



Monday, October 2, 2023
4:00 PM

City Council
Monday Meeting Agenda

Council Chambers
200 Forrest Street

Call to Order

Public Hearing

1. **2023-698** Hold Public Hearing to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.
Attachments:
 1. 1. 1234 Beverly Hills Drive Case History
 2. 2. 1236 Beverly Hills Drive Case History
 3. 3. 122 Ellis Drive Case History

2. **2023-709** Hold Public Hearing in pursuant to Mississippi Code §17-1-23(4) to divide a property within a platted subdivision located at 509 Ronie Street, requested by Gerry Grimshaw and Garry Willams. The property is part of the The Kamper and Whinnery Survey subdivision. The request meets the Land Development Code but may be approved through the procedures pursuant to §17-1-23(4).

Agenda Adjustments - Add Policy Item #14 at the request of the Administration as follows:

14. **2023-727** Adopt a Resolution declaring Forrest County PPIN 021836 necessary for public use and authorizing to condemn and authorizing the City Attorney or assignee to institute any and all proceedings necessary to acquire the same.

Agenda Review

Citizens' Forum

Work Session

1. **2023-728** Spring Street Cigars, requested by Council Vice President Dave Ware.

Meeting Recess



Memorandum

To: Mayor Toby Barker and Members of City Council

From:

cc:

Date: Monday, October 2, 2023

Re: Hold Public Hearing to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.
File Number: 2023-698
Minute Book #

Summary

Public Hearing 10 02 2023, Unsafe Properties

Recommendation Statement

I recommend a Public Hearing for the listed properties to determine if said properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community.

Please place this on the October 2, 2023 City Council meeting for consideration.

Case # 1

Case History For 1234 Beverly Hills Drive

Ward: 1

Action Center: 02-22-009795

Date: 02/28/2022

PPIN: 00612

Owner: Marcy Havard

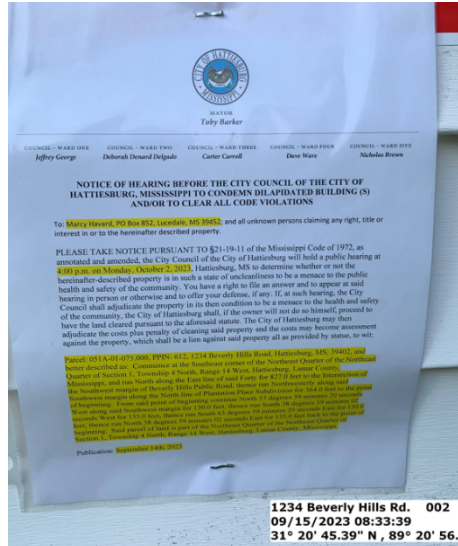
Violations: DS, VS, AG&R

Case History: Code Enforcement was alerted to the property and found there to be a structure that has been vacant for some time. The exterior of the property is in severe disrepair, and currently being used as a harbor for vagrants. There is also a large amount of garbage and rubbish on the front and rear of the property. Should measures not be taken in a reasonable time to rehabilitate and repair the structure, action will be taken by Code Enforcement to do so.

Inspector:

Whit Sanguinetti

601-554-1011





MAYOR
Toby Barker

COUNCIL - WARD ONE
Jeffrey George

COUNCIL - WARD TWO
Deborah Denard Delgado

COUNCIL - WARD THREE
Carter Carroll

COUNCIL - WARD FOUR
Dave Ware

COUNCIL - WARD FIVE
Nicholas Brown

**NOTICE OF HEARING BEFORE THE CITY COUNCIL OF THE CITY OF
HATTIESBURG, MISSISSIPPI TO CONDEMN DILAPIDATED BUILDING (S)
AND/OR TO CLEAR ALL CODE VIOLATIONS**

To: Marcy Havard, PO Box 852, Lucedale, MS 39452; and all unknown persons claiming any right, title or interest in or to the hereinafter described property.

PLEASE TAKE NOTICE PURSUANT TO §21-19-11 of the Mississippi Code of 1972, as annotated and amended, the City Council of the City of Hattiesburg will hold a public hearing at 4:00 p.m. on Monday, October 2, 2023, Hattiesburg, MS to determine whether or not the hereinafter-described property is in such a state of uncleanness to be a menace to the public health and safety of the community. You have a right to file an answer and to appear at said hearing in person or otherwise and to offer your defense, if any. If, at such hearing, the City Council shall adjudicate the property in its then condition to be a menace to the health and safety of the community, the City of Hattiesburg shall, if the owner will not do so himself, proceed to have the land cleared pursuant to the aforesaid statute. The City of Hattiesburg may then adjudicate the costs plus penalty of cleaning said property and the costs may become assessment against the property, which shall be a lien against said property all as provided by statute, to wit:

Parcel: 051A-01-075.000, PPIN: 612, 1234 Beverly Hills Road, Hattiesburg, MS, 39402, and better described as: Commence at the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 1, Township 4 North, Range 14 West, Hattiesburg, Lamar County, Mississippi, and run North along the East line of said Forty for 827.0 feet to the Intersection of the Southwest margin of Beverly Hills Public Road, thence run Northwesterly along said Southwest margin along the North line of Plantation Place Subdivision for 364.0 feet to the point of beginning. From said point of beginning continue North 53 degrees 59 minutes 20 seconds West along said Southwest margin for 130.0 feet, thence run South 38 degrees 59 minutes 02 seconds West for 135.0 feet, thence run South 63 degrees 59 minutes 20 seconds East for 130.0 feet, thence run North 38 degrees 59 minutes 02 seconds East for 135.0 feet back to the point of beginning. Said parcel of land is part of the Northeast Quarter of the Northeast Quarter of Section 1, Township 4 North, Range 14 West, Hattiesburg, Lamar County, Mississippi.

Publication: September 14th, 2023

1234 Beverly Hills Drive

PPIN: 00612

7014 3090 0000 6712 0477

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
\$

Total Postage and Fees
\$

Sent To
Murray Howard
Street and Apt. No., or P.O. Box No.
PO Box 852
City, State, ZIP+4®
Wendale MS 39452

1234 Beverly Hills Drive

3090 0000 6712 0477

ARM 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Case # 1

Case History For

1236 Beverly Hills Drive

Ward: 1

Action Center: 02-23-010711

Date: 03/14/2023

PPIN: 08113

Owner: Booker Hilton SR

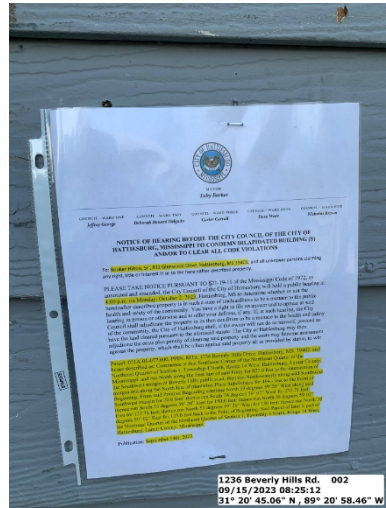
Violations: AG&R

Case History: Officer Holmes was assigned to view the property and the surrounding area on their conditions and rating. Upon inspection, accumulation of trash and rubbish was present around the whole property. Property must be cleaned and maintained from rubbish and trash unless proper interventions are done prior to the re-inspection date or a Municipal Offense Ticket will be issued.

Inspector:

Shayne Holmes

601-554-1023





MAYOR
Toby Barker

COUNCIL - WARD ONE
Jeffrey George

COUNCIL - WARD TWO
Deborah Denard Delgado

COUNCIL - WARD THREE
Carter Carroll

COUNCIL - WARD FOUR
Dave Ware

COUNCIL - WARD FIVE
Nicholas Brown

**NOTICE OF HEARING BEFORE THE CITY COUNCIL OF THE CITY OF
HATTIESBURG, MISSISSIPPI TO CONDEMN DILAPIDATED BUILDING (S)
AND/OR TO CLEAR ALL CODE VIOLATIONS**

To: **Booker Hilton, Sr., 811 Glenwood Drive, Hattiesburg, MS 39401**; and all unknown persons claiming any right, title or interest in or to the hereinafter described property.

PLEASE TAKE NOTICE PURSUANT TO §21-19-11 of the Mississippi Code of 1972, as annotated and amended, the City Council of the City of Hattiesburg will hold a public hearing at **4:00 p.m. on Monday, October 2, 2023**, Hattiesburg, MS to determine whether or not the hereinafter-described property is in such a state of uncleanness to be a menace to the public health and safety of the community. You have a right to file an answer and to appear at said hearing in person or otherwise and to offer your defense, if any. If, at such hearing, the City Council shall adjudicate the property in its then condition to be a menace to the health and safety of the community, the City of Hattiesburg shall, if the owner will not do so himself, proceed to have the land cleared pursuant to the aforesaid statute. The City of Hattiesburg may then adjudicate the costs plus penalty of cleaning said property and the costs may become assessment against the property, which shall be a lien against said property all as provided by statute, to wit:

Parcel: 051A-01-077.000, PPIN: 8113, 1236 Beverly Hills Drive, Hattiesburg, MS, 39402, and better described as: Commence at that Southeast Corner of the Northeast Quarter of the Northeast Quarter of Section 1, Township 4 North, Range 14 West, Hattiesburg, Lamar County, Mississippi, and run North along the East line of said Forty for 827.0 feet to the intersection of the Southwest margin of Beverly Hills public road, then run Northwesterly along said Southwest margin and along the North line of plantation Place Subdivision for 494.- feet to the Point of Beginning, From said Point of Beginning continue North 53 degrees 59'20" West along said Southwest margin for 20.0 feet' thence run South 38 degrees 59' 02" West for 272.71 feet; thence run South 53 degrees 59' 20" East for 150.0 feet; thence run North 38 degrees 59'02" East for 137.71 feet; thence run North 53 degrees 59' 20" West for 130 feet; thence run North 38 degrees 59' 02" East for 135.0 feet back to the Point of Beginning. Said Parcel of land is part of the Northeast Quarter of the Northeast Quarter of Section 1, Township 4 North, Range 14 West, Hattiesburg, Lamar County, Mississippi. Publication: September 14th, 2023

Publication: **September 14th, 2023**

1236 Beverly Hills Drive

PPIN: 08113

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Total Postage & Fees	\$

Sent To: Booker T. Davis R. Hillman
Street, Apt. No.,
or PO Box No. 811 Glenwood Dr
City, State, ZIP+4 Hattiesburg MS 39401

PS Form 3800, August 2006 See Reverse for Instructions

7013 1090 0001 3411 7691

1236 Beverly Hills Drive
HATTIESBURG
MS 39401
MAR 2002

Case # 1

Case History For

122 Ellis Drive

Ward: 1

Action Center: 03-21-008841

Date: 08/30/2023

PPIN: 18522

Owner: Rickey Lindsey/Telegraph 14, LLC

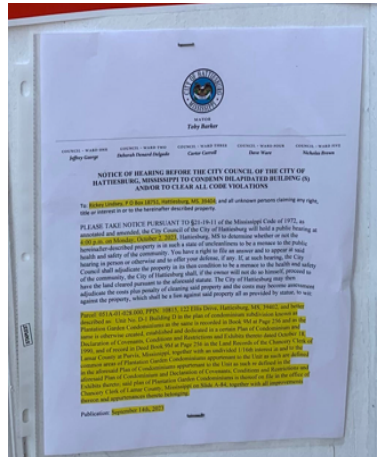
Violations: DS, VS, US

Case History: Case History write up

Inspector:

Shayne Holmes

601-554-1023





MAYOR
Toby Barker

COUNCIL - WARD ONE
Jeffrey George

COUNCIL - WARD TWO
Deborah Denard Delgado

COUNCIL - WARD THREE
Carter Carroll

COUNCIL - WARD FOUR
Dave Ware

COUNCIL - WARD FIVE
Nicholas Brown

**NOTICE OF HEARING BEFORE THE CITY COUNCIL OF THE CITY OF
HATTIESBURG, MISSISSIPPI TO CONDEMN DILAPIDATED BUILDING (S)
AND/OR TO CLEAR ALL CODE VIOLATIONS**

To: **Rickey Lindsey, P O Box 18751, Hattiesburg, MS. 39404**; and all unknown persons claiming any right, title or interest in or to the hereinafter described property.

PLEASE TAKE NOTICE PURSUANT TO §21-19-11 of the Mississippi Code of 1972, as annotated and amended, the City Council of the City of Hattiesburg will hold a public hearing at **4:00 p.m. on Monday, October 2, 2023**, Hattiesburg, MS to determine whether or not the hereinafter-described property is in such a state of uncleanness to be a menace to the public health and safety of the community. You have a right to file an answer and to appear at said hearing in person or otherwise and to offer your defense, if any. If, at such hearing, the City Council shall adjudicate the property in its then condition to be a menace to the health and safety of the community, the City of Hattiesburg shall, if the owner will not do so himself, proceed to have the land cleared pursuant to the aforesaid statute. The City of Hattiesburg may then adjudicate the costs plus penalty of cleaning said property and the costs may become assessment against the property, which shall be a lien against said property all as provided by statute, to wit:

Parcel: 051A-01-028.000, PPIN: 10815, 122 Ellis Drive, Hattiesburg, MS, 39402, and better described as: Unit No. D-1 Building D in the plan of condominium subdivision known as Plantation Garden Condominiums as the same is recorded in Book 9M at Page 256 and as the same is otherwise created, established and dedicated in a certain Plan of Condominium and Declaration of Covenants, Conditions and Restrictions and Exhibits thereto dated October 18, 1990, and of record in Deed Book 9M at Page 256 in the Land Records of the Chancery Clerk of Lamar County at Purvis, Mississippi, together with an undivided 1/16th interest in and to the common areas of Plantation Garden Condominiums appurtenant to the Unit as such are defined in the aforesaid Plan of Condominiums appurtenant to the Unit as such re defined in the aforesaid Plan of Condominium and Declaration of Covenants, Conditions and Restrictions and Exhibits thereto; said plan of Plantation Garden Condominiums is thereof on file in the office of Chancery Clerk of Lamar County, Mississippi on Slide A-84; together with all improvements thereon and appurtenances thereto belonging.

Publication: **September 14th, 2023**

122 Ellis Drive

PPIN: 10815

7017 0190 0000 5162 8452

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☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

122 Ellis Dr.

Rickey Lindsey
PO Box 18751
Hattiesburg, MS. 39404

for Instructions



Memorandum

To: Mayor Toby Barker and Members of City Council

From:

cc: Ann Jones

Date: Monday, October 2, 2023

Re: Hold Public Hearing in pursuant to Mississippi Code §17-1-23(4) to divide a property within a platted subdivision located at 509 Ronie Street, requested by Gerry Grimshaw and Garry Willams. The property is part of the The Kamper and Whinnery Survey subdivision. The request meets the Land Development Code but may be approved through the procedures pursuant to §17-1-23(4).
File Number: 2023-709
Minute Book #

Summary

Gerry Grimshaw and Garry Willams, petitioner, requests a property division of an existing subdivision, The Kamper and Whinnery Survey. The request meets the Land Development Code but may be approved through the procedures pursuant to §17-1-23(4). The property is located at 509 Ronie Street and is Zoned R-1A, Single-Family Residential, Forrest, County, Ward 4 (PPIN 18758; Parcel No.: 2-029O-10-237.00)

Recommendation Statement

Please place this on the October 2, 2023 City Council meeting for consideration.

RECEIVED
AUG 11 2023



BY: B. H. H.
**URBAN
DEVELOPMENT
PLANNING DIVISION**

Public Hearing Application

P.O. BOX 1898 (200 Forrest Street/39401)

Hattiesburg, MS 39403-1898

Department of Urban Development

(601) 545-4599 or FAX (601) 545-1962

APPLICANT:

Applicant Name: GERRY GRIMSHAW and Garry Williams

Project Name: Subdividing of lot

Proposed Use(s): _____

Project Street Address: 509 Ronnie St. Hattiesburg MS 39401

PPIN Number(s) (if unknown, can be found on tax receipt): _____

Application for (check all appropriate types):

☐ Variance (see below)

☐ Conditional Use (see below)

☒ Subdividing of Lot, Parcel, or Tract (see p. 12)

☐ Re-Zoning (see below)

☐ Street or Alley Renaming (see pp. 13-14)

☐ Overlay District

☐ Vacating Street or Alley (see pp. 13-14)

☐ Planned Mixed-Use District

For Variance Only (check all appropriate variance types), see pp. 7 & 8:

☐ Sign ☐ Setback (front, side, or rear _____) ☐ Off-Site Parking

☐ Lot Width ☐ Lot Coverage Area ☐ Buffer ☐ Open Space

☐ Other: _____

For Conditional Use Permit Only (check applicable type), see pp. 9 & 10:

☐ Automotive Filling Station

☐ Telecommunications

☐ Digital Billboard, New

☐ Digital Billboard, Replacement

☐ Restaurant

☐ Solar Farm

☐ Other: _____

For Re-Zoning Only, see p. 11:

Existing Zoning: _____

Proposed Zoning: _____

PLEASE BE SURE TO FILL OUT PP. 1-5 AND SEE FEES ON P. 6

STAFF USE ONLY – Do Not Complete:

Pre-Application Date: _____ Planner: _____

Parcel Number(s): _____ Historic District(s): _____

Flood Zone(s): _____ Zoning District(s): _____

Project No.: _____

Code Sections:

LDC Section No. _____

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECIVED DATE & INITIALS:

PROJECT REPRESENTATIVE INFORMATION:

Primary:

Name: <u>GERRY GRIMSHAW + Garry Williams</u>		
☒ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer		
☐ Other (please specify): _____		
Phone: <u>727 709 5858</u>	Fax: <u>727 389 9732</u>	Email: <u>gggrimshaw@gmail.com</u>
Mailing Address: <u>509 Ronie St. Hattiesburg MS 39401</u>		

Secondary:

Name: _____		
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer		
☐ Other (please specify): _____		
Phone: _____	Fax: _____	Email: _____
Mailing Address: _____		

Other(s):

Name: _____		
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer		
☐ Other (please specify): _____		
Phone: _____	Fax: _____	Email: _____
Mailing Address: _____		

Name: _____		
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer		
☐ Other (please specify): _____		
Phone: _____	Fax: _____	Email: _____
Mailing Address: _____		

OWNER AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE OWNER(S) OF
THE SUBJECT PROPERTY

WITNESS THE SIGNATURES of the OWNER(s) of the subject property located at
509 RONIE ST Hattiesburg MS
Street Address City State

on this the 10th day of August, 2023

In the matter of this request, the property owner further authorizes the following named person(s)
to represent them at the public hearing on this petition.

on this the 10th day of August, 2023

Gerry Grimschaw
Property Owner (print)

Gerry Grimschaw
Property Owner (signature)

STATE OF MS

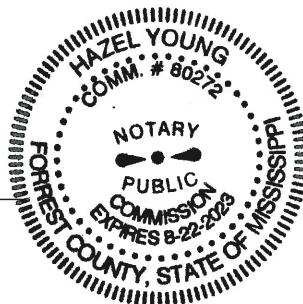
COUNTY OF Jones

Personally came and appeared before me, the within named
GERRY E GRIMSHAW Garry Williams
who signed and delivered the above and foregoing instrument as and for their free act and deed on
the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the
subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 10th day of
August, 2023.

Hazel Young
NOTARY PUBLIC

My Commission Expires:



APPLICANT AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE **APPLICANT** OF THIS PETITION, ONLY IF DIFFERENT FROM THE OWNER(S) OF THE SUBJECT PROPERTY

WITNESS THE SIGNATURES of the **APPLICANT(s)** of the subject property located
at 509 Ronnie St, Hattiesburg MS 39401
Street Address City State

on this the 10 day of August, 2023

Gerry Grimshaw & Garry Williams
Applicant (print)

X Gerry Grimshaw X Garry Williams
Applicant (signature)

STATE OF Mississippi
COUNTY OF Forrest

Personally came and appeared before me, the within named

_____,
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

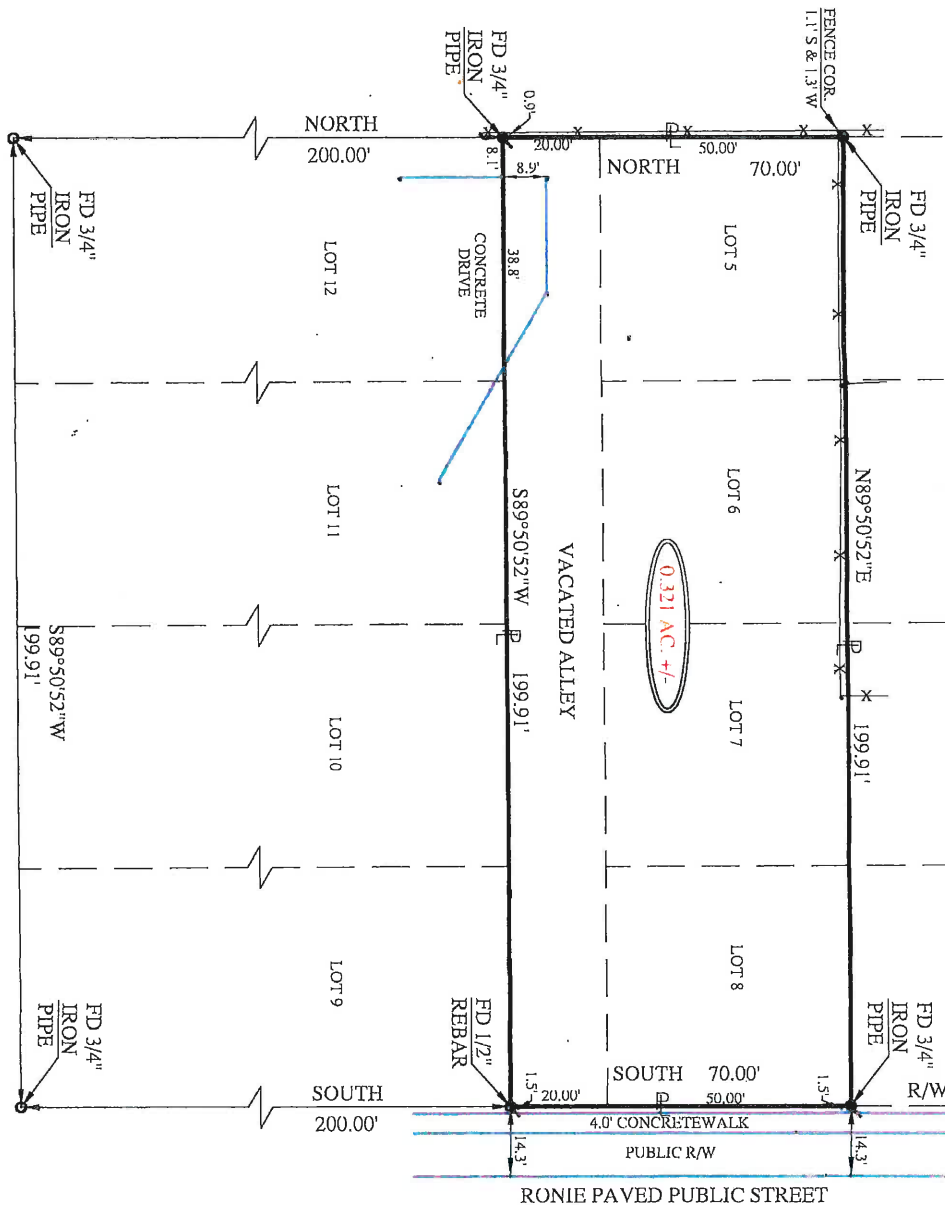
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:

DESCRIPTION:
THE SOUTH 50.00' OF LOTS 5, 6, 7 & 8 AND THAT PART OF THE VACATED ALLEY LYING SOUTH OF LOTS 5, 6, 7 & 8 AND NORTH OF LOTS 9, 10, 11, & 12 ALL BEING IN BLOCK 82 OF THE KAMPER AND WHINNERY SURVEY AS PER THE MAP OR PLAT THEREOF IN THE OFFICE OF THE CHANCERY CLERK IN THE COURTHOUSE AT HATTIESBURG, FORREST COUNTY, MISSISSIPPI AND CONTAINS 0.321 ACRES MORE OR LESS.

THOMAS J. TULLOS PROPERTY - PLAT



REFERENCE MATERIALS:
FORREST CO. TAX MAP 0290
FLYNT & ASSOCIATES SURVEY 110-87
DB-1016, PG-0201
DB-0987, PG-0201
DB-1242, PG-0287
DB-0851, PG-080
DB-1154, PG-0659
DB-0918, PG-158

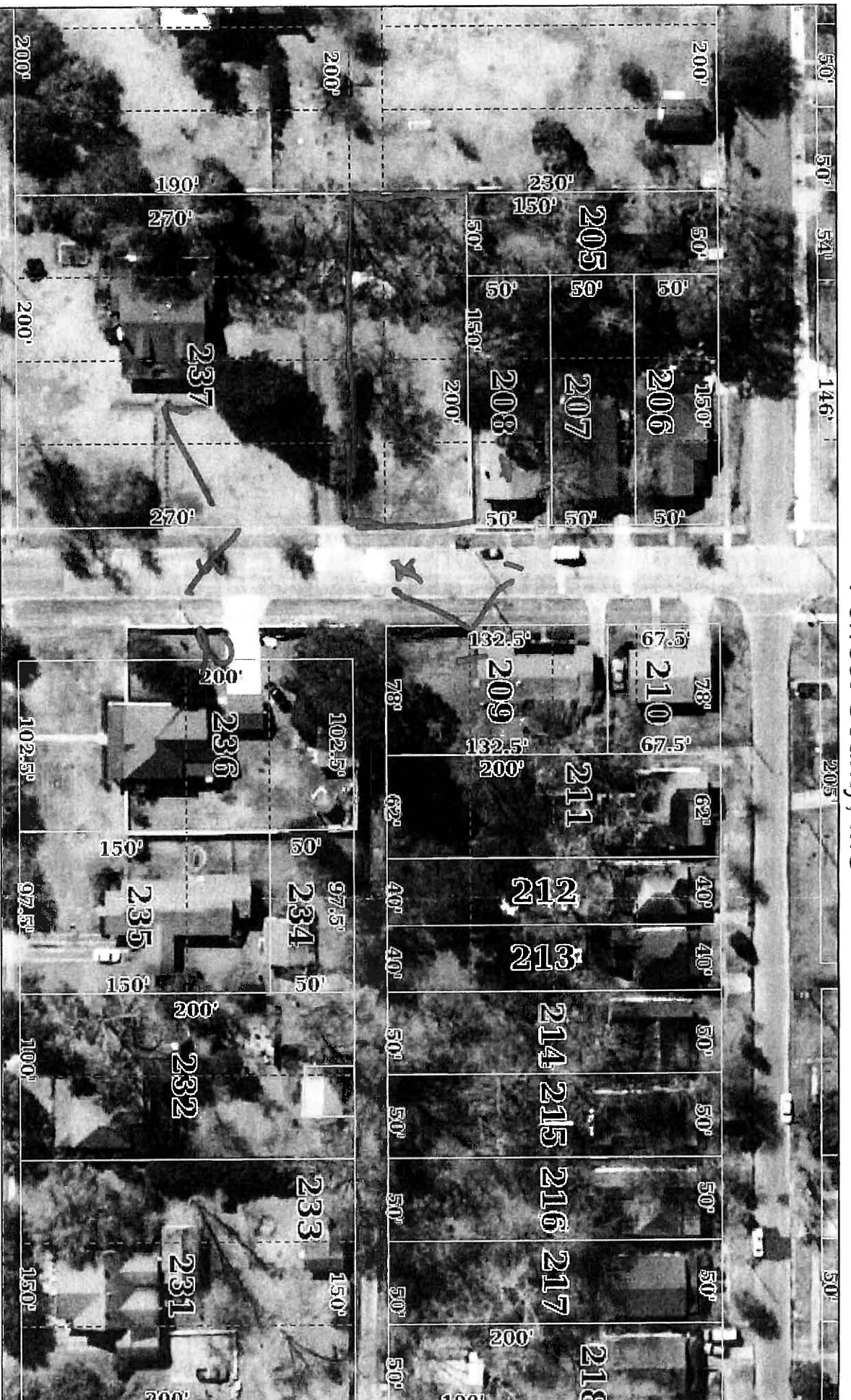


GRAPHIC SCALE



LEGEND A.P.S. AS PER SURVEY A.P.R. AS PER RECORD F.D. FOUND P.L. PROPERTY LINE C.L. CENTERLINE F.D. FENCE P.W. POWER LINE G.L. GAS LINE S.W. SEWER LINE W.L. WATER LINE		CERTIFICATE: THIS IS TO CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE AND THE PROPERTY LINES SHOWN ON THIS PLAT AND THAT SAID SURVEY HAS BEEN MADE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. RICHARD ALLEN FLYNT PROFESSIONAL LAND SURVEYOR NO. 15-01762 STATE OF MISSISSIPPI KS-01762		COPYRIGHT © FLYNT & ASSOCIATES, PLLC. 1999. ALL RIGHTS RESERVED. COPIES OF THIS PLAT WITHOUT AN ORIGINAL SIGNATURE IN RED INK AND AN IMPRESSION SEAL ARE NOT VALID, REPRODUCTION AND/OR ALTERATION BY ANY MEANS IN WHOLE OR PART WITHOUT PRIOR WRITTEN PERMISSION OF FLYNT & ASSOCIATES, PLLC IS PROHIBITED.		FLYNT & ASSOCIATES, PLLC PROFESSIONAL SURVEYORS 516 OLD RIGHTON ROAD PETAL, MISSISSIPPI 39465 PHONE: (601) 682-1818		SOLAR OBSERVATION G.P.S. RECORD BEARING	
REV. DATE DESCRIPTION REVISIONS		CHK. BY		DATE: 12/14/22 PART: CHIEF: DAVID GAMBILL		TECHNICIAN: MATT BROOKS		DRAWN BY: R. ALLEN FLYNT	

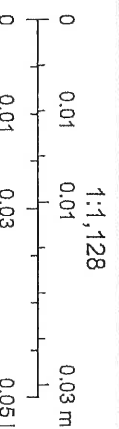
Forrest County, MS



7/7/2023, 1:56:54 PM

forrest_ms_ac
forrest_ms_dim
Anno

LOTLINE



City of Hattiesburg, Esq. HERE, Gamm, INCREMENT P. 1

City of Hattiesburg, Esq. HERE, Gamm, INCREMENT P. 1

Document: Miss. Code Ann. § 17-1-23

Miss. Code Ann. § 17-1-23

Copy Citation

Current with 2023 Regular Session legislation signed by the Governor and effective upon passage through March 18, 2023. The final official version of the statutes affected by 2023 legislation will appear on Lexis Advance and Lexis+ in the fall of 2023.

Mississippi Code 1972 Annotated Title 17. Local Government; Provisions Common to Counties and Municipalities (Chs. 1 – 29) Chapter 1. Zoning, Planning and Subdivision Regulation (§§ 17-1-1 – 17-1-75) General Provisions (§§ 17-1-1 – 17-1-27)

§ 17-1-23. Subdivision regulation.

(1) When new subdivisions are laid out, the governing authority of each municipality or county may, before allowing dedication, impose such terms as may be deemed necessary to make the provisions of Sections 17-1-1 through 17-1-27, inclusive, effective, and such governing authorities may receive easements in the land affected whereby such sections may be made effective.

(2) The board of supervisors of any county may order that no plat of a subdivision shall be recorded until it has been approved by the board of supervisors, and the board of supervisors shall have power to require the installation of utilities and laying out of streets in subdivisions or to accept performance bonds in lieu thereof; the board of supervisors of any county bordering on the State of Tennessee having a population of more than sixty-seven thousand nine hundred (67,900) but less than seventy thousand (70,000) according to the 1990 federal census and having a land area of more than four hundred seventy (470) square miles but less than five hundred (500) square miles may also, in lieu thereof, require the deposit of monies with the county which shall be placed in a special interest-bearing account in the county treasury, and such board of supervisors at the appropriate time shall spend monies from such account solely for the purpose of constructing or improving the roads and other infrastructure within the subdivision with respect to which the deposit or deposits were made.

(3) The governing authorities of a municipality may provide that any person desiring to subdivide a tract of land within the corporate limits shall submit a map and plat of such subdivision, and a correct abstract of title of the land platted, to said governing authorities, to be approved by them before the same shall

be filed for record in the land records of the county; and where the municipality has adopted an ordinance so providing, no such map or plat of any such subdivision shall be recorded by the chancery clerk unless same has been approved by said governing authorities. In all cases where a map or plat of the subdivision is submitted to the governing authorities of a municipality, and is by them approved, all streets, roads, alleys and other public ways set forth and shown on said map or plat shall be thereby dedicated to the public use, and shall not be used otherwise unless and until said map or plat is vacated in the manner provided by law, notwithstanding that said streets, roads, alleys or other public ways have not been actually opened for the use of the public. If any easement dedicated pursuant to the provisions of this section for a street, road, alley or other public purpose is determined to be not needed for the public purpose, the easement may be declared abandoned, and ownership of the fee underlying the easement shall revert, regardless of the date of dedication, to the adjoining property owner or owners at the time of abandonment. Ownership of such easement shall extend to the centerline of said abandoned street, road or public way. Such abandonment and reversion shall not affect any private easements which might exist.

(4) If the owner of any land which shall have been laid off, mapped or platted as a city, town or village, or addition thereto, or subdivision thereof, or other platted area, whether inside or outside a municipality, desires to alter or vacate such map or plat, or any part thereof, he may petition the board of supervisors of the county or the governing authorities of the municipality for relief in the premises, setting forth the particular circumstances of the case and giving an accurate description of the property, the map or plat of which is to be vacated or altered and the names of the persons to be adversely affected thereby or directly interested therein. However, before taking such action, the parties named shall be made aware of the action and must agree in writing to the vacation or alteration. Failure to gain approval from the parties named shall prohibit the board of supervisors or governing authorities from altering or vacating the map or plat, or any part thereof. Any alterations of a plat or map must be recorded in the appropriate location and a note shall be placed on the original plat denoting the altered or revised plat. No land shall be subdivided nor shall the map or plat of any land be altered or vacated in violation of any duly recorded covenant running with the land. Any municipality which shall approve such a vacation or alteration pursuant to this section shall be exempt from the sale of surplus real property provisions as set forth in Section 21-17-1.

(5) Subdivision regulation under this section shall not conflict with Article VII of the Chickasaw Trail Economic Development Compact described in Section 57-36-1.

History

Codes, 1892, § 2937; 1906 § 3328; Hemingway's 1917, § 5825; 1930, §§ 2405, 2475; 1942, §§ 2890.5, 3374-123, 3591; Laws, 1926, ch. 308; Laws, 1950, ch. 491, § 123; Laws, 1956, ch. 197, §§ 1-

6; Laws, 1960, ch. 402; Laws, 1997, ch. 459, § 1; Laws, 1998, ch. 553, § 8; Laws, 2008, ch. 339, § 3; Laws, 2009, ch. 531, § 3, eff from and after passage (approved Apr. 14, 2009.).

Mississippi Code 1972 Annotated

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Memorandum

To: Mayor Toby Barker and Members of City Council
From: Ann Jones, Chief Administrative Officer
cc:
Date: Monday, October 2, 2023
Re: Adopt a Resolution declaring Forrest County PPIN 021836 necessary for public use and authorizing the City Attorney or assignee to institute any and all proceedings necessary to acquire the same.
File Number: 2023-727
Minute Book #

Summary

It has been determined to be in the best interests of the citizens of the City to construct a sidewalk and associated amenities on and near 205 McLeod Street, located within the City limits.

Recommendation Statement

I recommend adoption of the Resolution.

Please place this on the October 2, 2023 City Council meeting for consideration.

RESOLUTION AND ORDER TO CONDEMN

WHEREAS, upon careful consideration, the City of Hattiesburg, Mississippi, (hereinafter “City”), acting by and through the City Council, has determined it to be in the best interests of the citizens of the City to construct a sidewalk and associated amenities on and near 205 McLeod Street, located within the City limits; and

WHEREAS, to accomplish this project, the City finds it necessary to acquire for public use a portion of a certain property belonging to the following landowners or their successors in title and/or other parties interested in said property which is more particularly described as Forrest County Parcel No. Parcel PPIN 021836, and in the construction plans for the project, and

Forrest County Parcel 2-029J-10-137.00 PPIN 021836

NOW, THEREFORE, LET IT BE KNOWN THAT the City does hereby declare said property necessary for public use and orders that if an agreement is not reached, the City authorizes and requests the City Attorney and/or other necessary professionals to institute any and all proceedings necessary to acquire the above-described property for public use.

In support of this Resolution and Order to Condemn, the City acknowledges and declares its eligibility to obtain the necessary title to the property through eminent domain by virtue of the authority granted it in *Miss. Code Ann.* § 21-37-47.

The above and foregoing Resolution, having been first reduced to writing, was introduced by Council member _____, seconded by Council member _____, and adopted by the following vote:

YEAS: NAYS:

The President thereby declared the motion carried and the Resolution adopted this the 2nd Day of October, 2023.

(SEAL)

ATTEST:

ADOPTED:

CLERK OF COUNCIL

PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the 2nd Day of October, 2023.

ATTEST:

CITY CLERK

APPROVED:

MAYOR