

Grantor:

Structures of Diamondhead, Inc.
758 Augusta Way
Diamondhead, MS 39525
(228) _____

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) 324-2652

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

INDEXING INSTRUCTIONS:

**Lots 4, 5, 6 and 7, Block 2,
Diamondhead Subdivision
Phase 3, Unit 1, Hancock County**

TITLE NOT EXAMINED

RIGHT OF ENTRY AND PERMANENT DRAINAGE/UTILITY EASEMENTS

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, Structures of Diamondhead, Inc., the owners of the property listed above, hereby grant a Right of Entry and a Permanent

Drainage/Utility Easements to CITY OF DIAMONDHEAD, MISSISSIPPI from the public right of way to the drainage/utility easements located on this property for maintenance of said drainage/utility easements. The Permanent Drainage/Utility Easements shall be described as follows:

See attached survey and legal description thereto incorporated herein by reference as Exhibit "A".

We 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 easements.

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

We hereby further agree to hold harmless CITY OF DIAMONDHEAD, MISSISSIPPI, along with its project engineers, project administrators and all other employees, agents, servants, successors and assigns of the CITY OF DIAMONDHEAD, MISSISSIPPI, for any and all claims, demands, suits and losses of any nature whatsoever which may result from or be claimed to have resulted from the construction and maintenance of the drainage easements including, but not limited to, personal injury, death, damage to buildings, fixtures and appurtenances, as well as hidden damage to property including trees, shrubs, sod, bushes or any vegetation, lost wages, attorneys' fees and any other loss or damage whatsoever.

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

WITNESS our signatures on this the ____ day of _____, 2023.

STRUCTURES OF DIAMONDHEAD, INC.

By: _____

Its: _____

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 _____, who acknowledged that he signed, executed, and delivered the above and foregoing instrument on the day and year therein set forth and mentioned having been first duly authorized to do so.

GIVEN UNDER MY HAND, and official seal of the office this the __ day of _____ 2023.

NOTARY PUBLIC

My Commission Expires:

(SEAL)

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "CITY") TO ACQUIRE, BY DONATION, A NEW DRAINAGE/UTILITY EASEMENT LOCATED WITHIN THE CITY FROM DONOR, STRUCTURES OF DIAMONDHEAD, INC.

WHEREAS, 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 authorized to acquire real property pursuant to Miss. Code Annotated § 21-17-1;
- 2. The City is willing to accept the donation of the aforementioned drainage/utility easements described in a survey completed by Tice Engineering, Inc. and attached hereto as Exhibit "A".

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 drainage/utility easements on Lots 4, 5, 6, and 7, Block 2, Diamondhead Subdivision Phase 3, Unit 1, Hancock County.

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 drainage easements by donation and for the City Manager to execute any necessary documentation to effectuate the donation of the subject drainage easement.

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
Mayor Depreo	—	—	—
Councilmember Finley	—	—	—
Councilmember Liese	—	—	—
Councilmember Cumberland	—	—	—

Councilmember Clark

Councilmember Maher

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 _____, 2023.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

TRACT 10

STRUCTURES OF

DIAMONDHEAD, INC.

DRAINAGE EASEMENTS

DRAINAGE BOUNDARY DESCRIPTION:

A parcel of land located in Lots 4, 5, 6, and 7, Block 2, Diamondhead Subdivision Phase 3, Unit 1, Hancock County, Mississippi being a portion of the property conveyed to Structures of Diamondhead, Inc per Deed Book 2021, Page 8363 being more particularly described as follows:

Begin at a 1/2 inch iron rod with cap being the southwest corner of Lot 17, Replat of Leisure Time Park Subdivision Plat Book 8, Page 10, said Point of Beginning having grid coordinates of N 318930.054 and E 810737.360 based on the Mississippi State Plane Coordinate System, East Zone, NAD 83 (U.S. Survey Feet), bearings and distances herein are grid values based on said coordinate system using a scale factor of 0.999984493 and a convergence angle of -00 degrees 16 minutes 41.678 seconds (at the P.O.B.); thence South 00 degrees 42 minutes 03 seconds West 176.43 feet; thence South 70 degrees 14 minutes 53 seconds West 80.26 feet; thence 258.61 feet along the arc of a curve to the right having a radius of 600.00 feet, a central angle of 24 degrees 41 minutes 43 seconds, and a chord which bears North 52 degrees 38 minutes 26 seconds West 256.61 feet to a 1/2 inch iron rod with cap; thence 5.04 feet along the arc of a curve to the right being non-tangent with the previously described line, said curve having a radius of 25.00 feet, a central angle of 11 degrees 33 minutes 36 seconds, and a chord which bears North 42 degrees 56 minutes 12 seconds East 5.04 feet; thence 234.13 feet along the arc of a curve to the left having a radius of 595.00 feet, a central angle of 22 degrees 32 minutes 43 seconds, and a chord which bears South 51 degrees 30 minutes 30 seconds East 232.62 feet; thence North 70 degrees 14 minutes 53 seconds East 68.16 feet; thence North 00 degrees 37 minutes 06 seconds East 166.28 feet; thence South 89 degrees 16 minutes 25 seconds East 30.22 feet to the Point of Beginning.

Said right of way containing 7,785 square feet, more or less.

also

A parcel of land located in Lots 4, 5, 6, and 7, Block 2, Diamondhead Subdivision Phase 3, Unit 1, Hancock County, Mississippi being a portion of the property conveyed to Structures of Diamondhead, Inc per Deed Book 2021, Page 8363 being more particularly described as follows:

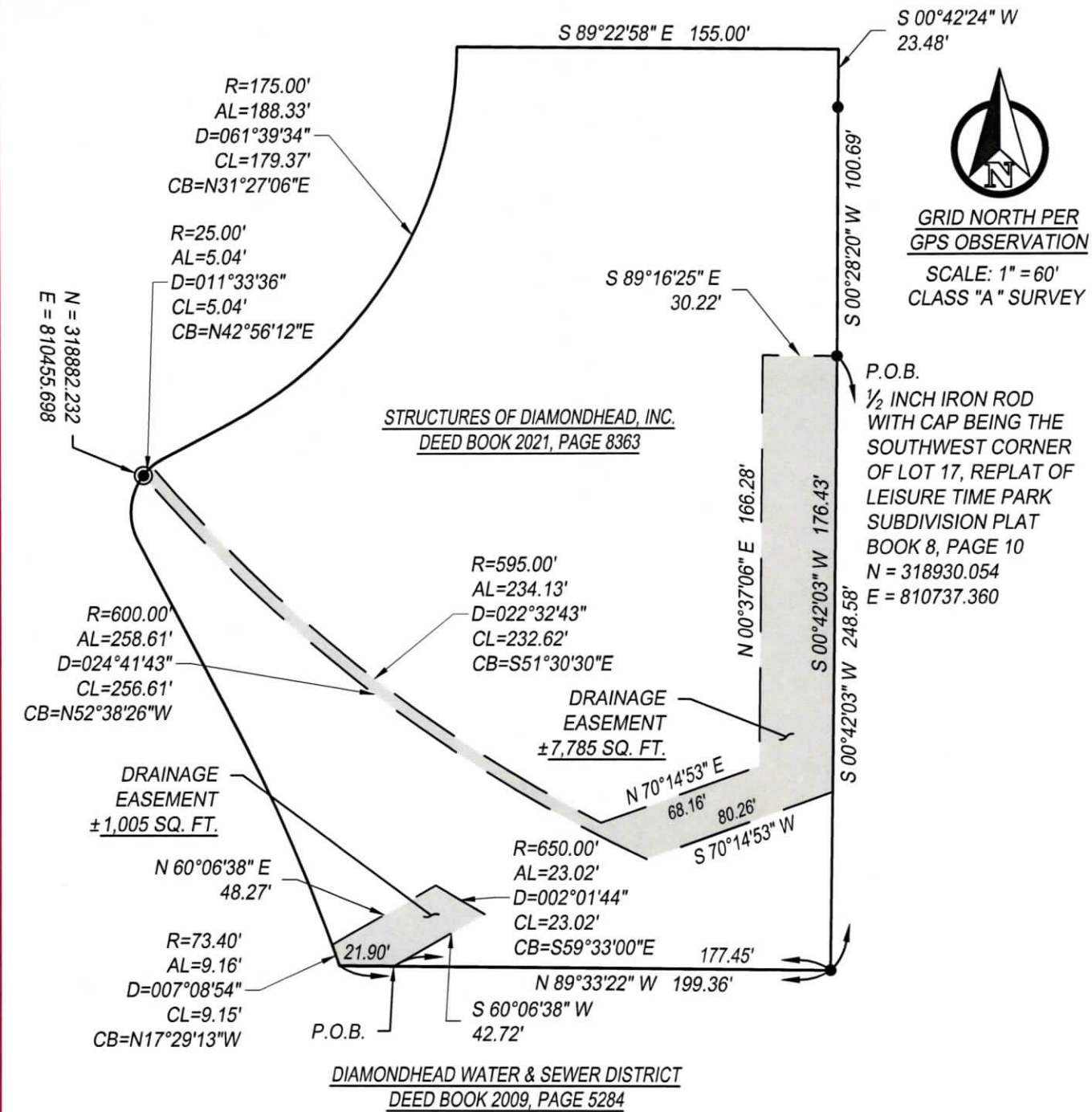
Commence at a 1/2 inch iron rod with cap being the southwest corner of Lot 17, Replat of Leisure Time Park Subdivision Plat Book 8, Page 10, said Point of Commencement having grid coordinates of N 318930.054 and E 810737.360 based on the Mississippi State Plane Coordinate System, East Zone, NAD 83 (U.S. Survey Feet), bearings and distances herein are grid values based on said coordinate system using a scale factor of 0.999984493 and a convergence angle of -00 degrees 16 minutes 41.678 seconds (at the P.O.C.); thence South 00 degrees 42 minutes 03 seconds West 248.58 feet to a 1/2 inch iron rod; thence North 89 degrees 33 minutes 22 seconds West 177.45 feet to the Point of Beginning; thence North 89 degrees 33 minutes 22 seconds West 21.90 feet; thence 9.16 feet along the arc of a curve to the left having a radius of 73.40 feet, a central angle of 07 degrees 08 minutes 54 seconds, and a chord which bears North 17 degrees 29 minutes 13 seconds West 9.15 feet; thence North 60 degrees 06 minutes 38 seconds East 48.27 feet; thence 23.02 feet along the arc of a curve to the left having a radius of 650 feet, a central angle of 02 degrees 01 minutes 44 seconds, and a chord which bears South 59 degrees 33 minutes 00 seconds East 23.02 feet; thence South 60 degrees 06 minutes 38 seconds West 42.72 feet to the Point of Beginning.

Said right of way containing 1,005 square feet, more or less.

J. Colter Ratliff, P.S.
Field Surveyed April 5, 2023

DRAWN: JCR	PROJECT TITLE:	<div>TEIENGINEERING, INC. ENGINEERS / SURVEYORS <small>Trusted Engineers. Experienced Surveyors. Innovative Results.</small> 510 S. VARDAMAN ST. WIGGINS, MS 39577 PHONE: 601.928.4121 EMAIL: info@ticeeng.com PROJECT NUMBER: 1466-21_T10-DE</div>
CHECK: RLN	DIAMONDHEAD DOWNTOWN TRANSFORMATION	
DATE: 04/05/2023		
SCALE: NONE	CROSSING THE PROPERTY OF:	
TRACT: 10-DE	STRUCTURES OF DIAMONDHEAD, INC.	
SHEET: 1 of 2	DRAINAGE EASEMENTS	





J. Colter Ratliff, P.S.
Field Surveyed April 5, 2023

Surveyor's Notes:

1. This survey has been performed without the benefit of a title report and may not show all rights-of-way, easements, and restrictions. Such features can be added if a current title report is performed and certified by an attorney, and is provided to the surveyor.
2. Copies of this survey without an original signature and seal in blue ink are not valid. Any alteration of this survey, in whole or part, without prior written permission of Tice Engineering, Inc. is prohibited.
3. No flood zone information is shown hereon.
4. No wetland information is shown hereon.
5. ● = 1/2 inch Iron Rod Found unless otherwise noted.
6. ⊙ = 1/2 inch Iron Rod Set with Cap unless otherwise noted.
7. Parcel Indexing Instructions: Lot 4, 5, 6, AND 7, Block 2, Diamondhead Subdivision Phase 3, Unit 1,, Hancock County, Mississippi
8. All ownership information shown hereon are "now or formally".
9. If shown, the aerial image in the background is for geographic reference only, and is provided by MARIS.
10. This survey is referenced to the Mississippi State Plane East Zone (2301) with NAD (83) Datum.
Scale Factor at P.O.B.: 0.999984493
Convergence Angle at P.O.B.: -00° 16' 41.678"
All distances and coordinates shown hereon are in U.S. survey feet. (3.28083333 per meter)

DRAWN: JCR	PROJECT TITLE:	TEI TICE ENGINEERING, INC. ENGINEERS / SURVEYORS <small>Trusted Engineers. Experienced Surveyors. Innovative Results.</small>
CHECK: RLN	DIAMONDHEAD DOWNTOWN TRANSFORMATION	
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SHEET: 2 of 2	DRAINAGE EASEMENTS	

PROJECT NUMBER: 1466-21 T10-DE