

SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
FRIDAY, APRIL 19, 1991, 7:30 A.M.  
MAYOR'S OFFICE - CITY HALL  
300 JEFFERSON STREET

The Mayor and Board of Aldermen of the City of Clinton, Mississippi, met in the Mayor's Office, 300 Jefferson Street on Friday, April 19, 1991, 7:30 A.M., for a Special Meeting called by Mayor Billy Ray Smith for the purpose of amending a Resolution authorizing the City Attorney to file eminent domain proceedings to acquire necessary property rights for Pebble Brook Drainage Project in Clinton, Mississippi. Original notice of Special Meeting can be found on Pages 601-602 of this Minute Book U.

CALL TO ORDER - Mayor Pro Tem Jean Johnson

ROLL CALL - City Clerk Nelson Byrd

Present - Willard Ryan - Alderman-at-Large  
Edward Valente - Alderman Ward 2  
Ronnie Chappell - Alderman Ward 3  
Keith Montgomery - Alderman Ward 4  
Jean Johnson - Alderman Ward 5 & Mayor Pro Tem, Presiding  
Sharbert Lott - Alderman Ward 6  
City Attorney William E. Spell  
City Clerk Nelson Byrd

Absent - Mayor Billy Ray Smith  
George Ferrell - Alderman Ward 1

ADOPTION OF RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PEBBLE BROOK DRAINAGE PROJECT

Upon the request of City Attorney Spell, in order to correct a typographical error made in that Resolution authorizing eminent domain proceedings for Pebble Brook Drainage Project as adopted by the Mayor and Board of Aldermen at their April 16, 1991 Meeting, found on Pages 570-582 of this Minute Book U, (noting that said error was on Page 571, line 10 where the wording "Second Judicial District" should have been "First Judicial District"), MOTION made by Alderman Valente and SECONDED by Alderman Chappell to adopt the Resolution found on Pages 603-615 of this Minute Book U authorizing said same matter with correction of "Second Judicial District" to "First Judicial District". ROLL CALL VOTE: Alderman Ryan - "aye", Alderman Valente - "aye", Alderman Chappell - "aye", Alderman Montgomery - "nay", Alderman Lott - "aye". MOTION CARRIED 4-1. It was noted that Alderman Johnson did not cast a vote since he was presiding as Mayor Pro Tem.

ADJOURNMENT 7:33 A.M.

There being no further business to discuss, MOTION made by Alderman Chappell and SECONDED by Alderman Ryan to adjourn. MOTION CARRIED 4-1 with Alderman Montgomery casting the "nay" vote.

APPROVED:

Billy R. Smith  
Billy Ray Smith, Mayor

4-30-91  
Date

ATTEST:

Nelson Byrd  
Nelson Byrd, City Clerk

4-30-91  
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., April 19, 1991 in the Office of the Mayor located at 300 Jefferson Street, for the purpose of discussing the following item:

1. Amending Resolution on Pebblebrook, eminent domain.

Billy R. Smith  
Billy Ray Smith, Mayor  
City of Clinton

4/18/91  
Date

RETURN OF POLICE OFFICER

I, the undersigned Police Officer of the City of Clinton, Mississippi, personally delivered a true copy of the foregoing Notice of Special Meeting of the Mayor and Board of Aldermen to the following named persons at the date and time hereafter set out.

| NAME                    | DATE                | TIME            |
|-------------------------|---------------------|-----------------|
| <u>RONNIE CHAPPELL</u>  | <u>18 APRIL '91</u> | <u>1644 HRS</u> |
| <u>WILLARD RYAN</u>     | <u>18 APRIL '91</u> | <u>1714 HRS</u> |
| <u>SHARBERT LOTT</u>    | <u>18 APRIL '91</u> | <u>1755 HRS</u> |
| <u>JEAN JOHNSON</u>     | <u>18 APRIL '91</u> | <u>1940 HRS</u> |
| <u>KEITH MONTGOMERY</u> | <u>18 APRIL '91</u> | <u>1948 HRS</u> |
| <u>GEORGE FERRELL</u>   | <u>18 APRIL '91</u> | <u>2000 HRS</u> |
| _____                   | _____               | _____           |
| _____                   | _____               | _____           |
| _____                   | _____               | _____           |

Witness my signature, this the 18th of April, 1991.

Sgt. Michael Gill  
Sgt Mike Gill  
Police Officer of the City of Clinton

I, the undersigned Police Officer of the City of Clinton, Mississippi, do hereby certify that I made a diligent search and inquiry as to the whereabouts of the following named persons, but was unable to find said persons.

| NAME               | DATE                | TIME            |
|--------------------|---------------------|-----------------|
| <u>ED. VALENTE</u> | <u>18 APRIL '91</u> | <u>2045 HRS</u> |
| _____              | _____               | _____           |
| _____              | _____               | _____           |
| _____              | _____               | _____           |
| _____              | _____               | _____           |

Witness my signature, this the 18th of April, 1991.

Sgt. Michael Gill  
Sgt Mike Gill  
Police Officer of the City of Clinton

RESOLUTION AUTHORIZING CITY ATTORNEY TO FILE EMINENT DOMAIN  
PROCEEDINGS TO ACQUIRE NECESSARY PROPERTY RIGHTS  
FOR PEBBLEBROOK DRAINAGE PROJECT

WHEREAS, the appropriate governing authorities of the State of Mississippi with jurisdiction in the subject matter and the appropriate governing authorities for the United States Government have an interest in, and provide programs for, drainage control and management of soil and land conservation through the United States Soil Conservation Service; and

WHEREAS, the City of Clinton has developed a plan for the correction of drainage problems to stop erosion and to provide for stablization of drainage channels, all of which results in a long-term benefit to its citizens through preservation of their property and efficient management of storm drainage; and

WHEREAS, the City of Clinton has studied the drainage and erosion problems along what is commonly called the "Pebblebrook Ditch", and its engineer has recommended that this area satisfies the criteria for eligibility as a joint project to be undertaken by the City of Clinton and the United States Soil Conservation Service; and

WHEREAS, the City of Clinton has been awarded a grant in the present year for the relief of drainage damage and control of attendant soil erosion, the project commonly called the "Pebblebrook Drainage Control Project" being one of the areas specifically studied and recommended for such relief, and the City of Clinton will participate by expending Twenty Percent (20%) of the project costs for installation of the project and additionally provide for the long-term maintenance of the project at the rate of Two Percent (2%) of the project cost per annum through its budget; and

WHEREAS, the City of Clinton has in years past begun drainage control work in conjunction with the United States Soil Conservation District on a portion of the drainage basin immediately downstream of the presently contemplated project to the

benefit of its citizens and promotion of public welfare; and

WHEREAS, the City of Clinton has notified all property owners who own property within the project and working limits of the "Pebblebrook Drainage Project" and has requested easements upon their properties for the implementation and permanent maintenance of the project and, specifically, with Mr. Bobby May, et ux; Mr. Eugene Darmer, et ux; Ms. Pamela Smith; and Mr. Mike Hopkins, owners of properties within the description of the project situated in the city limits of Clinton, Mississippi, in the First Judicial District of Hinds County, Mississippi; and

WHEREAS, after diligent negotiations with the owners of the properties, the City of Clinton has been unsuccessful in its attempt to acquire the necessary easements for implementation of the "Pebblebrook Drainage Project" on the aforementioned properties, which is more particularly described in Exhibits A through D hereto, which are made a part of this Resolution the same as if copied herein verbatim; and

WHEREAS, the professional engineer employed by the United States Soil Conservation District had recommended the "Pebblebrook Drainage Project" as a long-term corrective measure for control of erosion in that drainage channel, which project cannot be undertaken with the full long-term benefits by omission of that part of the project described by easements on the aforementioned properties;

NOW, THEREFORE, BE IT RESOLVED by the governing authority of the City of Clinton, Mississippi, as follows:

1. The "Pebblebrook Drainage Project" to be undertaken jointly by the United States Soil Conservation Service and the City of Clinton, as requested by the latter and designed by the former, is found to be reasonable, sufficient and necessary to control erosion due to drainage, especially storm drainage, in the affected area within the corporate limits of the City of Clinton and for the protection of health, safety, welfare, public

convenience and the protection of the property of the citizens of the City of Clinton.

2. The acquisition of the property rights through easements, as described in Exhibits A through D, is necessary to protect the health, safety and general welfare of the citizens of Clinton.

3. In order to protect the health, safety, welfare and public convenience of the citizens of Clinton and the protection of the property of the citizens of Clinton, it is necessary that the City have immediate possession by way of easements over the property, as described in Exhibits A thorough D, so as to meet the deadlines required to qualify for the grant of Federal money now available; that the City of Clinton shall suffer irreparable harm and delay by exercising the right to condemn said property through Eminent Domain proceedings pursuant to 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;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Attorney for the City of Clinton is authorized and directed to institute Eminent Domain proceedings, amend proceedings already filed, and to take any and all actions appropriate under the Eminent Domain statutes of the State of Mississippi to acquire the easement rights necessary for the completion of the Pebblebrook Drainage Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the appropriate authorities of the City of Clinton are hereby authorized to withdraw funds from any account of the City of Clinton from which funds may be legally withdrawn for the purpose of acquiring the subject easements and that the appropriate City officials are authorized and directed to deposit with the Court not less than Eighty-five Percent (85%) of the amount of the compensation and damages as determined by the appraiser appointed under the provi-

sions of the Eminent Domain statutes of the State of Mississippi for the purpose of appraising the subject property as required by law so that immediate possession may be obtained by the City.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Attorney for the City of Clinton is hereby authorized and directed to do any and all things necessary under the Eminent Domain statutes of the State of Mississippi to acquire for the City of Clinton the easements which are the subject of this Petition and more specifically identified in Exhibits A through D hereto.

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

Alderman Ryan voted:

Aye

Alderman Ferrell voted:

Absent

Alderman Valente voted:

Aye

Alderman Chappell voted:

Aye

Alderman Montgomery voted:

Nay

Alderman Johnson voted:

Did Not Vote - Mayor Pro Temp

Alderman Lott voted:

Aye

APPROVED on the 19th day of April,

1991.

*Billy Ray Smith*  
~~BILLY RAY SMITH, MAYOR~~  
Mayor Pro Temp

ATTEST:

*Nelson Byrd*  
CITY CLERK

LEGAL DESCRIPTION  
FOR  
WORK LIMITS  
SCS STREAMBANK EROSION PROJECT  
PEBBLEBROOK EXTENSION

Begin at the Northwest corner of Lot 286 (the Mike Hopkins property) of Hanging Moss of Trailwood, Part 6 according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 27 Page 23, reference to which is hereby made in aid of and as a part of this description; said point also being the Southwest corner of Lot 285 of said Hanging Moss of Trailwood Part 6; run thence along the Northwest, West and North lines of said Lot 286 as follows; Thence run S 72-35-00 E for 63.000 Feet; Thence run S 38-49-39 W for 48.610 Feet; Thence run S 76-15-43 W for 37.853 Feet; Thence run N 0-06-00 E for 47.000 Feet; Thence run N 20-39-00 E for 20.000 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 286 of Hanging Moss of Trailwood, Part 6, is located in the Southeast Quarter (SE 1/4) of Section 31, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 2766.65 square feet or 0.0635 acres, more or less.

EXHIBIT A-1

LEGAL DESCRIPTION  
FOR  
DRAINAGE EASEMENT  
SCS STREAMBANK EROSION PROJECT  
PEBBLEBROOK EXTENSION

Begin at the Northwest corner of Lot 286 (the Mike Hopkins property) of Hanging Moss of Trailwood, Part 6 according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 27 Page 23, reference to which is hereby made in aid of and as a part of this description; said point also being the Southwest corner of Lot 285 of said Hanging Moss of Trailwood Part 6; run thence along the Northwest, West and North lines of said Lot 286 as follows; Thence run S 72-35-00 E for 36.000 Feet; Thence run S 38-01-21 W for 27.951 Feet; Thence run S 77-51-37 W for 20.629 Feet; Thence run N 5-34-35 W for 23.206 Feet; Thence run N 20-39-00 E for 15.000 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 286 of Hanging Moss of Trailwood, Part 6, is located in the Southeast Quarter (SE 1/4) of Section 31, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 915.70 square feet or 0.0210 acres, more or less.

EXHIBIT A-2

EXHIBIT "B"

LEGAL DESCRIPTION  
FOR  
WORK LIMITS  
SCS STREAMBANK EROSION PROJECT  
PEBBLEBROOK EXTENSION

Begin at the Northernmost corner of Lot 284 (the Bobby E. May and Donna R. May property) of Hanging Moss of Trailwood, Part 6 according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 27 Page 23 , reference to which is hereby made in aid of and as a part of this description; said point also being the Westernmost corner of Lot 283 of said Hanging Moss of Trailwood Part 6; run thence along the North, South and West lines of said Lot 284 as follows; Thence run S 34-30-00 E for 80.000 Feet; Thence run S 45-31-25 W for 31.009 Feet; Thence run S 10-23-47 E for 86.872 Feet; Thence run S 1-39-38 E for 109.525 Feet; Thence run N 53-31-00 W for 47.000 Feet; Thence run N 3-22-28 W for 228.696 Feet; Thence run N 19-17-00 E for 27.900 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 284 of Hanging Moss of Trailwood, Part 6, is located in the Southeast Quarter (SE 1/4) of Section 31, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 9358.67 square feet or 0.2148 acres, more or less.

EXHIBIT B1

~~EXHIBIT B1~~

LEGAL DESCRIPTION  
FOR  
DRAINAGE EASEMENT  
SCS STREAMBANK EROSION PROJECT  
PEBBLEBROOK EXTENSION

Begin at the Southwest corner of Lot 284 (the Bobby E. May and Donna R. May property) of Hanging Moss of Trailwood, Part 6 according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 27 Page 23, reference to which is hereby made in aid of and as a part of this description; said point also being the Northernmost corner of Lot 285 of said Hanging Moss of Trailwood Part 6; run thence along the West and South lines of said Lot 284 as follows; Thence run N 3-27-58 W for 165.697 Feet; Thence run S 13-05-11 E for 86.746 Feet; Thence run S 3-58-50 E for 93.017 Feet; Thence run N 53-31-00 W for 20.000 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 284 of Hanging Moss of Trailwood, Part 6, is located in the Southeast Quarter (SE 1/4) of Section 31, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 1908.71 square feet or 0.0438 acres, more or less.

EXHIBIT B-2

LEGAL DESCRIPTION  
FOR  
DRAINAGE EASEMENT  
SCS STREAMBANK EROSION PROJECT  
PEBBLEBROOK EXTENSION

Begin at the Northernmost corner of Lot 284 (the Bobby E. May and Donna R. May property) of Hanging Moss of Trailwood, Part 6 according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 27 Page 23, reference to which is hereby made in aid of and as a part of this description; said point also being the Westernmost corner of Lot 283 of said Hanging Moss of Trailwood Part 6; run thence along the North and West lines of said Lot 284 as follows; Thence run S 34-30-00 E for 20.000 Feet; Thence run S 31-38-05 W for 10.609 Feet; Thence run S 12-40-09 W for 55.082 Feet; Thence run N 3-08-00 W for 53.000 Feet; Thence run N 19-17-00 E for 27.900 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 284 of Hanging Moss of Trailwood, Part 6, is located in the Southeast Quarter (SE 1/4) of Section 31, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 687.96 square feet or 0.0158 acres, more or less.

EXHIBIT B-3

~~EXHIBIT C~~

LEGAL DESCRIPTION  
FOR  
WORK LIMITS  
SCS STREAMBANK EROSION PROJECT  
PEBBLEBROOK EXTENSION

Begin at the Northeast corner of Lot 283 (the Eugene P. Darmer & Karen J. Darmer property) of Hanging Moss of Trailwood, Part 6 according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 27 Page 23, reference to which is hereby made in aid of and as a part of this description; said point also being the Westernmost corner of Lot 280 of said Hanging Moss of Trailwood Part 6; run thence along the East, West and North lines of said Lot 283 as follows; Thence run S 16-24-00 E for 39.000 Feet; Thence run S 66-33-37 W for 168.130 Feet; Thence run N 34-30-00 W for 80.000 Feet; Thence run S 87-30-00 E for 156.300 Feet; Thence run N 35-39-00 E for 55.600 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 283 of Hanging Moss of Trailwood, Part 6, is located in the Southeast Quarter (SE 1/4) of Section 31, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 6700.82 square feet or 0.1536 acres, more or less.

EXHIBIT C-1

EXHIBIT C-1

LEGAL DESCRIPTION  
FOR  
DRAINAGE EASEMENT  
SCS STREAMBANK EROSION PROJECT  
PEBBLEBROOK EXTENSION

Begin at the Northwest corner of Lot 283 (the Eugene P. Darmer and Karen J. Darmer property) of Hanging Moss of Trailwood, Part 6 according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 27 Page 23, reference to which is hereby made in aid of and as a part of this description; said point also being the Westernmost corner of Lot 280 of said Hanging Moss of Trailwood Part 6; run thence along the North and West lines of said Lot 283 as follows; Thence run S 87-30-00 E for 156.300 Feet; Thence run S 86-10-55 W for 145.145 Feet; Thence run N 34-30-00 W for 20.000 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 283 of Hanging Moss of Trailwood, Part 6, is located in the Southeast Quarter (SE 1/4) of Section 31, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 1248.28 square feet or 0.0287 acres, more or less.

EX-317-C2

EXHIBIT E

LEGAL DESCRIPTION  
FOR  
WORK LIMITS  
SCS STREAMBANK EROSION PROJECT  
PEBBLEBROOK EXTENSION

Begin at the Northernmost corner of Lot 285 (the Pamela L. Smith property) of Hanging Moss of Trailwood, Part 6 according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 27 Page 23, reference to which is hereby made in aid of and as a part of this description; said point also being the Southwesternmost corner of Lot 284 of said Hanging Moss of Trailwood Part 6; run thence along the North, South and West lines of said Lot 285 as follows; Thence run S 53-31-00 E for 47.000 Feet; Thence run S 12-50-24 W for 130.130 Feet; Thence run N 72-35-00 W for 63.000 Feet; Thence run N 20-39-00 E for 145.300 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 285 of Hanging Moss of Trailwood, Part 6, is located in the Southeast Quarter (SE 1/4) of Section 31, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 7371.00 square feet or 0.1692 acres, more or less.

EXHIBIT D-1

EXHIBIT

LEGAL DESCRIPTION  
FOR  
DRAINAGE EASEMENT  
SCS STREAMBANK EROSION PROJECT  
PEBBLEBROOK EXTENSION

Begin at the Northernmost corner of Lot 285 (the Pamela L. Smith property) of Hanging Moss of Trailwood, Part 6 according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 27 Page 23, reference to which is hereby made in aid of and as a part of this description; said point also being the Southwesternmost corner of Lot 284 of said Hanging Moss of Trailwood Part 6; run thence along the North, South and West lines of said Lot 285 as follows; Thence run S 53-31-00 E for 20.000 Feet; Thence run S 13-44-24 W for 138.821 Feet; Thence run N 72-35-00 W for 25.000 Feet; Thence run N 14-31-38 E for 102.967 Feet; Thence run N 20-39-00 E for 42.300 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 285 of Hanging Moss of Trailwood, Part 6, is located in the Southeast Quarter (SE 1/4) of Section 31, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 3325.89 square feet or 0.0764 acres, more or less.

EXHIBIT D-2

~~EXHIBIT D-2~~