

RESOLUTION AUTHORIZING THE CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "CITY), TO ACQUIRE, BY ACCEPTANCE OF DONATION BY BRIAN LEBOURGEOIS, AN EASEMENT LOCATED WITHIN THE CITY FOR DRAINAGE PURPOSES

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:

1. The City is in need of acquiring certain easements for drainage purposes that are currently owned by individual property owners.
2. The City is authorized to acquire property pursuant to Miss. Code Ann. §21-17-1.
3. Brian LeBourgeois has expressed a willingness to convey by donation the easement legally described in the Right of Entry and Permanent Drainage Easement attached hereto as Exhibit "A" to this resolution.
4. The City is willing to accept the donation of the aforementioned easement.

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 easement as it is necessary for the public good.

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 easement, for the City Manager to execute any necessary documentation to effectuate the acquisition of the subject easement and to execute the documents 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 _____, 2024.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

Grantor:

Brian LeBourgeois
77109 Golf Club Drive
Diamondhead, MS 39525
(504) 598-1455

Grantee:

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525
(228) 222-4626

Prepared by and Return to:

Derek R. Cusick, Esq.
Cusick & Williams, PLLC
Post Office Box 4008
Gulfport, MS 39502
(228) 206-3819

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

INDEXING INSTRUCTIONS

**Part of the Lot 7, Block 2, Unit 7,
Diamondhead, Phase 1, Hancock
County, Mississippi
TITLE NOT EXAMINED**

RIGHT OF ENTRY AND PERMANENT DRAINAGE EASEMENT

FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, I, Brian LeBourgeois, the owner of the property listed above, hereby grant a Right of Entry and a Permanent Drainage Easement to CITY OF DIAMONDHEAD, MISSISSIPPI for the construction and maintenance of said drainage

easement. The Permanent Drainage Easement shall be described as follows:

See Exhibit "A".

See also attached survey thereto incorporated herein by reference as part of Exhibit "A".

I also hereby further grant a Right of Entry for the property to CITY OF DIAMONDHEAD, MISSISSIPPI, its agents or assigns, for the construction and maintenance of said drainage easement.

I hereby further agree not to construct, plant or place anything within the Permanent Drainage Easement that will interfere with the CITY OF DIAMONDHEAD, MISSISSIPPI'S subservient rights. This Permanent Drainage Easement shall be limited to and for the exclusive use of CITY OF DIAMONDHEAD, MISSISSIPPI, its agents or assigns, for its drainage needs.

Said new drainage easement will be for subsurface drainage to the City's existing drainage easement on Gulf Club Drive.

It is further acknowledged that the drafter of this instrument performed no title search prior to preparing this instrument.

WITNESS my signature on this the ____ day of _____, 2024.

BRIAN LEBOURGEOIS

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

PERSONALLY APPEARED BEFORE ME, the undersigned authority, a notary public in and for the aforesaid jurisdiction, the within named BRIAN LEBOURGEOIS, who acknowledge that he signed, executed, and delivered the above and foregoing instrument on the day and year therein set forth and mentioned.

GIVEN UNDER MY HAND, and official seal of the office this the ____ day of _____ 2024.

NOTARY PUBLIC

My Commission Expires:

(SEAL)

PROPERTY DESCRIPTION

Being a 1,250 square feet tract of land situated in the southeast quarter of the northeast quarter of Section 35, and the southwest quarter of the northwest quarter of Section 36, Township 7 South, Range 14 West, Hancock County, Mississippi, and being a portion of that land conveyed to Brian LeBourdeois, as recorded in Deed Book 2022, Page 19746, Deed Records, Hancock County, Mississippi, also being a portion of Lot 7, Block 2, Unit 7, Diamondhead, Phase 1, as recorded in Plat Book A, Page 263, Plat Records, Hancock County, Mississippi, as shown on survey by Paul D. Pitts, Jr., dated April 18, 2024, whose basis of bearings is the Mississippi State Plane Coordinate System, East Zone (2301), NAD 83 (2011 Epoch 2010.00), Geoid 18, grid values, using a scale factor of 0.999981392 and a convergence angle of (Neg) 00 degrees 15 minutes 56.22 seconds as determined specifically for this project using GPS methods from a base station located at N300,836.3650, E828,874.6120 obtained from a USM Network, and being more particularly described as follows:

Commencing at a 3/8 inch iron rod found for the southernmost corner of said Lot 7, having Mississippi State Plane coordinates of N324,836.2540, E818,694.2630, said point being on the north right of way line of Golf Club Drive (50' right of way);

Thence, along said north right of way line and a curve to the right, having a central angle of 00 degrees 28 minutes 29 seconds, a radius of 603.40, an arc length of 5.00 feet, and a chord of 5.00 feet, which bears North 50 degrees 34 minutes 36 seconds East, to a 1/2 inch iron rod set for the Point of Beginning of the herein described tract;

Thence, 5 feet from and parallel with the southwest line of said Lot 7, North 39 degrees 39 minutes 38 seconds West a distance of 125.00 feet, to a 1/2 inch iron rod set on the northwest line of said Lot 7, and being on a curve to the right having a central angle of 00 degrees 47 minutes 12 seconds, a radius of 728.40, and a chord of 10.00 feet, which bears North 51 degrees 07 minutes 34 seconds East;

Thence, along said northwest line of Lot 7 for an arc length of 10.00 feet, to a 1/2 inch iron rod set for corner;

Thence, South 39 degrees 39 minutes 38 seconds East a distance of 125.03 feet, to a 1/2 inch iron rod set on the aforementioned north right of way line of Golf Club Drive, said point being on a curve to the left having a central angle of 00 degrees 56 minutes 59 seconds, a radius of 603.40, and a chord of 10.00 feet, which bears South 51 degrees 17 minutes 20 seconds West;

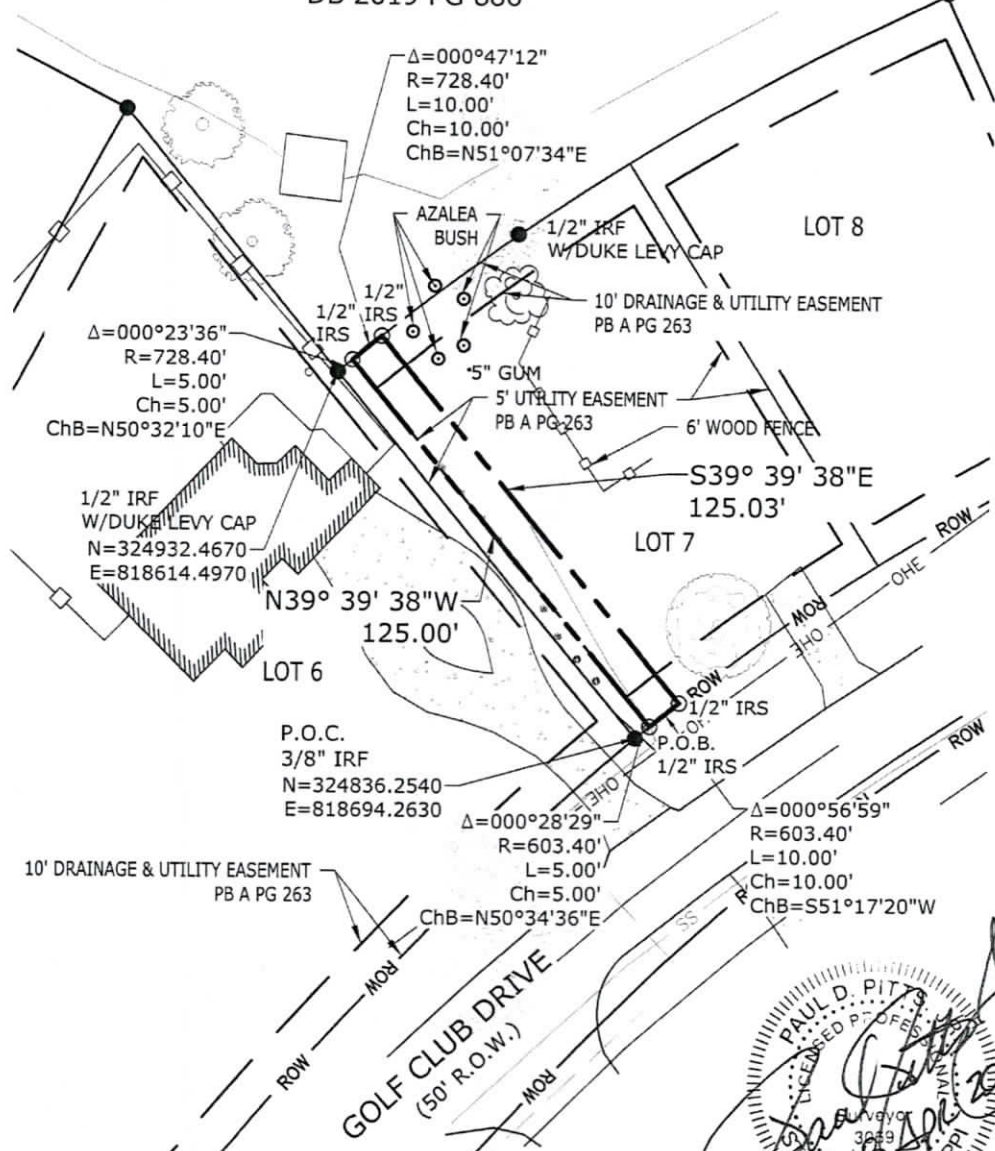
Thence, along said north right of way line and said curve to the left for an arc length of 10.00 feet, to the Point of Beginning and containing 1,250 square feet of land.

(A plat of even survey date herewith accompanies this description.)

The undersigned, Professional Licensed Surveyor, hereby certifies that the foregoing description and accompanying survey was made on the ground under my direct supervision and meets or exceeds the requirements of the Standards of Practice for Surveyors in Mississippi as adopted by the Mississippi Board of Licensure for Professional Engineers and Surveyors.


Paul D. Pitts, Jr.
MS PLS No. 3069

STRUCTURES OF
DIAMONDHEAD, INC.
DB 2019 PG 886



PAUL D. PITTS
LICENSED PROFESSIONAL SURVEYOR
STATE OF MISSISSIPPI
15 APR 2024

GENERAL NOTES

1. The basis of bearings for this survey is the Mississippi State Plane Coordinate System, East Zone (2301), NAD 83 (2011 Epoch 2010.00), Geoid 18, grid values, using a scale factor of 0.999981392 and a convergence angle of (Neg.) -00 degrees 15 minutes 56.22 seconds determined specifically for this project using G.P.S. methods from a base station located at N300,836.3650, E828,874.6120 obtained by the USM Network.
2. This survey was prepared without the benefit of a Title Search.
3. Date of this Mississippi Standards Class B Survey is April 18, 2024.
4. Reference Material: DB 2008 PG 21972, DB 2019 PG 886, DB 2022 PG 19746, Deed Records, Hancock County, Mississippi and PB A PG 263 Plat Records, Hancock County, Mississippi.

1,250 SQ. FT.
LOCATED IN SECTION 35
TOWNSHIP 7 SOUTH, RANGE 14 WEST
HANCOCK COUNTY, MISSISSIPPI

COVINGTON
CIVIL AND ENVIRONMENTAL
2300 14TH STREET
GULFPORT, MISSISSIPPI 39501
Office: (228)396-0486