

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE “GOVERNING BODY”) OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON A 5’ DRAINAGE/UTILITY EASEMENT ON EACH SIDE OF THE COMMON PROPERTY LINE BETWEEN LOTS 33 and 34, DEVIL’S ELBOW PHASE 1, HANCOCK COUNTY LOCATED WITHIN THE CITY

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 currently has a 5’ drainage/utility easement on each side of the common property line between Lots 33 and 34, Devil’s Elbow Phase 1 (see attached survey from Duke Levy as Exhibit A).
2. David Condon and Amanda Prudhomme are the owner of Lots 33 and 34, Devil’s Elbow Phase 1. The parcel number is 068Q-2-41-036.000. The physical street address is 34 Devil’s Elbow.
3. Further, the City hereby abandons and/or vacates the drainage/utility easements for the full width and length as petitioned except for the front and rear drainage and utility easement. These drainage/utility easements are 5’ drainage and utility easements on each side of the common property line between Lots 33 and 34, Devil’s Elbow Phase 1.

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

SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements with respect to Lots 33 and 34 described in bullet #3. The Diamondhead Public Works, Diamondhead Water & Sewer District and CEPA do not have any objections.

SECTION 2. It is agreed and understood that David Condon and Amanda Prudhomme will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi.

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 Moran | — | — | — |
| Councilmember Sheppard | — | — | — |
| 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 _____, 2021.

MAYOR

ATTEST:

CITY CLERK

(SEAL)