

PETITION TO ABANDONMENT OF PORTION/SECTION AND OR WHOLE
STREET/ROAD WITHIN THE CITY OF BAY ST. LOUIS, HANCOCK COUNTY,
MISSISSIPPI, UNDER SECTION 65-7-121, MISSISSIPPI CODE OF 1972,
ANNOTATED

DATE: March 19, 2025

RE: ABANDONMENT OF STREET/ROAD, WHOLE OR PART, PLATTED BUT
NEVER OPENED OR MAINTAINED EITHER BY HANCOCK COUNTY OR
THE CITY OF BAY ST. LOUIS:

That certain portion of
road /right-of-way reflected
on the survey attached
hereto as Exhibit "B".

HONORABLE COUNCILMEN
CITY OF BAY ST. LOUIS
BAY ST. LOUIS, MS

DEAR COUNCILMEN,

I/WE Michael Paul Austin, HEREBY REQUEST THE CITY OF
BAY ST. LOUIS TO ABANDON STREET/ROAD, WHOLE OR PART:

That certain portion of undeveloped roadway /right-of-way
reflected on the survey attached hereto as Exhibit "B"
being all of said road which lies within the bounds of my property.

IN THE CITY OF BAY ST. LOUIS, MS., PLATTED BUT NEVER OPENED AND
USED BY THE PUBLIC.

I/WE ARE SOLE OWNERS OF THE PROPERTY WHICH CONSISTS OF

the real property as described on the deed
which is attached hereto as Exhibit "A".

Also see the real property entitled "Overall parcel" on Exhibit "B".

I/WE, THE PETITIONER'S WOULD ALSO SHOW UNTO THE COUNCIL THE
FOLLOWING, TO-WIT:

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1. THE SECTION DOES NOT PROVIDE PRIMARY ACCESS TO UNOCCUPIED PROPERTIES,

2. TRAFFIC ON THE SECTION HAS FOR A PERIOD OF AT LEAST TEN (10) CONSECUTIVE YEARS AND NOR IS BEING USED AS PUBLIC PURPOSE IS BEING SERVED AS A STREET/ROAD, OR;

3. THE HANCOCK COUNTY BOARD OF SUPERVISORS HAS FOR A PERIOD OF AT LEAST THE PREVIOUS FIVE (5) CONSECUTIVE YEARS, NOT MAINTAINED SUCE SECTION AS PART OF THE COUNTY ROAD SYSTEM;

4. THE PUBLIC INTEREST OR CONVENIENCE DOES NOT REQUIRE THE SECTION TO BE OPENED TO THE PUBLIC OR THAT IT IS IN THE PUBLIC INTEREST OR CONVENIENCE TO CLOSE, VACATE AND ABANDON THE SECTION:

THE PETITIONER/PETITIONER'S IS/ARE THE PROPERTY OWNER/OWNER'S OF THE NORTH/SOUTH/EAST/WEST SIDE OF SAID STREET/ROAD OF THE REQUESTED ABANDONMENT.

YOUR APPROVAL OF ABANDONMENT OF SAID STREET/ROAD IS GREATLY APPRECIATED.

SINCERELY,



Michael P. Austin

ORDINANCE NO. 374

AN ORDINANCE ESTABLISHING AN APPLICATION FEE AND OTHER REQUIREMENTS FOR REQUESTS TO ABANDON STREETS

WHEREAS, the governing authorities of the City of Bay St. Louis, Mississippi, periodically receive requests to abandon all or portions of public streets within the corporate limits of the City; and

WHEREAS, by law, the said governing authorities have full, complete and exclusive jurisdiction over the said public streets; and

WHEREAS, the said governing authorities find that the processing of such requests to abandon streets places an administrative burden on the City staff and requires the services of the City Attorney to pass on the legal aspects of such requests; and

WHEREAS, the processing by the City staff and evaluation by the City Attorney will be facilitated if certain information and documentation is furnished to the City by the applicant along with the request for abandonment; and

WHEREAS, the establishment of an application fee will help defray the costs incurred by the City in responding to such requests for abandonment;

NOW, THEREFORE, BE IT ORDAINED, by the governing authorities of the City of Bay St. Louis, Mississippi, as follows:

SECTION 1: An application fee of One Hundred Dollars (\$100.00) is hereby established and required to be tendered along with all requests for abandonment of any public street or part thereof.

SECTION 2: In addition to the application fee, each applicant shall also submit the following information and documentation along with the request for the abandonment of any public street or part thereof:

- (a) A map or drawing showing the street or part thereof sought to be abandoned with all abutting property owners shown thereon;
- (b) The names and addresses of all abutting property owners together with copies of their deed(s) to the abutting properties;
- (c) A certification as to the accuracy of the information furnished, pursuant to (a) and (b) above.

SECTION 3: This Ordinance shall be in force and take effect one (1) month after its passage.

After being reduced to writing, the foregoing Ordinance was read and considered section by section, and then as a whole, whereupon Councilman Thriffley moved for its adoption and after a second by Councilman Black, the following vote was had:

VOTING YEA: Scianna, Thriffley, Farver and Black

VOTING NAY: None ABSENT: Rutherford

Whereupon Council President Scianna declared the foregoing Ordinance No. 374 adopted this, the 6th day of June, 1995.

2024 15734
Recorded in the Above
Used Book & Page
10-30-2024 10:41:23 AM
Tiffany L Cowson
Hancock County

Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
228-832-8550
Our File: 240151

Indexing Instructions:
Lots 21-36, Blk 40 & Lots 1-8, Blk 22,
Bay St. Louis Land and Improvement
Company, 1st Add. To Bay St. Louis and
Waveland, MS; Pt of Lot 42, Rear of 4th
Ward, Bay St. Louis, MS
Hancock County, MS

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

QUITCLAIM DEED

THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00),
cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of
which is hereby acknowledged,

**Christopher Joseph Austin
115 Arbor Station Drive
Long Beach, MS 39560
228-216-6297**

does hereby grant, bargain, sell, convey and quitclaim, unto

**Michael Paul Austin
7425 N Aberdeen Drive
Pass Christian, MS 39571
228-870-0602**

the following described property, together with the improvements, hereditaments and appurtenances
thereunto situated and located in the County of Hancock, State of Mississippi, and more particularly
described as follows, to-wit:

Legal Description Attached Hereto as Exhibit "A"

The above described property is no part of the homestead of the Grantor
herein.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and any prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners of subject property.

AD VALOREM TAXES for the current and subsequent years are hereby assumed by the Grantee herein.

THIS CONVEYANCE is also subject to Zoning and/or other land use regulations promulgated by federal, state or local governments affecting the use or occupancy of the subject property.

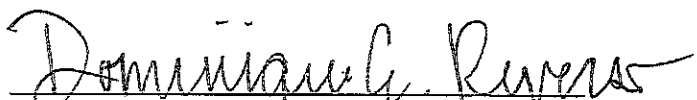
WITNESS THE SIGNATURE of this Grantor on this the 28th day of October, 2024.


Christopher Joseph Austin

STATE OF MISSISSIPPI
COUNTY/PARISH OF HARRISON

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, **Christopher Joseph Austin**, who acknowledged that he signed, executed and delivered the above and foregoing instrument as a voluntary act and deed on the day and year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 28 day of October, 2024.


NOTARY PUBLIC

(SEAL)

My Commission Expires:



Title Not Examined Nor Requested

EXHIBIT "A"
LEGAL DESCRIPTION

Lots 21, 22, 23, 24, 25, and 26, Block 40 and Lots 7 and 8, Block 22, Bay St. Louis Land and Improvement Company, 1st Addition to Bay St. Louis and Waveland, Mississippi.

Also a part of Lot 42, Rear of 4th Ward, Bay St. Louis, Mississippi more particularly described as follows, to-wit:

Beginning at the SE corner of Lot 42, Rear of 4th Ward and running thence S 76 Degrees W. 145.2 feet along the Northerly line of the Gainesville Road or Old Spanish Trail to an iron stake; thence N 14 degrees W. 96.2 feet to an iron stake at the SW corner of Lot 7, Block 22, Bay St. Louis Land and Improvement Company, 1st Addition to Bay St. Louis and Waveland, Mississippi; thence S 70 degrees E. 174.8 feet along a Southerly line of said 1st Addition to the place of beginning. Being a part of Lot 42, Rear of 4th Ward, City of Bay St. Louis, according to the official plat of said City made by E.S. Drake, C.E., and on file in the Office of the Clerk of Chancery Court of Hancock County, Mississippi.

LESS AND EXCEPT:

Lot 1, Block 24, Bay St. Louis Land & Improvement Company's Subdivision of part of the Bay St. Louis Land & Improvement Company's First Addition to the City of Bay St. Louis and Waveland, Mississippi, as per the official plat of said Subdivision on file in the office of the Clerk of the Chancery Court of Hancock County, Mississippi, dated April 24, 1897.

Also: Commencing at the NW corner of Block 24, Bay St. Louis Land & Improvement Company's Subdivision, per the 1897 plat thereof; thence South 4° 56' West along the East line of Kellar Street to its intersection with the Northeastern line of Lot 42, Rear Fourth Ward, Bay St. Louis, Mississippi, as the place of beginning; thence continuing South 4° 56' West along the East side of Kellar Street to its intersection with the Northern line of aforesaid Old Spanish Trail to its intersection with the abovementioned Northeastern line of said Rear Lot 42; thence North 70° West along the aforesaid rear lot line to the place of beginning; said land being that triangular portion of Lot 42, Rear Fourth Ward, Bay St. Louis, bounded on the West by the East line of Kellar Street, on the South by the Northern line of Old Spanish Trail, and on the North by the Northeastern line of said Rear Lot 42.

AND ALSO:

Lots 27 thru 36, inclusive, Block 40; and Lots 1 thru 6, inclusive, Block 22, Bay St. Louis Land & Improvement Company's Subdivision of Bay St. Louis Land & Improvement Company's First Addition to the City of Bay St. Louis and Waveland, as per the official plat thereof filed in the office of the Clerk of the Chancery Court of Hancock County, Mississippi, on April 27, 1897, including 19 feet driveway on west side.

Also: Commencing at the SE corner of Lot 42, Rear Fourth Ward, City of Bay St. Louis, Hancock County, Mississippi; and running thence South 76 degrees West 143.2 feet to an iron stake set for the place of beginning; thence South 76 degrees West 19 feet to a stake; thence North 14 degrees West 108 feet to a stake on the northerly line of the Mary Parish Claim; thence South 70 degrees East 22.7 feet to an iron stake; thence South 14 degrees East 96.2 feet to the place of beginning; being part of Lot 42, Rear Fourth Ward, City of Bay St. Louis, Mississippi, according to the official plat of said City made by E.S. Drake, C.E., and filed in the office of the Clerk of the Chancery Court of Hancock County, Mississippi. Together with all and singular, the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

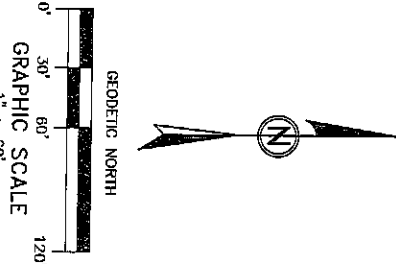
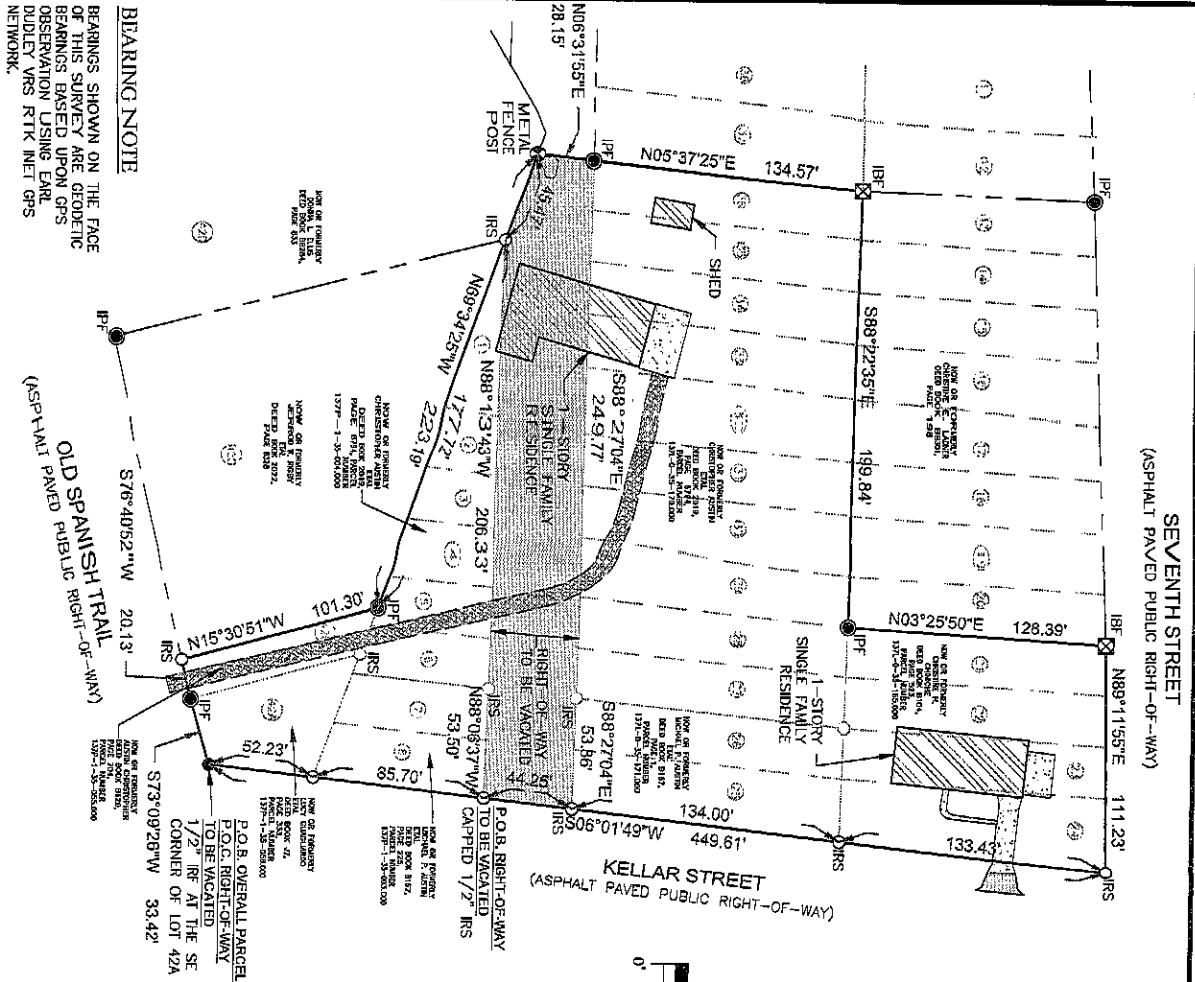
Title Not Examined Nor

3



Tiffany L. Cowman

Hancock County
I certify this instrument was filed on
10-30-2024 10:41:23 AM
and recorded in Deed Book
2024 at pages 15734 - 15736
Tiffany L. Cowman



SURVEYOR CERTIFICATION

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREON DESCRIBED AND DELINEATED AND THAT THE MEASUREMENTS AND OTHER DATA INDICATED ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GREGORIE COLE THOMPSON, P.S. #26006
MARCH 18, 2025

NOTES

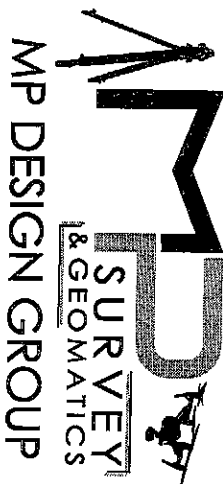
1. THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY THE CLIENT. NO TITLE SEARCH, ABSTRACT OR TITLE OPINION WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THE OPINION OF THE LOCATION AND EXTENT OF THE PROPERTY REPRESENTED BY THIS SURVEY DOES NOT IMPLY OR GUARANTEE TITLE TO ANY PERSONS OR PARTIES. THERE MAY BE ADDITIONAL EASEMENTS OR OTHER INSTRUMENTS THAT WOULD BE DISCOVERED IN A TITLE INVESTIGATION, NOT SHOWN ON THIS PLAT WHICH COULD EFFECT THE BOUNDARIES OR INTERIORS OF THE SUBJECT PROPERTY.
2. BOUNDARY LINES WERE TAKEN FROM DEEDS, TAX RECORDS, ETC. AS SHOWN IN THE REFERENCE MATERIAL BELOW AND MONUMENTS AND/OR IRON RODS FOUND.
3. THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, BUILDING OR OTHER RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS AND RIGHTS OF WAY OF RECORD.
4. THIS IS A CLASS "B" SURVEY AS OUTLINED IN CLASSIFICATION OF SURVEYS.

REFERENCE MATERIAL

HANDCOCK COUNTY GIS WEBSITE
BLOCK 40 OF THE BAY ST. LOUIS LAND & IMPROVEMENT COMPANY'S SUBDIVISION OF PART OF THE BAY ST. LOUIS & IMPROVEMENT COMPANY'S FIRST ADDITION TO THE CITY OF BAY ST. LOUIS AND WARELAND REAR OF 4TH WARD, BAY ST. LOUIS
DEED BOOK B104, PAGE 523
DEED BOOK B167, PAGE 1
DEED BOOK B167, PAGE 225
DEED BOOK B167, PAGE 704
DEED BOOK 2019, PAGE 6794
DEED BOOK J7, PAGE 333
DEED BOOK 2022, PAGE 8328
DEED BOOK 2022, PAGE 5328
DEED BOOK BR284, PAGE 633
DEED BOOK BR301, PAGE 198

LEGEND

- IRF DENOTES IRON ROD FOUND
- IRF DENOTES IRON PIPE FOUND
- IRS DENOTES IRON ROD SET (COA S246)
- ⊗ IBF DENOTES IRON BAR FOUND



918 Howard Ave Suite F Blount MS 39530 | 228.388.1930 | www.mpsdesigngroup.us

A PARCEL OF LAND SITUATED IN BLOCK 40 OF THE BAY ST. LOUIS LAND & IMPROVEMENT COMPANY'S FIRST ADDITION TO THE CITY OF BAY ST. LOUIS AND WARELAND, ALSO PART OF LOT 42, REAR OF 4TH WARD, BAY ST. LOUIS, MISSISSIPPI

BNDY
SHEET 1 OF 2

LEGAL DESCRIPTION: OVERALL PARCEL

A PARCEL OF LAND SITUATED IN BLOCK 40 OF THE BAY ST. LOUIS LAND & IMPROVEMENT COMPANY'S SUBDIVISION OF PART OF THE BAY ST. LOUIS & IMPROVEMENT COMPANY'S FIRST ADDITION TO THE CITY OF BAY ST. LOUIS AND WAVELAND, ALSO A PART OF LOT 42, REAR OF 4TH WARD, BAY ST. LOUIS, HANCOCK COUNTY, MISSISSIPPI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGIN AT A 1/2" IRON ROD FOUND AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY OF KELLAR STREET AND THE NORTH RIGHT-OF-WAY OF OLD SPANISH TRAIL, SAID ROD ALSO BEING THE SOUTH EAST CORNER OF LOT 42A, REAR OF 4TH WARD; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY S 73°09'28" W 33.42' TO A 2" IRON PIPE FOUND; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY S 78°40'52" W 20.13' TO A CAPPED 1/2" IRON ROD SET; THENCE N 15°30'51" W 101.30' TO A 2" IRON PIPE FOUND; THENCE N 69°34'25" W 223.19' TO A METAL FENCE POST; THENCE N 06°31'55" E 28.15' TO A PVC PIPE FOUND; THENCE N 05°37'25" E 134.57' TO AN IRON BAR FOUND; THENCE S 88°22'35" E 199.84' TO AN IRON PIPE FOUND; THENCE N 03°29'50" E 128.39' TO AN IRON BAR FOUND ON THE SOUTH RIGHT-OF-WAY OF SEVENTH STREET; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY N 89°11'55" E 111.23' TO A CAPPED 1/2" IRON ROD SET AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF SEVENTH STREET AND THE WEST RIGHT-OF-WAY OF KELLAR STREET; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY S 08°01'49" W 449.61' TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 1.92 ACRES OR 83.815 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION: RIGHT-OF-WAY TO BE VACATED

A PARCEL OF LAND SITUATED IN BLOCK 40 OF THE BAY ST. LOUIS LAND & IMPROVEMENT COMPANY'S SUBDIVISION OF PART OF THE BAY ST. LOUIS & IMPROVEMENT COMPANY'S FIRST ADDITION TO THE CITY OF BAY ST. LOUIS AND WAVELAND, BAY ST. LOUIS, HANCOCK COUNTY, MISSISSIPPI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT A 1/2" IRON ROD FOUND AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY OF KELLAR STREET AND THE NORTH RIGHT-OF-WAY OF OLD SPANISH TRAIL, SAID ROD ALSO BEING THE SOUTH EAST CORNER OF LOT 42A, REAR OF 4TH WARD; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY N 06°01'49" E 137.93' TO A CAPPED 1/2" IRON ROD SET AND THE POINT OF BEGINNING; THENCE N 89°06'37" W 53.50' TO A CAPPED 1/2" IRON ROD SET; THENCE N 88°13'43" W 206.33' TO A CAPPED 1/2" IRON ROD SET; THENCE N 68°34'25" W 45.47' TO A METAL FENCE POST; THENCE N 05°31'55" E 28.15' TO A PVC PIPE; THENCE S 88°27'04" E 249.77' TO A CAPPED 1/2" IRON ROD SET; THENCE S 88°27'04" E 53.86' TO A CAPPED 1/2" IRON ROD SET ON THE WEST RIGHT-OF-WAY OF KELLAR STREET; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY S 08°01'49" W 44.25' TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 0.30 ACRES OR 12.890 SQUARE FEET, MORE OR LESS.

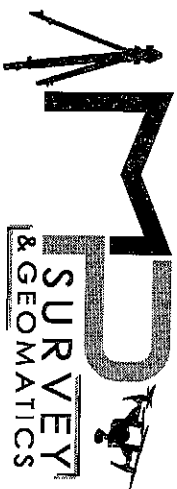
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GREGGIE COLE THOMPSON, P.S. #28008
MARCH 18, 2025

BEARING NOTE

BEARINGS SHOWN ON THE FACE OF THIS SURVEY ARE GEODETIC BEARINGS BASED UPON GPS OBSERVATION USING EARL DUDLEY VRS RIK INET GPS NETWORK.



MP DESIGN GROUP
SURVEY & GEOMATICS

918 Howard Ave Suite F Biloxi MS 39530 | 228.388.1930 | www.mpdesigngroup.us

A PARCEL OF LAND SITUATED IN BLOCK 40
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SHEET 2 OF 2
BNDY