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**Prepared By:**

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**ORDINANCE NO. 145**

**AN ORDINANCE OF THE CITY OF D'IBERVILLE, MISSISSIPPI, VACATING A ROADWAY EASEMENT LOCATED BETWEEN GINGER DRIVE AND BRODIE ROAD, OFF OF AUTOMALL PARKWAY, WITHIN THE CITY LIMITS OF D'IBERVILLE WHICH SHALL BECOME EFFECTIVE THIRTY (30) DAYS UPON PASSAGE**

**BE IT ORDAINED BY THE GOVERNING AUTHORITIES OF THE CITY OF D'IBERVILLE UPON MOTION BY COUNCILMAN TONCREY, WITH SECOND BY COUNCILMAN ELLIS, AS FOLLOWS:**

**WHEREAS**, the property owner abutting upon property dedicated for street purposes, located in the City of D'Iberville, Mississippi, being a developed section of right-of-way as shown in Exhibit "A" with full legal description, requests the right-of-way vacation of the described property and such is in the best interests and for the general good of the citizens of the City; and

**WHEREAS**, no private land owner abutting upon the property shall be denied direct access onto a public right-of-way through this vacation action; and

**WHEREAS**, a vacation of the subject roadway is needed for the development of the area, is required to further such development and is undertaken at the request of the property owner; and

**WHEREAS**, the property will be reverting back to the abutting property owners upon vacation of the roadways in Exhibit "A", and

**WHEREAS**, the development of the area is a real benefit to the general public; and

**WHEREAS**, the right-of-way vacation effected hereunder will further benefit the public interest by returning the underlying real property to the City's tax rolls, and by relieving the City of liability and maintenance responsibility for said property and by effectuating further development of the area:

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF D'IBERVILLE, MISSISSIPPI, ORDAINS AS FOLLOWS:**

**Section 1. Vacation Description** - The described portion of right-of-way in the attached Exhibit "A" is hereby vacated and abandoned. Said right-of-way to be vacated is located within the City of D'Iberville, Mississippi and is depicted and legally described in Exhibit "A" attached hereto and incorporated herein by this reference as if set forth in full.

**Section 2. Public Benefit** – The City Council further finds that said vacation will benefit the public's interest by relieving the City of liability and maintenance responsibility for said property.

**Section 3. Recording** – This ordinance may be recorded in the public records of Harrison County, Mississippi.

**Section 4. Severability** – If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 5. Effective Date** – This ordinance shall take effect ten (30) days after passage and publication of the ordinance or a summary thereof consisting of the title, which is approved by the City Council.

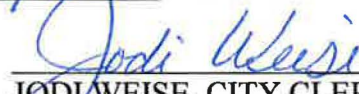
The above and foregoing Ordinance having been introduced in writing by Councilman Toncrey and having been read by the City Clerk and considered by the City Council section by section, and as a whole, was adopted by the following vote:

Mayor Rusty Quave	Voted	<u>aye</u>
Councilman Bosarge	Voted	<u>aye</u>
Councilman Toncrey	Voted	<u>aye</u>
Councilman Pelous	Voted	<u>aye</u>
Councilman Ellis	Voted	<u>aye</u>
Councilman Diaz	Voted	<u>aye</u>

The foregoing Ordinance having received the affirmative vote of a majority of the City Council, the Mayor declare said Ordinance adopted as of the 1<sup>st</sup> day of July, 2014.

  
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RUSTY QUAVE, MAYOR

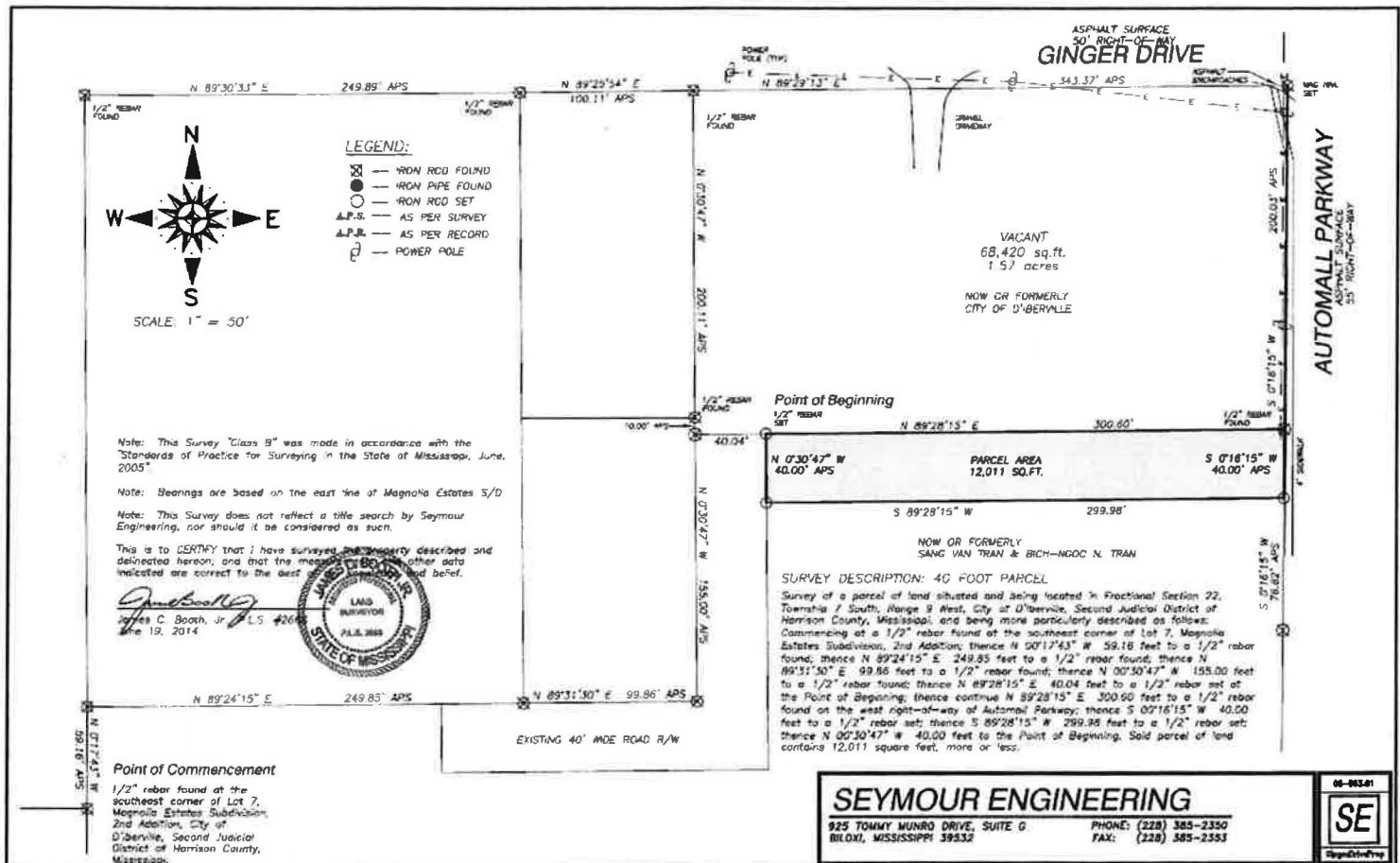
Attested by the Clerk of Council on July 1, 2014.

  
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JODI WEISE, CITY CLERK

Adopted at regular meeting on July 1, 2014.

Recorded at Minute Book 63, Page 28.

# **Exhibit "A"** **Depiction and Legal Description of** **Vacated Right-of-Way**



**LEGAL DESCRIPTION**

**A PARCEL OF LAND SITUATED AND BEING LOCATED IN FRACTIONAL SECTION 22, TOWNSHIP 7 SOUTH, RANGE 9 WEST, CITY OF D'IBERVILLE, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT A 1/2" REBAR FOUND AT THE SOUTHEAST CORNER OF LOT 7, MAGNOLIA ESTATES SUBDIVISION, 2ND ADDITION; THENCE N 00°17'43" W 59.16 FEET TO A 1/2" REBAR FOUND; THENCE N 89°24'15" E 249.85 FEET TO A 1/2" REBAR FOUND; THENCE N 89°31'30" E 99.86 FEET TO A 1/2" REBAR FOUND; THENCE N 00°30'47" W 155.00 FEET TO A 1/2" REBAR FOUND; THENCE N 89°28'15" E 40.04 FEET TO A 1/2" REBAR SET AT THE POINT OF BEGINNING; THENCE CONTINUE N 89°28'15" E 300.60 FEET TO A 1/2" REBAR FOUND ON THE WEST RIGHT-OF-WAY OF AUTOMALL PARKWAY; THENCE S 00°16'15" W 40.00 FEET TO A 1/2" REBAR SET; THENCE S 89°28'15" W 299.98 FEET TO A 1/2" REBAR SET; THENCE N 00°30'47" W 40.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 12,011 SQUARE FEET, MORE OR LESS.**