

**SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN
MONDAY, SEPTEMBER 23, 1991 - 7:30 A.M.
MAYOR'S OFFICE - CITY HALL
300 JEFFERSON STREET**

The Mayor and Board of Aldermen of the City of Clinton met in the Mayor's Office, 300 Jefferson Street, on Monday, September 23, 1991, 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 954 of this Minute Book U.

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
Ronnie Chappell - Alderman Ward 3
Jean Johnson - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Mayor Billy Ray Smith - Presiding

City Attorney William E. Spell
City Clerk Nelson Byrd
Public Works Director Harold Alderman

Absent - Keith Montgomery - Alderman Ward 4

ADOPTION OF RESOLUTION TO FILE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CAMPBELL PROPERTY ON STRAIGHT FENCE CREEK SOIL CONSERVATION PROJECT

MOTION made by Alderman Ryan and **SECONDED** by Alderman Chappell to adopt that Resolution found on pages 955-957 of this Minute Book U finding that real property owned by Mary S. Campbell is necessary through eminent domain proceedings to complete the Soil Conservation Service Straight Fence Creek Project where severe drainage problems that threaten the public health, safety and welfare are being corrected. **MOTION CARRIED UNANIMOUSLY.**

FURTHER DISCUSSION OF SCHOOL BOARD VS. CITY OF CLINTON REGARDING WATER WELLS ON LEASED SCHOOL LAND

Discussion of possible recommendations to resolve the lawsuit concerning the City of Clinton water wells located on leased school lands by Attorney Spell resulted in **NO BOARD ACTION.**

CITY OF CLINTON TO OBJECT TO PROPOSED ANNEXATION IN SOUTHERN HINDS COUNTY BY THE CITY OF JACKSON

MOTION made by Alderman Chappell and **SECONDED** by Alderman Ryan that City Attorney Spell file an objection on behalf of the City of Clinton to the City of Jackson's proposed annexation in the Byram and Jackson Municipal Airport areas. **MOTION CARRIED UNANIMOUSLY.** Copy of said lawsuit may be found in the office of the City Clerk.

Aldermen Valente and Ferrell left the Board Meeting at 7:55 A.M.

ADJOURNMENT - 8 A.M.

There being no further business to discuss, **MOTION** made by

Alderman Ryan and SECONDED by Alderman Johnson to adjourn. MOTION CARRIED UNANIMOUSLY.

APPROVED: Billy R Smith 9-25-91
Billy Ray Smith, Mayor Date

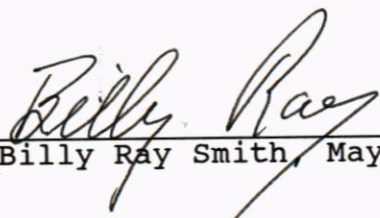
ATTEST: Nelson Byrd 9-25-91
Nelson Byrd, City Clerk Date

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. September 23, 1991, in the Office of the Mayor located at 300 Jefferson Street, for purpose discussing the following items:

1. Discussion/Action - Eminent Domain procedure, Campbell property located on Straight Fence Creek, North of Dogwood Street
2. Discussion/Action - proposal to school board on Amendment to present lease of land where water wells are located
3. Discussion/Action - Jackson proposed annexation that could affect Clinton



Billy Ray Smith, Mayor

9-20-91

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>Shabab K. Jall</u>	<u>09-20-91</u>	<u>6:00 PM</u>
<u>Donnie D. Huggins</u>	<u>09-20-91</u>	<u>6:08 PM</u>
<u>James J. Huggins</u>	<u>09-20-91</u>	<u>6:20 P.M.</u>
<u>James J. Huggins</u>	<u>09-20-91</u>	<u>10:12 PM</u>
<u>George Ferrell</u>	<u>09-21-91</u>	<u>5:46 P.M.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Witness my signature, this the 20th day of September, 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>MONTGOMERY</u>	<u>9-22-91</u>	<u>9-22-91</u>
<u>VALENTE</u>	<u>9-22-91</u>	<u>9-22-91</u>
_____	_____	_____

Witness my signature, this 20th day of September, 1991.

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

A RESOLUTION FINDING THAT CERTAIN REAL PROPERTY IS REQUIRED IN
THE PUBLIC INTEREST FOR A DRAINAGE EASEMENT AND DIRECTING THE
CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE
SAID PROPERTY

WHEREAS, the City of Clinton is participating with the United States Department of Agriculture in a Soil Conservation project known as Straight Fence Creek, in which project severe drainage problems that threaten the public health, safety and welfare are being corrected; and

WHEREAS, in the construction of the drainage project, a permanent easement, certain property owned by Mary S. Campbell is required so that the drainage project may be contiguous and continuous so that water will flow sufficiently fast and in such quantities as will prevent flooding, as has occurred frequently in the past; and

WHEREAS, the property of Mary S. Campbell is located in a portion of the drainage way that blocks the flow of water to the extent that flooding results and severely threatens the integrity of a public street and causes flood waters to enter into the homes of adjacent residents; and

WHEREAS, a permanent drainage easement across the property of Mary S. Campbell is required in order to construct and operate the drainage project, said easement being required upon the land described as follows, to-wit:

Begin at the Northeast corner of Lot 518 of Clinton Park Subdivision, Part 10 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 22 Page 27, reference to which is hereby made in aid of and as a part of this description; said point also being the Southeast corner of Lot 657 of Clinton Park Subdivision, Part 14; run thence along the East, South and North lines of said Lot 518 as follows; Thence run S 34-39-00 E for 100.000 Feet; Thence run S 50-48-00 W for 40.000 Feet; Thence run N 32-29-56 W for 103.204 Feet; Thence run N 55-17-00 E for 36.000 Feet; To the POINT OF BEGINNING.

The above described parcel of property, which is part of Lot 518 of Clinton Park Subdivision, Part 10, is located in the Northwest Quarter (NW 1/4) of Section 21, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and contains 3849.99 square feet or 0.0884 acres, more or less.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The governing authority of the City of Clinton, Mississippi, hereby declares that the acquisition of a drainage easement across the property of Mary S. Campbell, as more particularly described above, is required in the public interest and to protect the health, safety and welfare of the citizens of the City of Clinton, Mississippi.

2. The City of Clinton shall suffer irreparable harm and delay by exercising the right to condemn said property through eminent domain proceedings, pursuant to §§11-27-1 through 11-27-49, as opposed to claiming the right of immediate possession of said property, pursuant to §§11-27-81 through 11-27-89.

3. Being unable to agree with the owner and other parties interested in said property, the governing authority of the City of Clinton, after due consideration, does hereby declare said property necessary for public use and orders that it be condemned; and authorizes and requests the attorney for the City of Clinton to institute any and all condemnation proceedings necessary to acquire the above-described property for the public use mentioned, including all access rights necessary for the operation of the drainage project of which the condemned property shall be a part.

4. The Director of Public Works is directed to prepare evidence for the condemnation proceedings here authorized and ordered.

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

Alderman Ryan voted:

YES

Alderman Ferrell voted:

YES

Alderman Valente voted:

YES

Alderman Chappell voted:

YES

Alderman Montgomery voted:

ABSENT

Alderman Johnson voted:

YES

Alderman Lott voted:

YES

APPROVED on the 23rd day of September,

1991.



ATTEST:

Billy R Smith
BILLY RAY SMITH, MAYOR

Nelson Byrd
NELSON BYRD, CITY CLERK