

STATE OF MISSISSIPPI
IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

JAN 5 3 27 PM '95

BAPTIST MEMORIAL HOSPITAL - DESOTO, INC., PLAINTIFF

VS.

BK 280 PG 252 CAUSE NO. 94-12-1414
W.E. DAVIS, CLERK

DESOTO COUNTY, MISSISSIPPI, DEFENDANT
W. H. Pruham DC

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 Delta Bluffs, Phase I - Lot 3 and recorded in Plat Book 45, Page 44 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. Baptist Memorial Hospital - DeSoto, Inc. is a Mississippi corporation in good standing with the state.
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 Delta Bluffs Subdivision - Phase I - Lot 3 was approved by the DeSoto County Planning Commission on

*Minute Book 185
Page 185*

FILED

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W E DAVIS, CLERK
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March 2, 1994 and the DeSoto County Board of Supervisors on March 10, 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 Delta Bluffs Subdivision - Phase I - Lot 3 was filed in the Chancery Clerk's office of DeSoto County, Mississippi in Plat Book 45, Page 44. 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 statue.

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.

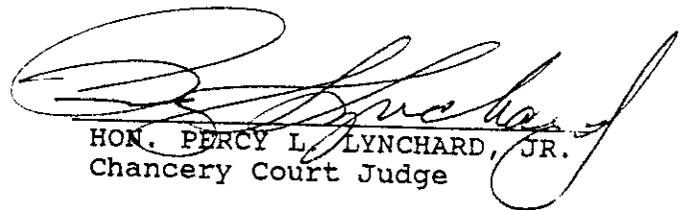
13. The requirements of Mississippi Code Annotated § 19-27-31 have been met by the Petitioner.

14. The plat located in Plat Book 45, Page 44 in the Chancery Clerk's office of DeSoto County, Mississippi and known as the Delta Bluffs Subdivision - Phase I - Lot 3 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 Delta Bluffs Subdivision - Phase I - Lot 3 located in Plat Book 45 Page 44 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

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