89°20'07" E
13.43'

S 00°55'39" E
8.30'
N 89°16'04" W
13.64'

C.W. EVANS
PARCEL 35

REMAINING AREA =
0.482± AC.±

JOE HENRY STOVALL

PROPOSED
CLINTON PARKWAY

FIRST BAPTIST CHURCH
OF CLINTON, MS

FIRST BAPTIST CHURCH
OF CLINTON, MS

REFERENCE MATERIALS

D.B. 1914 PG. 377
TAX MAP 080.03

REMAINING AREA TAKEN FROM
TITLE OR RECORD DESCRIPTION

EXHIBIT

C-1

LEGEND

- 1/2" SET IRON PIN
- 1/2" FOUND IRON PIN
- EXISTING RIGHT-OF-WAY
- REQUIRED RIGHT-OF-WAY
- PROPERTY LINE
- REQ'D CONSTRUCTION EASEMENT

DESCRIPTION:

PARCEL 35
C.W. EVANS
DEED BOOK 1914 PAGE 377
PORTION OF LOT 120
SECTION 29, T6N - R1W
CITY OF CLINTON
HINDS COUNTY, MISSISSIPPI

CLINTON PARKWAY
CITY OF CLINTON
HINDS COUNTY, MISSISSIPPI
PROJECT NO. STP-7312(2)

CONSTRUCTION EASEMENT 112 SQ. FT., 0.003 AC.

SAID PARCEL MAY BE SUBJECT TO RECORDED,
UNRECORDED OR MISINDEXED INSTRUMENTS OR
FACTS WHICH WOULD BE REVEALED BY A COM-
PETENT TITLE EXAMINATION OF SAID PARCEL.

ABMB
ENGINEERS
INCORPORATED
401 E. CAPITOL, SUITE 400
JACKSON, MS (601)354-0696

DRAWN BY:
RLC

CHECKED BY:
DMR



SURVEY BY:
JCK

SURVEY DATE:
3-28-95

DATE:
11-21-97

FINAL RESOLUTION GRANTING EXEMPTION
FROM AD VALOREM TAXES

The Board next took up for consideration the matter of granting tax exemption for ad valorem taxes for Gulf States Cannery, Inc., and the following Resolution, being first reduced to writing, was introduced.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON,
HINDS COUNTY, MISSISSIPPI, GRANTING
FINAL APPROVAL OF AD VALOREM TAX EXEMPTION
TO GULF STATES CANNERS, INC.,
HINDS COUNTY, MISSISSIPPI.

WHEREAS, heretofore Gulf States Cannery, Inc., authorized to do business and doing business in Clinton, Hinds County, Mississippi, filed with the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, an Application for exemption of ad valorem taxes, except State and School District ad valorem taxes for a period of five (5) years as authorized by Section 27-31-105, et seq., of the Mississippi Code of 1972, as amended, which said Application was approved by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, subject to the approval of the State Tax Commission of the State of Mississippi;

WHEREAS, on the 25TH day of SEPTEMBER, 1998, the State Tax Commission of the State of Mississippi approved said Application; and,

WHEREAS, a certified copy of the aforesaid State Tax Commission's approval has been received by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, and recorded in its minutes.

NOW, THEREFORE, in consideration of the premises, the Mayor

and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, do hereby finally approve said Application for ad valorem tax exemption, except State and School District ad valorem taxes for a period of five (5) years from December 31, 1997. The foregoing Resolution granting ad valorem tax exemption except State and School District ad valorem taxes to Gulf States Canners, Inc., was made on motion of Alderman HISAW, seconded by Alderman LOTT, and unanimously adopted on this the 20th day of OCTOBER, 1998.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary J. Guezman
MAYOR

ATTEST:

Nelson Byrd
CITY CLERK

Ed Buelow, Jr., Chairman
and Commissioner of Revenue

Lisa W. Hall, CPA
Associate Commissioner

Russell E. Hawkins, CPA
Associate Commissioner



MISSISSIPPI

STATE TAX COMMISSION

Property Tax Bureau
Ad Valorem Division
Post Office Box 960
Jackson, Mississippi 39215-0960
Telephone: 601-923-7631
Fax: 601-923-7637

September 25, 1998

Mr. Nelson Byrd
City Clerk
City of Clinton
P. O. Box 156
Clinton, MS 39060

RE: Ad Valorem Taxation Exemption - Gulf States Cannery, Inc.

Dear Mr. Byrd:

In response to your application for ad valorem taxation, except for state and school district taxes, we concur with the prior approval of the local authorities from which this exemption is sought. This exemption is for a period of five (5) years from and after December 31, 1997, with a total true value of \$2,475,925.

In accordance with the power and authority conferred upon the State Tax Commission by Section 27-31-101, et seq., Mississippi Code of 1972, as amended, the State Tax Commission hereby certifies that the above captioned property is eligible for ad valorem tax exemption and is in compliance with the provisions of the above statute.

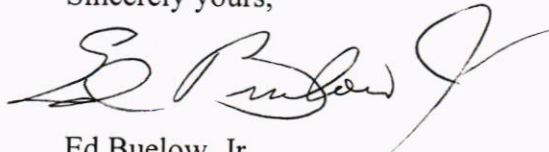
By issuing this certificate of approval, we are enclosing the original application of the above captioned corporation for further action by the board of supervisors, and/or the governing authorities of the municipality, to enter a final order on its minutes declaring that this property is exempted and the dates when such exemption commences and expires.

Nelson Byrd
Page -2-
September 25, 1998

Please submit to our office a copy of your final board resolution showing the total true value approved by the board.

With kindest personal regards, we are

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Ed Buelow, Jr.", with a stylized flourish at the end.

Ed Buelow, Jr.
Chairman

EB/ns

Enclosures

cc: Mike Barnes

/gulfl

10 4-B
APPLICATION OF GULF STATES CANNERS, INC.,
FOR EXEMPTION FROM AD VALOREM TAXES
FOR A PERIOD OF FIVE YEARS AS AUTHORIZED
BY SECTION 27-31-105, ET SEQ., OF THE
MISSISSIPPI CODE OF 1972, AS AMENDED

RECEIVED
FEB 09 1998
PROPERTY TAX BUREAU

TO THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS
COUNTY, MISSISSIPPI:

(1)

Gulf States Canners, Inc., files this its Application in triplicate for exemption from ad valorem taxation, and respectfully represents unto this Honorable Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, as follows:

(2)

Applicant, Gulf States Canners, Inc., is a Mississippi corporation domiciled in the City of Clinton, Hinds County, Mississippi.

(3)

Applicant is now operating as a processor of canned soft drinks within the City of Clinton, Hinds County, Mississippi, which factory is a bona fide expanded enterprise of public utility within the meaning of Section 27-31-105, et seq., and related Sections of the Mississippi Code of 1972, as amended, and is eligible for the exemption granted by the above mentioned Sections, by specific enumeration, a manufacturer and processor as contemplated by the pertinent laws of the State of Mississippi, particularly Title 27, Chapter 31, Mississippi Code of 1972. The exemption sought in this Application is for the acquisition of additional equipment necessary for the operation of Applicant and for raw materials and work in process of Applicant used in connection with the said

additional equipment.

(4)

Said enterprise was completed on the 15th day of October, 1997, within the meaning of the applicable statutes of the State of Mississippi, and, therefore, the exemption hereby claimed should commence on December 31, 1997, as provided by Section 27-31-105, Mississippi Code of 1972, as amended.

(5)

On the date of this Application, Applicant employs at its Clinton Industrial Park plant approximately eighty-eight (88) employees with an estimated annual payroll of approximately \$2,500,000.00. Additionally, the operations of Applicant have created numerous additional jobs for firms in Hinds County, Mississippi, supplying trucking services for the transporting of Applicant's products to various consumers of these products in the States of Louisiana, Arkansas, Tennessee, Alabama and Mississippi.

(6)

The additions and expansions described in this Application are essential to the preservation of existing jobs and to the maintenance of Applicant's competitive position with other manufacturing operations.

(7)

The exemption of the tangible property described in Exhibit "A" should be granted for a period of five (5) years from December 31, 1997.

(8)

The true value of the property for which exemption is sought as listed on Exhibit "A" is \$475,925.68.

(9)

Applicant also seeks exemption from ad valorem taxation for the raw materials and work in process used in the production of the can products for which the subject exemption is sought, which exemption for raw materials and work in process shall run concurrently with the exemption of the items shown on Exhibit "A" attached to this Application. Applicant estimates the value of these raw materials and work in process would not exceed at any time during the life of the exemption the sum of \$2,000,000.00.

Wherefore, Applicant prays that this Board enter a finding that Applicant's factory is, in fact, an expanded enterprise of public utility, and that the same was completed on the 15th day of October, 1997, within the meaning of the applicable laws of the State of Mississippi.

Applicant further prays that it be granted an exemption from ad valorem taxes except State and School District ad valorem taxes, as provided by law, for a period of five (5) years beginning on the 31st day of December, 1997, and ending on the 31st day of December, 2002, upon all of the tangible property described "A" attached hereto and made a part hereof, used in, or necessary to the operation of Applicant's factory in the City of Clinton, Hinds County, Mississippi.

Applicant further prays that it be granted an exemption from

ad valorem taxation, except State and School District taxation for a period of five (5) years beginning on the 31st day of December, 1997, and ending on the 31st of December, 2002, upon the raw materials and work in process used in the production of the products produced by the equipment described in Exhibit "A".

Applicant further prays that this Board approve this Application by an Order or Resolution spread upon its minutes, declaring that such property is exempt from all ad valorem taxation, except State and School District ad valorem taxation, for the said five (5) year period, and forward the original and three (3) copies of this Application and a certified transcript of such approval to the Mississippi State Tax Commission, and upon approval of such Application by the said Mississippi State Tax Commission and certification of its approval, the Board enter a Final Order on its minutes granting the exemption herein prayed.

Applicant further prays that it be granted an additional five (5) year exemption upon application to the Mayor and Board of Aldermen of the City of Clinton.

Respectfully submitted, this the 22 day of January, 1998.

GULF STATES CANNERS, INC.

BY:

Randy Lee
Randy Lee, General Manager

Marion Smith
MARION SMITH
MSB #7628
TRULY, SMITH, LATHAM & KUEHNLE
P.O. BOX 1307
NATCHEZ, MS 39121
(601) 442-6495
ATTORNEYS FOR APPLICANT,
GULF STATES CANNERS, INC.

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, RANDY LEE, who being by me first placed on oath, deposes and says:

Affiant is the duly constituted, acting and serving General Manager of Gulf States Canners, Inc., the Applicant named in the above and foregoing Application for tax exemption addressed to the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, and as such, is duly authorized to execute, file and present this Application on behalf of the Corporate Applicant.

The additions and expansions described in the Application were completed on October 15, 1997.

All of the matters and facts set forth in the above and foregoing Application are true and correct as therein stated.

Randy Lee
RANDY LEE

Sworn to and subscribed
before me, this the 22nd
day of January,
1998.

Karen D. McBride
Notary Public

MY COMMISSION EXPIRES:

October 13, 1998

EXHIBIT "A"

<u>Name</u>	<u>Amount</u>
Filler Baffle	\$17,850.00
Sugar Pumps	\$23,460.88
Ammonia Compressor	\$20,529.12
Empty Can Line - 2	\$117,440.77
Security System	\$17,895.36
Sugar By-Pass Line	\$7,957.16
Redo Carbo Controls	\$24,182.38
Sweeper-Scrubber	\$37,884.50
Scissor Lift	\$5,831.50
Seam Scanner	\$23,465.05
Pressure Washer	\$4,580.24
Stat-Pak	\$41,611.51
97 Nissan Forklift	\$18,947.01
97 Nissan Forklift	\$18,947.01
Line 2 Compressor	\$10,767.21
Filler Room Air Blower	\$10,812.03
Parking Gate	\$5,347.86
4 Agrators	\$26,360.00
Backhoe	\$14,210.00
Chiller Line 1	\$17,696.09
Tank Trailer	\$10,150.00
TOTAL	\$475,925.68

CITY OF CLINTON

SELF-FUNDED GROUP INSURANCE FUND (500)

Budget of Estimated Receipts and Expenditures
For the Year Ended September 30, 1999

1998-99
Adopted
Budget

RECEIPTS

Interest earned	500-000-340-0	\$ 400
Contributions from gen fund	500-000-353-0	268,644
Contributions from water/sewer	500-000-354-0	31,400
Contributions from payroll	500-000-355-0	92,251

Total receipts		392,695
Beginning cash and investment balance	500-000-395-0	0

Total Receipts From All Sources		\$ 392,695
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EXPENDITURES

Other services and charges:		
Printing		
Insurance - general	500-500-620-0	\$ 2,500
Insurance claims paid	500-500-625-0	1,000
Administrative costs	500-500-692-0	282,701
Fund insurance	500-500-693-0	30,690
	500-500-693-1	56,423

Total expenditures		373,314
Ending cash and investment balance	500-500-890-0	19,381

Total Expenditures and Ending Cash and Investment Balance		\$ 392,695
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**RESOLUTION AUTHORIZING THE CONDEMNATION
OF AN EASEMENT FOR THE CITY OF CLINTON PROJECT
ENTITLED WATER AND SEWER RELOCATIONS, CLINTON-RAYMOND
ROAD/INTERSTATE 20 INTERCHANGE MODIFICATIONS**

WHEREAS, it has been reported to the Mayor and Board of Aldermen of the City of Clinton, State of Mississippi, that the attempt to obtain the easement required for the purposes of right-of-way, ingress and egress, and the construction, installation, maintenance, repair, operation and use of water lines and all appurtenant structures in, over, upon and through such easement of the City of Clinton project entitled Water and Sewer Relocations, Clinton-Raymond Road/Interstate 20 Interchange Modifications (the Project), has been unsuccessful, and condemnation proceedings will have to be instituted in order to acquire the easement across certain land because of the failure of efforts to enter into a voluntary agreement with Ralph S. Abraham, Jr. for a water line easement running through their property located in Section 30, Township 6 North, Range 1 West, Clinton, First Judicial District of Hinds County, Mississippi; and

WHEREAS, it is necessary to obtain this easement for relocation of the Project to improve access and safe passage on the roadways of Clinton and the long range transportation plans of the City of Clinton, Mississippi; and

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have previously found and determined that the Project will be necessary to promote the health, safety, and welfare of the citizens of the City of Clinton, Mississippi.

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NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the City of Clinton, Mississippi, hereby direct its legal counsel to prepare the necessary documents to present a Complaint in Condemnation to the Special Court of Eminent Domain of the First Judicial District of Hinds County, Mississippi, against Ralph S. Abraham, Jr. and all other parties in interest for the condemnation of an easement on the land mentioned above, such easement being more particularly described as found in the document attached hereto as Exhibit "A"; and be it further,

RESOLVED, that if necessary, the Mayor of the City of Clinton, Mississippi, is hereby authorized to sign and verify such complaint; and be it further,

RESOLVED, that legal counsel be and it is hereby authorized and directed to commence any and all proceedings necessary for the condemnation of such easement, to include the employment of appropriate expert witnesses to give testimony concerning the location and value of the property to be obtained; and be it further,

RESOLVED, that the City of Clinton, Mississippi, and its citizens will suffer irreparable harm and delay by exercising the right to condemn the property through eminent domain proceedings pursuant to Mississippi Code Annotated, Sections 11-27-1 through 11-27-49, as opposed to claiming the right of immediate possession of said property pursuant to Sections 11-27-81 through 11-27-89; and be it further,

RESOLVED, that legal counsel is hereby authorized to pursue condemnation pursuant to the rights of immediate possession provided by Mississippi Code Annotated Section 11-27-81, et seq., necessitous circumstances having been hereby found.

A motion to adopt this Resolution was made by Aldermen HISAW and seconded by Aldermen FISHER. After a thorough discussion of this matter a vote was taken and the results were as follows:

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 20TH day of October, 1998.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

ABRAHAM.RES
10/20/98-MMH

INDEX: NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T-6-N, R-1-W

Begin at a point on the Grantor's Southern property line that is located South $70^{\circ}05'42''$ West, a distance of 88.88 feet from the centerline of survey for the relocation of Clinton-Raymond Road at Station 112+84.10 as shown on the plans for Federal Aid Project No. 59-0020-01-136-10; from said point of beginning run thence South $70^{\circ}05'42''$ West along said property line, a distance of 10.09 feet; thence leaving said property line, run courses of North $12^{\circ}20'36''$ West, a distance of 130.63 feet and North $57^{\circ}42'00''$ East, a distance of 106.42 feet to the present Southern right-of-way line for the existing Interstate 20 Highway; thence run South $32^{\circ}18'00''$ East along said right-of-way line, a distance of 10.00 feet; thence leaving said right-of-way line, run courses of South $57^{\circ}42'00''$ West, a distance of 99.41 feet and South $12^{\circ}20'36''$ East, a distance of 122.30 feet to the point of beginning containing 0.05 acres of land, more or less, and being situated in and a part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 30, Township 6 North, Range 1 West, Hinds County, Mississippi.



TON, MISS.
0 BUY
00-Q
C.F.

OF CLINTON
103-0-00-W
2.81 AC.±

MISSISSIPPI HIGH SCHOOL
ACTIVITIES ASSO. INC.
004-0-00-W
2.73 AC.±

006-0-01-Q
0.01 AC.±

R.S. ABRAHAM, JR.
006-0-00-W
4.88 AC.±

006-0-00-E
0.05 AC.±

10' Utility
Easement

NO ACCE
FUTURE RAMP

110 EXISTING R/W

TEMPORARY EASEMENT NO. 1

006-0-00-T
0.14 AC.±

EXISTING CLINTON-RAYMOND ROAD

FUTURE RAMP

EXISTING I-20 ON RAMP

998 04:21PM FROM BAKERS Jackson Office FRX TO

99248532 P.05

TOTAL P.05