

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE “GOVERNING BODY”) OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE “CITY”), TO ACQUIRE, BY DONATION FROM DIAMONDHEAD COUNTRY CLUB AND PROPERTY OWNER’S ASSOCIATION, INC. 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. Diamondhead Country Club and Property Owner’s Association, Inc. expressed a willingness to donate the property with an estimated value of \$625.00 and legally described in the Deed of Dedication 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:

Resolution # 2022-062  
Item 2022-294

	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.

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MAYOR

ATTEST:

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CITY CLERK

(SEAL)

PREPARED BY & RETURN TO:  
DEREK R. CUSICK (MS BAR#10653)  
CUSICK & WILLIAMS, PLLC  
Post Office Box 4008  
GULFPORT, MS 39502  
(228) 206-3819

INDEXING INSTRUCTIONS:

TRACK D, UNIT 5, PHASE 2,  
DIAMONDHEAD,  
HANCOCK COUNTY, MISSISSIPPI

GRANTORS ADDRESS:  
DIAMONDHEAD COUNTRY CLUB &  
PROPERTY OWNERS ASSOCIATION, INC.  
7610 COUNTRY CLUB CIRCLE  
DIAMONDHEAD, MS 39525  
(228) 255-1900

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

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

**DEED OF DEDICATION**

This DEED OF DEDICATION ("Deed") is made this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between DIAMONDHEAD COUNTRY CLUB & PROPERTY OWNERS ASSOCIATION, INC, GRANTOR, and THE CITY OF DIAMONDHEAD, a municipality created and existing under the State of Mississippi ("City"), GRANTEE.

\*\*WITNESSETH\*\*

WHEREAS, DIAMONDHEAD COUNTRY CLUB & PROPERTY OWNERS ASSOCIATION, INC. wishes 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, DIAMONDHEAD COUNTRY CLUB & PROPERTY OWNERS ASSOCIATION, INC. hereby dedicates, grants, conveys, covenants and agrees as follows:

**DEDICATION OF ONE UNDEVELOPED TRACT**

For and in consideration of the City accepting the property and maintaining the property as greenspace and drainage, DIAMONDHEAD COUNTRY CLUB & PROPERTY OWNERS ASSOCIATION, INC., being the sole owner of, and the only party having any interest in, the property, does 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 Tract:

Tract D, Unit 5, Phase 2, DIAMONDHEAD, according to the map or plat thereof on file and of record in the Office of the Chancery Clerk of Hancock County at Bay St. Louis, Mississippi. **131C-1-13-042.000.**

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**GRANTOR:**

**DIAMONDHEAD COUNTRY CLUB &  
PROPERTY OWNERS ASSOCIATION, INC.**

BY: Ernie Knoblock

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

Personally appeared before me, the undersigned Notary Public, the within named Ernie Knoblock, who acknowledged that he is the President of the Board of the Diamondhead Country Club & Property Owners Association, Inc. and 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 25th day of August, 2022.

Wanda Sue Kinsley  
NOTARY PUBLIC

My Commission Expires:

April 4, 2025



**GRANTEE:**

**CITY OF DIAMONDHEAD, MISSISSIPPI**

**BY:**

**NANCY DEPREO, MAYOR**

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

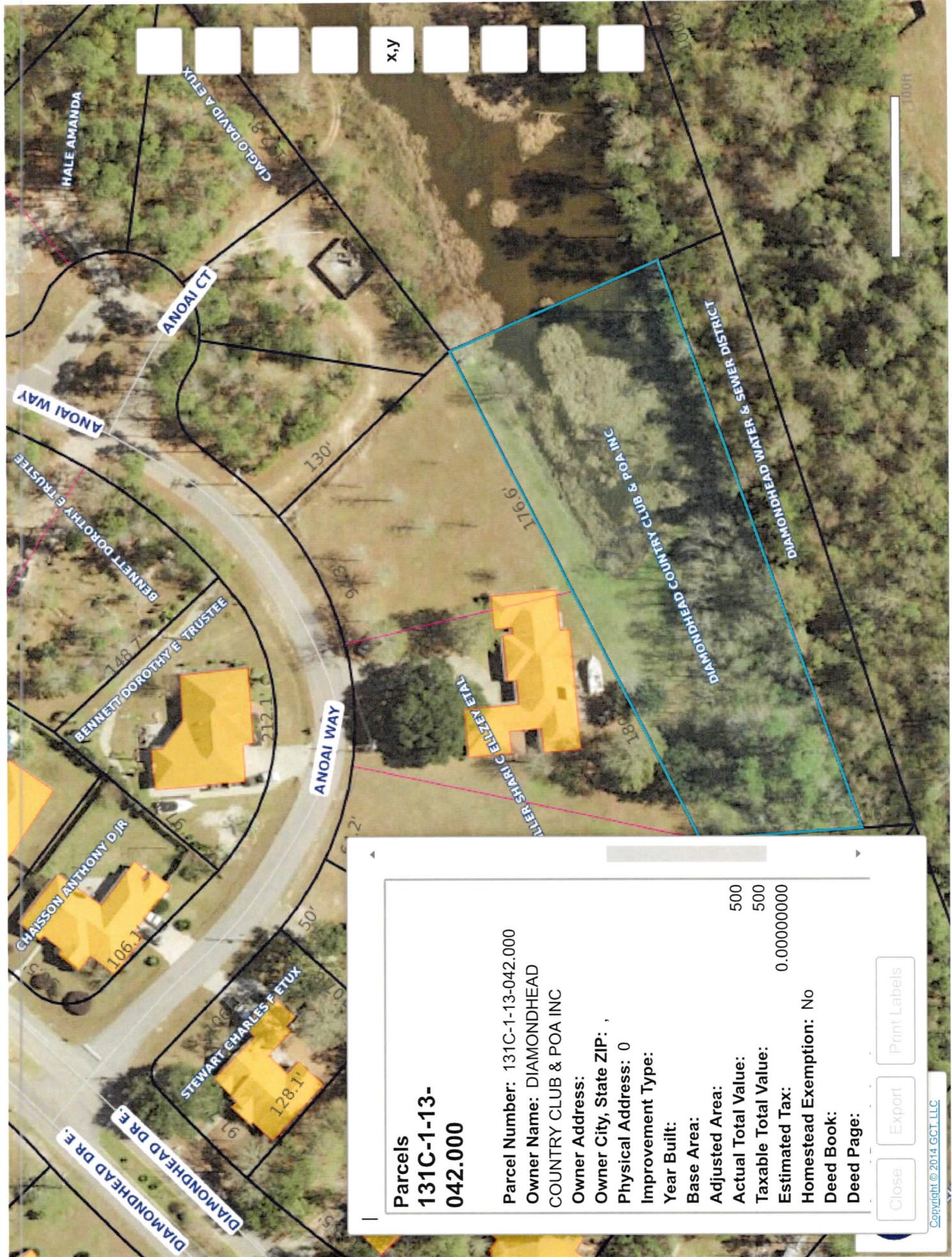
Personally appeared before me, the undersigned Notary Public, the within named NANCY DEPREO, who acknowledged that she is Mayor of the City of Diamondhead, Mississippi, and that in said representative capacity she signed and delivered this instrument on the day and year herein mentioned, after first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

GIVEN UNDER MY HAND AND SEAL this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

My Commission Expires:

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**Prepared by:**  
Carl H. Joffe, Attorney at Law  
4401 East Aloha Drive  
Diamondhead, MS 39525  
Mississippi Bar #3099  
(228) 255-9130

**Return to:**  
Purcell Co., Inc.  
4401 East Aloha Drive  
Diamondhead, Mississippi 39525  
(228) 255-7773

STATE OF MISSISSIPPI  
COUNTY OF HANCOCK

### **WAIVER OF FIRST RIGHT OF REFUSAL**

FOR AND IN CONSIDERATION of the sum of TEN AND NO 100/DOLLARS (\$10.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged,

PURCELL CO., INC., a Delaware Corporation,  
(formerly Diamondhead Corporation), the "Grantor"  
4401 East Aloha Drive  
Diamondhead, Mississippi 39525  
(228) 255-9130

does hereby waive that certain **First Right of Refusal** retained in Special Warranty Deed recorded in Deed Book AA 97 at Page 577 on file and of record in the Office of the Chancery Clerk of Hancock County at Bay St. Louis, Mississippi, dated September 11, 1985, from Grantor unto

DIAMONHEAD COUNTRY CLUB & PROPERTY OWNERS ASSOCIATION, INC., the  
"Grantee"  
7610 Country Club Circle  
Diamondhead, Mississippi 39525  
(228) 255-1900

with respect only to that certain property situated and being in Hancock County, Mississippi, more particularly described as follows:

**Track D, Unit 5, Phase 2, Diamondhead**, according to the map or plat thereof on file and of record in the Office of the Chancery Clerk of Hancock County at Bay St. Louis, Mississippi, **131C-1-13-042.000**.

INDEXING INSTRUCTIONS: See § 89-5-33 (3)(a) (Exempt)



IN WITNESS WHEREOF, the Grantor has caused this Waiver of First Right of Refusal to be duly executed by its authorized officers this 16th day of August, 2022.

ATTEST:



CARL H. JOFFE  
Secretary



STATE OF MISSISSIPPI  
COUNTY OF HANCOCK

Personally appeared before me, the undersigned authority in and for the said county and state, on this 16th day of August, 2022, within my jurisdiction, the within named ARTIS E. JAMES, JR. and CARL H. JOFFE, who acknowledged that they are the President and Secretary, respectively, of PURCELL CO., INC., a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed they executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

My Commission Expires: May 28, 2024

