

**SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN
THURSDAY, MARCH 4, 1993 - 7:30 A.M.
MAYOR'S OFFICE - CITY HALL**

The Mayor and Board of Aldermen of the City of Clinton met in the Mayor's Office, 300 Jefferson Street, on Thursday, March 4, 1993, 7:30 a.m., for a **SPECIAL MEETING** called by Mayor Billy Ray Smith for the purpose of discussing items named in the Original Notice of said special meeting as found on page 965 of this Minute Book V.

CALL TO ORDER AND INVOCATION - Mayor Billy Ray Smith

ROLL CALL - City Clerk Nelson Byrd

Present - Willard Ryan - Alderman-at-Large
O. C. George Ferrell - Alderman Ward 1
Edward Valente - Alderman Ward 2
Ben Todd - Alderman Ward 3
Phil Fisher - Alderman Ward 4
Jean Johnson - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Mayor Billy Ray Smith - Presiding

City Attorney William E. Spell
City Clerk Nelson Byrd
Deputy Clerk Brooxye Sessums

APPROVAL INTERLOCAL AGREEMENT FOR PARKS & RECREATION

Following brief discussion of minor changes made in that Interlocal Agreement as previously adopted by the City of Clinton Mayor and Board of Aldermen at its January 5, 1993 Board Meeting as found on pages 842-846 of this Minute Book V, noting that said changes were merely changes of expression and did not change the meaning of said agreement, **MOTION** made by Alderman Valente and **SECONDED** by Alderman Lott to approve that new Interlocal Agreement as found on pages 966-974 of this Minute Book V between the City of Clinton and Hinds County for a comprehensive parks & recreation plan for the City of Clinton including construction and/or improvements in Lovett Park, Traceway Park, and Brighton Park. **MOTION CARRIED UNANIMOUSLY.**

ADJOURNMENT - 7:35 A.M.

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

APPROVED:

Billy R. Smith
Billy Ray Smith, Mayor

3-24-93
Date

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

3-24-93
Date

SEAL

**NOTICE OF SPECIAL MEETING OF
THE MAYOR AND BOARD OF ALDERMEN**

I, the undersigned, Mayor Billy Ray Smith, Mayor of the City of Clinton, Mississippi, do hereby call a **SPECIAL MEETING** of the Mayor and Board of Aldermen pursuant to the provisions of Section 21-3-21 of the MS Code of 1972. Said Meeting shall be held at 7:30 a.m., March 4, 1993, in the Office of the Mayor located at 300 Jefferson Street, for the purpose of discussing the following items:

1. Discussion/Action - approving Interlocal Agreement with Hinds County.

Billy R Smith
Billy Ray Smith, Mayor

3-3-93
Date

ATTEST:

Brooxye Sessums
Brooxye Sessums, Deputy Clerk

March 3, 1993
Date

SEAL

INTERLOCAL COOPERATION AGREEMENT
HINDS COUNTY, MISSISSIPPI, AND CITY OF CLINTON, MISSISSIPPI
(Interlocal Cooperation Act of 1974)
In Re: Construction and/or Improvement of Recreational Facilities

THIS AGREEMENT is entered into on the date shown at the end of this instrument by and between Hinds County, Mississippi, a political subdivision, hereinafter referred to as "County", and the City of Clinton, Mississippi, a municipal corporation, hereinafter referred to as "City", under and pursuant to §17-13-1, et seq., Mississippi Code of 1972, as amended, being the "Interlocal Cooperation Act of 1974".

WITNESSETH:

In consideration of the mutual benefits and advantages each to the other, the parties hereto agree as follows:

I. PURPOSE AND GENERAL PROVISIONS

(a) This Agreement is entered into pursuant to the authorization of the "Interlocal Cooperation Act of 1974", being §17-13-1, et seq., Mississippi Code of 1972, as amended, as same now appears, or may be hereafter amended, and all provisions therein set forth are hereby incorporated herein and made a part hereof as is fully set forth herein, it being the intent of the parties hereto that such authority as is granted by said Act shall be exercisable by the parties under this Agreement to enable the parties to accomplish the construction and/or improvement of recreation areas in Hinds County, Mississippi, at the following locations:

1. A recreatonal playground located on City-owned property adjacent to Fire Station #3 on Northside Drive, commonly known as Lovett Park.
2. The improvement of recreational facilities located at Traceway Park in the City of Clinton.
3. The construction of a family park adjacent to the Brighton Subdivision at the location known as the former Southwest Lagoon.

The specific legal description of the above-identified pro-

jects is included in the documents attached hereto and incorporated herein as composite Exhibit "A".

(b) The nature and scope of the project contemplated by this Agreement is the construction and/or improvement of park and recreation areas. The specific authority under which the County and City may exercise the powers necessary to fulfill this Agreement are found, respectively, in §19-3-41 and in §21-37-3, Mississippi Code of 1972, as amended.

(c) The County will participate in this project by providing equipment and labor to clear and grub, cut and fill, and provide a finished grade for construction and/or improvement of park and recreational facilities as designated by the City of Clinton.

(d) The City will participate in this project by furnishing all materials, as well as any design, engineering, surveying plans needed to finish the project and by assuming the responsibility for all future maintenance, liability and upkeep of said facilities.

(e) The dollar value of work to be performed for the City of Clinton by Hinds County shall not be in excess of Two Hundred Fifty Thousand Dollars (\$250,000).

(f) The cost figures of the work completed by Hinds County shall be provided to the Public Works Director of the City of Clinton by the Director of the Department of Road Management or his representative.

II. AMENDMENTS OR TERMINATION

This Agreement may be amended or terminated with the consent of both parties only, and such action shall be taken by Resolution in the same procedural manner as required in the instance of the adoption of this Agreement.

III. ADMINISTRATION

The Director of Road Management of the County and the Director of Public Works of the City of Clinton shall be respon-

sible for seeing that there is full compliance with the terms of this Agreement.

IV. DURATION

This Agreement shall be in force and effect from the effective date hereof, as explained in Section 5 herein below, and shall continue in effect until such time as the governing authorities of the County acknowledge through the project administrator described above that construction has been completed. Said construction is to be completed on or before December 31, 1993. However, the citing of this intended completion date shall in no way limit the ability or authority of the parties to continue the activities contemplated by this Agreement beyond that date, if necessary, to complete the project.

V. ENFORCEABILITY

(a) The County and City understand that, as a condition precedent to this Agreement being enforceable, this Agreement shall be submitted to the Attorney General of the State of Mississippi for his approval, and this Agreement shall not be enforceable unless approved by the said Attorney General, or sixty (60) days has passed since its submission to him and he has failed to disapprove same, in which event the Agreement shall be considered approved and enforceable.

(b) On approval by the Attorney General, or the passing of sixty (60) days after submission without his disapproval, copies of this Agreement shall be filed with the Chancery Clerk of Hinds County and the City Clerk of the City of Clinton, the Secretary of State of the State of Mississippi, and the State Department of Audit.

APPROVED AND EXECUTED BY THE RESPECTIVE PARTIES on the date indicated herein below.

CITY OF CLINTON, MISSISSIPPI
By:


BILLY RAY SMITH, MAYOR

THIS, the 4th day of MARCH, 1993.

ATTEST:

Nelson Byrd
NELSON BYRD, CITY CLERK

HINDS COUNTY, MISSISSIPPI
By:

George S. Smith
GEORGE SMITH, PRESIDENT
Hinds County Board of Supervisors

THIS, the 3rd day of March, 1993.

ATTEST:

Alice Bolin James
ALICE BOLIN JAMES
Chancery Clerk
Hinds County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within-named BILLY RAY SMITH and NELSON BYRD, who acknowledged to me that they are the Mayor and Clerk, respectively, of the City of Clinton, Mississippi, and that, as such, they did sign, affix the corporate seal thereto, and deliver the above and foregoing instrument on the date and for the purposes therein stated in the name of, for, and on behalf of the said City of Clinton, Mississippi, they being first duly authorized to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 4th day of March, 1993.

Christine E. Walls
Notary Public

My Commission Expires:
My Commission Expires July 24, 1994

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within-named GEORGE SMITH and ALICE BOLIN JAMES, who acknowledged to me that they are the President of the Board of Supervisors and Chancery Clerk, respectively, of the County of Hinds, Mississippi, and that, as such, they did sign, affix the corporate seal thereto, and deliver the above and foregoing instrument on the date and for the purposes therein stated in the name of, for, and on behalf of the said County of Hinds, Mississippi, they being first duly authorized to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 3rd
day of March, 1993.

Winnie Dilmore
Notary Public

My Commission Expires:

July 15, 1994

EXHIBIT "A"

LOUETT PARK

Commencing at an Iron Pin, said point being the point of intersection of the Mid-line of the South 1/2 of said Section 13 and the South Right-of-Way line of West Northside Drive, and said point being 156.8' South of the NE Corner of the SW 1/4 of Section 13, T6N, R2W; thence continue along said Mid-line South, 224.6' to an Iron Pin; thence continue S 00 degrees 11 minutes 28 seconds East, 522.0' to an Iron pin; thence leaving said Mid-line N 76 degrees 10 minutes 01 seconds West, 301.6' to an Iron Pin; thence North, 747.0' to an Iron Pin, said point being on the South Right-of-Way line of West Northside Drive; thence on and along said South Right-of-Way line S 76 degrees 00 minutes 57 seconds E, 300.0' to the point of beginning and containing 5.00 acres, more or less.

BRIGHTON SUBDIVISION PARK

A parcel of land located and situated partially in the Southeast Quarter (SE $\frac{1}{4}$) of Section twenty-five (25), Township Six (6) North, Range Two (2) West in the Second Judicial District of Hinds County, State of Mississippi, and partially in the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty (30), Township Six (6) North, Range one (1) West in the First Judicial District of Hinds County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Beginning at a point in the middle of the channel of a creek, which point is a distance of 1380.8 feet north of and 469.6 feet west of the Southeast corner of aforesaid Section 25 and run thence South 0° 34' East and along a fence line marking the west line of Mississippi College Property for a distance of 814.0 feet; run thence South 78° 8' 40" East for a distance of 726.9 feet; run thence North 75° 03' East for a distance of 768.0 feet; run thence North 52° 24' East for a distance of 114.0 feet; run thence North 0° 39' West for a distance of 25.0 feet to a point, which point is 710.2 feet north of and 1081.9 feet east of the Southwest corner of aforesaid Section 30; run thence North 0° 32' West for a distance of 461.2 feet; run thence North 82° 51' 20" West for a distance of 640.9 feet; run thence North 0° 39' West for a distance of 60 feet to a point in the middle of the channel of the creek; thence traversing downstream the middle of the channel of the aforesaid creek as follows:

South 88° 20' West 261.7 feet; South 75° 50' West 247.0 feet; North 58° 38' West 115.0 feet; North 75° 55' West 320.0 feet to the point of beginning, and containing an area of 26.74 acres.

LEGAL DESCRIPTION

TRACEWAY PARK, CLINTON, MISSISSIPPI

A parcel of land 66.5 acres, more or less, lying north of Cynthia Road and south of the Natchez Trace right-of-way, which is the subject of a Lease Agreement between the City of Clinton, Mississippi, and the Hinds County Board of Education, recorded in Book 2580, Page 777, in the Land Records of the Chancery Clerk in the First Judicial District of Hinds County, Mississippi, and lying in Section 16 Township 6 North, Range 1 West.

State of Mississippi

Office of the Secretary of State

Dick Molpus, Secretary of State

Jackson, Mississippi

March 5, 1993

William E. Spell, Esq.
Attorney for City of Clinton
203 Monroe Street
Clinton MS 39056

Dear Mr. Spell:

I, Dick Molpus, Secretary of State, do hereby certify that

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF CLINTON,
MISSISSIPPI AND HINDS COUNTY, MISSISSIPPI FOR THE PARTIES TO
CONSTRUCT AND IMPROVE RECREATION AREAS

was recorded in this office in the Records of Incorporation; the Interlocal
Cooperation Act File; and in Photostat Book Number 343, Pages 611 through
617.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF MISSISSIPPI HERETO
AFFIXED, THIS THE FIFTH DAY OF MARCH, 1993.



DICK MOLPUS

