

RESOLUTION AUTHORIZING THE CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "CITY"), TO ACQUIRE, BY DONATION, CERTAIN EASEMENTS LOCATED WITHIN THE CITY FOR CONSTRUCTION OF A WALKING PIER

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 the construction of a walking pier for use by the public that are currently owned by several individuals.
2. The City is authorized to acquire property pursuant to Miss. Code Ann. §21-17-1.
3. Several individuals have expressed a willingness to convey the easements legally described in the Rights of Entry and Permanent Drainage Easements attached hereto collectively as Exhibit "A" to this resolution
4. The City is willing to accept the donation of the aforementioned easements.

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 easements as they are 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 easements, for the City Manager to execute any necessary documentation to effectuate the acquisition of the subject easements and, for the City Manager 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	_____	_____	_____
Vacant	_____	_____	_____
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:

Michael Casano
4403 W. Aloha Dr.
Diamondhead, MS 39525
(228) 255-0035

Grantee:

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525
(228) 861-1765

Prepared by and Return to:

Derek R. Cusick, Esq.
Cusick & Williams, PLLC
1414 25th Avenue
Post Office Box 4008
Gulfport, MS 39502
(228) 324-2652

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

**INDEXING INSTRUCTIONS:
Part of North ½ of Section 9,
Township 8 South, Range 14 West,
Hancock County, Mississippi**

TITLE NOT EXAMINED

RIGHT OF ENTRY AND 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, Michael Casano, the owner of the property listed above, hereby grant a Right of Entry and an Easement to CITY OF DIAMONDHEAD, MISSISSIPPI. The Easement shall be described as follows:

See attached survey and legal description attached hereto as Exhibit "A".

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

It is understood that the easement is to be used for the construction of a walking pier.

I hereby further agree not to construct, plant or place anything within the Easement that will interfere with the CITY OF DIAMONDHEAD, MISSISSIPPI'S subservient rights. This Easement shall be limited to and for the exclusive use of CITY OF DIAMONDHEAD, MISSISSIPPI, its agents or assigns, for its public welfare needs; specifically, for a walking pier and observation areas.

It is further acknowledged that the Easement will terminate only upon any of the following conditions:

1. The abandonment of the Easement by the CITY OF DIAMONDHEAD, MISSISSIPPI;
or,
2. The use of the Easement by the CITY OF DIAMONDHEAD, MISSISSIPPI for any
other use than a walking pier and observation areas.

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.

MICHAEL CASANO

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 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)

Grantor:

Purcell Co., Inc.
4401 E. Aloha Drive
Diamondhead, MS 39525
(228) 255-7773

Grantee:

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525
(228) 861-1765

Prepared by and Return to:

Derek R. Cusick, Esq.
Cusick & Williams, PLLC
1414 25th Avenue
Post Office Box 4008
Gulfport, MS 39502
(228) 324-2652

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

**INDEXING INSTRUCTIONS:
Part of North ½ of Section 9,
Township 8 South, Range 14 West,
Hancock County, Mississippi**

TITLE NOT EXAMINED

RIGHT OF ENTRY AND 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, the undersigned authority in and for Purcell Co., Inc., the owner of the property listed above, hereby grant a Right of Entry and an Easement to CITY OF DIAMONDHEAD, MISSISSIPPI. The Easement shall be described as

follows:

See attached survey and legal description attached hereto as Exhibit "A".

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

It is understood that the easement is to be used for the construction of a walking pier.

I hereby further agree not to construct, plant or place anything within the Easement that will interfere with the CITY OF DIAMONDHEAD, MISSISSIPPI'S subservient rights. This Easement shall be limited to and for the exclusive use of CITY OF DIAMONDHEAD, MISSISSIPPI, its agents or assigns, for its public welfare needs; specifically, for a walking pier and observation areas.

It is further acknowledged that the Easement will terminate only upon any of the following conditions:

1. The abandonment of the Easement by the CITY OF DIAMONDHEAD, MISSISSIPPI;
or,
2. The use of the Easement by the CITY OF DIAMONDHEAD, MISSISSIPPI for any other use than a walking pier and observation areas.

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.

PURCELL CO., INC.

By: _____

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 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)