

RESOLUTION OF THE CITY COUNCIL (THE “GOVERNING BODY”) OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE “CITY), TO AUTHORIZE, CUSICK & WILLIAMS, PLLC, CITY ATTORNEYS, ON BEHALF OF THE CITY OF DIAMONDHEAD TO NEGOTIATE ACQUISITION OF DRAINAGE UTILITY EASEMENTS AND TO PROSECUTE SUITS FOR EMINENT DOMAIN PERTAINING TO THE PROJECTS LISTED HEREIN.

WHEREAS, the City Council (the “Governing Body”) of the City of Diamondhead, Mississippi (the “City”), acting for and on behalf of the City, hereby finds and determines as follows:

WHEREAS, certain temporary and permanent utility easements for construction, operation and maintenance of drainage in the City of Diamondhead are required for the following projects:

- | | |
|-----------------------|--------------------------|
| 1. Turnberry | 7. Ahuli |
| 2. Kome | 8. Kalae Street |
| 3. Coon Branch | 9. Beaux Vue 2 |
| 4. Kolo Ct. | 10. Hilo Street Projects |
| 5. Bank Stabilization | 11. Kaleki Way |
| 6. Kome Drive | 12. Fairway Drive |

and,

WHEREAS, said parcels have been appraised at the instance of the City of Diamondhead by Global Valuation Services, Real Estate Appraiser, and said appraisals are to be reviewed and confirmed by a second, Real Estate Appraiser, for the purposes of determining just compensation and damages based on fair market values that the City of Diamondhead may reasonably pay to acquire said easements and property interests; and,

WHEREAS, Cusick & Williams, PLLC, City Attorneys, should be authorized to proceed with negotiation and acquisition of the easements and real property interests remaining to be acquired for said projects, and to proceed with suits for eminent domain if efforts to acquire the property interests by negotiation for the appraised compensation as hereinafter set forth fail; and,

WHEREAS, special checks in the amount of \$161.00 per lawsuit should be hereby authorized to pay to the Clerk of the County Court of Hancock County, Mississippi as required to file eminent domain suits, if suit is filed and the Special Court of Eminent Domain appoints and appraisal pursuant to their statutory authority, special checks in the amount not to exceed \$1,000 per lawsuit should be authorized to pay to the court appointed appraiser; and, if the City’s offer of just compensation based upon the above referenced appraisals is accepted by the property owners and interested parties, upon receipt of proper acceptance and tax information from the property owners, the Governing Authority finds that to expedite the projects, special checks should be hereby authorized to be issued to the property owners and interested parties for conveyance of easements and required property interests for the appraised values as hereinafter set forth; and,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the matters, facts, and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That Cusick & Williams, PLLC, City Attorneys, be and are hereby employed and authorized to do any and all acts necessary and proper as attorneys on behalf of the City of Diamondhead, Mississippi, to offer to acquire the easements and required property interests from property owners and interested parties for the City's appraised values as hereinafter set forth, and to commence and prosecute suits for eminent domain to take and condemn said easements and property interests where negotiations fail, and when suit is required, special checks in the sum of \$161.00 per lawsuit are hereby authorized to be issued to the County Court Clerk for filing fees and special checks in the sum not to exceed \$1,000 per lawsuit are hereby authorized to be issued to the Court appointed appraiser in each lawsuit, if such appraiser is appointed by the Special Court of Eminent Domain.

SECTION 3. The aforesaid City Attorneys are hereby authorized to do any and all things necessary and proper to acquire the easements and property interests hereinabove recited for the appraised value of compensation and damages as listed above; and special checks are authorized to be issued to the owners and interested parties for the total sum not to exceed the appraised values as set forth above when easements are delivered and all documentation and tax information is received to complete the purchase.

SECTION 4. This Resolution shall be in full force and effect immediately upon its passage and enactment according to law.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember _____, seconded by Councilmember _____ and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Finley	___	___	___
Councilmember Liese	___	___	___
Councilmember Cumberland	___	___	___
Councilmember Clark	___	___	___
Councilmember Maher	___	___	___
Mayor Depreo	___	___	___

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the _____ day of _____, 2024.

MAYOR

ATTEST:

CITY CLERK

(SEAL)