
RESOLUTION OF THE BOARD OF ALDERMAN OF THE CITY OF
HERNANDO, MISSISSIPPI FOR THE PURPOSE OF VACATING CERTAIN
UNIMPROVED STREETS IN OR ABUTTING THE PROPOSED
HERNANDO WEST DEVELOPMENT

WHEREAS, a request was made by Banks Farms, L.P. and MMM Properties, LLC, the owners of certain property lying in Hernando, Mississippi to vacate certain unused and unimproved streets in or abutting the proposed Hernando West development in the Northwest Quarter of Section 13, Township 3, Range 8, DeSoto County, Mississippi; and,

WHEREAS, the subject streets are reflected on the old map of the Town of Hernando as displayed on the wall in the office of the Chancery Clerk in the DeSoto County Courthouse in Hernando, Mississippi; however, no records have been found to suggest that said streets were ever constructed or dedicated to the City and no physical evidence has been found to suggest that the streets were ever constructed nor have they been in public use; and,

WHEREAS, the approximate location of the said streets have been plotted and generally shown on the plat attached hereto as Exhibit "A"; and,

WHEREAS, notice , though not required by law, was sent by the City Attorney to all owners of the property adjacent to said streets prior to the meeting of the Mayor and the Board of Alderman of the City of Hernando, Mississippi, which initially took the matter on for consideration at it's regularly scheduled meeting of February 5, 2008; and,

WHEREAS, several adjacent owners filed joinders and requests that the streets be abandoned and only one owner, Mike Robison, whose property abuts Street A filed a letter objecting to the vacation and no one appeared at the meeting in opposition to the proposed vacation. That subsequently, Mike Robison has requested that the aforesaid Street A now be abandoned as

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evidenced by his letter of April 15, 2008; and,

WHEREAS, at the meeting of the Board of Alderman of the City of Hernando, Mississippi, on February 5, 2008, a motion was duly made, seconded and approved by the Board of Alderman to vacate said nonconstructed streets with the exception of Street A and the portion of Street G between the northern right-of-way of North Street and the Town of Hernando water donation parcel such that the remaining streets shown on the Exhibit "A" being identified as Street B, Street C, Street D, Street E (which may have been abandoned previously), Street F and the remainder of Street G were to be abandoned, with the provision that an Attorney general's Opinion would be sought as to the disposal of the property; and;

WHEREAS, the Attorney General's office issued an opinion to the City Attorney, Kenneth Stockton, for the City of Hernando dated March 21, 2008, which in effect indicated that the property upon which the vacated streets would be found upon would revert by operation of law to the owners of the adjacent property on each side of the street up to the centerline of any such street; and

WHEREAS, subsequent to the time the Attorney General's opinion was requested, Senate Bill No. 2391, was passed by the Mississippi Legislature and signed into law by the Governor of the State of Mississippi on march 24, 2008, effective upon its passage, which bill had the effect of clarifying the statutes described therein and confirming that when such streets are vacated, the property reverts to the landowners on each side of the street up to the centerline as stated more particularly therein; and,

WHEREAS, the City deems it desirable, in light of the passage Senate Bill No. 2391, as well as the Attorney General's Opinion, to confirm the vacation of said streets consistent with the Board order of February 5, 2008 with the exception of the addition of Street "A" to be included in

the vacation as well and to have the vacation of said streets included in a resolution that could be filed if necessary in the office of the Chancery Clerk of DeSoto County, Mississippi, should a third party wish to do and which would be in the form of a copy of said resolution.

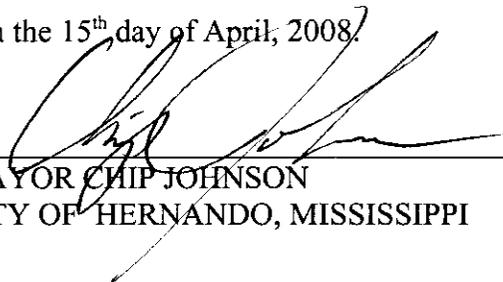
THEREFORE, BE IT RESOLVED by the Mayor and Board of Alderman of the City of Hernando, Mississippi, that the City of Hernando does hereby vacate the unimproved streets located in DeSoto County, Mississippi in the Northwest Quarter of Section 13, Township 3, Range 8, as shown on the attached Exhibit "A" with the exception of that portion of Street G between the northern right-of-way of North Street and the Town of Hernando Water Donation parcel as shown thereon with such that the remaining unimproved streets shown on Exhibit "A" identified as Street A, Street B, Street C, Street D, Street E, Street F and the remainder of Street G are hereby vacated.

BE IT FURTHER RESOLVED that the Board of Alderman have found in the testimony and documentation presented at the February 5, 2008 meeting, the information provided by the planning department for the City of Hernando and the engineer, Mr. Joe Frank Lauderdale as well as their own personal knowledge of the area that it is in the best interest of the citizens of the City of Hernando that the unimproved streets, which have not been used as public thoroughfares, be vacated upon entry of this Resolution in the minutes of the Board of Alderman as maintained by the City Clerk.

BE IT FURTHER RESOLVED that a copy of this Resolution be signed by the Mayor and certified by the City Clerk of the City of Hernando, Mississippi, to be placed in the minutes of the Board of Alderman for the City of Hernando, Mississippi. That a copy of this Resolution be provided to the City of Hernando Planning Department and that the proper notation be made on any maps or plats located therein for the purpose of identifying the streets as vacated. That additionally the Clerk is authorized to provide a certified copy of the foregoing resolution to any third party in

need of the same.

SO APPROVED by the Board of Alderman unanimously of the City of Hernando, Mississippi, pursuant to the vote as indicated, on the 15th day of April, 2008.


MAYOR CHIP JOHNSON
CITY OF HERNANDO, MISSISSIPPI

ATTEST:


JANNETT RILEY, CITY CLERK
CITY OF HERNANDO, MISSISSIPPI

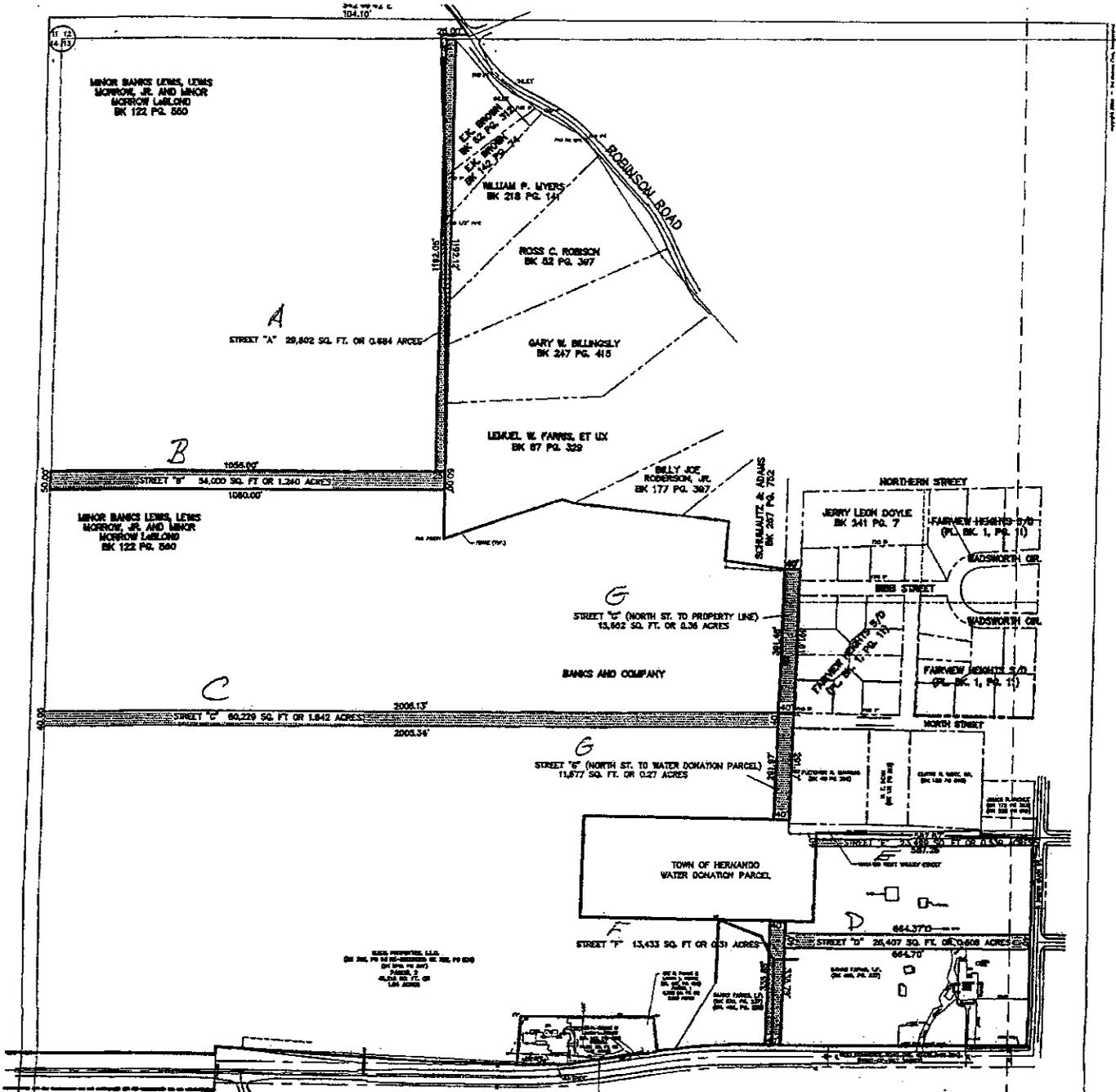
VOTE:	<u>YES</u>	<u>NO</u>
Alderman Lauderdale	X	---
Alderman Bryant	X	---
Alderman Higdon	X	---
Alderman Miller	X	---
Alderman Tipton	X	---

Prepared by:

Kenneth E. Stockton
Attorney at Law
5 West Commerce Street
Hernando MS 38632
Ph. (662) 429-3469
FAX (662) 429-8545

RETURN TO:

William A. Brown
Walker, Brown & Brown
2540 Highway 51 South
P. O. Box 276
Hernando, MS 38632
Ph. (662) 429-5277
FAX (662) 429-5280



NORTH ORIENTATION
 0 100 200
 GRAPHIC SCALE IN FEET
 NOT TO SCALE

NOTE
 STREETS TO BE VACATED AS SHOWN HEREON WERE PLOTTED FROM THE CITY OF HERNANDO PLAN, NO PHYSICAL EVIDENCE OF STREETS FOUND.



SEAL	PROJECT:	VACATED STREET AREAS FOR HERNANDO WEST PROJECT COMMERCE STREET (STATE HIGHWAY 304) HERNANDO, DESOTO COUNTY, MISSISSIPPI	SCALE:	1"=200'
	FOR:	WILLIAM A. BROWN	FIELD DATE:	02/28/08
SHEET TITLE:	EXHIBIT DRAWING	SHEET NO.:	ISSUE DATE:	03/04/2008
			TRF JOB NO.:	08-0082
			SHEET NO.:	1

Exhibit "A"

EK 583 PG 409

Mike Robison
2085 Robertson Road
Hernando
April 15, 2008

Honorable Kenneth Stockton
5 West Commerce Street

Re: Request to Vacate Streets on Banks Property

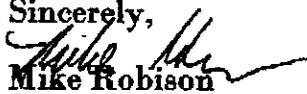
Dear Kenny,

A few days after the February BOA meeting I noticed survey crews had been out marking property lines and I guess looking for signs of the streets which have been proposed to be abandoned. It is my understanding that those old street locations were not verified with archived information or easily observed in the field. It is also my understanding that as a practical way to settle the unknown location of Street "A" behind me I could join in support of the abandonment and at the same time support my assertion that the street "A" location joins me on my back line.

I appreciate that the City has taken the time to seek as much information as possible regarding this matter. As a result I am confident the City has also reached a conclusion that will justify the release of this asset (land) to the adjoining property owners and of the Banks heirs.

I support the abandonment of the proposed streets in general and in particular street "A" behind me. I contend that street "A" runs along and joins my back line and would appreciate half of the abandoned street be added to my property. I hope that if this is done my neighbors (Mrs. Farris to the south and the Hills to the north) will also have the opportunity to receive half of abandoned street "A" so that our lines will continue to line up. I have talked to them in the past about this and would be happy to let them know I support the abandonment and ask them do the same.

Sincerely,


Mike Robison

Citizen

CERTIFICATE OF CLERK

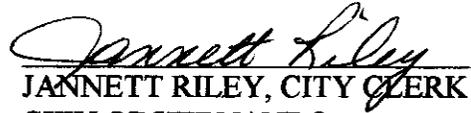
STATE OF MISSISSIPPI

COUNTY OF DESOTO

CITY OF HERNANDO

I, Jannett Riley, do hereby certify that the above and foregoing is a true and correct copy of the "RESOLUTION OF THE BOARD OF ALDERMAN OF THE CITY OF HERNANDO, MISSISSIPPI FOR THE PURPOSE OF VACATING CERTAIN UNIMPROVED STREETS IN OR ABUTTING THE PROPOSED HERNANDO WEST DEVELOPMENT" duly passed and adopted at a regular meeting of the Mayor and Board of Aldermen held on the 15th day of April, 2008.

This the 21st day of April, 2008.


JANNETT RILEY, CITY CLERK
CITY OF HERNANDO

SEAL

