

## **ORDER**

### **AN ORDER AUTHORIZING THE PURCHASE OF TWO TRACTS OF LAND ON ELVIS PRESLEY DRIVE BY CITY OF TUPELO AND ELVIS PRESLEY MEMORIAL FOUNDATION FROM THE COTTAGES AT THE BIRTHPLACE, LLC, AND ACCEPTANCE OF DONATION OF INTEREST FROM ELVIS PRESLEY MEMORIAL FOUNDATION**

**WHEREAS**, the governing authorities of the City of Tupelo are empowered to act with respect to the care, management and control of municipal affairs and its properties for which no provision has been made by general law and which is not inconsistent with existing law pursuant to Section 21-17-1, et seq. of the Mississippi Code Annotated (1972), as amended, including the authority to purchase real property on such terms as it may elect that are consistent with statutory authority; and

**WHEREAS**, in compliance with the provision of Miss. Code Anno. Sec. 43-37-3 (1972 as amended) governing acquisition of real property using public funds, the City of Tupelo has negotiated a contract for the purchase of two tracts of real property from The Cottages at the Birthplace, LLC, said tracts located on Elvis Presley Drive, identified as Parcels 088J-33-076-00 and 088J-33-076-01, depicted on Exhibit "A" attached hereto and legally described in Exhibit "B" attached hereto; and

**WHEREAS**, the City of Tupelo desires said property be acquired for the purpose of adding contiguous property to the Elvis Presley Birthplace and preventing development that might be incompatible to the purposes of this memorial park and tourist attraction; and

**WHEREAS**, the City of Tupelo desires to purchase said property and has obtained an appraisal from Short Appraisal Firm, who found the value of the real property to be \$30,000 per tract: and

**WHEREAS**, the Seller will not sell for less than \$35,000 per lot; and

**WHEREAS**, in recognition of the importance of this real property to the Elvis Presley Birthplace complex, the Elvis Presley Memorial Foundation will pay the difference in the appraised price and the asking price and donate their interest to the city after the sale; and

**WHEREAS**, the Mayor and City Clerk are hereby authorized to execute any and all documents to effectuate this purchase; and

**WHEREAS**, the City Council accepts the donation of the Elvis Presley Memorial Foundation's acquired interest in this property, and will be the sole owner of this property.

**NOW THEREFORE**, it is hereby resolved and ordered by the City Council of Tupelo as follows:

1. The prefatory paragraphs of this Resolution are hereby found and determined to be in accordance with the necessary and warranted exercise of the authority of the City of Tupelo by securing necessary interests in real property in the best interests of public health, safety and welfare, i.e. insuring compatible use of lands surrounding the Elvis Presley Birthplace complex.
  
2. The Mayor and City Clerk are hereby authorized to execute the purchase contract and purchase from The Cottages at the Birthplace, LLC, the real property located on Elvis Presley Drive, identified as Parcels 088J-33-076-00 and 088J-33-076-01, depicted on Exhibit "A" attached hereto and legally described in Exhibit "B" attached hereto, for the amount of Thirty-Five Thousand Dollars (\$60,000.00), with the Elvis Presley Memorial Foundation paying the difference in the appraised price and the asking price and donating its interest to the city after the sale.
  
3. The City Council accepts the donation of the Elvis Presley Memorial Foundation's acquired interest in this property, and will be the sole owner of this property.

After a full discussion of this matter, Council Member \_\_\_\_\_ moved that the foregoing Order be adopted and said motion was seconded by Council Member \_\_\_\_\_ and upon the question being put to a vote, the results were as follows:

Councilmember Whittington voted	_____
Councilmember L. Bryan voted	_____
Councilmember Beard voted	_____
Councilmember Davis voted	_____
Councilmember Palmer voted	_____
Councilmember M. Bryan voted	_____
Councilmember Jennings voted	_____

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted.

**WHEREUPON**, the foregoing Resolution was declared, passed and adopted at a regular meeting of the Council on this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF TUPELO, MISSISSIPPI

By: \_\_\_\_\_  
 MIKE BRYAN, Council Presi

ATTEST:

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MISSY SHELTON  
Clerk of the Council

APPROVED:

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JASON L. SHELTON, Mayor

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DATE

# Lee County, MS

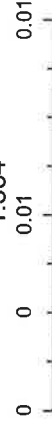


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# Lee County, MS

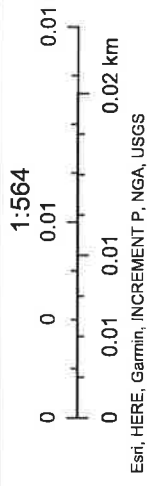


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Prepared by and return to:  
Reed Hillen, Esq.  
Hillen, Wicker & Tapscott, P.A.  
Post Office Drawer 409  
Tupelo, Mississippi 38802  
(662) 842-1721

INDEXING INSTRUCTIONS: Northwest Quarter of Section 33, Township 9, Range 6 East, City of Tupelo, Lee County, Mississippi.

**WARRANTY DEED**

For and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor herein,

Bill Benson  
CLERK  
**MONA HAMZAH AHMED**  
102 Serenity Court  
Brandon, Mississippi 39042  
Phone: (662) 574-6139

does hereby convey, warrant and deliver to the Grantee,

**THE COTTAGES AT THE BIRTHPLACE, LLC,**  
a Mississippi limited liability company  
1854 Legion Lake Road  
Tupelo, Mississippi 38804  
Phone: (662) 322-7764

all of her right, title and interest in the following described real properties situated in the City of Tupelo, Lee County, Mississippi, together with any and all improvements located thereon, if any, and more particularly described as follows:

**Exhibit**  
" B "

**TRACT I:** Beginning at the intersection of the North line of the Tupelo and Fulton Public Road as it ran in 1919 with the East line of the East Tupelo – Saltillo Road and run thence North 140 yards; thence South 52 feet, more or less, to the Southwest corner of the tract of land conveyed by J.F. Merchant to Clyde Reese for a POINT OF BEGINNING; thence South 83 feet, more or less, to the North line of the lands conveyed by J.F. Merchant to R.B. and T.L. Seal as shown by deeds recorded in Deed Book 200, Page 473 and Book 222, Page 518; thence East 210 feet; thence North 73 feet, more or less, to the Southeast corner of the Reese lot; thence West 210 feet, more or less, to the POINT OF BEGINNING. Situated in the Northwest Quarter of Section 33, Township 9, Range 6 East, City of Tupelo, Lee County, Mississippi. This being the same property as deeded from Mrs. Erlene G. Lemons, *et al* to O.J. Gregory, *et ux* in that certain Quitclaim Deed in Book 910 at Page 813.

**TRACT II:** Commencing at the intersection of the Tupelo and Saltillo Road with the Tupelo and Fulton Pike or Concrete Road, and run North along East side of said Tupelo and Saltillo Road 220 feet for a POINT OF BEGINNING; thence run East 110 feet; thence North 40 feet; thence East 100 feet; thence North 25 feet, thence West 210 feet to the Eastern Boundary of said Tupelo and Saltillo Road; thence South along said road 65 feet to the POINT OF BEGINNING, said lot being in the Northwest Quarter of Section 33, Township 9, Range 6 East, City of Tupelo, Lee County, Mississippi;  
**ALSO:** Commencing at the intersection of the Tupelo and Saltillo Road with the Tupelo and Fulton Pike or Concrete Road and run North along said Tupelo and Saltillo Road 70 yards, thence East 110 feet for a POINT OF BEGINNING; thence North 50 feet; thence East 100 feet; thence South 50 feet; thence West 100 feet to the POINT OF BEGINNING, being a lot 50 feet North and South and 100 feet East and West in the Southeast corner of the lot conveyed by W.B. Funderburk to J.F. Merchant as shown by Deed Book 143, Page 306 records of Lee County, Mississippi, all in the Northwest Quarter of Section 33, Township 9, Range 6, City of Tupelo, Lee County, Mississippi. This being the same property deeded from Mrs. Ada Jones, *et al* to O.J. Gregory, *et ux* in that certain Warranty Deed in Book 923 at Page 418.

Ad valorem taxes for the year 2020 are to be prorated between the Grantor and Grantee as of this date and assumed thereafter by the Grantee.

WITNESS THE SIGNATURE of the Grantor, this, the 26<sup>th</sup> day of June, 2020.

  
\_\_\_\_\_  
MONA HAMZAH AHMED

STATE OF MISSISSIPPI  
COUNTY OF LEE

Personally appeared before me, the undersigned authority in and for the State and County aforesaid, **MONA HAMZAH AHMED**, who acknowledged that she executed and delivered the above and foregoing Warranty Deed on the date and for the purposes therein described.

Given under my hand and seal, this, the 26<sup>th</sup> day of June, 2020.

Misty R. Dickey  
NOTARY PUBLIC

My Commission Expires:

4-6-2021





\*\*\*\*\* INVOICE \*\*\*\*\*

File Number: parcel #76

02/15/2021

Borrower : CITY OF TUPELO

Invoice # : parcel #76

Order Date :

Reference/Case # : city of tupelo

PO Number :

ELVIS PRESLEY DRIVE  
TUPELO, MS, 38804

FEE FOR SERVICES RENDERED	\$	425.00
	\$	
		-----
Invoice Total	\$	425.00
State Sales Tax @	\$	0.00
Deposit	(\$	)
Deposit	(\$	)
		-----
Amount Due	\$	425.00

Terms:

Please Make Check Payable To:

SHORT APPRAISAL FIRM  
P.O. DRAWER B  
TUPELO, MS

Fed. I.D. #: 20-0205942

THANK YOU FOR YOUR BUSINESS!

**Exhibit**

" C "

**SHORT APPRAISAL FIRM**

city of tupelo  
File No. parcel #76

File Number: parcel #76

In accordance with your request, I have appraised the real property at:

ELVIS PRESLEY DRIVE  
TUPELO, MS, 38804

The purpose of this appraisal is to develop an opinion of the market value of the subject property, as vacant. The property rights appraised are the fee simple interest in the site.

In my opinion, the market value of the property as of February 15, 2021 is:

\$30,000  
Thirty Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, limiting conditions and appropriate certifications.

  
ANDY SHORT

SHORT APPRAISAL FIRM

city of tupelo  
File No. parcel #76.01

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city of tupelo  
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