

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "CITY"), TO ACQUIRE, BY DONATION FROM JOSEPH B. AND MARY G. MARGAVIO, CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY FOR DRAINAGE AND GREENSPACE PURPOSES

WHEREAS, the Mayor and 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:

1. The City is in need of acquiring certain real property for drainage and greenspace purposes that is currently owned by several individuals.
2. The City is authorized to acquire real property pursuant to Miss. Code Ann. §21-17-1.
3. Joseph B. and Mary G. Margavio expressed a willingness to donate the property legally described in the Deeds of Dedication and attached hereto collectively as Exhibit "A" to this resolution
4. The City is willing to accept the donation of the aforementioned properties.

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

SECTION 1. That the Governing Body of the City will accept the donation of the aforementioned property.

SECTION 2. That the Governing Body of the City does hereby authorize the City Attorney to prepare any and all documentation related to the acquisition of the aforementioned property by donation, for the City Manager to execute any necessary documentation to effectuate the donation of the subject property and, for the Mayor to execute the Dedication Deed on behalf of the City attached collectively hereto as Exhibit "A."

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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

(SEAL)

PREPARED BY & RETURN TO:  
DEREK R. CUSICK (MS BAR#10653)  
LAW OFFICES OF DEREK R. CUSICK, PLLC  
1325 25<sup>th</sup> Avenue  
GULFPORT, MS 39501  
(228) 206-3819

INDEXING INSTRUCTIONS:

LOT 11, BLK 4, UNIT 7,  
DIAMONDHEAD PH 2, CITY OF  
DIAMONDHEAD, HANCOCK  
COUNTY, MISSISSIPPI

GRANTORS ADDRESS  
JOSEPH B. AND MARY G. MARGAVIO  
180 RIVER OAKS DRIVE  
LAPLACE, LA 70068  
(985) 359-1943

GRANTEE'S ADDRESS  
CITY OF DIAMONDHEAD, MS  
5000 DIAMONDHEAD CIRCLE  
DIAMONDHEAD MS 39525  
(228) 222-4626

STATE OF Louisiana  
COUNTY OF St. John the Baptist

**DEED OF DEDICATION**

This DEED OF DEDICATION ("Deed") is made this \_\_\_ day of \_\_\_\_\_,  
2019, by and between JOSEPH B. MARGAVIO and MARY G. MARGAVIO,  
GRANTORS, and THE CITY OF DIAMONDHEAD, a municipality created and existing  
under the State of Mississippi ("City"), GRANTEE.

**\*\*WITNESSETH\*\***

WHEREAS, JOSEPH B. MARGAVIO and MARY G. MARGAVIO wish to dedicate, grant and convey the following property to the City and be relieved of the cost and responsibilities associated with maintaining same; and

WHEREAS, the City wishes to acquire the property and assume the cost and responsibilities for maintaining same; and

WHEREAS, on \_\_\_\_\_, the Diamondhead City Council passed a resolution and order accepting the dedication of the property conveyed herein and agreeing to the terms contained herein, copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, JOSEPH B. MARGAVIO and MARY G. MARGAVIO hereby dedicates, grants, conveys, covenants and agrees as follows:

**DEDICATION OF ONE UNDEVELOPED LOT**

For and in consideration of the City accepting the property and maintaining the property as greenspace, JOSEPH B. MARGAVIO and MARY G. MARGAVIO, being the sole owners of, and the only parties having any interest in, the property, do hereby dedicate, grant and convey unto the City, its successors and assigns, in fee simple, for the use of the general public as a greenspace and for drainage, the property described herein below and improvements thereon and appurtenances thereto, if any. This dedication of the property is made without warranties of any kind.

The City specifically accepts the dedication of the property without warranty and subject to the following conditions:

The conveyance herein is made subject to such valid mineral reservations and/or conveyances, if any, as may have been heretofore made on the property, or filed in the land records of the Office of the Chancery Clerk of Hancock County, Mississippi.

The conveyance herein is made subject to any and all easements located on, over and across the property, or filed in the land records of the Office of the Chancery Clerk of Hancock County, Mississippi.

The conveyance herein is made subject to any and all rights-of-way and/or easements for public utilities in, on and under the property.

The conveyance herein is made subject to the City maintaining the property as greenspace and for drainage and said property is not to be developed.

Legal Description of the Undeveloped Lot:

Lot 11, Block 4, Unit 7, DIAMONDHEAD, Phase 2, according to the map or plat thereof on file and of record in Plat Book 4, Pages 48-50, inclusive in the office of the Chancery Clerk of Hancock County, at Bay St. Louis, Mississippi.

Together with all improvements situated thereon, and the perpetual right of ingress and egress over and upon all streets, roads, avenues and boulevards shown on said subdivision plat.

IT IS FURTHER UNDERSTOOD AND AGREED that this instrument constitutes the entire agreement between Grantors and Grantee, there being no other oral agreements or representations of any kind or nature whatsoever.

EXECUTED, this the 7 day of July, 2022.

**GRANTORS:**

  
\_\_\_\_\_  
**JOSEPH B. MARGAVIO**

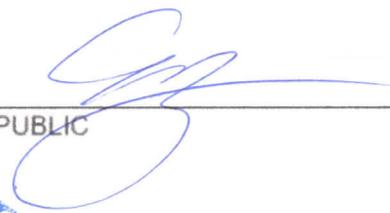
  
\_\_\_\_\_  
**MARY G. MARGAVIO**

STATE OF Louisiana

COUNTY OF St. John the Baptist

Personally appeared before me, the undersigned Notary Public, the within named JOSEPH B. MARGAVIO, who acknowledged that he signed and delivered this instrument on the day and year herein mentioned, after first having been duly authorized to do so.

GIVEN UNDER MY HAND AND SEAL this the 7 day of July, 2022.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
At my Death



STATE OF Louisiana  
COUNTY OF St John the Baptist

Personally appeared before me, the undersigned Notary Public, the within named MARY G. MARGAVIO, who acknowledged that she signed and delivered this instrument on the day and year herein mentioned, after first having been duly authorized to do so.

GIVEN UNDER MY HAND AND SEAL this the 7 day of July, 2021. 2

\_\_\_\_\_  
NOTARY PUBLIC



My Commission Expires:  
Army Deaths

**GRANTEE:**

**CITY OF DIAMONDHEAD, MISSISSIPPI**

**BY:** \_\_\_\_\_  
**NANCY DEPREGO, MAYOR**

STATE OF MISSISSIPPI  
COUNTY OF HANCOCK

Personally appeared before me, the undersigned Notary Public, the within named NANCY DEPREGO, who acknowledged that she is Mayor of the City of Diamondhead, Mississippi, and that in said representative capacity she signed and delivered this instrument on the day and year herein mentioned, after first having been duly authorized to do so.

GIVEN UNDER MY HAND AND SEAL this the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

**CUSICK & WILLIAMS, PLLC**  
**POST OFFICE BOX 4008**  
**GULFPORT, MISSISSIPPI 39502**

Derek R. Cusick\*  
\*Also Licensed in LA

Melissa Batia Williams

July 14, 2022

Joseph and Mary Margavio  
180 River Oaks Drive  
LaPlace, LA 70068

Re: Deed of Dedication to City of Diamondhead, MS (Lot 11, Blk 4, Unit 7)

Dear Mr. and Mrs. Margavio:

I received the executed Deed of Dedication; however, it was missing the notary signature for Mary's signature portion of the document. I have tabbed that page so that you can have the notary execute that portion of the document prior to our recording with the Chancery Court Clerk in Hancock County.

I have provided a stamped envelope for you to return the document to me once signed by the notary. If you have any questions, do not hesitate to contact me.

Sincerely,

CUSICK & WILLIAMS, PLLC

  
Derek R. Cusick

DRC/jmp  
Enclosures