

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda - Final

Monday, April 30, 2012

4:00 PM

Council Chambers

City Council - Work Session

April 30, 2012, Work Session

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Monday, April 30, 2012

4:30 PM

Council Chambers

City Council - Amendments to the Agenda

Amendments to the May 1, 2012 Agenda

*Remove Policy Agenda Item VI.-8 at the request of the Administration, and,
add Policy Agenda Item VI.-17 at the request of the Administration as follows:*

2012-0762

Adopt Resolution and Order to Condemn Property, or a portion thereof, to be acquired from multiple parties as listed below for the West Fourth Street Expansion Phase II, Project No. HPP-8750-00(003) .

1	2-029E-04-108.00	STATE OF MS
2	2-029E-04-109.00	JERRY JOE HINES
3	2-029E-04-110.00	DAVID A. BRACKETT
4	2-029E-04-111.00	JERRY JOE HINES
5	2-029E-04-112.00	CHARLES HAMPTON COOK, SR
6	2-029E-04-113.00	HAMP COOK
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78	2-029L-09-001.00	JUANITA CURRY
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83	2-029K-09-029.00	ALTON J. OGDEN
90	2-029K-09-021.00	STATE OF MS

91	2-029K-09-020.00	ANDREW MOORE
97	2-029K-09-014.00	STATE OF MS

Attachments: 30 Parcels - Resolution and Order to Condemn rev.
executed RES 2012-44 30 Parcels - Resolution and Order to Condemn rev.



City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Master

File Number: 2012-0762

File ID: 2012-0762

Type: Resolution

Status: Passed

Version: 1

Reference:

In Control: City Council

File Created: 04/25/2012

Final Action: 05/01/2012

Brief Title: Order to Condemn Property, or a portion thereof, to be acquired from Multiple parties for the West Fourth Street Expansion Phase II Project No. HPP-8750-00(003).

Minute Book Number: 2012-1/139-140

Title:

Adopt Resolution and Order to Condemn Property, or a portion thereof, to be acquired from multiple parties as listed below for the West Fourth Street Expansion Phase II, Project No. HPP-8750-00(003) .

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97	2-029K-09-014.00	STATE OF MS

Notes:

Sponsors:

Enactment Date:

Attachments: 30 Parcels - Resolution and Order to Condemn rev.,
executed RES 2012-44 30 Parcels - Resolution and
Order to Condemn rev.

Enactment Number:

Contact:

Meeting Date:

Drafter: Sharon Waits

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council - Amendments to the Agenda	04/30/2012					
1	City Council	05/01/2012	Adopt				Pass

Action Text: A MOTION was made by Council Member Carroll and seconded by Vice President Ware to Adopt Resolution and Order to Condemn Property, or a portion thereof, to be acquired from multiple parties as listed below for the West Fourth Street Expansion Phase II, Project No. HPP-8750-00(003) .

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91	2-029K-09-020.00	ANDREW MOORE
97	2-029K-09-014.00	STATE OF MS

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Ware and Naylor

Nays: 0

Yea: 5 President Bradley
 Council Member Delgado
 Council Member Carroll
 Vice President Ware
 Council Member Naylor

TEL-No Vote: 0

Text of Legislative File 2012-0762

Title

Adopt Resolution and Order to Condemn Property, or a portion thereof, to be acquired from multiple parties as listed below for the West Fourth Street Expansion Phase II, Project No. HPP-8750-00(003) .

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Summary

Adopt Resolution and Order to Condemn Property, or a portion thereof, to be acquired from multiple parties for the West Fourth Street Expansion Phase II, Project No. HPP-8750-00(003) .

Budget Information

Expenditure Type

Purchasing Item

Publication Information

RESOLUTION AND ORDER TO CONDEMN

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 widen, construct or reconstruct a portion of West Fourth Street, located within City limits. To accomplish this project, the City finds it necessary to acquire for public use certain property, or a portion thereof, belonging to the landowners or their successors in title and/or other parties interested in said property as is more particularly described in Exhibit "A" attached hereto and made a part hereof, and, as is referenced above, in the construction and/or right-of-way plans for said project, which said plans are made part hereof by reference.

It is anticipated that the City may be unable to agree with the owner(s) and/or other parties interested in said property. The City, after solemn and due consideration, does hereby declare said property necessary for public use and orders that it be condemned. Further, the City authorizes and requests its attorneys and/or other necessary professionals to institute any and all condemnation proceedings necessary to acquire the above described property, or a portion thereof, for the public use eleven days after approval of the fair market values by the City, at which time this Order will become effective.

In support of this Resolution and Order to Condemn, the City acknowledges and declares its eligibility to obtain the right of immediate title and possession under the provisions of §11-27-81 of the Mississippi Code.

The City further declares that it will suffer irreparable harm and delay by exercising the right to condemn the subject property through eminent domain proceedings pursuant to Code Sections 11-27-1 through 11-27-51, as opposed to claiming the right of immediate title and possession of said property pursuant to Code §11-27-81 through 11-27-91. A construction contract, the completion of which requires the acquisition of the subject property, has been let or will be let in the near future. Federal funding may be utilized in the construction of this project.

In all projects where Federal funds are involved, it is necessary for the City to certify to the Mississippi Department of Transportation, acting as agent for the Federal Highway Administration, that all rights of entry to designated right-of-way property (including the subject property) have been acquired or will immediately be acquired before the release of Federal funds can be authorized. Right of entry to all right-of-way property must be vested in the City of Hattiesburg, Mississippi or the construction project that is subject of said construction contract will be prevented or significantly impaired.

The above and foregoing Resolution and Order to Condemn was introduced by _____, seconded by _____, and was adopted by the following vote, to-wit:

Yeas:

Nays:

Absent:

The President hereby declared the motion carried and the Resolution and Order to Condemn was adopted, this the _____ day of _____, A.D. 2012.

President

Clerk of Council

The above and foregoing Resolution and Order to Condemn having been submitted and approved by the Mayor on this, the _____ day of _____, A.D. 2012.

Mayor

City Clerk

EXHIBIT "A"

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EXHIBIT "A"

RESOLUTION AND ORDER TO CONDEMN

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 widen, construct or reconstruct a portion of West Fourth Street, located within City limits. To accomplish this project, the City finds it necessary to acquire for public use certain property, or a portion thereof, belonging to the landowners or their successors in title and/or other parties interested in said property as is more particularly described in Exhibit "A" attached hereto and made a part hereof, and, as is referenced above, in the construction and/or right-of-way plans for said project, which said plans are made part hereof by reference.

It is anticipated that the City may be unable to agree with the owner(s) and/or other parties interested in said property. The City, after solemn and due consideration, does hereby declare said property necessary for public use and orders that it be condemned. Further, the City authorizes and requests its attorneys and/or other necessary professionals to institute any and all condemnation proceedings necessary to acquire the above described property, or a portion thereof, for the public use eleven days after approval of the fair market values by the City, at which time this Order will become effective.

In support of this Resolution and Order to Condemn, the City acknowledges and declares its eligibility to obtain the right of immediate title and possession under the provisions of §11-27-81 of the Mississippi Code.

The City further declares that it will suffer irreparable harm and delay by exercising the right to condemn the subject property through eminent domain proceedings pursuant to Code Sections 11-27-1 through 11-27-51, as opposed to claiming the right of immediate title and possession of said property pursuant to Code §11-27-81 through 11-27-91. A construction contract, the completion of which requires the acquisition of the subject property, has been let or will be let in the near future. Federal funding may be utilized in the construction of this project.

In all projects where Federal funds are involved, it is necessary for the City to certify to the Mississippi Department of Transportation, acting as agent for the Federal Highway Administration, that all rights of entry to designated right-of-way property (including the subject property) have been acquired or will immediately be acquired before the release of Federal funds can be authorized. Right of entry to all right-of-way property must be vested in the City of Hattiesburg, Mississippi or the construction project that is subject of said construction contract will be prevented or significantly impaired.

The above and foregoing Resolution and Order to Condemn was introduced by _____, seconded by _____, and was adopted by the following vote, to-wit:

Yeas:

Nays:

Absent:

The President hereby declared the motion carried and the Resolution and Order to Condemn was adopted, this the _____ day of _____, A.D. 2012.

President

Clerk of Council

The above and foregoing Resolution and Order to Condemn having been submitted and approved by the Mayor on this, the _____ day of _____, A.D. 2012.

Mayor

City Clerk

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EXHIBIT "A"

City of Hattiesburg, Mississippi
Project No. HPP-7194-00(003) LPA/105845-801000

RESOLUTION AND ORDER TO CONDEMN

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 widen, construct or reconstruct a portion of West Fourth Street, located within City limits. To accomplish this project, the City finds it necessary to acquire for public use certain property, or a portion thereof, belonging to the landowners or their successors in title and/or other parties interested in said property as is more particularly described in Exhibit "A" attached hereto and made a part hereof, and, as is referenced above, in the construction and/or right-of-way plans for said project, which said plans are made part hereof by reference.

It is anticipated that the City may be unable to agree with the owner(s) and/or other parties interested in said property. The City, after solemn and due consideration, does hereby declare said property necessary for public use and orders that it be condemned. Further, the City authorizes and requests its attorneys and/or other necessary professionals to institute any and all condemnation proceedings necessary to acquire the above described property, or a portion thereof, for the public use eleven days after approval of the fair market values by the City, at which time this Order will become effective.

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The above and foregoing Resolution and Order to Condemn was introduced by
Carroll, seconded by Ware,
and was adopted by the following vote, to-wit:

Yeas: Bradley
Delgado
Carroll
Ware
Naylor

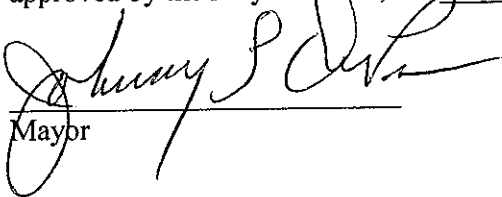
Nays: None Absent:

The President hereby declared the motion carried and the Resolution and Order to
Condemn was adopted, this the 1st day of May, A.D. 2012.


President


Clerk of Council

The above and foregoing Resolution and Order to Condemn having been submitted and
approved by the Mayor on this, the 1st day of May, A.D. 2012.


Mayor

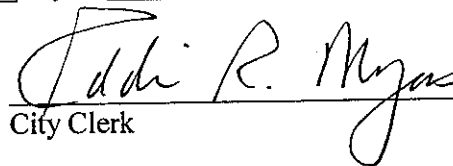

City Clerk

EXHIBIT "A"

1	2-029E-04-108.00	STATE OF MS
2	2-029E-04-109.00	JERRY JOE HINES
3	2-029E-04-110.00	DAVID A. BRACKETT
4	2-029E-04-111.00	JERRY JOE HINES
5	2-029E-04-112.00	CHARLES HAMPTON COOK, SR
6	2-029E-04-113.00	HAMP COOK
7	2-029E-04-114.00	JOEL E. & NITA S. SMITH
8	2-029E-04-115.00	JOEL E. & NITA S. SMITH
9	2-029E-04-116.00	JOEL E. & NITA S. SMITH
10	2-029E-04-117.00	JOEL E. & NITA S. SMITH
11	2-029E-04-118.00	WILLIAM B. FOSTER & IRENE H. FLOYD
12	2-029E-04-119.00	GLYNESS L. KEITH
13	2-029E-04-120.00	NICHOLAS JOHN KOLINSKY
14	2-029E-04-121.00	IRENE H. FLOYD & WILLIAM B. FOSTER
15	2-029E-04-122.00	IRENE H. FLOYD
16	2-029E-04-123.00	IRENE H. FLOYD
17	2-029E-04-124.00	DHT LAND DEVELOPMENT, LLC
18	2-029E-04-125.00	DHT LAND DEVELOPMENT, LLC
19	2-029F-04-188.00	NATHANIEL & FELICIA KAY HIBBLER
20	2-029F-04-190.00	SINECURE
21	2-029F-04-191.00	ADRIAN E. SHOWNIE P. FLOYD
22	2-029F-04-192.00	W.R. & JESSIE DYE
41	2-029F-04-211.00	JACKSON EQUITY INVESTMENT, INC.
52	2-029F-04-222.00	WILLIAM COLEMAN & CONTRINA HAYES
70	2-029L-09-023.00	JOEL E. & NITA S. SMITH
74	2-029L-09-018.00	SHERMAN & LELA MAE SIMS
75	2-029L-09-017.00	JESSIE & MAE WILBORN

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78	2-029L-09-001.00	JUANITA CURRY
79	2-029K-09-033.00	NATHANIEL & FELICIA KAY HIBBLER
83	2-029K-09-029.00	ALTON J. OGDEN
90	2-029K-09-021.00	STATE OF MS
91	2-029K-09-020.00	ANDREW MOORE
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City of Hattiesburg, Mississippi
Project No. HPP-7194-00(003) LPA/105845-801000

RESOLUTION AND ORDER TO CONDEMN

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 widen, construct or reconstruct a portion of West Fourth Street, located within City limits. To accomplish this project, the City finds it necessary to acquire for public use certain property, or a portion thereof, belonging to the landowners or their successors in title and/or other parties interested in said property as is more particularly described in Exhibit "A" attached hereto and made a part hereof, and, as is referenced above, in the construction and/or right-of-way plans for said project, which said plans are made part hereof by reference.

It is anticipated that the City may be unable to agree with the owner(s) and/or other parties interested in said property. The City, after solemn and due consideration, does hereby declare said property necessary for public use and orders that it be condemned. Further, the City authorizes and requests its attorneys and/or other necessary professionals to institute any and all condemnation proceedings necessary to acquire the above described property, or a portion thereof, for the public use eleven days after approval of the fair market values by the City, at which time this Order will become effective.

In support of this Resolution and Order to Condemn, the City acknowledges and declares its eligibility to obtain the right of immediate title and possession under the provisions of §11-27-81 of the Mississippi Code.

The City further declares that it will suffer irreparable harm and delay by exercising the right to condemn the subject property through eminent domain proceedings pursuant to Code Sections 11-27-1 through 11-27-51, as opposed to claiming the right of immediate title and possession of said property pursuant to Code §11-27-81 through 11-27-91. A construction contract, the completion of which requires the acquisition of the subject property, has been let or will be let in the near future. Federal funding may be utilized in the construction of this project.

In all projects where Federal funds are involved, it is necessary for the City to certify to the Mississippi Department of Transportation, acting as agent for the Federal Highway Administration, that all rights of entry to designated right-of-way property (including the subject property) have been acquired or will immediately be acquired before the release of Federal funds can be authorized. Right of entry to all right-of-way property must be vested in the City of Hattiesburg, Mississippi or the construction project that is subject of said construction contract will be prevented or significantly impaired.

The above and foregoing Resolution and Order to Condemn was introduced by
Carroll, seconded by Ware,
and was adopted by the following vote, to-wit:

Yeas: Bradley
Delgado
Carroll
Ware
Naylor

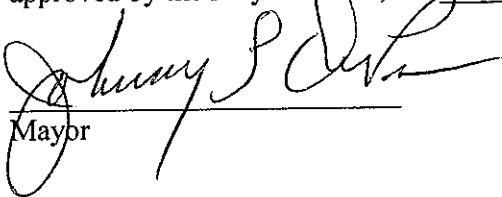
Nays: None Absent:

The President hereby declared the motion carried and the Resolution and Order to
Condemn was adopted, this the 1st day of May, A.D. 2012.


President


Clerk of Council

The above and foregoing Resolution and Order to Condemn having been submitted and
approved by the Mayor on this, the 1st day of May, A.D. 2012.


Mayor

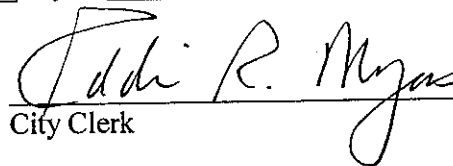

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