

# Minutes, City of Horn Lake, Horn Lake, Mississippi

Said motion was made by Alderman McCall and seconded by Alderman Sheley. A roll call vote was taken with the following results:  
Ayes: Alderman Sheley, Alderman Shannon, Alderman Smith and Alderman McCall.  
Nays: None. Absent: None.

Alderman Shackelford recused himself due to his involvement in the Football Assoc.

So ordered this the 21st day of September, 1999.

*Mike Thomas*  
Mayor

Attest:

*W.E. Davis*  
City Clerk  
Seal

STATE MS. - DESOTO CO.  
FILED

Nov 8 8 55 AM '99

Resolution: #09-04-99

BK 362 PG 467  
W.E. DAVIS, CLK.

The Mayor and Board of Aldermen of the City of Horn Lake, Mississippi took up for consideration the matter of the proposed Alton Road.

Thereupon, Alderman McCall offered and moved the adoption of the following resolution:

**A RESOLUTION DISCLAIMING ANY INTEREST IN PROPOSED ALTON ROAD OR IN THE ALTERNATIVE DECLARING THE CITY OF HORN LAKE'S INTENT TO ABANDON THE RIGHT-OF-WAY FOR PROPOSED ALTON ROAD AS SHOWN ON THE PLAT FOR ROLLING GREEN PART IV REVISED**

Whereas, right of way for Alton Road was dedicated to the public use by and through Rolling Green Part IV Revised being laid off into lots intersected by streets with the lots sold with reference thereto or with reference to the map or plat of Rolling Green IV Revised; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

SECTION 1. That the right of way of proposed Alton Road as depicted on the plat of Rolling Green Part IV Revised filed of record September 5, 1986, in the land records of Desoto County, Mississippi, in Plat Book 26, Page 29, was shown as dedicated for the public use.

SECTION 2. That neither the City of Horn Lake nor any other relevant governing authority has ever accepted the dedication of said right of way for the public use, either formally or impliedly.

SECTION 3. That no public street or road known as Alton Road has ever existed and does not now exist as shown on the plat referenced in Section 1, and therefore, the City of Horn Lake disclaims any interest in the property comprising such right of way.

SECTION 4. In the alternative, if a court of competent jurisdiction adjudicates that the City of Horn Lake or other relevant government authority has, as of the effective date of this resolution legally accepted the dedication of said right of way for the public use, then the City of Horn Lake hereby makes known its intent to abandon said right of way, and the same be, and it is hereby abandoned as of the effective date of this resolution.

That the City of Horn Lake does find that said dedicated right of way has not been

# Minutes, City of Horn Lake, Horn Lake, Mississippi <sup>8165</sup>

used for municipal purposes or by the general public for a period exceeding ten (10) years; and

Further finds that title to such property reverts to the adjoining landowners, who take consistent with the recognized rule of conveyance, to the center line of said abandoned right of way.

SECTION 5. That this Resolution shall become effective and be in full force from and after being certified by the City Clerk and signed by the Mayor.

Alderman Smith seconded the motion to adopt the foregoing Resolution and the vote thereupon was as follows:

Alderman McCall	voted: AYE
Alderman Smith	voted: AYE
Alderman Shannon	voted: AYE
Alderman Shackelford	voted: AYE
Alderman Sheley	voted: AYE

The motion having received the affirmative vote of a majority of all of the members of the Board present and voting, the Mayor declared the motion carried and the Resolution adopted on this the 21<sup>st</sup> day of September, 1999.

  
 \_\_\_\_\_  
 Mayor

Attest:

  
 \_\_\_\_\_  
 City Clerk  
 Seal

Order: #09-73-99

**Approval Of Extension For Closing On  
 Sale Of Westwind Apartments**

Be It Ordered:

By the Mayor and Board of Aldermen to accept the recommendation and extend the time period on the closing for the sale of Westwind Apartments to no later than November 14, 1999.

Said motion was made by Alderman Smith and seconded by Alderman Shackelford.

An amendment to the motion was made by Alderman McCall and seconded by Alderman Smith to make time of the essence. A roll call vote was taken with the following results on the amendment:

Ayes: Alderman Sheley, Alderman Shackelford, Alderman Shannon, Alderman Smith and Alderman McCall.

Nays: None.

Absent: None.

A roll call vote was taken on the motion as amended with the following results:  
 Ayes: Alderman McCall, Alderman Smith, Alderman Shannon, Alderman Shackelford and Alderman Sheley.

Nays: None.

Absent: None.

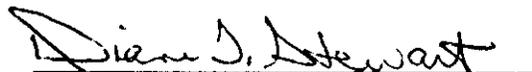
So ordered this the 21st day of September, 1999.

BK0362PG0469

STATE OF MISSISSIPPI  
COUNTY OF DESOTO  
CITY OF HORN LAKE

This is to certify that I am the duly appointed, qualified and acting Clerk of the City of Horn Lake, Mississippi, organized and existing under and by virtue of the laws of the State of Mississippi; that as said Clerk, I have full custody of the minutes and records of the Mayor and Board of Aldermen of the City of Horn Lake, Mississippi, and all other records of said City; that the foregoing pages constitute a true, complete and exact copy of Resolution #09-04-99 as recorded on pages 8164-8165 of the minutes of the City of Horn Lake, Mississippi.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office, this the 25<sup>th</sup> day of October, 1999.

  
DIANE T. STEWART, CITY CLERK



BK0362PG0470

LAW OFFICES

## HOLCOMB DUNBAR

*A Professional Association*

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**Billy C. Campbell, Jr.**  
Licensed in Mississippi  
and in Tennessee

October 8, 1999

Mr. Parker Pickle  
DeSoto County Tax Assessor  
2535 Hwy 51 S  
Room 12  
Hernando, Mississippi 38632

Re: *Proposed Alton Road*  
*Rolling Green Part IV Revised; Plat Book 26, Page 29*  
*Our Client: City of Horn Lake*  
*Our File No. 996-068*

Dear Parker:

Enclosed please find an attested copy of Resolution #09-04-99 which was duly adopted by the Mayor and Board of Aldermen of the City of Horn Lake on September 21, 1999. As you can see, through the Resolution the City has disclaimed any interest in or in the alternative abandoned the property comprising the right-of-way for the proposed Alton Road as shown on the plat for Rolling Green Part IV Revised, which was filed on September 5, 1986, in Plat Book 26, Page 29. We simply wanted to pass this information along to you and request that the tax assessment records for this property be adjusted accordingly.

By copy of this letter, I am also providing the Chancery Clerk with a true and correct copy of the Resolution in case any notation needs to be made on the above referenced plat.

Thank you for your assistance in this matter.

Sincerely,



Billy C. Campbell, Jr.

encl.

cc: W. E. (Sluggo) Davis (w/ encl.) ✓  
Mayor Mike Thomas (w/o encl.)  
William A. Baskin, Esq. (w/o encl.)