

STATE OF MISSISSIPPI - DESOTO CO.

BOOK 280 PAGE 249

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

JAN '5 3 27 PM '95 *nh*
nt

HAL CRENSHAW,

PLAINTIFF

VS.

BK 280 PG 249
W.E. DAVIS, CLK.

CAUSE NO. 94-12-1413

DESOTO COUNTY, MISSISSIPPI, *by n. Graham DC*

DEFENDANT

ORDER GRANTING VACATION OF SUBDIVISION PLAT
PURSUANT TO M.C.A. 19-27-31

This cause came on for hearing upon the Petition for Vacation of Plat Pursuant to M.C.A. 19-27-31 filed by the Petitioner asking to vacate the plat previously filed by the Petitioner, known as First Revision of Delta Bluffs, Phase I and recorded in Plat Book 46, Page 28 located in the Chancery Clerk's office of DeSoto County, Mississippi, and the Respondent having signed a Waiver joining into this cause and the Court having been advised in the premises does hereby find as follows:

1. Hal Crenshaw is an adult non-resident citizen of DeSoto County, Mississippi and whose resides at 176 Cherry, Memphis, Tennessee 38117.
2. The Defendant, DeSoto County, Mississippi, is a body corporate of the State of Mississippi and is operated through the DeSoto County Board of Supervisors whose address is 2535 Hwy. 51 South, Hernando, MS 38632.
3. This court has jurisdiction of this matter pursuant to Mississippi Code Annotated § 9-5-81.
4. Venue is proper in DeSoto County, Mississippi due to the fact that the property in question is located in DeSoto County, Mississippi.
5. The subdivision known as First Revision of Delta Bluffs

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FILED

JAN 3 1995

W E DAVIS, CLERK
By J. Kirk s.c.

Subdivision - Phase I was approved by the DeSoto County Planning Commission on April 28, 1994 and the DeSoto County Board of Supervisors on May 4, 1994.

6. The plat so prepared and approved was signed off on by Ben W. Smith and by Shirley James and Mike Robison on behalf of the DeSoto County Planning Commission and by W. E. Davis and Paul L. Riley on behalf of the DeSoto County Board of Supervisors.

7. The plat of the First Revision of Delta Bluffs Subdivision - Phase I was filed in the Chancery Clerk's office of DeSoto County, Mississippi in Plat Book 46, Page 28. A copy of said survey is incorporated herein by reference.

8. Subsequent to said filing, the Mississippi Highway Department has exercised their right of eminent domain regarding the property in question. This exercise of eminent domain by the Mississippi Highway Department has result in a diminishment of the property and has rendered the proposed use of the property impossible or overly burdensome.

9. It would be in the best interest of Petitioner and all Defendants for this plat to be vacated, thus allowing the Petitioner to review his options regarding the uses of this property including the possibility of replatting said property.

10. The parties of interest in all lots are named as Defendants in this cause pursuant to statute.

11. Pursuant to Mississippi Code Annotated § 19-27-31, the owner of any land which was laid off, mapped or platted as a subdivision outside a municipality who shall be desirous of vacating such map or plat may, under oath, petition the Chancery

Court for relief setting forth the particular circumstances of the case and giving an accurate description of the property, the map or plat which is to be vacated and the names of the persons to be adversely affected thereby or directly interested therein.

12. The parties affected shall be named as Defendants pursuant to Mississippi Code Annotated § 19-27-31.

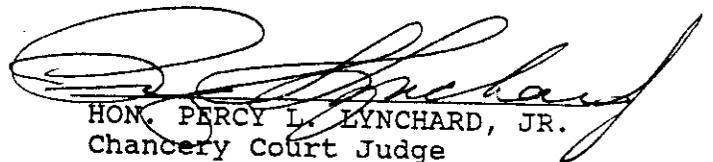
13. The requirements of Mississippi Code Annotated § 19-27-31 have been met by the Petitioner.

14. The plat located in Plat Book 46, Page 28 in the Chancery Clerk's office of DeSoto County, Mississippi and known as the First Revision of Delta Bluffs Subdivision - Phase I is hereby vacated by this Court pursuant to statute.

15. Said vacation is to be recorded as a deed with a memorandum thereof noted on the record, map or plat currently on file.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plat for the First Revision of Delta Bluffs Subdivision - Phase I located in Plat Book 46 Page 28 in the Chancery Clerk's office of DeSoto County, Mississippi is hereby vacated and such vacation is to be recorded as a deed with a memorandum thereof noted on the original record of the plat.

ORDERED, ADJUDGED AND DECREED this the 3rd day of January, 1995.


HON. PERCY L. LYNCHARD, JR.
Chancery Court Judge