



**Monday, August 5, 2024
4:00 PM**

**City Council
Monday Meeting Agenda**

**Council Chambers
200 Forrest Street**

Call to Order

Appeal Public Hearing

1. **2024-308** Hold a public hearing for the appeal of a request to alter the platted subdivision known as “Sutherland and Reeves Survey” to subdivide the property located at 209 S 13th Avenue into two lots to create two single-family lots, Zoned R-1C as requested by Tripperlee, LLC. owner, (PPIN 24175, Ward 4, Forrest County). The Planning Commission recommended to deny.

Agenda Review

Citizens' Forum

Departmental Budget Presentations

1. **2024-358** Fire Department
2. **2024-357** Parks and Recreation Department
3. **2024-359** Police Department

Work Session

1. **2024-366** Polling Precincts, presented by Chris Watson.

Meeting Recess



Memorandum

To: Mayor Toby Barker and Members of City Council

From:

cc:

Date: Monday, August 5, 2024

Re: Hold a public hearing for the appeal of a request to alter the platted subdivision known as “Sutherland and Reeves Survey” to subdivide the property located at 209 S 13th Avenue into two lots to create two single-family lots, Zoned R-1C as requested by Tripperlee, LLC. owner, (PPIN 24175, Ward 4, Forrest County). The Planning Commission recommended to deny.
File Number: 2024-308
Minute Book #

Summary

Recommendation Statement

Please place this on the August 5, 2024 City Council meeting for consideration.



**URBAN
DEVELOPMENT
PLANNING DIVISION**

RECEIVED
JUN 13 2024
BY: *RA*

REQUEST TO APPEAL DECISION OR RECOMMENDATION

Today's Date:	<i>6/12/24</i>
Date of Decision/Recommendation Date:	<i>6/5/24</i>
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	<i>TRIPPERLEE, LLC STEPHEN TRIPP</i>
Name of Person Requesting Appeal Hearing:	<i>TRIPPERLEE, LLC STEPHEN TRIPP</i>
Mailing Address of Person Requesting Appeal Hearing:	<i>108 MADISON PL. HATTIESBURG, MS 39402</i>
Address of Petitioned Property:	<i>209 S. 13TH AVE HATTIESBURG MS 39401</i>
Name of the Deciding Body:	Director of UD ☐ Site and Design Review Committee ☐ Historic Conservation Commission ☐ Planning Commission ☒ or Board of Adjustment ☐
Petitioner's Request of the Deciding Body:	<i>TO BE ALLOWED TO DIVIDE THE LOT @ 209 S 13TH</i>
Deciding Body's Recommendation:	<i>DENIED</i>

**Attach the specific grounds for appeal to this application.
Subject to a \$50 fee per ordinance 2977**

I hereby APPEAL the Planning Commission Recommendation for the above-referenced petition and request to hold a Public Hearing before the Hattiesburg City Council.

[Signature]
Appellant (signature)

Send to:
The Planning Division of Urban Development

Copy to:
Kermas Eaton, Director of Administration/City Clerk
Wiley Quinn, Director of Urban Development

P.O. Box 1898
Hattiesburg, MS 39403
601.545.4591

Date: 06/12/2024

To Whom It May Concern

I went before the Planning Commission on 06/05/24 to request approval to divide the lot I own located at 209 S 13th Ave. The Planning Commission denied my request, but did not give a specific nor official reason why. The division of the lot would meet the 5000 sqft lot requirement for R-1C.

After listening to the discussion held by the Planning Commissioners, it appeared they were concerned with the additional traffic that approval would bring and that if they approved my request, it would "open the door" for other property owners to do the same thing and divide their lots. I am assuming these were the reasons the Planning Commission denied my request since I never received an official reason.

If these were the official reasons for denial, I do not feel they are relevant, nor should my request have been denied based on those reasons.

The new lot, if divided, would be accessed from S Hutchenson Ave which is a one-way street. S Hutchenson St currently has 8 small single-family dwellings on it from Adeline to Hardy. There are several properties that have garages or small structures on the back side of the single-family homes located on S 13th Ave, but their lots extend to S Hutchenson. S Hutchenson already has traffic throughout the day that travels on it, but I highly doubt another small single-family residence would impact the traffic significantly enough to be a valid reason for denial.

Regarding opening the door to other property owners that the Commissioners were concerned with seems to be a "what if" response to something that could happen or could not happen. The number of lots on S. Hutcheson that would meet the lot size requirements or that do not already have a small garage or structure currently is not a significant amount nor valid reason to denial my request. As far as the remaining lots meet the requirements, it is my opinion that this would only make the neighborhood better by providing more housing and would revitalize the neighborhood.

Thank you for your consideration.

Respectfully,

Tripperlee, LLC

Stephen Tripp



URBAN DEVELOPMENT PLANNING DIVISION

Hattiesburg Planning Commission Meeting (Public Hearing) Recommendations June 5th, 2024

D. Request to modify a platted subdivision - Tripperlee, LLC. owner, request approval to alter the platted subdivision known as "Sutherland and Reeves Survey" to subdivide the property located at 209 S 13th Avenue into two lots to create two single-family structures (PPIN 24175, Ward 4, Forrest County).

Motion: Approve ☒ Deny ☐ Table ☐

Votes: In Favor 0 Not in Favor 1 Abstaining

The Planning Commission has recommended to **Approve/Deny** your requests.
(You or any aggrieved party may **APPEAL** the recommendation of the Hattiesburg Planning Commission by filing a Letter of Appeal with the City Clerk within ten (10) days of this public hearing. Contact Staff for Appeal Fee Schedule, due at time of filing).

If there is no appeal, your petition will be heard by the City Council for the final vote.

Council Meeting Date for you to appear:

Monday, June 17th, 2024, 4:00 PM, City Hall Council Chambers, 200 Forrest Street (Discussion)

Tuesday, June 18th, 2024, 5:00 PM, City Hall Council Chambers, 200 Forrest Street (Vote)

Additional Information:

If approved by City Council, contact the Department of Urban Development, Planning Division (601-545-4599) to obtain site and construction permit procedures before you begin your project.

A permit cannot be issued within 15/30** days after the Council meeting*

**15 days for Conditional Uses, Variances, or Subdivision of Land & **30 days for Zoning and street renamings/closings*

Appeal of a Decision: An appeal shall be made within 10 days of the order, requirement, decision, or determination. An appeal stays all legal proceedings in furtherance of the action appealed from unless the officer or board from whom the appeal is taken certifies to the appeals body that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life and property. Appeals must be made in writing and shall specify the grounds for the appeal. All appeals shall be heard within 60 days of filing. The appeals body may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination that is the subject of the appeal.

Planning Division, Department of Urban Development

601-545-4599

planning@hattiesburgms.com

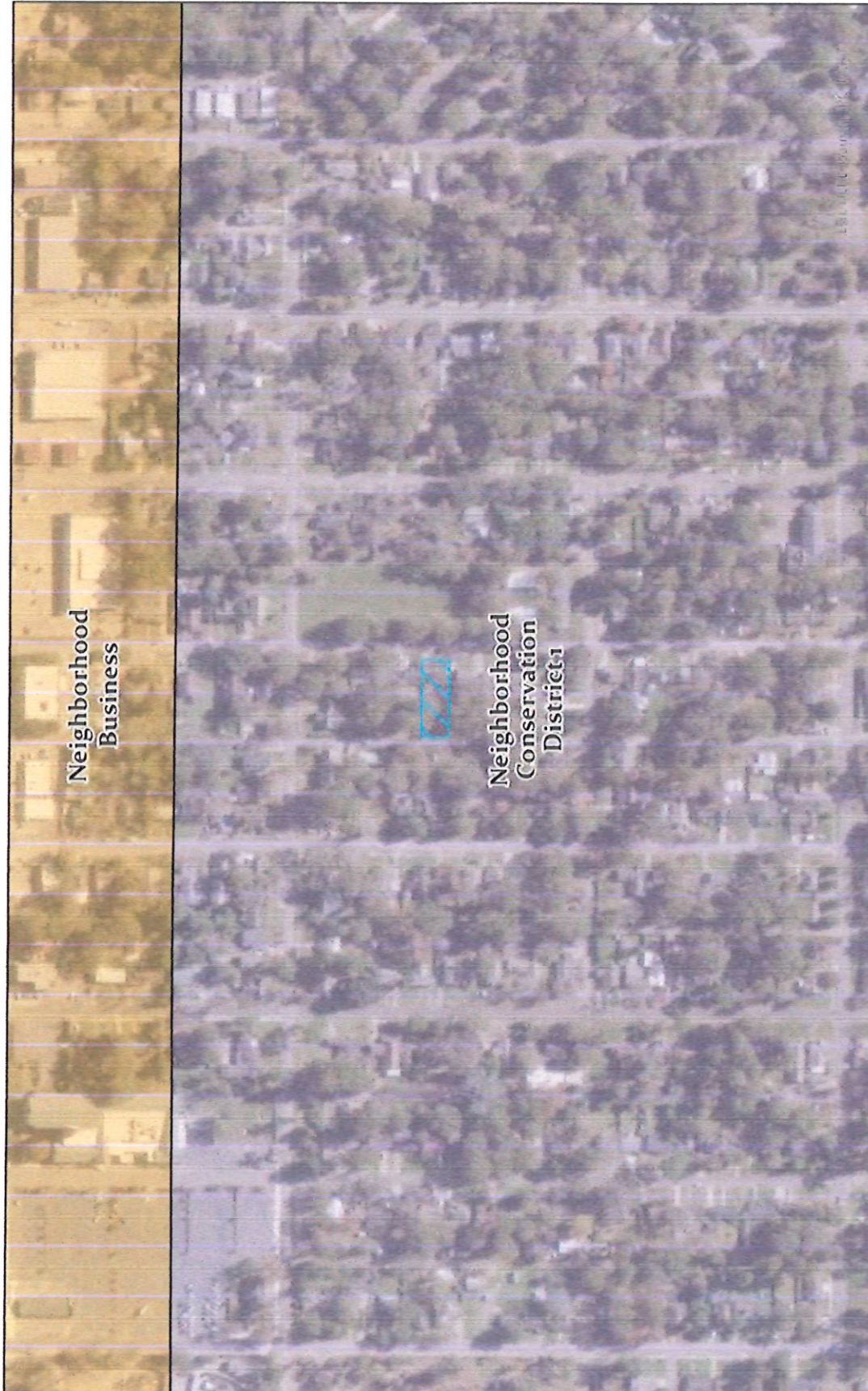
SUBJECT PARCEL

209 s 13th Ave — Request to Modify Platted Subdivision

Tripperlee, LLC. and Stephen Tripp, owner

Tripperlee, LLC. and Stephen Tripp, owner, request approval to alter the platted subdivision known as “Sutherland and Reeves Survey” to subdivide the property located at 209 S 13th Avenue into two lots to create two single-family structures (PPIN 24175, Ward 4, Forrest County).





Zoning Map

-  Neighborhood Business
-  Neighborhood Conservation District 1
-  Subject Property

209 South 13th Ave
Zoned R-1C
PPIN: 24175
Flood Zone: X
Ward 4, Forrest County



**URBAN
DEVELOPMENT
PLANNING DIVISION**

Center: 89°18'35"W 31°19'19"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/8/2024 5:28 PM

Site Aerial



Site Aerial

Northern and Southern Directions: R-1C Single-Family Residential



Site Aerial

East and Western Directions: R-1B Single-Family Residential



View of property fronting South Hutchinson Ave





Zoning Map

- R-1B
- B-1
- R-1C
- Subject Property
- R-2

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.

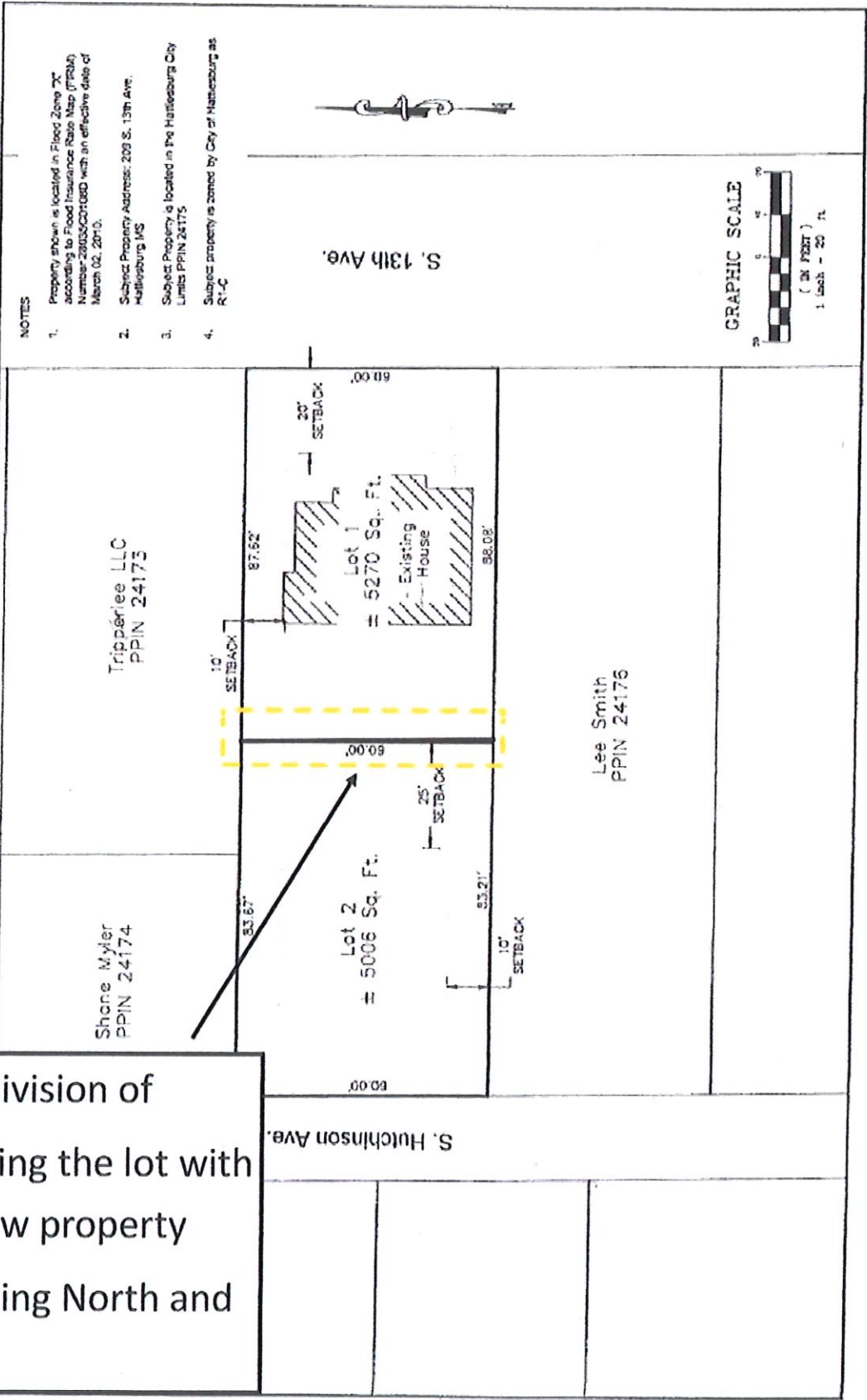
209 South 13th Ave
 Zoned R-1C
 PPIN: 24175
 Flood Zone: X
 Ward 4, Forrest County



**URBAN
 DEVELOPMENT
 PLANNING DIVISION**

Center: 89°18'34"W 31°19'19"N

Preliminary Plat



Proposed subdivision of property, splitting the lot with a proposed new property boundary running North and South



Memorandum

To: Mayor Toby Barker and Members of City Council

From: Nathan Satcher, Planner II, Cory Long, Planning Administrator

cc: Wiley Quinn, Urban Development Director

Date: Monday, August 5, 2024

Re: Take from the table; Approve a variance request from the minimum required frontage of 150 ft for a pole sign for a B-5 zoned property to instead allow for a 93 ft frontage on a property located at 6054 Hwy 98 Hardy Street, as requested by Joel Ford, applicant (PPIN 30851, Ward 3, Lamar County). The Board of Adjustment recommended approval on July 3rd, 2024.
File Number: 2024-258
Minute Book #

Summary

Approve a variance request from the minimum required frontage of 150 ft for a pole sign for a B-5 zoned property to instead allow for a 93 ft frontage on a property located at 6054 Hwy 98 Hardy Street, as requested by Joel Ford, applicant (PPIN 30851, Ward 3, Lamar County). The Board of Adjustment recommended approval on July 3rd, 2024.

Recommendation Statement

The Board of Adjustment recommended approval on July 3rd, 2024.

Please place this on the August 5, 2024 City Council meeting for consideration.

July 2024 BOA Item: B
Rocky Thornton, Applicant/Property Owner, and Joel Ford, Engineer
Request for: **Sign Variance**



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Rocky Thornton, Applicant/Property Owner, and Joel Ford, Engineer

Address of Property:	Tax Parcel	PPIN:	Ward:
6054 US-98	051N-11-039.001	30851	3

Request: **Sign Variance - Minimum Frontage Requirement**

Purpose of Request: Rocky Thornton, Applicant/Property Owner, and Joel Ford, Engineer requests a variance from the minimum required frontage of 150 ft for a pole sign for a B-5 zoned property to instead allow for a 93 ft frontage on a property located at 6054 US-98 Hardy Street. (PPIN 30851, Ward 3, Lamar County).

History / Background: The applicant met with staff regarding developing a parcel in the rear for a fast-food restaurant, "Big Chicken." The site plan has been approved and permits have been issued for construction, having met all requirements for site plan approval for the B-5 zoning. Signage requires a separate permit and the property needs a minimum of 150 ft street frontage to establish a pole sign for the development.

Before the development of Aldi, and Aspen Dental, a minor subdivision was approved for three parcels in this location for the location. The lot for the proposed Big Chicken was noted to have limited street frontage, and would not qualify for a freestanding sign. A multi-tenant sign, however, could be permitted, which could include the signage for multiple tenants of the same project and contiguous parcels, and was presented as an option to the applicant.

Sign control and regulations are necessary to protect the beauty, character, economic, and aesthetic value of land, and to safeguard the safety, welfare, and public health of citizens. Minimum lot widths for freestanding signs are also in place to protect communities by preventing the establishment of

July 2024 BOA Item: B
 Rocky Thornton, Applicant/Property Owner, and Joel Ford, Engineer
 Request for: **Sign Variance**

freestanding signs on narrow lots. These requirements help to avoid a cluttered landscape, ensuring that signage remains proportional and appropriate to the surroundings. Additionally, such regulations contribute to clear and effective communication, enhancing both the visual environment and the overall navigability of the area.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 10 Table 10.1 Allowed Sign Types

Table 10.1 Allowed Sign Types		
Type and Definition	Category	Illustrative Examples
Monument Sign – A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.	On-premises freestanding sign	
Pole Sign – A sign that is mounted on a freestanding pole or other support so that the bottom edge of the message area is six feet or more above grade.	On-premises freestanding sign	
Shopping Center and Multi-Tenant Sign – A freestanding sign that provides space for major tenants in a multi-tenant location, including shopping centers, to advertise their business. This sign type is regulated by Monument and/or Pole Sign dimensional requirements as applicable, Table 10.6-2.	On-premises freestanding sign	

Table 10.6-2 – Dimensional Requirements By Sign Type

July 2024 BOA Item: B
 Rocky Thornton, Applicant/Property Owner, and Joel Ford, Engineer
 Request for: **Sign Variance**

Table 10.6 - 2 Dimensional Requirements By Sign Type					
Sign Type	Sign Height/Width (max)	Sign Message Area (max) (sq. ft.)	Setback (min.)		Additional Criteria
			Front	Side	
On Premises Signs Freestanding					
Monument Sign	10'/None	All applicable zones except I-1 and I-2 – 50 square feet;	5'	15'	1 per 500' of parcel street frontage /2 on corner lot (1 per street) with 150' min. frontage for any on premises freestanding sign; bottom edge of message area is min 18" and max 30" above ground; dimensions include multitenant signs
		For I-1 and I-2 – 72 square feet			
Pole Sign	35'/20'	For B-3 – 1square foot sign message area/1' street frontage up to 200 square feet	10'	15'	1 per 500' of parcel street frontage/2 on corner lot (1 per street) with 150' min. street frontage for any on premises freestanding sign; Bottom edge of message area is min. 6' above ground; dimensions include multitenant signs
		B-5, I-1, I-2 – 2 square feet sign message area/1' street frontage up to 400 square feet			

SECTION 13

DEFINITIONS

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public

Sign, Free Standing: Means any sign connected to the ground which is not an attached sign, inclusive of signs on movable objects, except signs on vehicles which are moving or are parked only temporarily. A freestanding sign may display on and off premise information

Sign, Multitenant Directory: A multitenant sign advertising a group or grouping of establishments originally developed as one project regardless of whether the development is under single or diverse ownership. This may include contiguous parcels part of a platted and developed office park, medical park, commercial center, or similar.

Present Zoning: B-5 Regional Business

Present Use: Vacant

Future Land Use: Regional Business Corridor/Regional Business

July 2024 BOA Item: B
Rocky Thornton, Applicant/Property Owner, and Joel Ford, Engineer
Request for: **Sign Variance**

**Surrounding Zoning:
and Land Use:**

North: B-5 Regional Business
South: B-5 Regional Business
East: B-5 Regional Business
West: B-5 Regional Business

**Letters or
Concerns stated:**

Staff have not received any letters or concerns regarding this project as of June 26th, 2024.

Basis for Approval (12.4.1.1):

Approval Criteria. A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria:

I. Hardship.

- The hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant.
- There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

II. Special Privilege. A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

III. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

IV. Reasonable Use. The applicant cannot make reasonable use of the property without the requested variance.

V. Minimum Required. The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

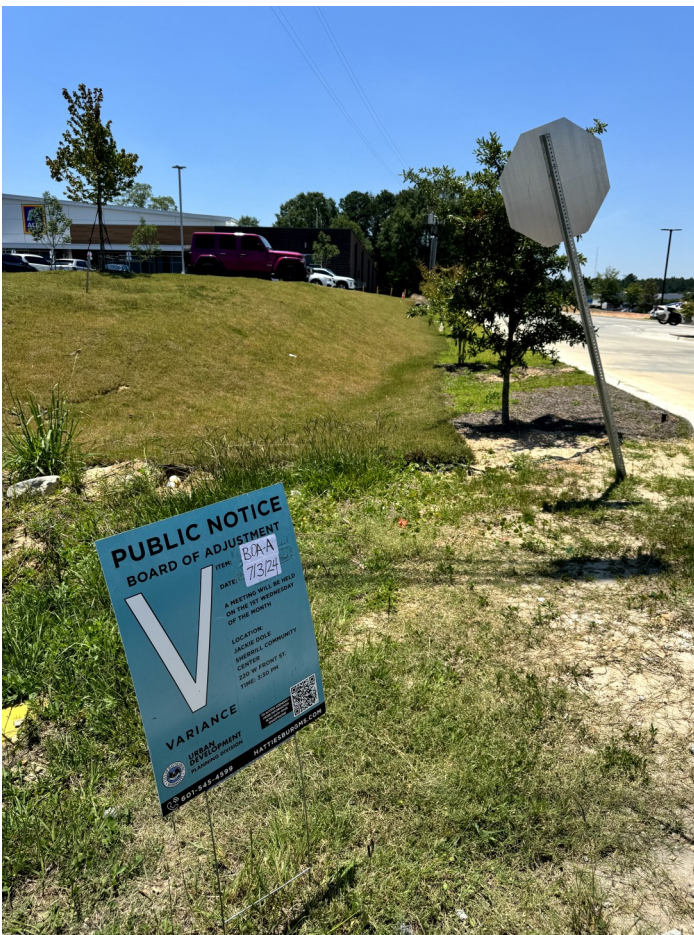
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

6054 US-98 — Sign Variance

Rocky Thornton, Owner, Joel Ford, Engineer

Requesting a variance from the minimum required frontage of 150 ft. for a pole sign for a B-5 zoned property to instead allow for a 93 ft frontage on a property located at 6054 US-98. (PPIN 3851, Ward 3, Lamar County).





Mapar, Microsoft, Esri, HERE, Garmin, iPC

Zoning Map - Legend
Subject Property
B-5

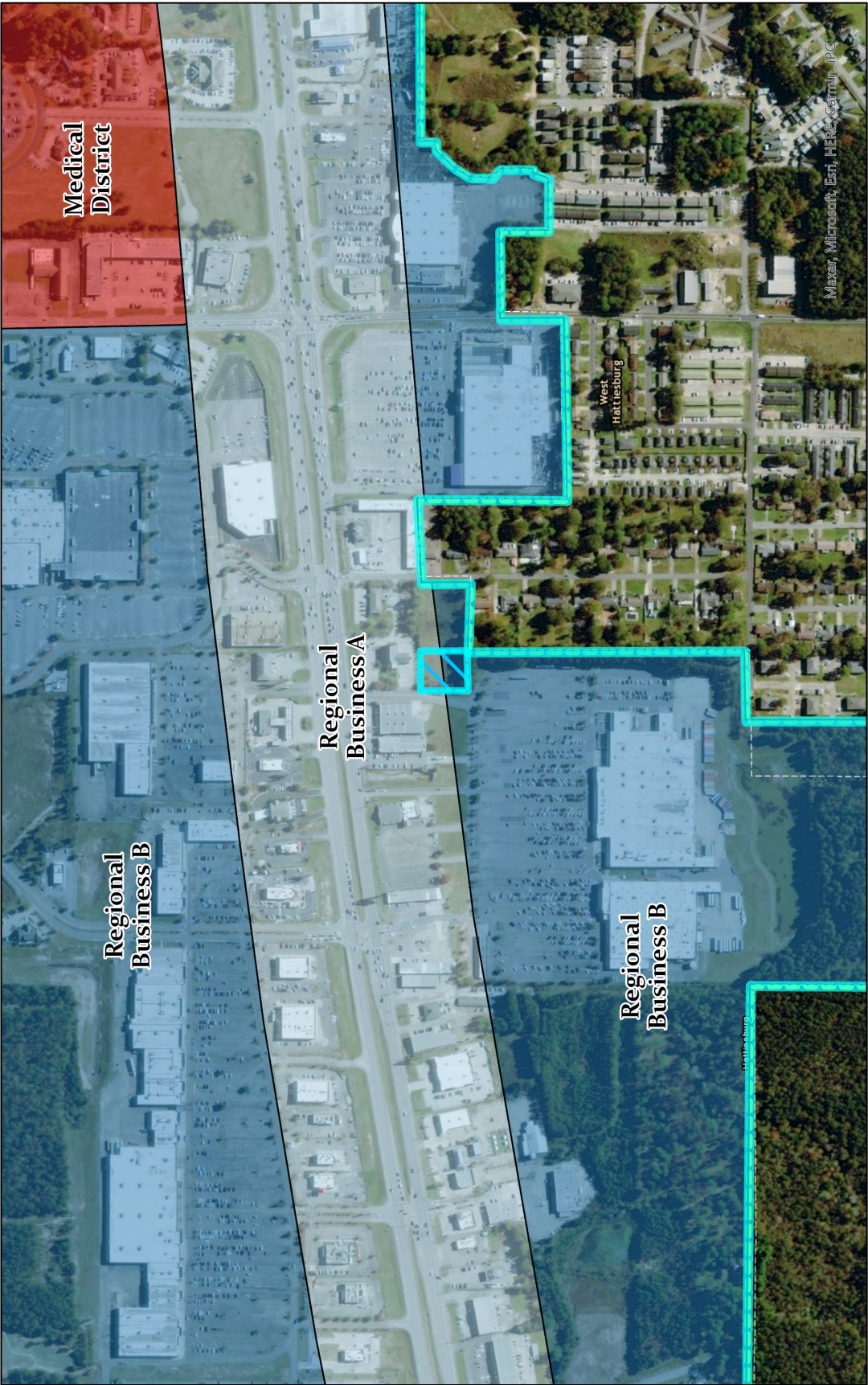
Variance for Big Chicken
Freestanding Sign
PPIN: 30851
Flood Zone: X
Ward 3, Lamar County



URBAN
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PLANNING DIVISION

Center: 89°22'41"W 31°19'15"N

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Future Land Use Map

-  Regional Business A
-  Regional Business B
-  Medical District

Variance for Big Chicken
Freestanding Sign
PPIN: 30851
Flood Zone: X
Ward 3, Lamar County



**URBAN
DEVELOPMENT
PLANNING DIVISION**
Center: 89°22'41"W 31°19'15"N

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Map Exported on: 6/21/2024 9:57 AM

Surrounding Area



Existing
signage
on
Hwy 98



Surrounding Area





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: Southern Gulf Properties

Project Name: Big Chicken Restaurant

Proposed Use(s): Restaurant

Project Street Address: 6054 Highway 98

PPIN Number(s) (if unknown, can be found on tax receipt): 30851

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

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 |
| ☐ Other: _____ | ☐ Open Space | |

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: _____

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: Rocky Thornton
☐ Applicant ☒ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify):
Phone: 601-517-2088 Fax: Email: rocky@3tstrucking.com
Mailing Address: 3959 Highway 29
New Augusta, MS 39462

Secondary:

Name: Joel Ford
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☒ Engineer
☐ Other (please specify):
Phone: 601-408-7829 Fax: Email: joel@fordengr.com
Mailing Address: 2010 Oak Grove Road, Bldg. 4, Ste. 1
Hattiesburg, MS 39402

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:

FOR VARIANCE APPLICANTS:

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). **Section 12.4.1** Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) the hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

None of the property lines abutting a public street have sufficient length for a pole sign to be allowed
by code. The property line adjacent to the proposed sign location is partially abutting a public roadway
and partially abutting a private roadway. The total property line length abutting the combined length
of the public and private roadway has sufficient length to allow a pole sign.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

The request is being made to consider both the combined private and public street roadway
frontage length to be considered to meet the required 250' of required frontage to allow a pole
sign. The total roadway frontage measures 282.11'.

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

Due to the non-typical footprint of the property boundary, the site will be difficult to see by traffic along Highway 98. In order for the restaurant to operate, it will be imperative the site to be visible by passers-by on Highway 98. The sign will allow the site to be recognized by the traffic on Highway 98. Without permission to place the sign where requested, there will be hardship on the facility to function as necessary.

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

For the proposed development to function properly, it will be imperative that signage is visible from Highway 98.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

As presented in item 2, the minimum required public street frontage to allow a pole sign is 250'.

The total street frontage, including public and private street frontage is 282.11'. The codes requires pole signs to be a minimum of 10' from the property line. The proposed sign will be 21' from the property line to the center of the pole. The edge of the outer edges of the overhead part of the sign will be 11'. Therefore, the required side setback will meet the code requirements.

6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

Although part of the abutting roadway on the east side is private, it is used very similar to a public roadway (entrance drive to Wal-Mart). If the roadway is treated as a public roadway for the purposes of this application, it would conform to the code requirements.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.

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

6054 US Highway 98 Hattiesburg MS
Street Address City State

on this the 15th day of May, 2024.

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

Joel Ford

on this the 15th day of May, 2024.

Southern Gulf Properties, LLC.

Wallace R. Thornton
Property Owner

Property Owner

STATE OF MS

COUNTY OF Perry

Personally came and appeared before me, the within named

Wallace R. Thornton

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 15th day of May, 2024.

My Commission Expires:



Debra L. Sadowski
NOTARY PUBLIC

COPY

Prepared by:
Deep South Title Collins, LLC
Noah Sanford, Attorney at Law
216 Main St.
Collins, MS 39428
(601) 765-8440
MS Bar # 104960

Return to:
Deep South Title Collins, LLC
P.O. Box 2020
Collins, MS 39428
(601) 765-8440

PB-266

STATE OF MISSISSIPPI
COUNTY OF LAMAR

INDEXING INSTRUCTIONS: SW ¼ of Section 11, Township 4 North, Range 14 West and Lots 14 and 15 of Lakewood Subdivision, Lamar County, Mississippi

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable considerations, not herein mentioned, the receipt and sufficiency of all of which is hereby acknowledged, the Grantor(s)

VH Terra, LLC
a Mississippi Limited Liability Company
2530 Watkins Rd.
Birmingham, AL 35223
Phone: (205) 862-7398

hereinafter referred to as "Seller" do(es) hereby grant, bargain, sell, convey, and warrant unto the Grantee(s):

Southern Gulf Properties, LLC
a Mississippi Limited Liability Company
3959 MS Hwy 29
New Augusta, MS 39462
Phone: (601) 299-0081

the following described lands, together with any and all improvements thereon and appurtenances thereunto belonging, said lands in Lamar County, Mississippi, being more particularly described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

The above warranty and this conveyance are subject to prior reservations of oil, gas and other minerals by former owners.

The above warranty and this conveyance are subject to any and all easements for public roads and public utilities as presently laid out, constructed or in use.

Subject to any covenants, restrictions, or easements affecting the subject property which may be of record in the office of the Chancery Clerk of Lamar County, Mississippi.

Subject to all exceptions, reservations, and conveyances to any existing easements, grants, or rights-of-way for public roads, streets, and alleys, and for electric, telephone, telegraph, gas, water, drainage, sewerage, or similar utility purposes which affect or relate to the above-described real property.

Subject to any and all leases, exceptions, reservations and/or conveyances, together with release of damages, of or related to minerals of every kind and character, including, but not limited to, oil and gas, and/or of related to any geothermal energy resources, in, on or under the real property hereby conveyed or which affect the real property hereby conveyed.

Subject to any environmental condition existing upon the subject property which would cause said property to be in violation of any State and/or Federal Environmental Protection Act and subject to any such condition which may be in violation of such laws and is subject to any such condition which may affect the title to said property or lien placed against said property by any lender, individual Corporation or otherwise.

Subject to any and all covenants and restrictions filed of record, including but not limited to those certain Subdivision Regulations set forth by the Board of Supervisors of Lamar County, Mississippi, filed of record in the office of the Chancery Clerk of Lamar County, Mississippi, on January 1, 1979, and recorded in Board of Supervisor's Minute Book 59, at Page 202, as amended, and those certain Subdivision Regulations of Lamar County, Mississippi, filed for record on December 4, 1989, in the Office of the Chancery Clerk of Lamar County, Mississippi, and recorded in Board of Supervisor's Minute Book 82, at Page 282, as amended and those certain Subdivision Regulations of Lamar County, Mississippi, filed for record on June 28, 1999, in the Office of the Chancery Clerk of Lamar County, Mississippi, and recorded in Board of Supervisor's Minute Book 112, at Page 144, as amended, and those certain Subdivision Regulations of Lamar County, Mississippi, filed for record on June 28, 1999 in the Office of the Chancery Clerk of Lamar County, Mississippi, and recorded in Board of Supervisor's Minute Book 112, at Page 290, and Minute Book 148 at Page 706 and Ordinances Book 1 at Page 507 and to those site plan regulations of record in Minute Book 142 at Page 173, Minute Book 148 at Page 727 and Ordinances Book 1 at Page 528, as amended.

Subject to Right-of-Way Easement granted to Pearl River Valley Electric Power Association, filed 01/19/2024 at 11:35:13 a.m. and recorded in Book 31-G at Page 458.

Subject to those certain Declaration of Covenants, Conditions and Restrictions, filed 06/07/2023, recorded in Book 30-U, Page 316. Said instrument was Amended by Book 31-C, Page 125.

Subject to 5 year Banking Use Prohibition starting on 01/20/2022, filed 01/25/2022, recorded in Book 29-R, Page 299.

Subject to 20 year Covenant of Restriction of Use starting on 10/18/2006, filed 10/20/2006 recorded in Book 18-T, Page 703.

Subject to 20 year Covenant of Restriction of Use starting on 04/11/2007, 04/16/2007 recorded in Book 19-E, Page 036.

Subject to that certain Drainage Easement to City of Hattiesburg, filed 05/07/2007, recorded in Book 19-F, Page 238.

Subject to that certain Access Easement Agreement between The Lamar Bank & Wal-Mart Stores, Inc., filed 08/20/1993, recorded in Book 10-T, Page 089.

Subject to that certain Easemen to Pearl River Valley Electric Power Association, filed 08/11/1989, recorded in Book 9-A, Page 578.

Subject to that certain ROW to Lamar County, filed 08/16/1993, recorded in Book 10-S, Page 589.

Subject to that certain Underground Electric Service Agreement to Pearl River Valley Electric Power Association, filed 08/11/1989 in Book 9-A, Page 576.

Subject to that certain Perpetual Easement and Right of Way, filed 03/09/1988, recorded in Book 8-M, Page 528.

Said instrument was transferred by Book 8-N, Page 491. There is on file a Petition to designate as Public Road, filed 01/06/1992, recorded in Book 9-O, Page 126.

Subject to that certain Right of Way Easement to Pearl River Valley Electric Power association, filed 11/19/1980, recorded in Book 6-O, Page 597.

Subject to that certain Drainage Easement to Mississippi State Highway Commission, filed 10/31/1939, recorded in Book I-I, Page 189.

Subject to conveyance to State Highway Commission of Mississippi, filed 09/20/1939, recorded in Book I-I, Page 119.

Subject to those certain Restrictive Covenants for Lakewood Subdivision, filed 06/30/1971, recorded in Book 4-Y, Page 112. Said Restrictive Covenants were Amended by instrument recorded in Book 8-S, Page 434.

Subject to that certain 10' Easement to Pearl River Valley Electric Power Association, filed 06/14/1971, recorded in Book 4-Y, Page 112.

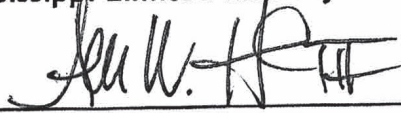
Subject to Lakewood Subdivision plat, filed 11/01/1965, recorded in Plat Book 1, Page 106, Plat Slide 49. Said instrument was Amended by Plat Book 1, Page 134, Plat Slide 63.

Taxes for the current year shall be pro-rated as of the date of this instrument and assumed by the Grantee(s) herein. It is specifically agreed and understood that taxes for the current year are pro-rated based upon the previous year's taxes.

[Space below left blank intentionally.]

WITNESS THE SIGNATURE OF THE AUTHORIZED REPRESENTATIVE OF THE GRANTOR, on the date acknowledged herein.

VH Terra, LLC
a Mississippi Limited Liability Company


By: Allen W. Hawkins III, Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Los Angeles ;

On February 13, 2024 before me personally appeared Allen W. Hawkins, III, who proved to me on the basis of satisfactory evidence to the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jose Javier Saravia (SEAL)

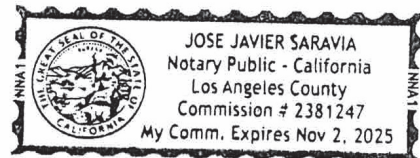


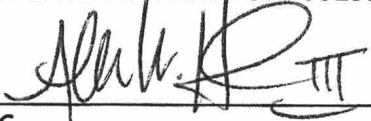
EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

A Parcel of land being located in the SW ¼ of Section 11, Township 4 North, Range 14 West and Lots 14 and 15 of Lakewood Subdivision as recorded on file in the office of the Chancery Clerk of Lamar County, Mississippi, all in Lamar County, Mississippi, having bearings based upon Grid North derived from GPS observations and referenced to Mississippi State Plane Coordinate System (East Zone, NAD 83), with a convergence angle of (-)00° 16'56.93" and using grid distances with a combined factor of 0.999975246 (determined at the Point of Commencement) and being more particularly described as follows:

COMMENCE at a crimped top pipe marking the Southeast corner of Lot 15 of Lakewood Subdivision recorded on file in the office of the Chancery Clerk of Lamar County, Mississippi, said point having grid coordinates of N = 662513.15, E = 814563.59; thence run South 89° 32'23" West along the boundary of the property described in Deed Book 19-E at Page 36 for 225.57 feet to an iron pin set, also being the POINT OF BEGINNING; thence continue along said Deed Book 19-E, Page 36 for the following calls; thence South 89° 32'23" West for 43.18 feet to a metal rod found; thence South 00° 09'40" East for 6.19 feet to a crimped top pipe found; thence North 87° 00'22" West for 5.13 feet to a concrete monument found; thence South 89° 14'15" West for 145.18 feet to a concrete monument found; thence North 00° 40'50" West for 188.70 feet to an iron pin found; thence North 00° 35'13" East along the West boundary of the property described in Deed Book 8-N at Page 496 for 93.41 feet to an iron pin set; thence run South 89° 24'47" East for 150.79 feet to an iron pin set; thence run North 00° 13'13" East for 186.45 feet to an iron pin set on the South right-of-Way of US Highway 98; thence continue along said right-of-way for 45.22 feet along a curve to the right to an iron pin set, said curve having a radius of 21394.53, a chord bearing North 84° 32'52" East and a chord length of 45.22 feet; thence leaving said right-of-way run South 00° 13'13" West for 463.10 feet back to the POINT OF BEGINNING. Said parcel contains 1.44 acres, more or less.

THE ABOVE-DESCRIBED PROPERTY IS THE SAME AS SHOWN ON SURVEY PLAT LABELED "LOT 3" ATTACHED HERETO AS EXHIBIT "C".

SIGNED FOR IDENTIFICATION PURPOSES:



VH Terra, LLC

By: Allen W. Hawkins III, Manager



Southern Gulf Properties, LLC

By: Wallace R. Thornton, Member

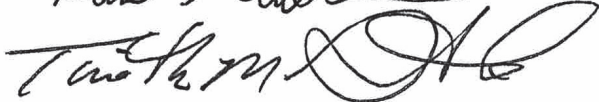



EXHIBIT "B"
LIMITED LIABILITY COMPANY AFFIDAVIT

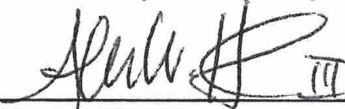
STATE OF MISSISSIPPI
COUNTY OF LAMAR

The undersigned affiant, Allen W. Hawkins III swears and affirms the following:

1. That he is the appointed Manager of VH Terra, LLC, a Mississippi Limited Liability Company, pursuant to Operating Agreement dated January 20, 2022.
2. That there have been no subsequent amendments or otherwise revisions to said Operating Agreement.
3. That VH Terra, LLC is in good standing with the State of Mississippi.
4. That VH Terra, LLC is the sole owner of the property described in Exhibit "A", supra, and that pursuant to said Operating Agreement, he is authorized to convey said property to Southern Gulf Properties, LLC, a Mississippi Limited Liability Company.

Further, affiant sayeth not.

WITNESS THE SIGNATURE OF THE AFFIANT, this the 13TH day of February, 2024.



Allen W. Hawkins III

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

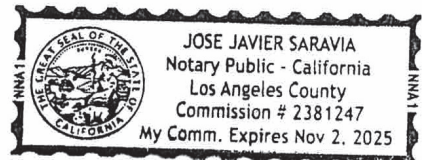
STATE OF CALIFORNIA
COUNTY OF Los Angeles

On February 13, 2024 before me, personally appeared Allen W. Hawkins III, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jose Javier Saravia (Seal)





DRAWING DISCLAIMER THIS DRAWING HAS PREPARED FOR THE OWNER FOR USE ON THIS PROJECT ONLY AND IT SHALL NOT BE USED ON ANY PROJECT OTHER THAN THE ONE SPECIFICALLY LISTED ON THIS DRAWING AND IT SHALL NOT BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN CONSENT FROM THE PREPARED. ANY VERSION OF THIS DRAWING WITHOUT AN ENGINEERING SEAL AFFIXED TO IT WITH A SIGNATURE AND DATE ACROSS THE SEAL SHALL BE CONSIDERED DRAFT AND SHALL NOT BE USED FOR PLANNING, CONSTRUCTION, OR FOR ANY OTHER OFFICIAL USE.	DRAWING REVISIONS:			PREPARED FOR:	PROJECT:	FORD ENGINEERING SERVICES, PLLC PLANNING DESIGN MANAGEMENT 2010 Oak Grove Road - Building 4, Suite 1 Hattiesburg, Mississippi 39402 Phone: (601) 264-6333 13363 2/7/24 STATE OF MISSISSIPPI ENGINEER Joe S Ford	DRAWING NAME:	DRAWN BY: J.S.F. CHECKED BY: J.S.F. SCALE: 1" = 20' DATE: 2/7/24 DRAWING NO.	
	NO.	DATE	DESCRIPTION						