REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JUNE 2, 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

AGENDA CHANGES
Mayor Rosemary Aultman announced that consent agenda item A. should read as May 5 instead of May 4. Other Business items 8A and 8B are added as "Discussion/Action - Utility relocation agreement with MDOT, and Discussion/Action - Amendment No. 3 with Michael Baker, Jr., Inc." Both additions relate to the South Frontage Road.

APPROVAL OF CONSENT AGENDA ITEMS A-P
MOTION made by Alderman Touchton and **SECONDED** by Alderman Fisher to approve Consent Agenda Items A-P listed on page 575 of this Minute Book Z. Item F is an emergency purchase. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PUD DESIGNATION FOR OAKHURST SUBDIVISION
Upon recommendation of Gary Ward, Zoning Administrator, and Planning and Zoning, **MOTION** made by Alderman DePriest and **SECONDED** by Alderman Brabham to approve the PUD designation for Oakhurst Subdivision and make a finding of fact that the density does not exceed what would be allowed in a typical R-1 development and to adopt that ordinance and proof of publication found on pages 576-578 and 796-798 of this Minute Book Z and Ordinance Book II, respectively. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF CONDITIONAL USE FOR LYNCH CHAPEL UNITED METHODIST
Upon recommendation of Planning and Zoning and Gary Ward, Zoning Administrator, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Touchton to adopt that Resolution approving a conditional use for a designation of Public/Quasi-Public facility for Lynch Street Chapel United Methodist Church for property located at Dawson St. and Vernon Rd. found on pages 579-583 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR LYNCH CHAPEL UNITED METH.
Upon recommendation of Planning and Zoning and Gary Ward, Zoning Administrator, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brabham for approval of the preliminary site plan for Lynch Chapel United Methodist Church. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF CONDITIONAL USE FOR CASCADES RACQUET CLUB
Upon recommendation of Planning and Zoning and Gary Ward, Zoning Administrator, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Lott to adopt that Resolution approving a conditional use for a designation of Public/Quasi-Public facility and utility for Cascades Racquet Club located at 60 Cascades Circle West found on pages 584-588 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR CASCADES RACQUET CLUB
Upon recommendation of Gary Ward, Zoning Administrator, and Planning and Zoning, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Fisher to approve the preliminary site plan for Cascades Racquet Club. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PUD DESIGNATION FOR BRUENBURG SUBDIVISION
MOTION made by Alderman Hisaw and **SECONDED** by Alderman Brantley to approve the Ordinance and Proof of Publication granting the PUD designation for Bruenburg Subdivision found on pages 589-593 and 799-803 of this Minute Book Z and Ordinance Book II, respectively. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR MERCHANTS & FARMERS BANK
Upon recommendation of Gary Ward, Zoning Administrator, and Planning and Zoning, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Touchton to approve the preliminary site plan of Merchants and Farmers Bank contingent on drainage calculations being submitted to the City Engineer for approval. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR WALGREEN'S
Upon recommendation of Gary Ward, Zoning Administrator, and Planning and Zoning, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Fisher to approve the preliminary site plan for Walgreen's. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF UTILITY RELOCATION AGREEMENT WITH MDOT
Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve that agreement with MDOT for relocation of utilities on the South Frontage Road found on pages 594-595 of this Minute Book Z **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AMENDMENT NO. 3 WITH MICHAEL BAKER, JR. INC.
Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Touchton to approve Amendment No.3 with Michael Baker, Jr., Inc. for the South Frontage Road utility relocation found on pages 596-600 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY.**

RECESS 7:33 p.m.
MOTION made by Alderman Touchton and **SECONDED** by Alderman Fisher to recess to June 16, 1998 - 7 p.m.. **MOTION CARRIED UNANIMOUSLY**

Copy of Agenda can be found on page 575 of this Minute Book Z.

APPROVED: Rosemary G. Aultman June 9, 1998
Rosemary G. Aultman, Mayor Date

ATTEST: Nelson Byrd June 9, 1998
Nelson Byrd, City Clerk Date

SEAL:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI

BE IT ORDAINED as follows:

Upon the recommendation of the City of Clinton Planning and Zoning Commission, to designate the property described in Exhibit "A" zoned R-1 Single-Family Residential District a Planned Unit Development ('PUD") District, said designation is approved and the zoning map of the City of Clinton, Mississippi, is hereby amended to provide that the land described in Exhibit "A" hereto be, and hereby is designated a Planned Unit Development ("PUD") District, under the amendment adopted May 5, 1998.

Master sketch plan dated June 2, 1998 on file with the Zoning Administrator.

Alderman DEPRIEST moved that the foregoing Resolution be adopted. Alderman BRABHAM seconded. The vote was as follows:

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 2nd day of June, 1998.

CITY OF CLINTON

BY: Rosemary T. Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

(SEAL)

7A

Oakhurst Subdivision

Parcel One

All that part of the Southeast quarter of the Northwest quarter (SE 1/4 NW1/4) which lies south of the Raymond to Clinton Road; all that part of the west half of the Southwest quarter of the Northeast quarter (W1/2 SW1/4 NE1/4) which lies South of said Raymond to Clinton Road; the East half of the Southwest quarter (E1/2 SW1/4); and the West half of the West half of the Southeast quarter (W1/2 W1/2 SE1/4); all of said above described land lying and being in Section thirty-six (36), Township six (6), North, Range Two (2) West of the Choctaw Survey;

ALSO the Northeast quarter of the Northwest quarter (NE1/4 NW1/4); the West half of the West half of the Northeast quarter (W1/2 W1/2 NE1/4) and the Northwest quarter of the Southeast quarter (NW1/4 SE1/4), all of said last described tracts of land being and lying in Section One (1) Township five (5). Range Two (2) West , of said Choctaw Survey.

Parcel Two

The West 1/2 of SE 1/4 NW 1/4, lying South of Raymond-Clinton Road; W 1/2 of the NE 1/4; W 1/2 of SE 1/4 SW 1/4; ten acres off the South end of E 1/2 of SE 1/4 of SW 1/4; all in section 36, township 6 N; Range 2 West; and NE 1/4 of NW 1/4 of Section 1, Township 5 N, Range 2 West.

Exhibit A

Proof of Publication

The State of Mississippi

Hinds County

PROOF HERE

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

Shirley Mize

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

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI

BE IT ORDAINED as follows:
Upon the recommendation of the City c Clinton Planning and Zoning Commission, to designate the property described in Exhibit "A" zoned R-1 Single-Family Residential District a Planned Unit Development ("PUD") District, said designation is approved and the zoning map of the City of Clinton, Mississippi, is hereby amended to provide that the land described in Exhibit "A" hereto be, and hereby is designated a Planned Unit Development ("PUD") District, under the amendment adopted May 5, 1998.
Master sketch plan dated June 2, 1998 on file with the Zoning Administrator.
Alderman DePriest moved that the foregoing Resolution be adopted. Alderman Brabham seconded. The vote was as follows:
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 2nd day of June, 1998.

CITY OF CLINTON
BY: /s/ Rosemary G. Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST
/s/ Nelson Byrd
Nelson Byrd, City Clerk
(SEAL)

Oakhurst Subdivision

Parcel One

All that pail of the Southeast quarter of the Northwest quarter (SE 1/4 NW1/4) which lies south of the Raymond to Clinton Road; all that part of the west half of the Southwest quarter of the Northeast quarter (W1/2 SW1/4 NE1/4) which lies South of said Raymond to Clinton Road; the East half of the Southwest quarter (E1/2 SW1/4), and the West half of the West half of the Southeast quarter (W1/2 W1/2 SE1/4); all of said above described land lying and being in Section thirty-six (36), Township six (6), North, Range Two (2) West of the Choctaw Survey;

ALSO the Northeast quarter of the Northwest quarter (NE1/4 NW1/4); the West half of the West half of the Northeast quarter (W1/2 W1/2 NE1/4) and the Northwest quarter of the Southeast quarter (NW1/4 SE1/4), all of said last described tracts of land being and lying in Section One (1) Township five (5), Range Two (2) West, of said Choctaw Survey.

Parcel Two

The West 1/2 of SE 1/4 NW 1/4, lying South of Raymond-Clinton Road; W 1/2 of the NE 1/4; W 1/2 of SE 1/4 SW 1/4, ten acres off the South end of E 1/2 of SE 1/4 of SW 1/4; all in section 36, Township 6 N, Range 2 West; and NE 1/4 of NW 1/4 of Section 1, Township 5 N, Range 2 West.
Exhibit A
June 18, 1998

Dates of Publication:

Lines:	103	Thursday, June 18, 1998
Words:	441	
Issues:	1	
Total:	$37.28	

Signed Shirley Mize
Authorized Clerk
of The Clarion-Ledger

Marie Mills
Notary Public

SWORN to and subscribed before me on 06/18/98

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)

RESOLUTION APPROVING A CONDITIONAL USE FOR A DESIGNATION OF PUBLIC/QUASI-PUBLIC FACILITY FOR LYNCH CHAPEL UNITED METHODIST CHURCH FOR PROPERTY LOCATED AT DAWSON STREET AND VERNON ROAD CLINTON, MISSISSIPPI

WHEREAS, Lynch Chapel United Methodist Church did file a request for a designation of the property described in Exhibit "A" attached hereto as a public/quasi-public facility and utility, and,

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on May 26, 1998, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on May 26, 1998, adopted a motion to approve the request for public/ quasi-public facility and utility, designation and that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

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

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

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Lynch Chapel United Methodist Church for designation of the property described in Exhibit "A" attached as a public/quasi-public facility and

utility hereby granted and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.

2. The recommendation of the Planning and Zoning Commission is advisory in nature.

3. The Mayor and Board of Aldermen are knowledge of the area involved and and are aware of the need for the public/quasi-public facility designation.

4. The requested designation meets the definitions of Conditional Use and and Facilities and Utilities, Public/Quasi-Public of the the Zoning Ordinance.

5. The designation of public/quasi-public facility will promote the general welfare of the City of Clinton and will not adversely affect adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matters will allow the City to continue to monitor the area.

6. The Mayor and Board of Aldermen find that Section 402 of the Zoning Ordinance has been complied with and that the requirements of Section 2405.01 of the Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.

7. The granting of this designation does not relieve the requested from compliance with any applicable law, court order, covenants or contracts.

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

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

Approved on the 2nd day of June, 1998.

CITY OF CLINTON, MISSISSIPPI

Rosemary T. Aultman

Rosemary Aultman, Mayor

ATTEST:

Nelson Byrd

Nelson Byrd, City Clerk

QUITCLAIM DEED BOOK 327 PAGE 136

FOR AND IN CONSIDERATION of $10.00 and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the undersigned, WILLIAM McKINLEY MACK, heir-at-law of ROBERT LARSON MACK and LOUISA MACK, both deceased; whose address is 636 Fayard Street, Biloxi, Mississippi, does hereby sell, convey and quitclaim unto CURTIS BANKSTON, DONNY GRAY, CHESTINE G. LOUIS, LEROY PETERSON, FREDDIE ROBINSON, CHARLES V. WELLS, AND WILEY WILLIAMS, TRUSTEES OF LYNCH CHAPEL UNITED METHODIST CHURCH, FORMERLY LYNCH CHAPEL METHODIST EPISCOPAL CHURCH, and their successors in office, whose address is the corner of Dawson and Vernon, Clinton, Mississippi, the following land and property lying and being situated in Hinds County, Mississippi, being more particularly described as follows:

> Begin at the intersection of the East line of Vernon Road and the North line of Dawson Street and run North along said East line of Vernon Road 113.8 ft. to a pin at a fence line; turn thence right 84 degrees 21 minutes and run easterly along an old fence line 260 feet to a pin at a fence corner; turn thence right 94 degrees and run southerly along an old fence line 145.6 feet to a pin at the North right of way line of Dawson Street; turn thence right 92 degrees 59 minutes and run westerly along the North right of way of Dawson Street 263.7 feet to the Point of Beginning.
>
> Above described lot lies East of Vernon Road and North of Dawson Street in the City of Clinton, Hinds County, Mississippi. This description is of the actual location of the Lynch Chapel Methodist Church lot with the building located thereon, and contains 0.78 acres, more or less, as shown on the plat dated May 14, 1986, prepared by Robert M. Lowe, a copy of which is attached as Exhibit "A" and incorporated by reference.

WITNESS THE SIGNATURE OF THIS GRANTOR, this the 17th day of September, 1986.

William McKinley Mack

GRANTOR: William McKinley Mack

STATE OF MISSISSIPPI BOOK 3270 PAGE 137

COUNTY OF Harrison

THIS DAY PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the State and County aforesaid, the within named WILLIAM McKINLEY MACK, who acknowledged to me that he signed and delivered the above and foregoing Quitclaim Deed on the date therein stated for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 17th day of September, 1986.

Wayne L. Hergan
NOTARY PUBLIC

My commission expires:
My Commission Expires November 14, 1988

Grantor's Address:

William McKinley Mack
636 Fayard Street
Biloxi, Mississippi 39530

Grantee's Address:

Lynch Chapel United
Methodist Church
Dawson & Vernon Road
Clinton, MS 39056

583

RESOLUTION APPROVING A CONDITIONAL USE FOR A DESIGNATION OF PUBLIC/QUASI-PUBLIC FACILITY AND UTILITY FOR CASCADES RACQUET CLUB FOR PROPERTY LOCATED AT 60 CASCADES CIRCLE WEST CLINTON, MISSISSIPPI

WHEREAS, Cascades Racquet Club (Bobby Dotson) did file a request for a designation of the property described in Exhibit "A" attached hereto as a public/quasi-public facility and utility, and,

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on May 26, 1998, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on May 26, 1998, adopted a motion to approve the request for public/ quasi-public facility and utility, designation and that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

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

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

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Cascades Racquet Club (Bobby Dotson) for designation of the property described in Exhibit "A" attached as a public/quasi-public facility and

utility hereby granted and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.

2. The recommendation of the Planning and Zoning Commission is advisory in nature.

3. The Mayor and Board of Aldermen are knowledge of the area involved and and are aware of the need for the public/quasi-public facility designation.

4. The requested designation meets the definitions of Conditional Use and and Facilities and Utilities, Public/Quasi-Public of the the Zoning Ordinance.

5. The designation of public/quasi-public facility will promote the general welfare of the City of Clinton and will not adversely affect adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matters will allow the City to continue to monitor the area.

6. The Mayor and Board of Aldermen find that Section 402 of the Zoning Ordinance has been complied with and that the requirements of Section 2405.01 of the Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.

7. The granting of this designation does not relieve the requested from compliance with any applicable law, court order, covenants or contracts.

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

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

Approved on the 2nd day of June, 1998.

CITY OF CLINTON, MISSISSIPPI

Rosemary S. Aultman

Rosemary Aultman, Mayor

ATTEST:

Nelson Byrd

Nelson Byrd, City Clerk

LEGAL DESCRIPTION
J.E. CARTER
APRIL 6, 1982
PARCEL "A", CASCADES SUBDIVISION PROJECT NUMBER: 73-153

A certain parcel of land situated in Section 21, T6N-R1W, Clinton, Hinds County, Mississippi, containing 3.79 acres, more or less and being further described by metes and bounds, to-wit:

Beginning at the Northwest corner of Lot 65, Cascades, Phase 1, Part 2-A, according to the plat thereof, on file in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 29, Page 42; said corner also being on a 32.7405 degree curve to the left of the East right-of-way line of Cascades Circle West, having a central angle of 75 degrees 40 minutes and a radius of 175.00 feet; run thence along the arc of the curve of said East right-of-way line of Cascades Circle West, having a chord bearing of North 47 degrees 45 minutes 25 seconds West and a chord distance of 161.80 feet, to the Point of Tangency of said 32.7405 degree curve; leaving said East right-of-way line of Cascades Circle West, run thence North 14 degrees 42 minutes East for a distance of 167.0 feet; run thence North 68 degrees 11 minutes East for a distance of 92.0 feet; run thence North 80 degrees 23 minutes East for a distance of 195.5 feet; run thence North 83 degrees 54 minutes East for a distance of 349.33 feet; run thence South 06 degrees 02 minutes East for a distance of 143.51 feet; run thence South 59 degrees 19 minutes West for a distance of 97.98 feet; run thence South 84 degrees 19 minutes 52 seconds West for a distance of 130.28 feet; run thence South 18 degrees 38 minutes 11 seconds West for a distance of 153.78 feet to the Northeast corner of Lot 67, Cascades Phase 1, Part 2-A; run thence along the North boundary of said Cascades Phase 1, Part 2-A the following bearings and distances: North 83 degrees 37 minutes 30 seconds West for a distance of 76.82 feet; thence North 86 degrees 19 minutes 30 seconds West for a distance of 103.31 feet; thence South 82 degrees 57 minutes West for a distance of 97.50 feet to the POINT OF BEGINNING.

new
Club
Survey

LEGAL DESCRIPTION
J.E. CARTER
APRIL 6, 1982
PARCEL "B", CASCADES SUBDIVISION PROJECT NUMBER: 73-153

A certain parcel of land situated in Section 21, T6N-R1W, Clinton, Hinds County, Mississippi, containing 5.25 acres, more or less and being further described by metes and bounds, to-wit:

Commence at the Northwest corner of Lot 65, Cascades Phase 1, Part 2-A, according to the plat thereof, on file in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 29 at Page 42; said corner also being on a 32.7405 degree curve to the left of the East right-of-way line of Cascades Circle West, having a central angle of 75 degrees 40 minutes and a radius of 175.00 feet; run thence along the arc of the curve of said East right-of-way line of Cascades Circle West, having a chord bearing of North 47 degrees 45 minutes 25 seconds West and a chord distance of 161.80 feet to the Point of Tangency of said curve and the POINT OF BEGINNING of the parcel of land herein described; run thence North 75 degrees 19 minutes West along said East right-of-way line of Cascades Circle West for a distance of 400.61 feet to the Point of Curvature of a 29.8416 degree curve to the right, having a central angle of 103 degrees 01 minutes and a radius of 192.00 feet; run thence along the arc of said 29.8416 degree curve and East right-of-way line of Cascades Circle West, having a chord bearing of North 23 degrees 48 minutes 30 seconds West and a chord distance of 300.56 feet to the Point of Tangency of said curve; run thence North 27 degrees 42 minutes East along said East right-of-way line of Cascades Circle West for a distance of 10.25 feet; leaving said East right-of-way line of Cascades Circle West, run South 89 degrees 07 minutes 24 seconds East for a distance of 121.89 feet; run thence South 62 degrees 18 minutes 00 seconds East for a distance of 166.73 feet; run thence South 89 degrees 08 minutes 51 seconds East for a distance of 251.07 feet; run thence North 85 degrees 39 minutes 29 seconds East for a distance of 259.82 feet; run thence North 76 degrees 21 minutes 06 seconds East for a distance of 60.0 feet; run thence North 58 degrees 30 minutes 11 seconds East for a distance of 68.07 feet; run thence South 89 degrees 06 minutes 51 seconds East for a distance of 303.96 feet; run thence South 06 degrees 45 minutes 41 seconds East for a distance of 122.84 feet; run thence South 06 degrees 02 minutes East for a distance of 101.02 feet; run thence South 60 degrees 05 minutes West for a distance of 34.71 feet; run thence South 59 degrees 19 minutes West for a distance of 9.63 feet; run thence North 06 degrees 02 minutes West for a distance of 143.51 feet; run thence South 83 degrees 54 minutes West for a distance of 349.33 feet; run thence South 80 degrees 23 minutes West for a distance of 195.5 feet; run thence South 68 degrees 11 minutes West for a distance of 92.0 feet; run thence South 14 degrees 42 minutes West for a distance of 167.0 feet to the POINT OF BEGINNING.

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI

BE IT ORDAINED as follows:

Upon the recommendation of the City of Clinton Planning and Zoning Commission to designate the property described in Exhibit "B" zoned R-2 Moderate Density Residential and R-3 Patio Home District to a Planned Unit Development ("PUD") District, with proposed building setbacks, street widths, curb widths as described in Exhibit "B", said designation and proposed building setbacks, street widths, curb widths is hereby approved and the zoning map of the City of Clinton, Mississippi, is hereby amended to provide that the land described in Exhibit "B" hereto be, hereby is designated a Planned Unit Development ("PUD") District, under the amendment adopted May 5, 1998.

Master sketch plan dated June 2, 1998 on file with Zoning Administrator.

Alderman HISAW moved that the foregoing Resolution be adopted. Alderman BRANTLEY seconded. The vote was as follows:

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 2nd day of June, 1998.

CITY OF CLINTON

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, MAYOR

Nelson Byrd
Nelson Byrd, City Clerk

(SEAL)

"Exhibit A"
Legal Description for
Clinton Partnership Tract

A 248.00 acre tract situated in the Northeast Quarter (¼) of the Southwest Quarter (¼), and the East Half (½) of Section 25, Township 6 North, Range 2 West, in the Second Judicial District of Hinds County, in the City of Clinton in the Great State of Mississippi, being that same tract as conveyed to Clinton Partnership by deed of conveyance found in Book 345, Page 118 of the Office of the Chancery Clerk of Hinds County located in the Town of Raymond, and being subject to a boundary line agreement and cross conveyance as found in Book 351, Page 114, together herein incorporated into the following metes and bounds description:

Commencing at an axle found representing the Southeast corner of Section 25, Township 6 North, Range 2 West, Second Judicial District of Hinds County, Mississippi, thence run North 89 degrees 49 minutes 59 seconds West a distance of 226.30 feet to a ½" square iron bar set at the Southeast corner of the subject tract, said point being the **True Point of Beginning** of the tract herein described, and said point being referenced by a ½" iron pin, found in an East-West fence line, bearing North 0 degrees 46 minutes 02 seconds West, 4.33 feet from said set bar:

-From the **True Point of Beginning**, thence run along the South line of Section 25, North 89 degrees 49 minutes 59 seconds West a distance of 2428.84 feet to a ½" square iron bar set; thence run North a distance of 1339.63 feet to a ¾" iron pin found at a fence corner; thence run North 89 degrees 59 minutes 11 seconds West a distance of 559.24 feet to a concrete monument stamped 30/106 on the East right-of-way of the Natchez Tract Parkway; thence run along said East right-of-way of the Natchez Trace Parkway the following four (4) courses and distances; North 22 degrees 24 minutes 25 seconds East a distance of 2608.99 feet to a concrete monument stamped 30/108; thence run North 50 degrees 39 minutes 09 seconds East a distance of 1373.98 feet to a concrete monument stamped 30/109; thence run South 67 degrees 45 minutes 47 seconds East a distance of 200.00 feet to a concrete monument stamped

Exhibit B

30/110; thence run North 22 degrees 12 minutes 37 seconds East a distance of 169.23 feet to a concrete monument, found (disturbed), on the South right-of-way of U.S. Interstate Highway 20, said point being 55 feet, measured perpendicular from the centerline of the South frontage road of said Highway; thence run along the South right-of-way of Interstate 20 South 67 degrees 41 minutes 08 seconds East a distance of 950.54 feet to a 1" iron pin set on at a point 60 feet measured perpendicular from the centerline of said frontage road, said point witnessed by a ¾" rebar set by Case and Associates, Inc., in February of 1997 as the Northwest corner of the Abraham Tract, said rebar bearing South 00 degrees 22 minutes 50 seconds East, 8.68 feet from said set pin; thence leave the South right-of-way of Interstate 20 and run along the West line of the Abraham Tract, as established by said Case and Associates, Inc., South 00 degrees 22 minutes 50 seconds East a distance of 1698.13 feet to an iron pipe found at the Southeast corner of the Northeast Quarter (¼) of Section 25; thence run along the South line of said Northeast Quarter (¼) North 89 degrees 47 minutes 56 seconds West a distance of 244.21 feet to a ½" iron bar set, said point witnessed by a 24" white oak in an East-West fence line bearing West 1.0 foot; thence run South 00 degrees 46 minutes 02 seconds East a distance of 2653.06 feet back to the **True Point of Beginning**, said tract containing 248.00 acres, more or less.

Prepared By:

Richard T. Tolbert

Richard T. Tolbert, P.L.S.
Williford, Gearhart & Knight, Inc.
Engineers & Surveyors
July 2, 1997

97-198

Exhibit B

Proposed Setbacks, Street Widths, Curb Widths

for

BruenBurg

1. Minimum front setback for R-3	15 feet
2. Minimum width for local streets	27 feet back to back of curb
3. Minimum width for collector streets	33 feet back to back of curb
4. Minimum width for boulevard streets	20 feet each lane
5. Minimum width for R-3 streets	30 feet back to back of curb
6. Minimum curb width	24 inches toe to back of curb

Exhibit B

PASTE AD HERE

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI

BE IT ORDAINED as follows:

Upon the recommendation of the City of Clinton Planning and Zoning Commission to designate the property described in Exhibit "B" zoned R-2 Moderate Density Residential and R-3 Patio Home District to a Planned Unit Development ("PUD") District, with proposed building setbacks, street widths, curb widths as described in Exhibit "B", said designation and proposed building setbacks, street widths, curb widths is hereby approved and the zoning map of the City of Clinton, Mississippi, is hereby amended to provide that the land described in Exhibit "B" hereto be, hereby is designated a Planned Unit Development ("PUD") District, under the amendment adopted May 5,1998.
Master sketch plan dated June 2, 1998 on file with Zoning Administrator.
Alderman Hisaw moved that the foregoing Resolution be adopted.
Alderman Brantley seconded. The vote was as follows
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 2nd day of June, 1998.

CITY OF CLINTON
BY: /s/ Rosemary G. Aultman
ROSEMARY AULTMAN, MAYOR

/s/ Nelson Byrd
Nelson Byrd, City Clerk
(SEAL)

"Exhibit A"
Legal Description for
Clinton Partnership Tract

A 248.00 acre tract situated in the Northeast Quarter (1/4) of the Southwest Quarter (1/4) and the East Half (1/2) of Section 25, Township 6 North, Range 2 West, in the Second Judicial District of Hinds County, in the City of Clinton in the Great State of Mississippi, being that same tract as conveyed to Clinton Partnership by deed of conveyance found in Book 345, Page 118 of the Office of the Chancery Clerk of Hinds County located in the Town of Raymond, and being subject to a boundary line agreement and cross conveyance as found in Book 351, Page 114, together herein incorporated into the following metes and bounds description:

Commencing at an axle found representing the Southeast corner of Section 25, Township 6 North, Range 2 West, Second Judicial District of Hinds County, Mississippi, thence run North 89 degrees 49 minutes 59 seconds West a distance of 226.30 feet to a 1/2" square iron bar set at the Southeast corner of the subject tract, said point being the **True Point of Beginning** of the tract herein described, and said point being referenced by a 1/2" iron pin, found in an East-West fence line, bearing North 0 degrees 46 minutes 02 seconds West, 4.33 feet from said set bar:

From the **True Point of Begianing**, thence run along the South line of Section 25, North 89 degrees 49 minutes 59 seconds West a distance of 2428.84 feet to a 1/2" square iron bar set; thence run North a distance of 1339.63 feet to a 3/4" iron pin found at a fence corner; thence run North 89 degrees 59 minutes 11 seconds West a distance of 559.24 feet to a concrete monument stamped 30/106 on the East right-of-way of the Natchez Tract Parkway; thence run along said East right-of-way of the Natchez Trace Parkway the following four (4) courses and distances: North 22 degrees 24 minutes 25 seconds East a distance of 2608,99 feet to a concrete monument stamped 30/108; thence run North 50 degrees 39 minutes 09 seconds East a distance of 1373.98 feet to a concrete monument stamped 30/109; thence run South 67 degrees 45 minutes 47 seconds East a distance of 200.00 feet to a concrete monument stamped 30/1 10; thence run North 22 degrees 12 minutes 37 seconds East a distance of 169.23 feet to a concrete monument. found (disturbed), on the South right-of-way of U.S. Interstate Highway 20, said point being 55 feet, measured perpendicular from the centerline of the South frontage road of said Highway; thence run along the South right-of-way of Interstate 20 South 67 degrees 41 minutes 08 seconds East a distance of 950.54 feet to a 1" iron pin set on at a point 60 feet measured perpendicular from the centerline of said frontage road, said point witnessed by a 3/4 " rebar set by Case and Associates, Inc., in February of 1997 as the Northwest corner of the Abraham Tract, said rebar bearing South 00 degrees 22 minutes 50 seconds East, 8.68 feet from said set pin; thence leave the South right-of-way of Interstate 20 and run along the West line of the Abraham Tract, as established by said Case and Associates, Inc,, South 00 degrees 22 minutes 50 seconds East a distance of 1698.13 feet to an iron pipe found at the Southeast comer of the Northeast Quarter (1/4) of Section 25; thence run along the South line of said Northeast Quarter (1/4) North 89 degrees 47 minutes 56 seconds West a distance of 244.21 feet to a 14" iron bar set, said point witnessed by a 24" white oak in an East-West fence line bearing West 1.0 foot; thence run South 00 degrees 46 minutes 02 seconds East a distance of 2653.06 feet back to the **True Point of Beginning**, said tract containing 248.00 acres, more or less,

Prepared By:
/s/ Richard T. Tolbert, P.I.S.
Williford, Gearhart & Knight, Inc.
Engineers & Surveyors
July 2. 1997

97-198

Exhibit B

Proposed Setbacks, Street Widths, Curb Widths
for
BruenBurg

1. Minimum front setback for R-3	15 feet
2. Minimum width for local streets	27 feet back to back of curb
3. Minimum width for collector streets	33 feet back to back of curb
4. Minimum width for boulevard streets	20 feet each lane
5. Minimum width for R-3 streets	30 feet back to back of curb
6. Minimum curb width	24 inches toe to back of curb

Exhibit B

June 18, 1998

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

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

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

Date June 18, 19 98

Date _____, 19 ____

Date _____, 19 ____

Date _____, 19 ____

Date _____, 19 ____

Number of Lines/Words 268/1,008

Published 1 **Times**

Total $ 81.64

Signed Shirley Mize
Authorized Clerk
of The Clarion-Ledger

Sworn to and subscribed before me the 18 **day of** June 19 98.

Marie Mills
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)

Amendment No. 3
to
General Services Agreement
for
Improvements to the Interchange at
Interstate Highway 20 and Clinton-Raymond Road

This Amendment No. 3 to the General Services Agreement dated March 4, 1997, by and between the City of Clinton (Owner) and Michael Baker Jr.,Inc. (Engineer) is hereby executed on May 19, 1998.

WITNESSETH:

The Owner desires and the Engineer agrees to perform engineering and land surveying services in connection with proposed improvements to and in the vicinity of the interchange of Interstate Highway 20 and Clinton-Raymond Road in Hinds County, Mississippi.

SCOPE OF WORK:

The scope of work includes the following activities:

1. Field surveys to establish existing locations of the Owner's water and sanitary sewer facilities and for engineering design at the following locations:

   A. Along Clinton-Raymond Road from south of the WorldCom entrance north to the existing exit ramp in the Southwest quadrant at I-20.

   B. Along the existing frontage road in the Southwest quadrant of I-20.

   C. Along the existing entrance ramp in the Southeast quadrant of I-20.

2. Engineering design to relocate the existing water and sanitary sewer facilities in the vicinity of and within the interchange of Interstate 20 and Clinton-Raymond Road. This will consist of preparing plans and specifications suitable for construction bidding, attending the bid opening and evaluating the received bids. It will also include the preparation of required permit drawings and application forms for execution by the Owner and submittal to the Mississippi Department of Transportation (MDOT). The Engineer will also assist the Owner in its coordination with MDOT by providing the required information for you to negotiate the relocations. The following locations are included:

   A. Along Clinton-Raymond Road from south of the WorldCom entrance north to the existing exit ramp in the Southwest quadrant of I-20.

   B. Along the relocated frontage road adjacent to the west bound lanes of I-20.

594

C. Along the proposed location of the future entrance ramp in the Southeast quadrant of I-20.

PERIOD OF SERVICE:

The work shall be commenced immediately after receipt from the Owner of a notice to proceed and shall be completed within 60 calendar days thereafter.

COMPENSATION TO THE ENGINEER:

The Owner shall compensate the Engineer for the services authorized under this Amendment No. 3 a lump sum fee of Twenty-Four Thousand, Five Hundred Dollars ($24,500.00) as full and complete compensation for all labor and related costs incurred by the Engineer.

The Engineer shall submit monthly invoices based upon the estimated percentage of completion.

IN WITNESS WHEREOF, the Owner and Engineer have executed this Amendment No. 3 as of the day and year first above written.

CITY OF CLINTON, MISSISSIPPI

Rosemary G. Aultman

Rosemary Aultman, Mayor
City of Clinton, Mississippi

ATTEST:

Christine Walls

Nelson Byrd
City Clerk

MICHAEL BAKER JR., INC.

A Glenn Calloway

A. Glenn Calloway, P.E., P.L.S.
Regional Office Manager

ATTEST:

for Martha N. Nelson
Manager, Support Services Administrator

595

ROW-800
Rev. 10-96

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

UTILITY AGREEMENT

FEDERAL AID PROJECT NUMBER 46-0020-01-136-10

HINDS COUNTY

This agreement entered into this day by and between City Of Clinton hereinafter referred to as the COMPANY, and the Mississippi Transportation Commission, hereinafter referred to as the COMMISSION, for the adjustment of the transmission and/or distribution facilities of the Company necessitated by the construction of a highway under the Mississippi Federal Aid Program.

1. That the COMMISSION will submit a project for highway construction, being a section of the modification at Clinton - Raymond Road Interchange known as Interstate No. 20 in Hinds Count y, and to be designated as 46-0020-01-136-10; and will recommend its approval by the Federal Highway Administration for construction with funds apportioned to the State under Federal Aid allotment: and,

2. That right of way for the proposed new road will pass over and include certain property interests of the COMPANY as defined by Paragraph 107 (a) of Federal Highway Administration 23CFR645A upon which it has heretofore constructed and is now maintaining its potable water and sanitary sewer facilities, which property interest will be more particularly described and located according to plans agreeable to both parties; and,

3. That the proposed highway construction will necessitate certain adjustments, removals and/or alterations of the existing facilities of the COMPANY as shown by the COMPANY'S plans and estimate of cost attached hereto and made a part of this agreement by reference; and,

4. That the proposed adjustment will not (will/will not) result in a credit for accrued depreciation of the COMPANY'S system; and,

5. That the COMPANY will make the necessary adjustments, removals or alterations in its facilities at a total estimated cost of approximately $ 306,050.00 as shown by the COMPANY'S estimate. That the total estimated cost to the COMMISSION for actual nonbetterment work will be approximately $ 150,542.00 % 49.19; and that the total estimated cost of the work to be done at the expense of the COMPANY will be approximately; $ 155,508.00, % 50.81; and,

6. That the COMPANY will commence the work on or before the 7th day of September, 1998 and have it completed on or before the 4th day of December, 1998. The COMPANY shall be responsible for any delay to the construction of the project caused by the failure of the COMPANY to have its facilities moved on the aforementioned date.

7. That the COMPANY will perform the work provided for in this agreement by the method checked below:

☐ BY COMPANY'S REGULAR FORCES: The COMPANY proposes to use their regular construction or maintenance crews and personnel at its standard schedule of wages and working hours and working in accordance with the terms of its agreement with such employees.

☒ BY CONTRACT: The COMPANY does not have adequate staff or equipment to perform the necessary work with its own forces. Therefore, the COMPANY subject to prior approval of the COMMISSION and Federal Highway Administration proposes to contract the work covered by this agreement in accordance with the provisions of 23CFR645A. The items of work to be accomplished by contract and the names of the qualified contractors whose services will be solicited are shown in the COMPANY'S estimate; and,

☐ BY EXISTING CONTINUING CONTRACT: Subject to prior approval of the COMMISSION and the Federal Highway Administration the COMPANY proposes to use an existing continuing contract under which certain work as shown by the COMPANY'S estimate is regularly performed for the COMPANY and under which the lowest available costs are developed. The name of the Contractor is listed in the COMPANY'S estimate; and,

8. That the method used by the COMPANY in developing the relocation costs except for Lump-Sum shall be in accordance with Paragraph 117 of 23CFR645A. Indicate here if Lump-Sum _____ or Actual Cost x and

11. That all cost records of the COMPANY pertaining to the project will be subject at any time before final audit to inspection by representatives of the COMMISSION and the Federal Highway Administration; and,

12. It is understood that the project herein contemplated is to be financed from funds appropriated by the Federal Government and expended under Federal regulations; that all plans, estimates of cost, specifications, awards of contracts, acceptance of work and procedure in general are subject at all times to all Federal laws, rules, regulations, orders and approval applying to it as a Federal Project; and that the COMMISSION shall reimburse the COMPANY as provided above for only such items of work and expense and in such amounts and forms as are proper and eligible for payment according to 23CFR645A; and,

13. It is understood and agreed by and between the parties hereto that adjustments, removals, and/or alterations of the facilities to be made shall be made according to the plans and estimates attached hereto, which plans and estimates are hereby approved as to sufficiency thereof, and are incorporated herein and made a part hereof, and the COMMISSION shall pay the cost hereof according to the terms of this agreement, subject only to the provisions of paragraph 10 above. For the same consideration to be paid herein, the COMPANY does hereby agree to subordinate unto the COMMISSION such surface rights, subsurface rights or air rights, as the case may be, in and to the property interests covered by this agreement, to the full extent of the needs and demands of the COMMISSION in its use thereof for the purposes of this agreement. Further, should the COMMISSION find it necessary or desirable to change the design, construction, and/or maintenance plans to an extent that will require additional adjustments, removals, and/or alterations in the facilities covered hereby, which remained within the existing easement or other property interest of the COMPANY, the COMPANY will make such further adjustments, removals, and/or alterations as may be necessary according to the methods hereinabove set out, and the COMMISSION will pay therefore such sums as may be mutually agreed upon, subject only to the provisions of paragraph 10 above. However, should the COMPANY for its own purposes need or desire to expand, alter, adjust, remove, relocate, service or maintain the facilities covered by this agreement, the COMPANY agrees to make application to the COMMISSION for a proper permit to cover such changes, and any such changes made shall be at the expense of the COMPANY.

IN WITNESS WHEREOF, the parties hereto have affixed their respective corporate names and seals through their duly authorized officers this the _____ day of _____, A. D., 19____.

City Of Clinton
NAME OF COMPANY

Witness as to Company

Richard H. Broome

Iris S. Rogers

BY Rosemary G. Quitman
Title

Attest Nelson Byrd

(CORPORATE SEAL)

Witness as to Commission

_____

_____

MISSISSIPPI TRANSPORTATION COMMISSION

By_____
Executive Director

BOOK_____ PAGES_____ & _____

Attest:

_____
Secretary

(SEAL)

Sheet 1 of 3

SUMMARY - ESTIMATE OF CONSTRUCTION AND ENGINEERING COSTS FOR WATER AND SEWER RELOCATIONS
CLINTON - RAYMOND ROAD AND i20 INTERCHANGE IMPROVEMENTS

WATER RELOCATIONS CONSTRUCTION COST - SEE DETAIL SHEET NO. 2 OF 3		
CITY OF CLINTON PARTICIPATION - 61.73 PERCENT		$ 143,059.00
MS. DEPT. OF TRANSPORTATION PARTICPATION - 38.27 PERCENT		$ 88,691.00
SEWER RELOCATIONS CONSTRUCTION COST - SEE DETAIL SHEET NO. 3 OF 3		
CITY OF CLINTON PARTICIPATION - 0.00 PERCENT		$ -
MS. DEPT. OF TRANSPORTATION PARTICPATION - 100.00 PERCENT		$ 49,800.00
TOTAL - WATER AND SEWER RELOCATIONS CONSTRUCTION COST		**$ 281,550.00**
WATER RELOCATIONS ENGINEERING COST		
CITY OF CLINTON PARTICIPATION = $24,500 X $143,059 / $281,550		$ 12,449.00
MS. DEPT. OF TRANSPORTATION PARTICIPATION = $24,500 X $88,691 / $281,550		$ 7,718.00
SEWER RELOCATIONS ENGINEERING COST		
CITY OF CLINTON PARTICIPATION = $24,500 X $0.00 / $281,550		$ -
MS. DEPT. OF TRANSPORTATION PARTICIPATION = $24,500 X $49,800 / $281,550		$ 4,333.00
TOTAL - WATER AND SEWER RELOCATIONS ENGINEERING COST		**$ 24,500.00**
WATER RELOCATIONS CONSTRUCTION AND ENGINEERING COST		
CITY OF CLINTON PARTICIPATION	61.73%	**$ 155,508.00**
MS. DEPT. OF TRANSPORTATION PARTICIPATION	38.27%	$ 96,409.00
SUBTOTAL - WATER RELOCATIONS CONSTRUCTION AND ENGINEERING COST		**$ 251,917.00**
SEWER RELOCATIONS CONSTRUCTION AND ENGINEERING COST		
CITY OF CLINTON PARTICIPATION	0.00%	$ -
MS. DEPT. OF TRANSPORTATION PARTICIPATION	100.00%	$ 54,133.00
SUBTOTAL - SEWER RELOCATIONS CONSTRUCTION AND ENGINEERING COST		**$ 54,133.00**
TOTAL - WATER AND SEWER RELOCATIONS CONSTRUCTION AND ENGINEERING COST		
CITY OF CLINTON PARTICIPATION	50.81%	$ 155,508.00
MS. DEPT. OF TRANSPORTATION PARTICIPATION	49.19%	$ 150,542.00
TOTAL - WATER AND SEWER RELOCATIONS CONSTRUCTION AND ENGINEERING COST		**$ 306,050.00**

ESTIMATE OF CONSTRUCTION COSTS FOR WATER RELOCATIONS
CLINTON - RAYMOND ROAD AND i20 INTERCHANGE IMPROVEMENTS

ITEM	UNIT	$/UNIT	QUANTITY	COST
WATER RELOCATIONS-FRONTAGE ROAD				
8" PVC WATER PIPE	LF	20	3500	$ 70,000.00
8" GATE VALVE ASSEMBLY	EA	1500	4	6,000.00
FIRE HYDRANT ASSEMBLY	EA	2000	6	12,000.00
STEEL CASING FOR 8" PVC PIPE (18" CASING)	LF	100	80	8,000.00
SERVICE TAPS	EA	250	0	-
CLEARING AND GRUBBING	AC	7000	1	7,000.00
8" X 8" TAPPING SLEEVE AND 8" VALVE WITH BOX	EA	2500	1	2,500.00
WATER RELOCATIONS SUBTOTAL - FRONTAGE ROAD				**$ 105,500.00**
WATER RELOCATIONS-CLINTON RAYMOND ROAD				
12" PVC WATER PIPE	LF	25	1730	43,250.00
12" GATE VALVE ASSEMBLY	EA	1650	3	4,950.00
FIRE HYDRANT ASSEMBLY - RECONNECT OR RELOCATE	EA	1100	4	4,400.00
STEEL CASING FOR 12" PVC PIPE (24"CASING)	LF	160	415	66,400.00
SERVICE TAPS	EA	250	5	1,250.00
12" X 12" TAPPING SLEEVE AND 12" VALVE WITH BOX	EA	3000	2	6,000.00
WATER RELOCATIONS SUBTOTAL - CLINTON RAYMOND ROAD				**$ 126,250.00**
SUBTOTAL - WATER RELOCATIONS CONSTRUCTION COST				**$ 231,750.00**
CITY OF CLINTON PARTICIPATION - 61.73 PERCENT				**$ 143,059.00**
MS. DEPT. OF TRANSPORTATION PARTICPATION - 38.27 PERCENT				**$ 88,691.00**

ESTIMATE OF CONSTRUCTION COSTS FOR SEWER RELOCATIONS
CLINTON - RAYMOND ROAD AND i20 INTERCHANGE IMPROVEMENTS

ITEM	UNIT	$/UNIT	QUANTITY	COST
SANITARY SEWER RELOCATIONS ACROSS CLINTON RAYMOND RD.				
8" PVC SANITARY SEWER PIPE	LF	20	580	$ 11,600.00
STEEL CASING FOR 8" PIPE (16" CASING)	LF	80	180	14,400.00
STEEL CASING FOR 15" PIPE(30" CASING)	LF	230	60	13,800.00
SUPPORT FOR 30" STEEL CASING	LS	2500	1	2,500.00
SANITARY SEWER MANHOLE ASSEMBLY	EA	2500	3	7,500.00
SAN. SEWER RELOCATIONS SUBTOTAL - CLINTON RAYMOND RD				**$ 49,800.00**
CITY OF CLINTON PARTICIPATION - 0.00 PERCENT				**$ -**
MS. DEPT. OF TRANSPORTATION PARTICPATION - 100.00 PERCENT				**$ 49,800.00**

RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JUNE 16, 1998 - 7:00 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET

The Mayor and Board of Aldermen of the City of Clinton, Mississippi, met in Recessed Meeting on Tuesday, June 16, 1998, 7:00 p.m. at the Municipal Courtroom, 305 Monroe Street, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of June 2, 1998, as found on page 574 of this Minute Book Z.

WELCOME AND CALL TO ORDER - Alderman-At-Large Jehu Brabham

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

ROLL CALL - City Clerk Nelson Byrd

Present	Jehu Brabham - Alderman-At-Large and Mayor pro tem
	Tony Hisaw - Alderman Ward 1
	Rodney DePriest - Alderman Ward 2
	Clint Brantley - Alderman Ward 3
	Herb Touchton - Alderman Ward 5
	Sharbert Lott - Alderman Ward 6
	Ken Dreher - City Attorney
	Nelson Byrd - City Clerk
Absent	Rosemary Aultman - Mayor
	Phil Fisher - Alderman Ward 4
	Sharbert Lott - Alderman Ward 6

AGENDA CHANGES

Mayor pro tem Jehu Brabham announced that consent agenda item L. should be $4,643.53.

APPROVAL OF CONSENT AGENDA ITEMS A-U

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brantley to approve Consent Agenda Items A-U as listed on page 603 of this Minute Book Z. Items B, C, & G will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes for item G, K, & L can be found in the office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

NANCY CRISCO APPOINTED TO SCHOOL BOARD

Upon recommendation of an appointment committee consisting of Aldermen Brabham, Hisaw, and Touchton and Mayor Aultman, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to appoint Nancy Crisco to the Clinton School Board for a five year term expiring February 28, 2003. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF LOW BID ON 1998 NRCS PROJECT

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman DePriest to approve R. W. Delaney Construction as the lowest and best bid in the amount of $71,981.96 as base bid contingent on a properly executed contract with performance and payment bonds and insurance. **MOTION CARRIED UNANIMOUSLY**. Copy of bid tabulation and proof of publication can be found on pages 605-606 of this minute book Z.

SOLID WASTE CONTRACT EXTENDED FOR THREE YEARS

MOTION made by Alderman Brantley and **SECONDED** by Alderman Hisaw to approve the three year extension of contract with USA Waste Services found on page 607 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF BMX PROPERTY LEASE WITH CLINTON PUBLIC SCHOOLS

MOTION made by Alderman DePriest and **SECONDED** by Alderman Brantley to approve that Lease Agreement for the Springridge Road property used as a BMX track with the Clinton Public School District at a cost of $450.00 for a period of two years found on pages 608-611 of this minute book Z. MOTION CARRIED **UNANIMOUSLY**

APPROVAL OF FINAL PLAT FOR OLDE VINEYARD PART 4

Upon recommendation of Public Works Director Tim Rogers, **MOTION** made by Alderman DePriest and **SECONDED** by Alderman Hisaw to approve the Final Plat for Olde Vineyard Part 4 contingent on all paperwork being completed and approved. **MOTION CARRIED UNANIMOUSLY**

ADJOURNMENT 7:37 P.M.

There being no further business to discuss, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Touchton to adjourn. **MOTION CARRIED UNANIMOUSLY**

Copy of Agenda can be found on pages 603-604 of this Minute Book Z.

APPROVED: Rosemary G. Aultman — June 24, 1998
Rosemary G. Aultman, Mayor — Date

ATTEST: Nelson Byrd — June 24, 1998
Nelson Byrd, City Clerk — Date

SEAL:

CITY OF CLINTON
EMERGENCY WATERSHED PROTECTION
BID TABULATION
MARCH 1998

ITEM NO.	ITEMS	SPEC. NO.	QUANTITY	UNIT	R.W. Delaney Constructio P.O. Box 264 Natchez, MS 39121 UNIT PRICE	AMOUNT	Broome Construction P.O. Box 16147 Hattiesburg, MS 39401 UNIT PRICE	AMOUNT	Key Constructors P.O. Box 590 Madison, MS 39130 UNIT PRICE	AMOUNT	Blurton, Banks & Assoc. P.O. Box 12448 Jackson, MS 39211 UNIT PRICE	AMOUNT	Lampkin Construction P.O. Box 1313 Vicksburg, MS 39181 UNIT PRICE	AMOUNT
MELROSE PLACE SITE 1														
1	Clearing & Grubbing	1	1	LS	XXXXX	4500	XXXXX	7980	XXXXX	23000	XXXXX	9000		
2	Protective Cover(fertilizer/seed/mulch)	6	0.32	ACRE	2500	800	2000	640	8000	2560	5000	1600		
3	Solid Sod	6	718	SY	6.27	4501.86	5.5	3949	4	2872	9	6462		
4	Mobilization and Demobilization	8	1	LS	XXXXX	1500	XXXXX	5000	XXXXX	7000	XXXXX	4000		
5	Excavation,Common	21	360	CY	4	1440	10	3600	20	7200	19	6840		
6	Earth Fill	23	295	CY	4.75	1401.25	12	3540	40	11800	23	6785		
7	Concrete - Class 4000psi	31	177	CY	186.3	32975.1	410	72570	360	63720	475	84075		
8	CMP Conduits	51	40	LF	95	3800	61	2440	85	3400	62	2480		
9	Rock Riprap	61	25	T	38	950	50	1240	100	2500	40	1000		
		Subtotal Melrose Site				**$51,868.21**		**$100,959.00**		**$124,052.00**		**$122,242.00**		
TRAILWOODS SITE 2														
10	Clearing & Grubbing	1	1	LS	XXXXX	2500	XXXXX	5800	XXXXX	18000	XXXXX	8000		
11	Protective Cover(fertilizer/seed/mulch)	6	0.08	ACRES	10000	800	3000	240	8000	2560	5000	400		
12	Solid Sod	6	1593	SY	3.75	5973.75	5.5	8761.5	3.5	5575.5	9	14337		
13	Mobilization and Demobilization	8	1	LS	XXXXX	1000	XXXXX	2500	XXXXX	4500	XXXXX	3000		
14	Excavation,Common	21	170	CY	4	680	10	1700	20	3400	30	5100		
15	Earth Fill	23	160	CY	4.75	760	12	1920	40	6400	35	5600		
16	Concrete - Class 4000psi	31	48	CY	175	8400	410	19680	375	18000	560	26880		
		Subtotal Trailwoods Site				**$20,113.75**		**$40,601.50**		**$58,436.00**		**$63,317.00**		
		Total Bid Price(All Sites)				**$71,981.96**		**$141,571.00**		**$182,488.00**		**$185,559.00**		

NOT ON OUTSIDE OF BID

CERTIFICATE OF RESPONSIBILITY NUMBER

BID NOT OPENED

THIS IS A CERTIFIED BID TABULATION OF BIDS RECEIVED AND OPENED AT 10:00 A.M. ON JUNE 5, 1998
FOR EMERGENCY WATERSHED PROTECTION FOR THE CITY OF CLINTON

CERTIFIED:

GREGORY A. GEARHART, P.E.

GREGORY ALLEN GEARHART
REGISTERED PROFESSIONAL ENGINEER
8730
STATE OF MISSISSIPPI

605

8

Proof of Publication

The State of Mississippi

Hinds County

PASTE PROOF HERE

ADVERTISEMENT FOR BIDS
CITY OF CLINTON,
MISSISSIPPI

NOTICE is hereby given that the City of Clinton will receive written sealed bids for EMERGENCY WATERSHED PROTECTION PROGRAM until the hour of 10:00 am. local time, on June 5,1998, at City Hall, 300 Jefferson Street, Clinton, Mississippi, and immediately thereafter bids will be opened and publicly read.

The project involves constructing approximately 710 LF Concrete Paved Ditch Improvements, a Drainage Junction Box, Concrete Headwall, Corrugated Metal Pipe, Sidewalk and Riprap.

Copies of the technical specifications, together with Contract Documents, may be obtained from the office of Williford, Gearhart and Knight, Inc. Engineers and Surveyors, 400 North Monroe Street, P. O. Box 318, Clinton, MS 39060, 601-925-4444, upon payment of $100.00 for each set, none of which is refundable.

Bids received will be opened at 10:00 a.m. on June 5, 1998, and considered by the City of Clinton thereafter. City of Clinton reserves the right to reject any or all bids.

City of Clinton

by: /s/ Nelson Byrd
Nelson Byrd, City Clerk

Approved by: Honorable
Rosemary G. Aultman, Mayor

May 6, 13, 1998

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

Shirley Mize

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

		Dates of Publication:
Lines:	52	Wednesday, May 6, 1998
Words:	188	Wednesday, May 13, 1998
Issues:	2	
Total:	$26.44	

RECEIVED
MAY 20 1998
CITY OF CLINTON

Signed Shirley Mize
Authorized Clerk
of The Clarion-Ledger

SWORN to and subscribed before me on 05/13/98

Marie Mills
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)

606

9

ALDERMEN
Tony Hisaw
Ward One

Rodney W. DePriest
Ward Two

Clint Brantley
Ward Three

Phil Fisher
Ward Four

City of Clinton
Mississippi

Rosemary Aultman, Mayor

ALDERMEN
Herb Touchton
Ward Five

Sharbert K. Lott
Ward Six

Jehu Brabham
Alderman-At-Large

Nelson Byrd
City Clerk

RECEIVED
MAY 21 1998
CITY OF CLINTON

May 12, 1998

Mr. Bruce Savage, District Manager
USA Waste Services
4517 Methodist Home Road
Jackson, Mississippi 39213

RE: Extension of Contract between the City of Clinton and USA Waste Services d/b/a Jackson Disposal Service, Inc. and Trash hunters, Inc.

Dear Mr. Savage:

As per our telephone discussion regarding the Extension of Contract mentioned on page 2, paragraph 4 of the Solid Waste Services Contract, we are notifying you of our intention to extend the contract for pick-up and disposal of solid waste for the City of Clinton to September 30, 2001.

Receipt of this letter will acknowledge the City's intent.

I have enclosed two original letters, please sign and return one to me in the self-addressed stamped envelope I have provided for your convenience.

With kindest regards,

Rosemary

Rosemary G. Aultman,
Mayor

RGA/jl

Accepted By: Bruce A Savage

Date: 5/20/98 Title: Division Manager

P.O. Box 156 / 300 Jefferson Street / Clinton, Mississippi 39060 / (601) 924-5462

607

INDEXING INSTRUCTIONS: **SW 1/4, Section 32, Township 6 North, Range 1 West**

LEASE AGREEMENT

THIS LEASE AGREEMENT entered into by and between the Board of Trustees of the Clinton Public School District (Trustees) and the City of Clinton, Mississippi (Clinton) for the lease by the Trustees of certain lands to the City for recreational purposes; to-wit:

1. For and in consideration of the sum of Four Hundred, fifty and No/100 Dollars $450.00 and other valuable consideration herein recited the Trustees do hereby lease and let unto the City the following described lands in the First Judicial District of Hinds County, Mississippi; to-wit:

> A parcel of land situated in the South ½ of Section 32, T6N, R1W, Hinds County, Mississippi, and being more particularly described as follows: From the intersection of the East right of way line of Springridge Road with the line between the North ½ and the South ½ of Section 32, T6N, R1W; then South 1 degree 45 minutes 30 seconds West along the East right of way line of Springridge Road for a distance of 1410.0 feet to the true POINT OF BEGINNING of the property herein described; thence South 89 degrees, 40 minutes East for a distance of 1320.0 feet; thence South 1 degree 45 minutes 30 seconds West for a distance of 390.0 feet; thence North 89 degrees 40 minutes West for a distance of 1320.0 feet to the East right of way line of Springridge Road; thence North 1 degree 45 minutes 30 seconds East along the East right of way of Springridge Road for a distance of 390.0 feet to the POINT OF BEGINNING, containing 12 acres, more or less.

2. The lease rental shall be paid with the execution of this lease. This lease acknowledges and ratifies a continuing occupancy of the tract of land herein described by Lessee and/or its assigns under lease heretofore entered into by and between the parties on September 13, 1994 and expiring on the 30th day of April, 1996 and the extension and renewal thereof expiring on the 30th day of April, 1998.. The term of this leasing shall be for a period of two years beginning on the 1st day of May, 1998, and ending on the 30th day of April, 2000.

3. The use of the leased premises is limited to utilization thereof for recreational purposes. It is expressly understood and agreed that the City contemplates the sub-leasing and assignment of the leased premises to a civic club or association which has developed the area for use by the youth of the City of Clinton as a track for non-motorized bicycle or tricycle riding by said youth. As a further consideration for this lease of lands, the City will protect, indemnify and hold harmless the Trustees and the Clinton Public School District from all loss and/or expense arising out of any claim, real and/or imagined, for personal injury and damages or for property loss occasioned or alleged to have been occasioned by the use of said lands; and in furtherance thereof will place, or caused to be placed by a sub-lessee of the described premises, in force and effect a

policy or policies of insurance in the principal amount of One Million Dollars ($1,000,000.00) to insure the operation and/or operators of the recreational facility herein described against loss as described; and, further Lessee shall require said club or association to designate the Clinton Public School District and its Board of Trustees as added insured parties thereby in furtherance of its agreement to hold said Trustees and the Clinton Public School District harmless from loss and expenses as aforesaid.

4. It is covenanted understood that the use of motorized bicycles, tricycles and/or other equipment or vehicles upon the recreational facilities; except in the ordinary course of construction, repair and/or maintenance of said facility by the City or its sub-lessee, their agents, servants and employees; shall be expressly prohibited; and, that in the event of occurrence or the use of said leased premises by Lessee and/or its assigns in a manner prohibited or not expressly herein authorized, at the option of said Trustees, this lease shall be terminated and all rentals forfeited.

5. It is covenanted and agreed that the City and/or its sub-lessee shall at the expiration of this lease cause the leased premises to be returned to and placed in the condition it is as of the date of the execution of this lease in that such facilities and tract described above shall be removed; together with all buildings and other structures placed thereon by the City and/or its sub-lessee. The Trustees, however, at their option, may permit and allow such of the facilities, buildings and structures as they may designate in writing to remain in place.

6. Specifically reserving and excepted from this lease is all merchantable timber now, and during the term hereof, being situated on said land and any and every interest in oils, gases and other minerals that may be in or under said land, with full right in the Board of Trustees to sell said timber, and to lease such oil, gas mineral rights to any other, as provided by law without breach of any right of City and/or its sub-lessee hereunder.

7. City and/or its sub-lessee shall not cause of suffer damage to any improvements situated upon said property, shall reasonably maintain same, and shall not sell any firewood, posts or other timber from said land, not permit same to be removed nor shall any improvements be removed from said land.

8. The Board of Trustees reserves the right to grant or to sell rights of way across any of said land for a road, highway, railroad or any public utility line; provided only, that the City and/or its sub-lessee shall be paid by the grantee of such right of way a reasonably rental for the unexpired term of this lease.

9. City and/or its sub-lessee accepts said lease upon all of said terms and conditions, and faithfully agrees to be bound thereby, in spirit and in letter.

10. If the whole or any part of the property leased shall be taken by any political subdivision or other authority authorized so to do for any public use, such taking shall not be deemed to be a breach of this lease by the Trustees of any covenant hereunder, express or impled. At the election of the City and/or its sub-lessee, this lease shall terminate for such part of the land so taken for public use from the time possession of the whole or part thereof by the taking political subdivision or authority shall occur and the Lessee and/or its assigns shall be paid by the authority taking said lands the balance proportionately of rent paid by Lessee for the period of lease occupancy remaining and no longer available Neither Lessee nor its sub-lessee, whether they elect that the lease shall terminate or not, shall claim or be entitled to any part of any award made or to be made to the Lessor school district as damages of such taking for public use.

11. The demised premises are the property of the Clinton Public School District but are not sixteenth section or lieu land as defined in Section 29-3-1 et seq. MCA 1992, as amended; and not subject to the provisions thereof.

Adopted and executed pursuant to the Minutes of the regular meeting of the Board of Trustees of the Clinton Public School District held on the 12th day of May, 1998 and executed in duplicate on said date.

CLINTONPUBLICSCHOOLDISTRICT

BY Philip A. Gunn
President, Board of Trustees

ATTEST:

Kenneth C. Boone
Secretary

Randy D. McCoy
Superintendent of Schools

STATE OF MISSISSIPPI
COUNTY OF HINDS

BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, this day personally appeared the within named PHILIP A. GUNN, KENNETH C. BOONE and RANDY D. McCOY, who individually acknowledged that as President, Secretary and Superintendent of Schools, respectively, and pursuant to the authority granted unto them on behalf of any by authority of Board of Trustees of Clinton Public School District by Resolution adopted in regular meeting on the 12th day of May, 1998, they signed, sealed and delivered the foregoing lease agreement on the day and year therein named, as the free and voluntary act of the said Board of Trustees for the purposes therein stated.

Kenneth C. Boone
Philip A. Gunn
Randy D. McCoy

WITNESS my hand and seal office on this the 9th day of May, 1998.

Sheila D. Taylor
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 12, 1999
BONDED THRU STEGALL NOTARY SERVICE

ACCEPTANCE OF TERMS OF LEASE

The terms of this lease agreement are accepted by the City of Clinton, Mississippi, pursuant to Resolution adopted and spread upon the Minutes of the Meeting of the Mayor and Board of Aldermen at their regular meeting held on the 16th day of June, 1998.

Nelson Byrd
CITY CLERK

LESSOR:
The Clinton Public School District
P. O. Box 300
Clinton, MS 39060
Telephone: 601-924-7533

LESSEE:
The City of Clinton, Mississippi
P. O. Box
Clinton, MS 39060
Telephone: 601-924-5462

THIS INSTRUMENT PREPARED BY:
JOHN H. FOX, III, MSB # 5457
P. O. Box 22547
Jackson, Ms 39225-2547
Suite 300, 111 Capitol Building
111 East Capitol Street
Jackson, MS 39201
Telephone: (601) 948-4848
Facsimile: (601) 948-4851