

PREPARED BY & RETURN TO:  
The Casano Law Firm, P.A.  
4403 West Aloha Drive  
Diamondhead, MS 39525  
(228) 255-0035

INDEXING INSTRUCTIONS:

SW CORNER LOT 22, BLOCK 13,  
UNIT 1, PHASE 1, DIAMONDHEAD  
SUBDIVISION, DIAMONDHEAD,  
HANCOCK COUNTY, MISSISSIPPI

GRANTOR'S ADDRESS  
KAPALAMA COVE PROPERTY  
OWNERS' ASSOCIATION  
1283 KAPALAMA PLACE  
DIAMONDHEAD, MS 39525

GRANTEE'S ADDRESS  
CITY OF DIAMONDHEAD, MS  
5000 DIAMONDHEAD CIRCLE  
DIAMONDHEAD MS 39525

STATE OF MISSISSIPPI  
COUNTY OF HANCOCK

**DEED OF DEDICATION**

This DEED OF DEDICATION ("Deed") is made this \_\_\_ day of \_\_\_\_\_, 2021, by and between KAPALAMA COVE PROPERTY OWNERS' ASSOCIATION (Kapalama Cove) GRANTOR, and THE CITY OF DIAMONDHEAD, a municipality created and existing under the State of Mississippi ("City"), GRANTEE.

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

WHEREAS, Kapalama Cove 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 for a public street 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

WHEREAS, on November 13, 2021, the Members of KAPALAMA COVE PROPERTY OWNERS' ASSOCIATION passed a resolution authorizing the dedication of the property herein and agreeing to the terms contained herein, copy of which is attached hereto as Exhibit "B"; 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, Kapalama Cove hereby dedicates, grants, conveys, covenants and agrees as follows:

#### DEDICATION OF PROPERTY FOR PUBLIC RIGHT OF WAY

For and in consideration of the City accepting the property and maintaining a public street, Kapalama Cove, being the sole owner of, and the only party having any interest in, the street, 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 public street and right-of-way, the property described herein below and improvements thereon and appurtenances thereto. 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.

Legal Description of the Property (Overall Boundary):

**A parcel of land situated and being located in the SW 1/4 of the SW 1/4 of Section 25, Township 7 South, Range 14 West, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:**

**Commencing at the southwest corner of said Section 25; thence S 89°48'09" E 218.88 feet along the south line of said Section 25 to a 1" pipe found and being the Point of Beginning; thence N 00°10'15" E 838.77 feet to a 1/2" rebar found on the south margin of Kapalama Drive; thence N 88°34'25" E 439.02 feet along said south margin of Kapalama Drive to a 1/2" rebar found; thence S 00°10'41" W 851.21 feet to a concrete monument found on the south line of said Section 25; thence N 89°48'09" W 438.74 feet along said south line of Section 25 to the Point of Beginning. Said parcel of land contains 8.51 acres, more or less.**

**See attached Exhibit "C"-Survey adopted herein by reference.**

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

EXECUTED, this the \_\_\_\_ day of \_\_\_\_\_, 2021.

**GRANTOR:**

**KAPALAMA COVE PROPERTY OWNERS' ASSOCIATION**

BY: Nina Day, President

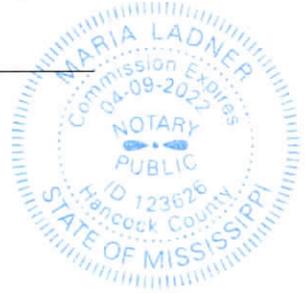
STATE OF MISSISSIPPI  
COUNTY OF HANCOCK

Personally appeared before me, the undersigned Notary Public, the within named Nina Day, who acknowledged that s/he is President of the KAPALAMA COVE PROPERTY OWNERS' ASSOCIATION, and that in said capacity s/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 22nd day of December, 2021.

Maria Ladner  
NOTARY PUBLIC

My Commission Expires: 04-09-2022



**GRANTEE:**

**CITY OF DIAMONDHEAD, MISSISSIPPI**

BY: \_\_\_\_\_

STATE OF MISSISSIPPI  
COUNTY OF HANCOCK

Personally appeared before me, the undersigned Notary Public, the within named \_\_\_\_\_ who acknowledged that s/he is \_\_\_\_\_ of the City of Diamondhead, Mississippi, and that in said representative capacity s/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 \_\_\_\_ day of December, 2021.

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

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

BOARD RESOLUTION  
OF  
KAPALAMA COVE PATIO HOMES PROPERTY OWNERS ASSOCIATION, INC

We, the undersigned, being all the Directors and Shareholders of Kapalama Cove Patio Homes Property Owners Association, Inc, organized and existing under the laws of Mississippi, and having its principal place of business at 1280 Kapalama Place, Diamondhead, Mississippi 39525 (the "Corporation"), hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Directors and Shareholders of the Corporation duly held and convened on November 13, 2021, at which a quorum of the Board of Directors was present and voting throughout, and that such resolution has not been modified, rescinded or revoked, and is at present in full force and effect:

Therefore, it is resolved:

That Kapalama Cove Patio Homes Property Owners Association, Inc has on this date voted by majority to turn our roads over to the City of Diamondhead.

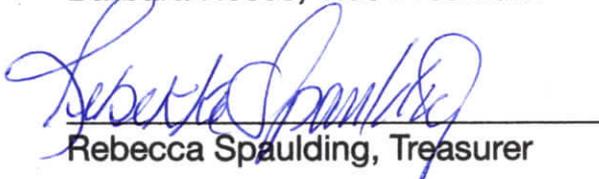
Directors

  
\_\_\_\_\_  
Nina Day, President

11/13/21  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Barbara Reese, Vice President

11/13/2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Rebecca Spaulding, Treasurer

11/13/21  
\_\_\_\_\_  
Date

See attached list of Shareholders:

UNITED STATES

1

IN SENATE, FEBRUARY 2, 1906.

REPORT OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE, IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE, APRIL 11, 1904, CONCERNING THE LANDS BELONGING TO THE UNITED STATES, AND THE PROCEEDINGS THEREON.

WASHINGTON:

GOVERNMENT PRINTING OFFICE: 1906.

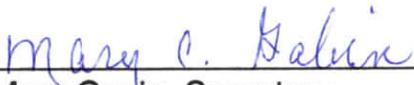
100-100

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## CERTIFICATE OF SECRETARY

The Secretary of the Corporation hereby certifies that she is the duly elected and qualified Secretary of Kapalama Cove Patio Homes Property Owners Association, Inc and certifies that the above is a true and correct record of the resolution that was duly adopted by the Directors and Shareholders of the Corporation on November 13 2021.

  
\_\_\_\_\_

Mary Gavin, Secretary

SECRET

1. The following information was obtained from a source who has provided reliable information in the past. The source has provided information in the past which has been found to be accurate and reliable. The source has provided information in the past which has been found to be accurate and reliable.

SECRET

Attachment to the Board Resolution to turn our roads over to the City of Diamondhead, signed by the property owners of Kapalama Cove.

Joseph F. Burch

Gusw Loughn

Carlton A. Reavis

Robert A. Rother

Marianne Spence

Danette L. Guilham

Donnie H. Ammons

June Brooks Russel

Gay S. Hargis

Judy G. Johnson

Andrew F. Johnson

Opama K. Saucier

David A. Fint

Renee M. Riso

Lois A. Kee

Barbara A. Carter

1. The first part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are listed below each name. The list includes names such as Mr. J. B. Smith, Mr. W. H. Jones, and Mrs. A. M. White, among others.

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From: npdjl npdjl@protonmail.com  
Subject: Re: Your rental unit  
Date: November 18, 2021 at 12:32 PM  
To: Victoria victoriasnewyork@protonmail.com  
Cc: Nina Day nina.day@icloud.com



Nina, see attached. Thank you, Nikolay

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Thursday, November 18th, 2021 at 7:38 AM, Victoria <[victoriasnewyork@protonmail.com](mailto:victoriasnewyork@protonmail.com)> wrote:

The resolution will be returned to you today.

-----  
Victoria  
+1.917.952.3452  
@victoriasnewyork

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Wednesday, November 17th, 2021 at 4:22 PM, Nina Day <[nina.day@icloud.com](mailto:nina.day@icloud.com)> wrote:

I thanks for the info.  
I really need the resolution signed and return as soon as possible.  
I thanks

Sent from my iPhone

On Nov 17, 2021, at 2:52 PM, Victoria <[victoriasnewyork@protonmail.com](mailto:victoriasnewyork@protonmail.com)> wrote.

Hi Nina.

I know that she was not feeling well and is with her daughter in FL.

And she was supposed to be back

I don't know anything about the car wreck.

Thank you for reaching out.

I appreciate the email and will let you know if anything further

And we'll be back re document.

Victoria

-----  
Victoria  
+1.917.952.3452  
@victoriasnewyork

Sent from ProtonMail for iOS

On Wed, Nov 17, 2021 at 9:26 AM, Nina Day <[nina.day@icloud.com](mailto:nina.day@icloud.com)> wrote

You probably already know this but your renter Mary McCarthy I believe has moved out. We look after the people here especially elder and hadn't seen her in awhile.

The rumor is she has dementia and got in a car wreck amongst other things and her daughter in Florida had to get her and is trying to get her into a care facility.

If you look into this and find out its true, will you let me know for sure?

Also, I wanted to make sure you got the document to be signed to turn our roads over to the City.

Nina Day  
President POA



**PETITION TO HAVE ROAD(S) REPAVED WITHIN THE CITY OF  
DIAMONDHEAD, MISSISSIPPI**

PETITION FOR ADOPT PRIVATE ROAD AS PUBLIC

We request to have Kapalama Court, Kapalama Place, Kapalama Way and Kapalama Lane turned over to the City as dedicated road(s).

Kapalama Cove, consisting of 12 rental homes, 18 homeowners and 6 vacant lots, is situated in the City of Diamondhead, Hancock County.

Kapalama Court, Kapalama Place, Kapalama Way and Kapalama Lane have roads measuring 2210 feet long.

Besides the daily traffic of the residents, it is also traveled by garbage trucks, fire trucks, Coast Electric, Water company, Sewer and water trucks, US postal trucks, FED Ex trucks, delivery vans and trucks.

We the property owners listed below, appreciate your attention.

SEE ATTACHED \_\_\_\_\_

<u>Delores E. Gallweil</u>	<u>1226 Kapalama Lane # 47</u>
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The approximate tax value of all Kapalama Cove properties is \$31,800.00 annually.

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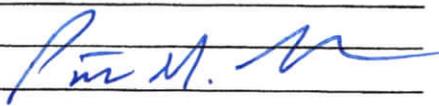
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Besides the daily traffic of the residents, it is also traveled by garbage trucks, fire trucks, Coast Electric, Water company, Sewer and water trucks, US postal trucks, FED Ex trucks, delivery vans and trucks.

We the property owners listed below, appreciate your attention.

SEE ATTACHED \_\_\_\_\_

\_\_\_\_\_  
PATRICK NOLAN  
OWNER  
1232 KAPALAMA LANE  
DIAMONDHEAD, MS 39525  
\_\_\_\_\_  
  
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\_\_\_\_\_

The approximate tax value of all Kapalama Cove properties is \$31,800.00 annually.







**PETITION TO HAVE ROAD(S) REPAVED WITHIN THE CITY OF  
DIAMONDHEAD, MISSISSIPPI**

PETITION FOR ADOPT PRIVATE ROAD AS PUBLIC

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We the property owners listed below, appreciate your attention.

SEE ATTACHED \_\_\_\_\_

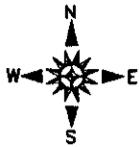
Philip E Maloney 8/30/20 \_\_\_\_\_  
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The approximate tax value of all Kapalama Cove properties is \$31,800.00 annually.





# KAPALAMA COVE PATIO HOMES, DIAMONDHEAD, MISSISSIPPI



SCALE: 1" = 40'

- LEGEND:**
- CENTERLINE
  - IRON ROD FOUND
  - IRON ROD SET
  - IRON PIPE FOUND
  - FENCE CORNER POST
  - POWER POLE
  - AS PER SURVEY
  - AS PER RECORD

**LEGAL DESCRIPTION: Street "A"**  
A parcel of land situated and being located in the SW 1/4 of the SW 1/4 of Section 25, Township 7 South, Range 14 West, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the southwest corner of said Section 25; thence S 89°40'00" E 218.88 feet along the south line of said Section 25 to a 1" pipe found; thence N 00°10'15" E 838.77 feet to a 1/2" rebar found on the south margin of Kapalama Drive; thence N 88°34'25" E 323.15 feet along said south margin of Kapalama Drive to the Point of Beginning; thence S 02°11'44" W 42.95 feet to a point; thence S 24°18'10" W 77.60 feet to a point; thence 26.16 feet along a curve to the left having a radius of 45.00 feet and also having a chord bearing and distance of S 15°39'48" W 25.80 feet to a point; thence S 01°02'24" E 90.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 21°10'24" E 21.15 feet to a point; thence S 21°10'24" E 21.15 feet to a point; thence S 89°40'00" E 218.88 feet to the Point of Beginning; thence S 89°40'00" E 218.88 feet to the Point of Beginning.

**LEGAL DESCRIPTION: Street "B"**  
A parcel of land situated and being located in the SW 1/4 of the SW 1/4 of Section 25, Township 7 South, Range 14 West, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the southwest corner of said Section 25; thence S 89°40'00" E 218.88 feet along the south line of said Section 25 to a 1" pipe found; thence N 00°10'15" E 838.77 feet to a 1/2" rebar found on the south margin of Kapalama Drive; thence N 88°34'25" E 323.15 feet along said south margin of Kapalama Drive to a point; thence S 02°11'44" W 42.95 feet to a point; thence S 24°18'10" W 77.60 feet to a point; thence 26.16 feet along a curve to the left having a radius of 45.00 feet and also having a chord bearing and distance of S 15°39'48" W 25.80 feet to a point; thence S 01°02'24" E 90.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 21°10'24" E 21.15 feet to the Point of Beginning; thence N 70°42'52" E 116.87 feet to the Point of Beginning.

**LEGAL DESCRIPTION: Street "C"**  
A parcel of land situated and being located in the SW 1/4 of the SW 1/4 of Section 25, Township 7 South, Range 14 West, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the southwest corner of said Section 25; thence S 89°40'00" E 218.88 feet along the south line of said Section 25 to a 1" pipe found; thence N 00°10'15" E 838.77 feet to a 1/2" rebar found on the south margin of Kapalama Drive; thence N 88°34'25" E 323.15 feet along said south margin of Kapalama Drive to a point; thence S 02°11'44" W 42.95 feet to a point; thence S 24°18'10" W 77.60 feet to a point; thence 26.16 feet along a curve to the left having a radius of 45.00 feet and also having a chord bearing and distance of S 15°39'48" W 25.80 feet to a point; thence S 01°02'24" E 90.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 21°10'24" E 21.15 feet to the Point of Beginning; thence N 70°42'52" E 116.87 feet to the Point of Beginning.

**LEGAL DESCRIPTION: Street "D"**  
A parcel of land situated and being located in the SW 1/4 of the SW 1/4 of Section 25, Township 7 South, Range 14 West, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

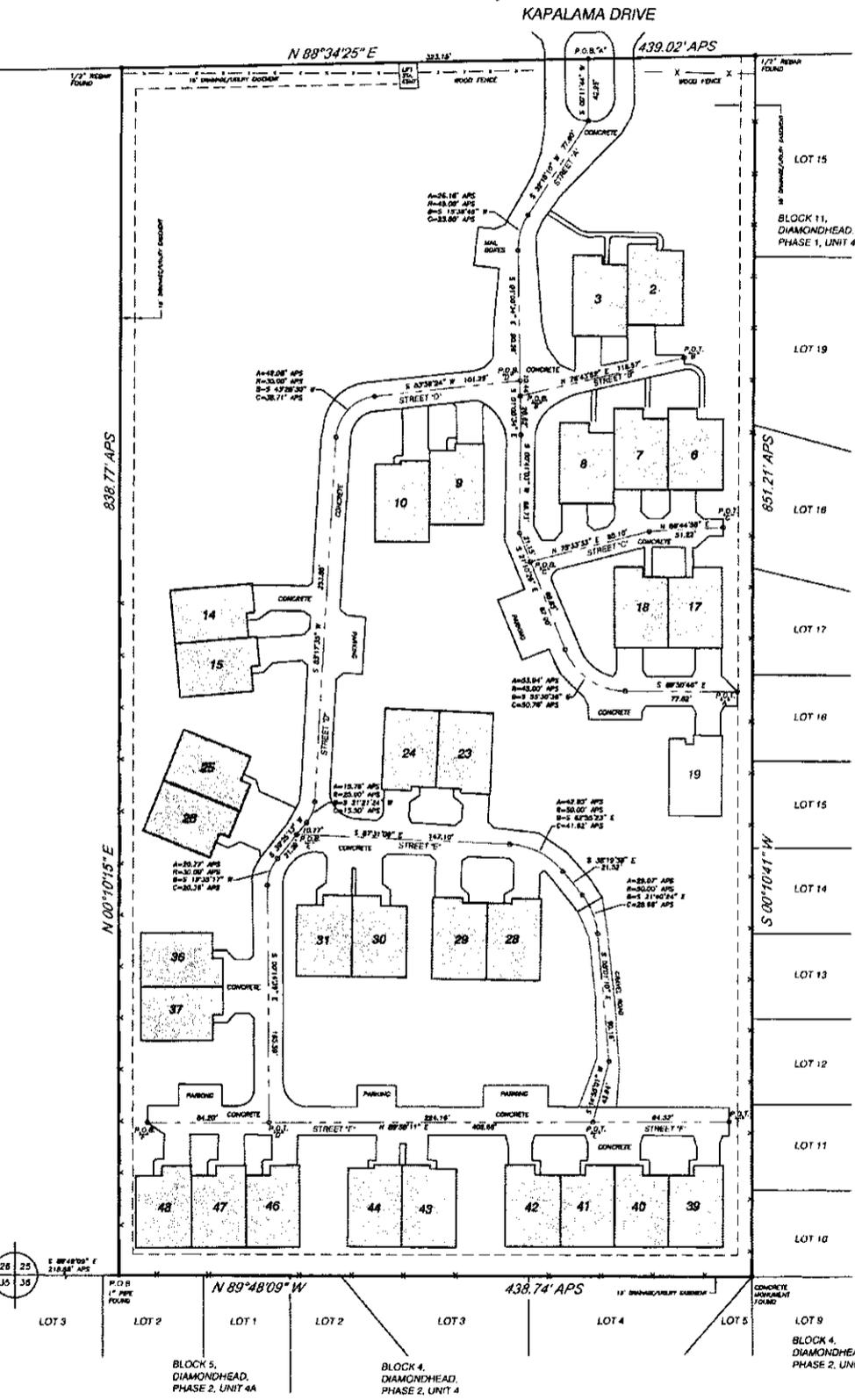
Commencing at the southwest corner of said Section 25; thence S 89°40'00" E 218.88 feet along the south line of said Section 25 to a 1" pipe found; thence N 00°10'15" E 838.77 feet to a 1/2" rebar found on the south margin of Kapalama Drive; thence N 88°34'25" E 323.15 feet along said south margin of Kapalama Drive to a point; thence S 02°11'44" W 42.95 feet to a point; thence S 24°18'10" W 77.60 feet to a point; thence 26.16 feet along a curve to the left having a radius of 45.00 feet and also having a chord bearing and distance of S 15°39'48" W 25.80 feet to a point; thence S 01°02'24" E 90.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 21°10'24" E 21.15 feet to the Point of Beginning; thence N 70°42'52" E 116.87 feet to the Point of Beginning.

**LEGAL DESCRIPTION: Street "E"**  
A parcel of land situated and being located in the SW 1/4 of the SW 1/4 of Section 25, Township 7 South, Range 14 West, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the southwest corner of said Section 25; thence S 89°40'00" E 218.88 feet along the south line of said Section 25 to a 1" pipe found; thence N 00°10'15" E 838.77 feet to a 1/2" rebar found on the south margin of Kapalama Drive; thence N 88°34'25" E 323.15 feet along said south margin of Kapalama Drive to a point; thence S 02°11'44" W 42.95 feet to a point; thence S 24°18'10" W 77.60 feet to a point; thence 26.16 feet along a curve to the left having a radius of 45.00 feet and also having a chord bearing and distance of S 15°39'48" W 25.80 feet to a point; thence S 01°02'24" E 90.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 21°10'24" E 21.15 feet to the Point of Beginning; thence N 70°42'52" E 116.87 feet to the Point of Beginning.

**LEGAL DESCRIPTION: Street "F"**  
A parcel of land situated and being located in the SW 1/4 of the SW 1/4 of Section 25, Township 7 South, Range 14 West, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the southwest corner of said Section 25; thence S 89°40'00" E 218.88 feet along the south line of said Section 25 to a 1" pipe found; thence N 00°10'15" E 838.77 feet to a 1/2" rebar found on the south margin of Kapalama Drive; thence N 88°34'25" E 323.15 feet along said south margin of Kapalama Drive to a point; thence S 02°11'44" W 42.95 feet to a point; thence S 24°18'10" W 77.60 feet to a point; thence 26.16 feet along a curve to the left having a radius of 45.00 feet and also having a chord bearing and distance of S 15°39'48" W 25.80 feet to a point; thence S 01°02'24" E 90.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 21°10'24" E 21.15 feet to the Point of Beginning; thence N 70°42'52" E 116.87 feet to the Point of Beginning.



**LEGAL DESCRIPTION: Overall Boundary**  
A parcel of land situated and being located in the SW 1/4 of the SW 1/4 of Section 25, Township 7 South, Range 14 West, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the southwest corner of said Section 25; thence S 89°40'00" E 218.88 feet along the south line of said Section 25 to a 1" pipe found; thence N 00°10'15" E 838.77 feet to a 1/2" rebar found on the south margin of Kapalama Drive; thence N 88°34'25" E 323.15 feet along said south margin of Kapalama Drive to a point; thence S 02°11'44" W 42.95 feet to a point; thence S 24°18'10" W 77.60 feet to a point; thence 26.16 feet along a curve to the left having a radius of 45.00 feet and also having a chord bearing and distance of S 15°39'48" W 25.80 feet to a point; thence S 01°02'24" E 90.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 01°10'24" E 127.55 feet to a point; thence S 21°10'24" E 21.15 feet to the Point of Beginning; thence N 70°42'52" E 116.87 feet to the Point of Beginning.

**NOTES:**  
Surveyor has made no investigation or independent search for easements of record, encroachments, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.



in testimony of the said, I, Duke Levy, do hereby certify that the survey made by me and the other persons mentioned herein is a true and correct representation of the actual knowledge and belief of me and the other persons mentioned herein.  
Duke Levy, P.E. S 17122

**DUKE LEVY & ASSOCIATES, P.A.**  
4412 LEISURE TIME DRIVE  
DIAMONDHEAD, MS 39525  
(228) 467-5212 PHONE

SCALE: 1" = 40'      DATE: 01-11-2020  
DRAWING: W0# 19-16-055      CLIENT: KAPALAMA COVE