City of Gulfport, Mississippi

Agenda

City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, March 6, 2018 | **1:30 PM** | ***Gulfport City Hall Council Chambers***

1:30 p.m. **Invocation, Pledge of Allegiance, Call to Order**

Agenda Order **Confirmation or adjustment of the agenda order**

Presentation Agenda

- **Mayor's Report**

Policy Issues

Minutes

1 Approval of minutes - for February 20, 2018.

Code Enforcement / Planning

2 Objection - Certificate of Resubdivision - divide the tax parcel into four parcels, zoned B-1 and R-2: located north of Sundown Lane, south of and adjacent to W Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road - Case # 1801PC005 - Ward 4.

3 Ordinance - rezone the tax parcel from T3 and T4+ to entirely T4+: located north of North Railroad Street, south of White Street, east of Oakwood Drive, and west of Tegarden Road - Case # 1801PC003 - Ward 2.

4 Certificate of Resubdivision - divide a tax parcel into two parcels zoned T4L (General Urban Zone "Limited"): located north of 2nd Street, south of and adjacent to 3rd Street, east of and adjacent to Nichols Court, and west of Pratt Avenue - Case # 1801PC007 - Ward 2.

5 Certificate of Resubdivision - divide two parcels into five parcels, zoned T4L: located north of McIntosh Street, south of and adjacent to South Railroad Street, east of Church Avenue, and west of Dolan Avenue - Case # 1801PC010 - Ward 2.

6 Code Enforcement Hearing - on resolution to declare that certain properties are in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community and to authorize advertisements for bids and lot clean-ups and/or demolitions.

7 Acceptance for Perpetual Maintenance - Tracewood Subdivision public improvements and transfer of streetlight account to the City of Gulfport - Ward 6.

Resolutions / Requests

8 Resolution - approving Amendment #1 to the Agreement with Brown, Mitchell & Alexander, Inc., for professional services related to the Gulfport Sportsplex Expansion Project and authorizing the Mayor to execute the same.

9 Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport Police Department and for related purposes.

10 Resolution - by the Gulfport City Council rescinding action on February 20, 2018 approving expenditure to the MS Aquarium and re-authorizing issuance of a special check and for related purposes.

11 Request - for approval of application programming interface to merge Cityworks and Citysourced.

12 Request - from Allen Hyundai for a temporary use permit for an auto sale to be located at Prime Outlets between March 23 through March 30, 2018.

Budget Amendments / Docket of Claims

13 Budget Amendment #20 - to budget funds received from PropertyRoom.com for the Police Department.

14 Budget Amendment #21 - to budget funds received from PropertyRoom.com for the Police Department.

15 Budget Amendment #22 - to increase MDA Katrina Supplemental CDBG Grant "Streetscape Improvements" R-103-202-02-KCR to include Streetscape Phase III and increase grant by $2,200,000.00. Remaining prior grant balance of $368,744.56 to be reallocated to Phase III for a total of $2,568,744.56.

16 Docket of Claims - to be approved through March 7, 2018.

Routine Agenda

17 Ratification - of executed Agreement with Academic Institutes at Gulfport High School and City of Gulfport Legal Department - to be made a part of the minutes.

18 Ratification - of recorded easement from 4201 Tulane Avenue, LLC - Fishbone Alley - to be made a part of the minutes.

19 Ratification - of acceptance from Department of Revenue approving ad valorem taxation exemption for Gulf Coast Shipyard Group, Inc. - to be made a part of the minutes.

20 Ratification - of Budget Modification #9 to the Grant Agreement between the City of Gulfport and Mississippi Development Authority, Contract #R-103-202-02-KCR, Streetscape Improvements.

21 Resolution - awarding bids for lot clean-ups and/or demolitions.

22 Request - acceptance of Award for Funding from Mississippi Development Authority for the Hwy 49-18th St Drainage Improvements utilizing Katrina Supplemental Disaster CDBG in the amount of $1,364,672.44.

23 Letter - regarding bid awarded by Purchasing for submersible transducers for lift stations repairs - Public Works Department - to be made a part of the minutes.

24 Letter of Recommendation - regarding bids received for Retaining Wall Fencing at Gulfport Sportsplex - to be made a part of the minutes.

25 Letter of Recommendation regarding the purchase of Shade Structures for the Gulfport Sportsplex Expansion.

26 Request - permission to advertise for bids for the Brickyard Bayou Phase 2B Drainage Improvements Project.

27 Public Notice - advertisement of 2017 Consolidated Annual Performance and Evaluation Report for CDBG and HOME Programs (March 12-26, 2018) and Notice of Public Hearing (March 21, 2018, 5:30 pm).

28 Legal Notice - advertisement for bids for Repairs to Gulfport Piers as a result of damaged caused by Hurricane Nate.

29 Legal Notice - advertisement for bids for New Clubhouse at Bayou Vista Golf Course.

Public Agenda

- **Citizen Forum - Up to thirty minutes shall be allowed for public input with a three minute time limit on each speaker.**

Council Comments

Memorial Adjournment

- **Mr. Nathan Cal Tyler**
- **Mr. Alphonso Wellington Gibbs**

Executive Session

Setting of Next Meeting and Adjournment

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Ronda Cole, Clerk of Council
City Council

Date: 02/28/2018

Subject: Approval of minutes - for February 20, 2018.

Recommendation:

MEMORANDUM

To: Mayor Billy Hewes and
Gulfport City Council

From: Greg Holmes, Planning Administrator
Urban Development Department

Date: February 23, 2018

Re: <u>Objection - Resubdivision 1801PC005:</u>

Subject: Rick and Jonathan Marshall, agents for Southern Mississippi Cemetery Properties LLC, property owner, request to divide the 11.378 acre tax parcel 1010D-01-001.001 into four parcels, zoned B-1 (Neighborhood Business) and R-2 (Single Family): located north of Sundown Lane, south of and adjacent to W Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road, in Ward 4.

Planning Commission recommendation: To Approve with conditions

Motion: Mr. Sellers
Second: Mr. Ladner

KEITH WILLIAMS **– Chairman**
HAROLD SPANN **– Yea**
COLETTE TOWLES **– Yea**
VIRGINIA ADOLPH **– Yea**
CHARLIE HEWES **– Yea**
EVERETTE LADNER **– Yea**
BJ SELLERS **– Yea**
WM. PRINCE JONES **– Nay**
DOUG HANCOCK **– Yea**
JOHN ANTHONY **– Yea**

Action: Motion was carried 8-1

Speaking for the Petition:
1. Jonathan Marshall
2. Rick Marshall
3. Joel Blacklidge

Speaking against the Petition:
1. Michael Prestia
2. Demtri Vlahos
3. Owen, Galloway & Myers P.L.L.C. (letter)

On January 25, 2018 the Planning Commission recommended approval of the above referenced case.

Please place the attached item on the Council agenda for March 6, 2018.

OWEN, GALLOWAY & MYERS
P.L.L.C.
Attorneys At Law

Owen Building
1414 25th Avenue
Post Office Drawer 420
Gulfport, MS 39502-0420
Telephone: 228-868-2821
Fax: 228-864-6421 or 228-868-2813
Email: ogc@owen-galloway.com
Website: www.owen-galloway.com

Joe Sam Owen
jso@owen-galloway.com

Ben F. Galloway
bfg@owen-galloway.com

Robert P. Myers, Jr.
rpm@owen-galloway.com

Daniel T. Seawell *
dts@owen-galloway.com
*Also admitted in AL

RECEIVED 2/8/18

February 8, 2018

Via Hand-Delivery on February 8, 2018

The Department of Urban Development –Planning Division
City of Gulfport
Gulfport, MS.

RE: **Notice of Appeal**- Application for Re-subdivision-Case File No. 1801PC005

On behalf of Hoshall and RoseMerle Barrett, Jim and Sandy Webb, and Frank and Dee Dee Wilem, please accept this Notice of Appeal to the Gulfport City Counsel from the approval recommendation by the Gulfport City Planning Commission on January 25, 2018.

The subject parties, aggrieved by the approval recommendation of the Gulfport City Planning Commission, assign the following in support of this Notice of Appeal:

1. The Application for Re-Subdivision fails to comport with the prevailing City of Gulfport Code Ordinance relating to a re-subdivision request;

2. The Application for Re-Subdivision is intentionally misleading in that it fails to adequately and properly identify the interest of both the owner and the purported agents, Rick Marshall and/or Johnathan Marshall;

3. The procedure before the Gulfport Planning Commission, as it relates to Applications for Re-Subdivision, is flawed in that it does not comport with the most minimal concepts of due process;

4. The owner and agents intentionally failed to disclose in the application, as well as during the hearing, that the subject 11.378 acres cannot be re-subdivided nor can it be rezoned. The withholding of critical information as to the use of the property renders the entire proceeding void.

RECEIVED 2/8/18

Aggrieved by the Planning Commission recommendation for approval of the Re-Subdivision, which is re-subdivision is the precursor to the filing of an Application for Rezoning, the subject parties identified herein move that the decision/recommendation of approval by the Gulfport City Planning Commission be rejected.

With kind regards, I remain;

Sincerely,

OWEN, GALLOWAY & MYERS, P.L.L.C.

Joe Sam Owen

JSO:csf

Technical Report

Resubdivision

GENERAL INFORMATION

Case File Number: 1801PC005

Hearing Date: January 25, 2018

Current Zoning/Use: B-1, R-2 / Vacant

Legal: Rick and Jonathan Marshall, agents for Southern Mississippi Cemetery Properties LLC, property owner, request to divide the 11.378 acre tax parcel 1010D-01-001.001 into four parcels, zoned B-1 (Neighborhood Business) and R-2 (Single Family): located north of Sundown Lane, south of and adjacent to W Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road, in Ward 4.

TECHNICAL DETAILS

The applicants are proposing to divide a parcel of land that is approximately 11.3 acres into four smaller parcels varying in sizes. The vacant property consists of mixed commercial and residential zoning. Of note, Lot C will need access to sewer prior to any development being permitted. At present, the applicants have omitted to include any future development plans of the proposed parcels.

The Gulfport Subdivision Regulations require that:

1. Each new lot created is in compliance with appropriate zoning ordinances, building codes and restrictive covenants, if any;
2. Each new lot created shall have direct access to a dedicated public street for at least 35 feet; and
3. Each new lot created shall have available capacity for water and sewer

The proposed parcels were recently part of a Zoning Map Amendment case, but failed approval due to lack of popular vote. The applicant states there are no protective or restrictive covenants which would prevent the Resubdivision of the parcels.

Any approval should consider these conditions:

1. Must meet all current Building Codes and City of Gulfport Ordinances
2. Sewer is not available for Lot C; to be installed by the developer/owner

DEPARTMENTAL CONDITIONS

Engineering: Lot C does not have sewer available. Developer is responsible for providing sewer to Lot C. Memo dated 1/18/18.

Public Works: No conditions. Memo dated 1/12/18.

B.12

Technical Report

Resubdivision

Traffic and Safety: No conditions. Memo dated 1/4/18.

Building Code Services: Must meet all current Building Codes and City of Gulfport Ordinances. Memo dated 1/4/18.

GIS: No conditions. Memo dated 1/8/18.

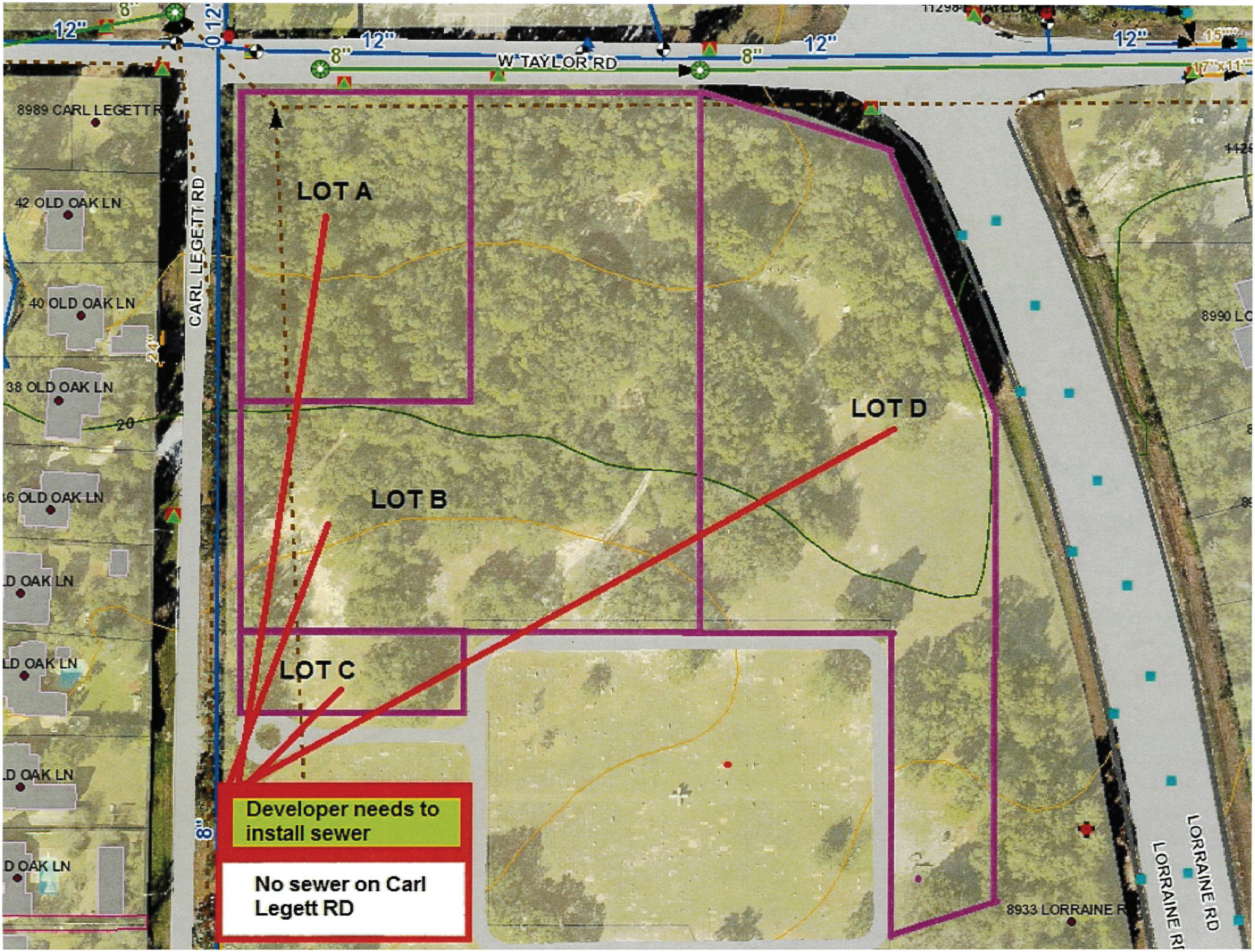
Police Department: No conditions. Memo dated 1/4/18.

Fire Department: No conditions. Memo dated 1/16/18.

DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department


W TAYLOR RD
CARL LEGETT RD
8989 CARL LEGETT R
42 OLD OAK LN
40 OLD OAK LN
38 OLD OAK LN
LOT A
LOT B
LOT C
LOT D
Developer needs to install sewer
No sewer on Carl Legett RD
LORRAINE RD
8933 LORRAINE R

OWEN, GALLOWAY & MYERS
P.L.L.C.
Attorneys At Law

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Daniel T. Seawell *
dts@owen-galloway.com
*Also admitted in AL

January 25, 2018

Via Hand-Delivery

Gregory Holmes,
City of Gulfport Planning Administrator
1410 24th Avenue
Gulfport, MS 38502

RE: Case No. 1801PC005; Date received December 5, 2017; Application for Resubdivision

Dear Mr. Holmes:

Please be advised that I represent the interest of Dr. and Mrs. Barrett, Mr. and Mrs. Jim Webb and Mr. and Mrs. Frank Wilem. Previously, I appeared before the Commission for the purpose lodging an objection to the Application for the Rezoning heretofore filed by Rick Marshall and/or Jonathon Marshall and/or Southern MS Cemetery, LLC.

I have been advised that a hearing is set today, January 25, 2018, with reference to an Application for Resubdivision filed by Rick Marshall and/or Jonathon Marshall, agents, for the owner, Southern MS Cemetery, LLC.

I am presently involved in depositions relating to the case of John Harrison Doucet v. MS Power Co., *et al* and because of that conflict, I am unable to attend the hearing set for today on the Application for Resubdivision.

I am requesting that this letter be filed in the record of the hearing and that my objection on behalf of the land owners identified herein be lodged during the hearing today. I am requesting that a copy of this letter be provided to each and every member of the Gulfport Planning Commission.

The reasons supporting this objection were articulated on the record at the time of the initial hearing on October 26, 2017, with reference to the Application for Zoning Map Amendment, File No. 1709PC098.

Gregory Holmes,
City of Gulfport Planning Administrator
January 25, 2018

Moreover, this Application for Resubdivision follows the same footprint as the Application for Resubdivision and the subsequent Application for Rezoning filed in the *Legett/Mach/Picou* matter that was ultimately reversed by Judge Barnett.

This Application for Resubdivsion is nothing more than a subterfuge for the anticipated filing of another Application for Rezoning. The subject Application for Resubdivision faces the same obstacles as the matter involving the *Legett/Mach/Picou* applications. Furthermore, if this Application for Resubdivision is granted and this matter moves forward on an Application for Rezoning, the entire 11 acres together with the acreage involved in the *Legett/Mach/Picou* case will entail spot zoning with various parcels of land zoned R2 and various parcels of land zoned B1 in a limited area. There has been a continuous effort, over the past several years, to seriously impact and otherwise compromise the value of the properties located in Bayou Oaks subdivision, Brighton Place and Stanton. It is inconceivable that this Commission would allow such an obvious attempt to spot zone acreage for the sole purpose of satisfying the financial objectives of an applicant. No other parcels in the City of Gulfport have experienced a spot zoning that will certainly occur if this resubdivision is granted and if the rezoning is subsequently granted.

The residents of Bayou Oaks, Brighton Place and Stanton have continuously battled these individuals for the sake of preserving the value of their property. Therefore, for the reasons set forth herein and for the reasons previously articulated, please make this objection a part of the hearing records.

Trusting you find this in order, I remain;

Sincerely,

OWEN, GALLOWAY & MYERS, P.L.L.C.

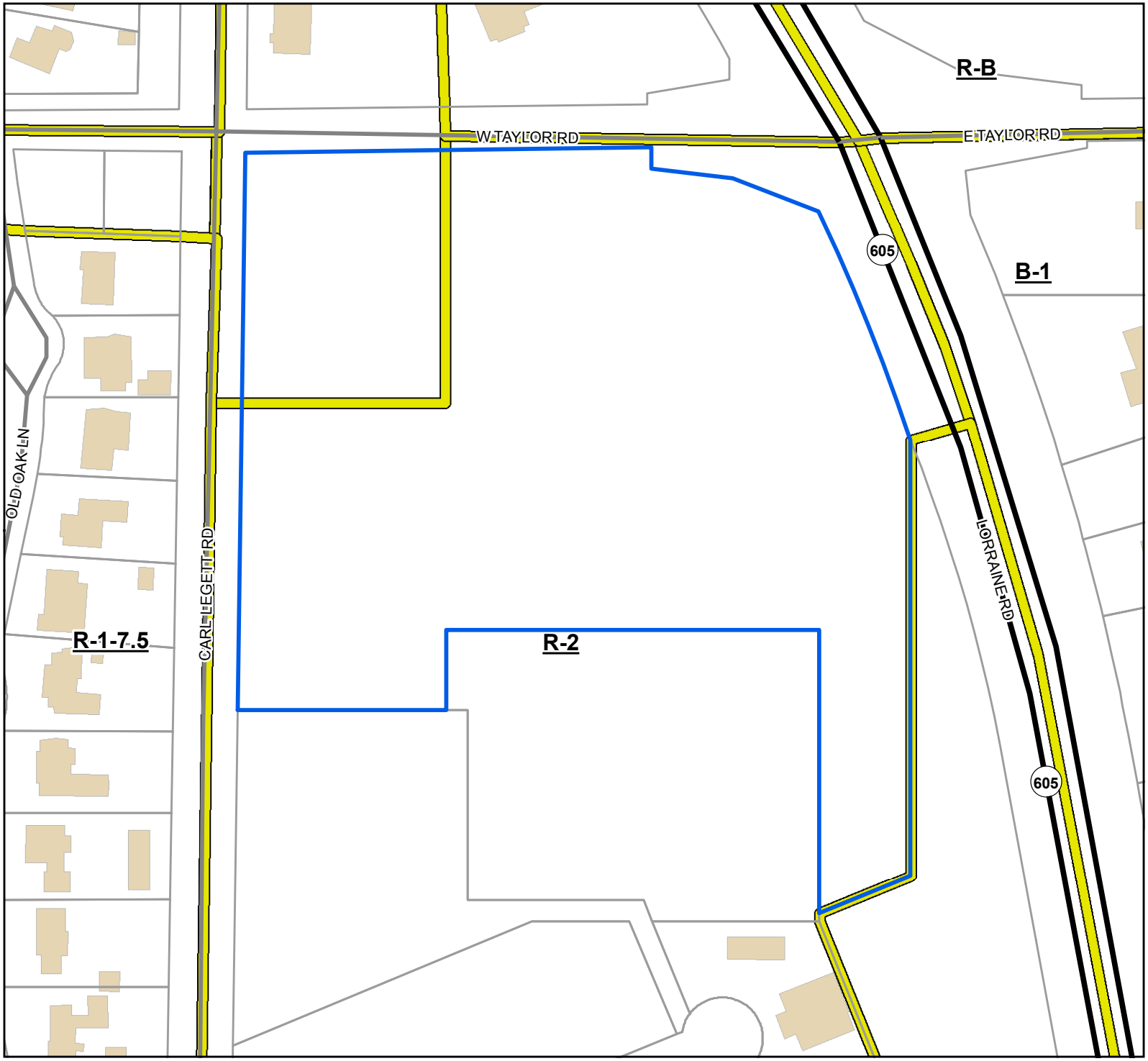
Joe Sam Owen

JSO:csf

cc: Margaret Murdock, Assistant City Attorney
Keith Williams, Chairman of Gulfport City Planning Commission

1801PC005

Rresubdivision



Legend

- US or State Highway
- Street
- Parcels
- Buildings
- Zoning

Site Information

1010D-01-001.001
Zoning: B-1 (Neighborhood Business) and R-2 (Single Family)
Size: 11.378 acres
Flood: 0.2% annual

0 25 50 75
Yards
1 inch = 167 feet

N W E S

DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR RESUBDIVISION

Property Information

For Staff Use Only

Case File #: 1801PC005
Date Received: 12-5-17
Receipt #: 8734380
Received By: T. LANE
Zoning: B-1 + R-2
Ward: _____ Flood: _____
Size: 11.378 Acres

TAX PARCEL # 1010D-01-001.001

(If necessary, use separate sheet of paper)

Address of Property Involved: _____

Lot(s) _____, Block(s) _____, Subdivision _____

General Location: Southwest corner of Hwy 605 and W. Taylor Road

GENERAL DESCRIPTION OF REQUEST:

Resubdivison as attached.

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER	AGENT
Southern MS Cemetery, LLC	Rick Marshall and/or Jonathan Marshall
Printed Name Of Owner	Printed Name Of Agent
5430 Rutledge Pike	1706 Pass Road
Mailing Address	Mailing Address
Knoxville TN 37924	Gulfport MS 39501
City State Zip code	City State Zip code
865-523-4999	228-596-4855
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
dbridges@bridgesfuneralhome.com	rickmarshall@cableone.net
Email	Email
Signature Of Owner	Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures. ☐

SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) Southern MS Cemetery, LLC

ADDRESS (STREET, CITY, STATE, ZIP CODE 5430 Rutledge Pike Knoxville TN

PHONE # (H) _____ (W) 865-523-4999

TAX PARCEL NUMBER(S) OWNED 101OD-01-001.001

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES PERSON/AGENT FOR YOU: _____

Southern Mississippi Cemetery Properties, LLC
Citadel Mississippi, LLC
Dennis Bridges
5430 Rutledge Pike
Knoxville, TN 37924

November 27, 2017

City of Gulfport Planning Department
Attention: Greg Holmes
24th Ave, Hardy Building
Gulfport, MS 39501

Re: Resubdivison request to Parcel ID 1010D-01-001.001

Dear Greg,
Please let this serve as my affidavit there are no restrictive or protective covenants prohibiting the resubdivision of this property.

If you have any questions, please let me know.

Sincerely,

Dennis Bridges
President

STATE OF TENNESSEE
COUNTY OF KNOX

GIVEN under my hand and official seal this the 1 day of December, 2017.

(S E A L)

JAMES WILLIAM RUCKER
STATE OF TENNESSEE NOTARY PUBLIC
KNOX COUNTY

James William Rucker
NOTARY PUBLIC

My Commission Expires:
6/30/2021

A RESUBDIVISION OF ONE PARCEL TOTALING 11.378 ACRES, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, INTO LOTS "A", "B", "C" AND "D". SAID PARCEL BEING REFERRED TO AS TAX PARCEL NO. 1010D-01-001.001, ADDRESS- LORRAINE ROAD

LEGEND:

- -- IRON ROD FOUND
- -- IRON PIPE FOUND
- -- IRON ROD SET
- -- SPIKE FOUND
- -- SPIKE SET
- -- CONCRETE MONUMENT FOUND
- -- CONCRETE MONUMENT SET
- -- LIGHTARD KNOT FOUND
- (M) -- AS MEASURED
- (R) -- AS PER RECORD
- APP -- AS PER PLAT
- IRF -- IRON ROD FOUND
- IRS -- IRON ROD SET

FLOOD ZONE NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN THE FIRM ZONE "X" ACCORDING TO MAP NUMBER 28047C0267G, DATED JUNE 16, 2009. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING. THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.

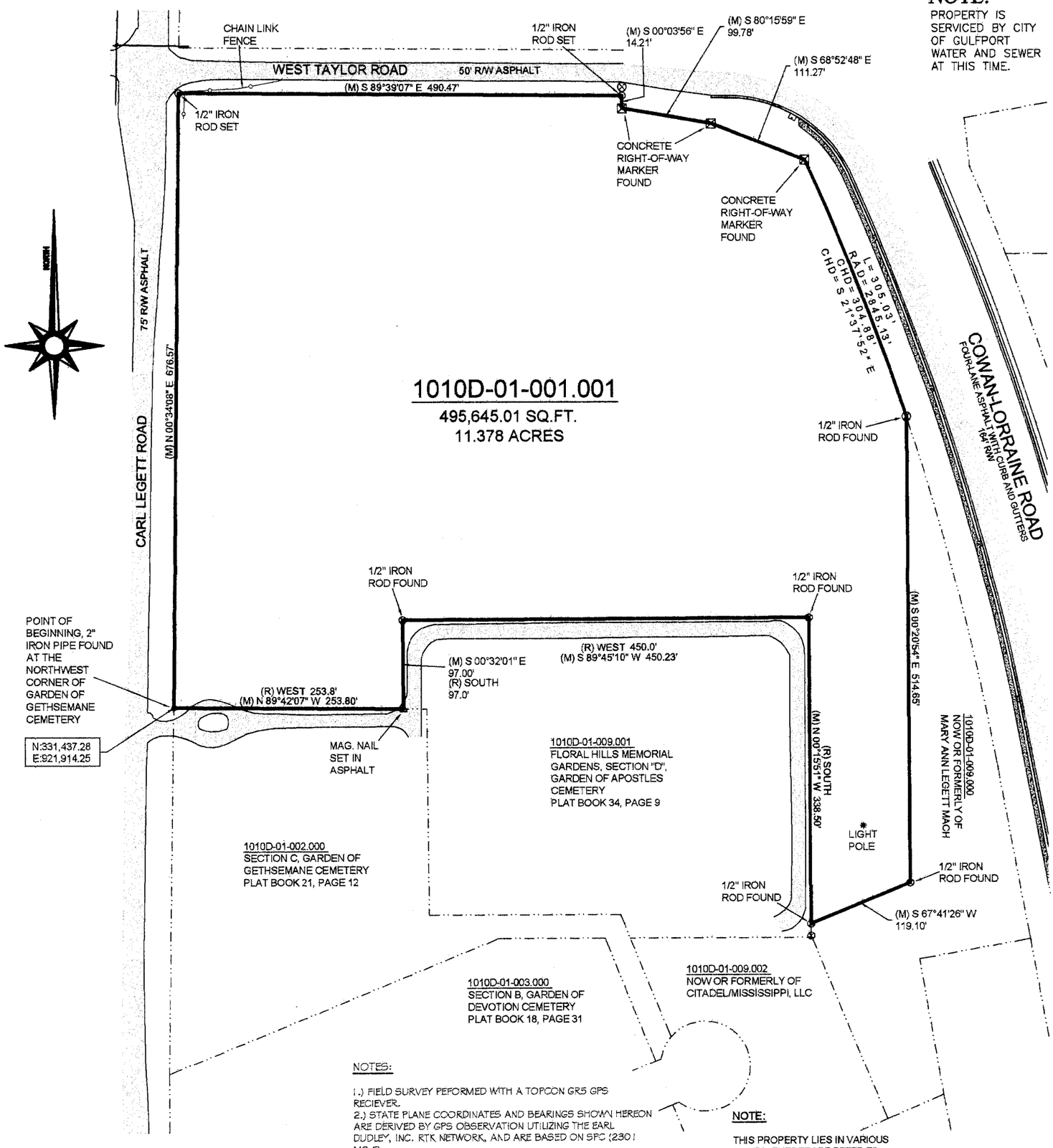
SCALE 1" = 120'

REFERENCE: GRID NORTH BY GPS OBSERVATION (DATUM=NAD 83)

0 120 240 360

NOTE:

PROPERTY IS SERVICED BY CITY OF GULFPORT WATER AND SEWER AT THIS TIME.



NOTES:

1.) FIELD SURVEY PEFORMED WITH A TOPCON GR5 GPS RECIEVER.
2.) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY GPS OBSERVATION UTILIZING THE EARL DUDLEY, INC. RTK NETWORK, AND ARE BASED ON SPC (2301 MS E).
3.) UNLESS OTHERWISE NOTED THIS SURVEY IS LIMITED TO ABOVE GROUND AND VISIBLE UTILITIES. A MISSISSIPPI ONE CALL SHOULD BE MADE BEFORE ANY DIGGING @ 1-800-227-6477.
4.) BUILDING SETBACKS, ELEVATIONS, WETLAND DETERMINATION AND ET CETERA TO BE PRESCRIBED BY APPROPRIATE GOVERNING BODIES.

NOTE:

THIS PROPERTY LIES IN VARIOUS ZONES, THEREFORE REFER TO CITY OF BILOXI ZONING MAP AND MUNICODE FOR MINIMUM BUILDING SETBACKS.

CLIENT: MARSHALL PROPERTIES
DATE OF FIELD SURVEY: 11/29/2017
DRAWN BY: CAC
JOB NUMBER: 15339 MARSHALL.dwg

GPS OBSERVATION NOTE

DATE OF FIELD WORK: 11/29/2017
TOPCON GR-5 RECIEVER WAS USED FOR GPS OBSERVATION, UTILIZING THE EARL DUDLEY, INC. REAL-TIME NETWORK

REFERENCE MATERIALS:

1.) RECORDED PLATS OF THE CEMETERIES ON SOUTH SIDE OF SUBJECT PROPERTY
2.) HARRISON COUNTY TAX MAPS
3.) GULFPORT ONLINE ATLAS
4.) INST. NO. 2017-3047-DJ1

PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

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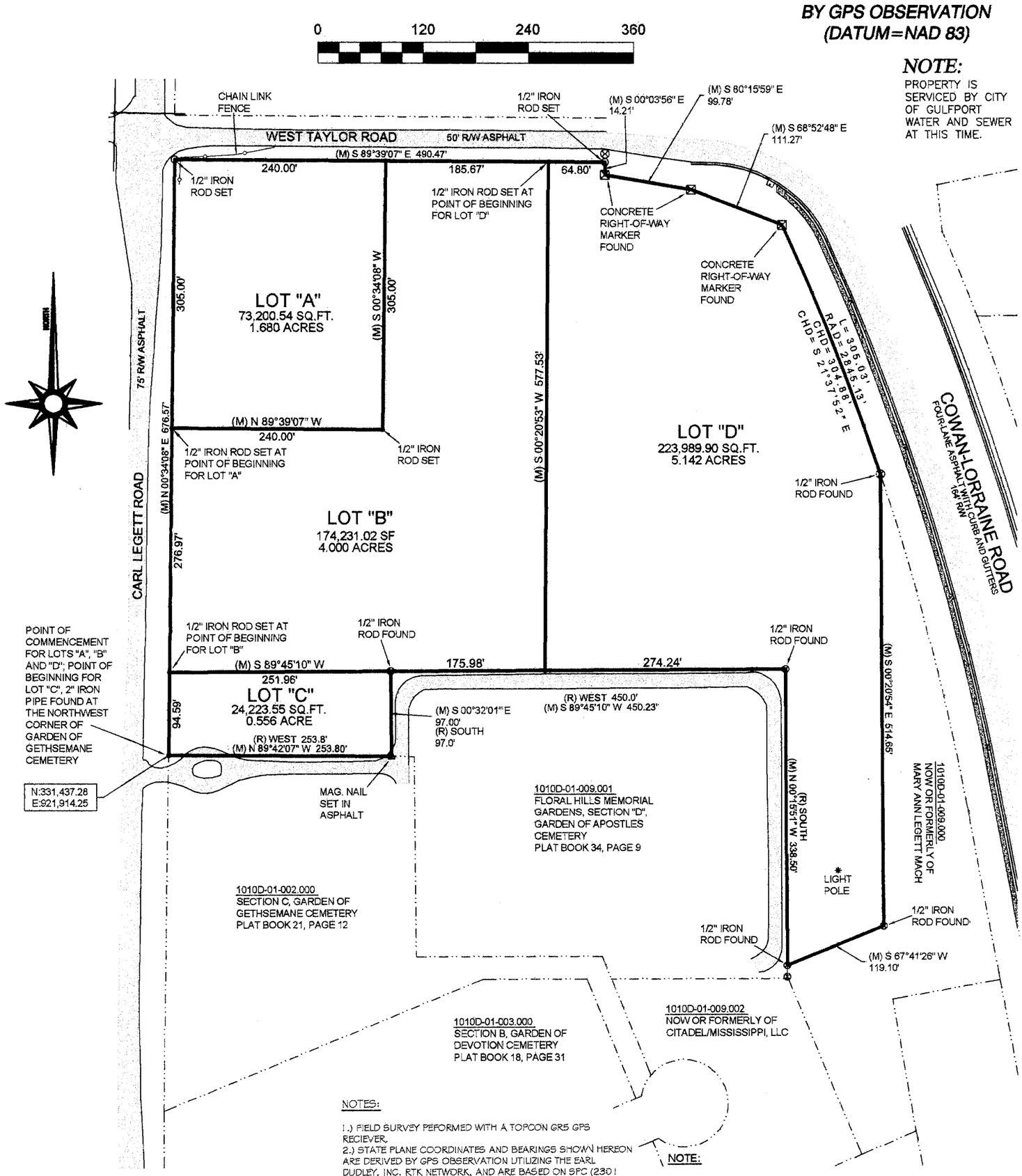

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PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

A RESUBDIVISION OF ONE PARCEL TOTALING 11.378 ACRES, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, INTO LOTS "A", "B", "C" AND "D". SAID PARCEL BEING REFERRED TO AS TAX PARCEL NO. 1010D-01-001.001, ADDRESS- LORRAINE ROAD

GENERAL NOTES:

1.) THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

2.) THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE "X" ACCORDING TO MAP NUMBER 28047C0267G DATED JUNE 16, 2009.

3.) BEARINGS SHOWN HEREON ARE DERIVED BY: GRID NORTH BY GPS OBSERVATION. ALL LINES RELATIVE TO.

4.) THIS SURVEY MEETS MISSISSIPPI MINIMUM REQUIREMENTS FOR A CLASS "B" SURVEY.

5.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREON AND NO THIRD PARTY CERTIFICATION IS EXPRESSED OR IMPIED.

6.) A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL EMBOSSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.

BOUNDARY NOTE:

BOUNDARY SURVEYS ARE BASED UPON THE RECORDED SUBDIVISION PLAT IN CASES OF REGULAR SUBDIVISIONS LOTS. BOUNDARY SURVEYS OF PROPERTIES NOT A PART OF A REGULAR SUBDIVISION ARE BASED UPON TITLE INFORMATION PROVIDED BY THE PARTY REQUESTING THE SURVEY. BOUNDARY SURVEY PLATS REFLECT INFORMATION DISCOVERED BY THE SURVEYOR IN THE NORMAL COURSE OF WORK AND DOES NOT NECESSARILY SHOW EVERY POSSIBLE CONDITION AFFECTING THE PROPERTY. EASEMENTS, SERVITUDES, BUILDING ORDINANCES, ZONING, AND OTHER LEGAL ENCUMBERMENTS MAY EXIST. CONSULT A TITLE ATTORNEY IF YOU WISH TO DISCOVER ALL THE LEGAL ENCUMBERMENTS ATTACHED TO ANY PROPERTY.

DESCRIPTION PRIOR TO THIS RESUBDIVISION

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH:

BEGINNING AT A 2" IRON PIPE FOUND AT THE NORTHWEST CORNER OF SECTION C, GARDEN OF GETHSEMANE CEMETERY RECORDED IN PLAT BOOK 21 ON PAGE 12 OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, SAID POINT LYING ON THE EAST MARGIN OF CARL LEGETT ROAD AND HAS THE FOLLOWING STATE PLANE COORDINATES (MS EAST/NAD 83 IN FEET): NORTH 331,437.28, EAST 921,914.25; THENCE ALONG THE EAST MARGIN OF CARL LEGETT ROAD, N00°34'08"E 676.57' TO AN IRON ROD SET ON THE SOUTH MARGIN OF WEST TAYLOR ROAD; THENCE ALONG SAID SOUTH MARGIN OF WEST TAYLOR ROAD, S89°39'07"E 490.47' TO AN IRON ROD SET ON THE WEST MARGIN OF COWAN-LORRAINE ROAD; THENCE ALONG SAID WEST MARGIN, S00°03'56"E 14.21' TO A CONCRETE RIGHT-OF-WAY MARKER FOUND; THENCE FURTHER ALONG SAID WEST MARGIN, S80°15'59"E 99.78' TO A CONCRETE RIGHT-OF-WAY MARKER FOUND; THENCE FURTHER ALONG SAID WEST MARGIN, S68°52'48"E 111.27' TO A CONCRETE RIGHT-OF-WAY MARKER FOUND; THENCE ALONG A CURVE OF SAID WEST MARGIN TO THE RIGHT HAVING A RADIUS OF 2845.13', AN ARC LENGTH OF 305.03' AND A CHORD BEARING AND DISTANCE OF S21°37'52"E 304.88' TO A 1/2" IRON ROD FOUND ON THE WEST LINE OF PROPERTY NOW OR FORMERLY OF MARY ANN LEGETT MACH; THENCE ALONG SAID WEST LINE, S00°20'54"E 514.65' TO A 1/2" IRON ROD FOUND; THENCE ALONG THE NORTH LINE OF SAID PROPERTY, S67°41'26"W 119.10' TO A 1/2" IRON ROD FOUND ON THE EAST LINE OF FLORAL HILLS MEMORIAL GARDENS, SECTION "D", GARDEN OF APOSTLES CEMETERY AS PER PLAT BOOK 34 ON PAGE 9 OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI; THENCE ALONG THE EAST LINE OF SAID CEMETERY, N00°15'51"W 338.50' TO A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID CEMETERY; THENCE ALONG THE NORTH LINE OF SAID CEMETERY, S89°45'10"W 450.23' TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID CEMETERY; THENCE ALONG THE WEST LINE OF SAID CEMETERY, S00°32'01"E 97.00' TO A MAG. NAIL SET IN ASPHALT ON THE NORTH LINE OF AFORESAID SECTION C, GARDEN OF GETHSEMANE CEMETERY; THENCE ALONG THE NORTH LINE OF SAID CEMETERY, N89°42'07"W 253.80' TO THE POINT OF BEGINNING, CONTAINING 495,645.01 SQUARE FEET OR 11.378 ACRES. HEREIN DESCRIBED PROPERTY BEING DESIGNATED AS COUNTY PARCEL NUMBER 1010D-01-001.001.

LEGAL DESCRIPTIONS OF LOTS CREATED BY THIS SUBDIVISION:
LEGAL DESCRIPTION: LOT "A", AS PER SURVEY DIMENSIONS

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH:

COMMENCING AT A 2" IRON PIPE FOUND AT THE NORTHWEST CORNER OF SECTION C, GARDEN OF GETHSEMANE CEMETERY RECORDED IN PLAT BOOK 21 ON PAGE 12 OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, SAID POINT LYING ON THE EAST MARGIN OF CARL LEGETT ROAD AND HAS THE FOLLOWING STATE PLANE COORDINATES (MS EAST/NAD 83 IN FEET): NORTH 331,437.28, EAST 921,914.25; THENCE ALONG THE EAST MARGIN OF CARL LEGETT ROAD, N00°34'08"E 371.56' TO AN IRON ROD SET AT THE POINT OF BEGINNING; THENCE FURTHER ALONG SAID EAST MARGIN, N00°34'08"E 305.00' TO AN IRON ROD SET ON THE SOUTH MARGIN OF WEST TAYLOR ROAD; THENCE ALONG SAID SOUTH MARGIN OF WEST TAYLOR ROAD, S89°39'07"E 240.00' TO AN IRON ROD SET; THENCE S00°34'08"W 305.00' TO AN IRON ROD SET; THENCE N89°39'07"W 240.00' TO THE POINT OF BEGINNING, CONTAINING 73,200.54 SQUARE FEET OR 1.680 ACRES.

LEGAL DESCRIPTION: LOT "B", AS PER SURVEY DIMENSIONS

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH:

COMMENCING AT A 2" IRON PIPE FOUND AT THE NORTHWEST CORNER OF SECTION C, GARDEN OF GETHSEMANE CEMETERY RECORDED IN PLAT BOOK 21 ON PAGE 12 OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, SAID POINT LYING ON THE EAST MARGIN OF CARL LEGETT ROAD AND HAS THE FOLLOWING STATE PLANE COORDINATES (MS EAST/NAD 83 IN FEET): NORTH 331,437.28, EAST 921,914.25; THENCE ALONG THE EAST MARGIN OF CARL LEGETT ROAD, N00°34'08"E 94.59' TO AN IRON ROD SET AT THE POINT OF BEGINNING; THENCE FURTHER ALONG SAID EAST MARGIN, N00°34'08"E 276.97' TO AN IRON ROD SET; THENCE S89°39'07"E 240.00' TO AN IRON ROD SET; THENCE N00°34'08"E 305.00' TO AN IRON ROD SET ON THE SOUTH MARGIN OF WEST TAYLOR ROAD; THENCE ALONG SAID SOUTH MARGIN OF WEST TAYLOR ROAD, S89°39'07"E 185.67' TO AN IRON ROD SET ON THE NORTH LINE OF FLORAL HILLS MEMORIAL GARDENS, SECTION "D", GARDEN OF APOSTLES CEMETERY; THENCE ALONG THE NORTH LINE OF SAID CEMETERY, S89°45'10"W 175.98' TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID CEMETERY; THENCE S89°45'10"W 251.96' TO THE POINT OF BEGINNING, CONTAINING 174,231.02 SQUARE FEET OR 4.000 ACRES.

PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

A RESUBDIVISION OF ONE PARCEL TOTALING 11.378 ACRES, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, INTO LOTS "A", "B", "C" AND "D". SAID PARCEL BEING REFERRED TO AS TAX PARCEL NO. 1010D-01-001.001, ADDRESS-LORRAINE ROAD

GENERAL NOTES:

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4.) THIS SURVEY MEETS MISSISSIPPI MINIMUM REQUIREMENTS FOR A CLASS "B" SURVEY.

5.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREON AND NO THIRD PARTY CERTIFICATION IS EXPRESSED OR IMPIED.

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LEGAL DESCRIPTION: LOT "C", AS PER SURVEY DIMENSIONS

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH:

BEGINNING AT A 2" IRON PIPE FOUND AT THE NORTHWEST CORNER OF SECTION C, GARDEN OF GETHSEMANE CEMETERY RECORDED IN PLAT BOOK 21 ON PAGE 12 OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, SAID POINT LYING ON THE EAST MARGIN OF CARL LEGETT ROAD AND HAS THE FOLLOWING STATE PLANE COORDINATES (MS EAST/NAD 83 IN FEET): NORTH 331,437.28, EAST 921,914.25; THENCE ALONG THE EAST MARGIN OF CARL LEGETT ROAD, N00°34'08"E 94.59' TO AN IRON ROD SET; THENCE N89°45'10"E 251.96' TO AN IRON ROD FOUND AT THE NORTHWEST CORNER OF FLORAL HILLS MEMORIAL GARDENS, SECTION "D", GARDEN OF APOSTLES CEMETERY; THENCE ALONG THE WEST LINE OF SAID CEMETERY, S00°32'01"E 97.00' TO A MAG. NAIL SET IN ASPHALT ON THE NORTH LINE OF AFORESAID SECTION C, GARDEN OF GETHSEMANE CEMETERY; THENCE ALONG THE NORTH LINE OF SAID CEMETERY, N89°42'07"W 253.80' TO THE POINT OF BEGINNING, CONTAINING 24,223.55 SQUARE FEET OR 0.556 ACRE.

LEGAL DESCRIPTION: LOT "D", AS PER SURVEY DIMENSIONS

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH:

COMMENCING AT A 2" IRON PIPE FOUND AT THE NORTHWEST CORNER OF SECTION C, GARDEN OF GETHSEMANE CEMETERY RECORDED IN PLAT BOOK 21 ON PAGE 12 OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, SAID POINT LYING ON THE EAST MARGIN OF CARL LEGETT ROAD AND HAS THE FOLLOWING STATE PLANE COORDINATES (MS EAST/NAD 83 IN FEET): NORTH 331,437.28, EAST 921,914.25; THENCE ALONG THE EAST MARGIN OF CARL LEGETT ROAD, N00°34'08"E 676.57' TO AN IRON ROD SET ON THE SOUTH MARGIN OF WEST TAYLOR ROAD; THENCE ALONG SAID SOUTH MARGIN OF WEST TAYLOR ROAD, S89°39'07"E 425.67' TO AN IRON ROD SET AT THE POINT OF BEGINNING; THENCE FURTHER ALONG SAID SOUTH MARGIN OF WEST TAYLOR ROAD, S89°39'07"E 64.80' TO AN IRON ROD SET ON THE WEST MARGIN OF COWAN-LORRAINE ROAD; THENCE ALONG SAID WEST MARGIN, S00°03'56"E 14.21' TO A CONCRETE RIGHT-OF-WAY MARKER FOUND; THENCE FURTHER ALONG SAID WEST MARGIN, S80°15'59"E 99.78' TO A CONCRETE RIGHT-OF-WAY MARKER FOUND; THENCE FURTHER ALONG SAID WEST MARGIN, S68°52'48"E 111.27' TO A CONCRETE RIGHT-OF-WAY MARKER FOUND; THENCE ALONG A CURVE OF SAID WEST MARGIN TO THE RIGHT HAVING A RADIUS OF 2845.13', AN ARC LENGTH OF 305.03' AND A CHORD BEARING AND DISTANCE OF S21°37'52"E 304.88' TO A 1/2" IRON ROD FOUND ON THE WEST LINE OF PROPERTY NOW OR FORMERLY OF MARY ANN LEGETT MACH; THENCE ALONG SAID WEST LINE, S00°20'54"E 514.65' TO A 1/2" IRON ROD FOUND; THENCE ALONG THE NORTH LINE OF SAID PROPERTY, S67°41'26"W 119.10' TO A 1/2" IRON ROD FOUND ON THE EAST LINE OF FLORAL HILLS MEMORIAL GARDENS, SECTION "D", GARDEN OF APOSTLES CEMETERY AS PER PLAT BOOK 34 ON PAGE 9 OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI; THENCE ALONG THE EAST LINE OF SAID CEMETERY, N00°15'51"W 338.50' TO A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID CEMETERY; THENCE ALONG THE NORTH LINE OF SAID CEMETERY, S89°45'10"W 274.24' TO AN IRON ROD SET; THENCE N00°20'53"E 577.53' TO THE POINT OF BEGINNING, CONTAINING 223,989.90 SQUARE FEET OR 5.142 ACRES.

PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

CERTIFICATE OF RESUBDIVISION

IN ACCORDANCE WITH SECTION 9-48 OF THE CODE OF ORDINANCE (SUBDIVISION REGULATIONS) OF THE CITY OF GULFPORT AS AMENDED, IT IS HEREBY CERTIFIED THAT THE GULFPORT CITY PLANNING COMMISSION CHAIRMAN AND GULFPORT CITY COUNCIL HAVE REVIEWED AND APPROVED THIS FINAL PLAT FOR THE RESUBDIVISION OF TAX PARCEL # 1010D-01-001.001, SECTION 30, TOWNSHIP 7 SOUTH, RANGE 10 WEST, BEING 11.378 ACRES. THE SUBJECT PROPERTY IS GENERALLY DESCRIBED AS BEING LOCATED AT THE SOUITHWEST CORNER OF WEST TAYLOR ROAD AND COWAN-LORRAINE ROAD. THE AD VALOREM TAX PARCEL NUMBER OF THE SUBJECT PROPERTY IS

1010D-01-001.001. *THE CASE FILE NUMBER IS* _____.

A RESUBDIVISION OF ONE PARCEL TOTALING 11.378 ACRES, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, INTO LOTS "A", "B", "C" AND "D". SAID PARCEL BEING REFERRED TO AS TAX PARCEL NO. 1010D-01-001.001, ADDRESS-LORRAINE ROAD

OWNER'S DEDICATION

THIS IS TO CERTIFY THAT SOUTHERN MISSISSIPPI CEMETERY PROPERTIES, LLC IS THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT, DECLARE THIS TO BE A CORRECT PLAT.

WITNESS MY SIGNATURE ON THIS 1st DAY OF Dec, 2017.

BY: _____

DENNIS BRIDGES, PRESIDENT

THE APPLICANT HEREBY COVENANTS AND AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY OF GULFPORT, ITS AGENTS, SERVANTS, AND OR EMPLOYEES AGAINST ANY AND ALL CLAIMS, DEMANDS, OR CAUSES OF ACTION OF WHATEVER NATURE WHICH MAY ARISE AS A RESULT OF THE ACTION OF THE PLANNING COMMISSION, ITS AGENTS, AND/OR EMPLOYEES CONCERNING THE PETITION FOR RESUBDIVISION OF THE REAL PROPERTY DESCRIBED HEREIN.

RATIFIED AND APPROVED BY:

_____

DENNIS BRIDGES, PRESIDENT

THIS 1st *DAY OF* Dec., *2017.*

ACKNOWLEDGEMENT

BEFORE ME, THE UNDERSIGNED, AUTHORIZED IN AND FOR THE STATE OF ~~MISSISSIPPI~~ Tennessee, COUNTY OF Knox ~~HARRISON COUNTY~~, PERSONALLY APPEARED THE AFORENAMED DENNIS BRIDGES, WHO ACKNOWLEDGED THAT HE ACCEPTED THIS PLAT AND EXECUTED THE FOREGOING CERTIFICATE AND DEDICATION FOR THE PURPOSE THEREIN SET FORTH.

James William Rucker

NOTARY PUBLIC

MY COMMISSION EXPIRES: 6.30.21

JAMES WILLIAM RUCKER
STATE OF TENNESSEE NOTARY PUBLIC
KNOX COUNTY

SURVEYOR'S CERTIFICATE

I, CLIFFORD A. CROSBY, PROFESSIONAL LAND SURVEYOR IN AND FOR THE STATE OF MISSISSIPPI, DO HEREBY CERTIFY THAT THE FOREGOING PLAT AND DESCRIPTIONS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT ALL MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS LOCATED AND THAT ALL DIMENSIONAL AND OTHER DATA SHOWN ARE CORRECT. I ALSO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF MISSISSIPPI".

WITNESS MY SIGNATURE AND SEAL THIS 29th *DAY OF* NOVEMBER *2017.*

_____

CLIFFORD A. CROSBY, MS PLS 2539

CLIFFORD A. CROSBY
LAND SURVEYOR
PLS 2539
STATE OF MISSISSIPPI

PLANNING COMMISSION

SUBMITTED TO AND APPROVED BY THE GULFPORT CITY PLANNING COMMISSION ON THE _____ *DAY OF* _____, *2017.*

BY: _____ _____ *DATED:* _____

PLANNING COMMISSION CHAIRMAN *PRINT NAME*

BY: _____ _____ *DATED:* _____

PLANNING ADMINISTRATOR *PRINT NAME*

APPROVAL

SUBMITTED TO AND APPROVED BY THE CITY OF GULFPORT, CITY COUNCIL, AT THE REGULAR MEETING OF SAID COUNCIL HELD ON THE _____ DAY OF _____, 2017.

ATTEST: *ADOPT*

_____ _____

CLERK OF COUNCIL *PRESIDENT*

THIS RESUBDIVISION PLAT AND CERTIFICATE OF RESUBDIVISION, HAVING BEEN SUBMITTED AND APPROVED BY THE MAYOR, THIS _____DAY OF _____, 2017.

_____

BILLY HEWES, MAYOR

PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 · PHONE: 228-234-1649

URBAN DEVELOPMENT
PLANNING DIVISION

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5710
Fax: 228-868-5708

Wm. H. Hardy Building
1410 24th Avenue
Gulfport, MS 39501

January 2, 2018

Southern Mississippi Cemetery Properties (Owner)
5430 Rutledge Pike
Knoxville, TN 37924

RE: <u>Resubdivision 1801PC005:</u> Rick and Jonathan Marshall, agents for Southern Mississippi Cemetery Properties LLC, property owner, request to divide the 11.378 acre tax parcel 1010D-01-001.001 into four parcels, zoned B-1 (Neighborhood Business) and R-2 (Single Family): located north of Sundown Lane, south of and adjacent to W Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road, in Ward 4.

To Whom It May Concern:

The purpose of this letter is to inform you of the above referenced application. A map showing the general location of the property involved is on the back of this letter.

The City of Gulfport Planning Commission will hold a public hearing to consider the above request at 4:30 P.M. on **Thursday, January 25, 2018** in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

It is your option whether or not to appear personally or speak for or against the request at the scheduled hearing. If you are unable to attend the public hearing you may submit your opinion in writing and request that it be read into the public record. If you desire, it is also your choice to be represented by an agent or attorney.

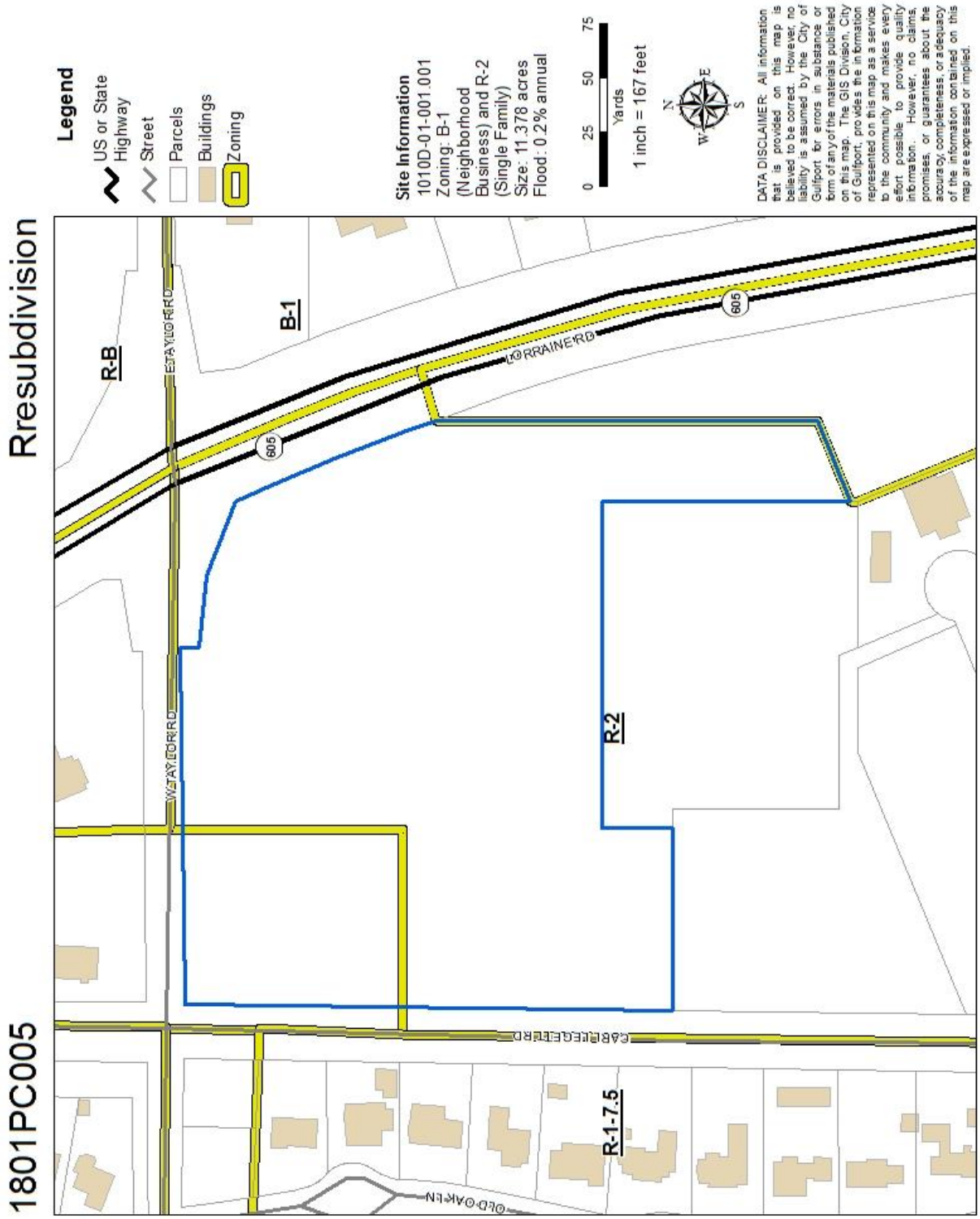
A copy of the filed application to be considered will be available for public review at the office of the Department of Urban Development – Planning Division located at the Hardy Building, 1410 24th Avenue. <u>Adjacent property owners will not be provided any further correspondence on the matter unless an appeal is filed but may, as stated above, contact this office for additional information.</u>

Any interested party that may feel aggrieved by the Planning Commission's recommendation may file a written <u>notice of objection</u> within fifteen (15) calendar days after the date of the Planning Commission hearing. The notice of objection and reasons for objecting to the decision should be stated in writing and filed with the Department of Urban Development-Planning Division. This notice of objection shall be forwarded as part of the record with the record and recommendation from the Planning Commission to the Mayor and City Council. The City Council shall make a final decision based upon the record as submitted. No new evidence may be presented at the meeting.

If you have any questions or comments, please contact this office.

Sincerely,
City of Gulfport Planning Division

c. Agent, Adjacent Property Owners (You have been identified as owning property within 160 feet of this request)



c. Agent, Adjacent Property Owners (You have been identified as owning property within 160 feet of this request)

FID	PARCEL_ID	PPIN	NAME	ADDRESS_1	CITY
			SOUTHERN MS CEMETERY, LLC **(OWNER)**	5430 RUTLEDGE PIKE	KNOXVILLE
			RICK OR JONATHAN MARSHALL **(AGENT)**	1706 PASS ROAD	GULFPORT
			ADJACENT PROPERTY OWNERS		
0	1010D-02-001.003	82528	HAIRSTON MITCHELL T & LACEY W	38 OLD OAK LANE	GULFPORT
1	1010D-02-001.002	83642	BLAKENEY KAREN	40 OLD OAK LN	GULFPORT
2	1010D-02-001.001	81385	PRESTIA MICHAEL G	42 OLD OAK LN	GULFPORT
3	1009M-03-011.000	55926	BRIGHTON PLACE PROPERTY OWNERS ASSN	9101 CROSS CREEK PL	GULFPORT
4	1010D-01-009.002	113166	CITADEL/MISSISSIPPI LLC	123 ARLINGTON AVE	GREENVILLE
7	1010D-02-001.008	82533	KENERLY PATRICK B & GRACE M	28 OLD OAK LANE	GULFPORT
8	1010D-02-001.005	82530	PITTMAN JOHN S II & JESSICA L	34 OLD OAK LN	GULFPORT
9	1010D-01-002.000	47657	CITADEL/MISSISSIPPI LLC	123 ARLINGTON AVE	GREENVILLE
10	1009M-03-011.001	106690	BURWELL JOEL B	9010 SUNTREE LN	GULFPORT
11	1010D-02-001.004	82529	SAFLEY WILLIAM L & BRENDA R	TRUSTEE 11078 CHANNELSIDE DR	GULFPORT
12	1010D-02-001.006	82531	SUNDERMAN W MICHAEL & MARY A	32 OLD OAK LN	GULFPORT
13	1010D-02-001.007	82532	BERTUCCI CAROL FERGUSON	30 OLD OAK LANE	GULFPORT
14	1009M-02-040.000	55931	TRUSTEES OF THE DIOCESE OF MISS	P O BOX 23107	JACKSON
15	1010D-01-009.001	112353	CITADEL/MISSISSIPPI LLC	123 ARLINGTON AVE	GREENVILLE
16	1010D-02-001.000	81390	RIZK ANTOINE & TANIA	9440 OAK POINTE DRIVE	GULFPORT
17	1010D-01-009.000	56016	MACH MARY ANN LEGETT	11301 SUNDOWN CIR	GULFPORT

STATE	ZIP
TN	37924
MS	39501
MS	39507
MS	39503
MS	39502
MS	39503
SC	29601
MS	39503
MS	39507
SC	29601
MS	39503
MS	39503
MS	39503
MS	39503
MS	39225
SC	29601
MS	39503
MS	39503

1. CITY OF GULFPORT PLANNING COMMISSION

2

3 1801PC005

4

5 TRANSCRIPT OF HEARING

6 January 25, 2018

7 **********

8 TRANSCRIPT OF HEARING HELD BEFORE THE CITY OF GULFPORT

9 PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS,

10 GULFPORT, MISSISSIPPI, ON THE 25TH DAY OF JANUARY 2018

11 COMMENCING AT 4:30 P.M. AND REPORTED BY

12 NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

13 **********

14

COMMISSION MEMBERS PRESENT:

15

KEITH WILLIAMS, President

16 VIRGINIA ADOLPH

WILLIAM "PRINCE" JONES

17 B.J. SELLERS

EVERETT "LAD" LADNER

18 CHARLIE HEWES

JOHN ANTHONY

19 COLETTE TOWLES

DOUG HANCOCK

20 HAROLD SPANN

21 STAFF PRESENT:

22 GREG PIETRANGELO

GREG HOLMES

23 CORY LONG

MATILDA WELCH

24

N.J. SOROE, CSR #1297
(228) 467-2199

3. Resubdivision 1801PC005

MR. LONG: Item Number 3. Resubdivision 1801PC005 has been duly and timely noticed as required by law. The applicant requests to divide a tax parcel into four parcels zoned B-1 and R-2 located north Sundown Lane, south of and adjacent to West Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road, in Ward 4. A copy of the packet considered is hereby offered into the record.

MR. WILLIAMS: All right. Thank you. Someone here to speak for the request?

MR. JONATHAN MARSHALL: Jonathan Marshall, 57 53rd Street, Gulfport 39507. I'm here today just to -- in support of splitting the parcel into four properties and just for the resubdivision of this property. I would like to remind everyone it's a resubdivision, not a rezoning. If there's any questions, I'd be happy to help.

MR. WILLIAMS: Commissioners, any questions for Mr. Marshall right now?

MR. SELLERS: So currently the entire parcel is split zoned; correct? We have one area that's B-1 and the other is R-2. So the Lot A I think it's designated, is

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that encompassing all the B-1? Is that the intent, that one
lot will be zoned B-1?
MR. JONATHAN MARSHALL: Yes.
MR. SELLERS: Then all the rest of it would
be zoned R-2.
MR. JONATHAN MARSHALL: Yes.
MR. SELLERS: Thank you.
MR. WILLIAMS: Good clarification. Thank
you.
Any other questions for Mr. Marshall? If
something comes up, we'll bring you back up. Thank you.
Anyone else here to speak for the request?
MR. RICK MARSHALL: Rick Marshall, 13358 John
Road, Gulfport, Mississippi.
I'm here to speak in favor of the
resubdivide.
Any questions?
MR. WILLIAMS: Any questions for Mr.
Marshall?
All right. Thank you, sir. Appreciate it.
MR. RICK MARSHALL: Could I address the
staff, Mr. Chairman?
MR. WILLIAMS: Sure.
MR. RICK MARSHALL: Greg, can I ask you a

25. couple of questions?

MR. HOLMES: Yes, sir.

MR. RICK MARSHALL: How long have you been working in the planning department?

MR. HOLMES: Roughly about 15 years.

MR. RICK MARSHALL: Fifteen years. Okay. And would it be safe to say that you've seen hundreds, maybe hundreds and hundreds of resubdivision requests, applicants?

MR. HOLMES: Yes, I think it would be fair to say that.

MR. RICK MARSHALL: Okay. Have you reviewed this application presented today?

MR. HOLMES: Yes, sir.

MR. RICK MARSHALL: Does the application meet the city requirements?

MR. HOLMES: It exceeds the city requirements.

MR. RICK MARSHALL: It exceeds the city requirements. Okay. Well, thank you very much. Thank you, Mr. Chairman.

MR. WILLIAMS: Thank you, Mr. Marshall. Anyone else here to speak for the request?

MR. BLACKLEDGE: Actually I have a card

24. filled out for another matter. I'll fill one after I speak.

25. Joel Blackledge, 30 29th Street is my office

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1. address, 64 Shoreline Lane is my home address.
2. I just am basically wanting some
3. clarification. Lot D in the front, is that the part to
4. become residential, single family residential, or is the
5. part in the back?
6. MR. WILLIAMS: Greg, can you address that?
7. MR. HOLMES: Mr. Blackledge, are you
8. referring to it getting rezoned, or are you referring to the
9. current zone?
10. MR. BLACKLEDGE: No. What they're asking to
11. rezone.
12. MR. WILLIAMS: This isn't a rezone.
13. MR. BLACKLEDGE: Well, resubdivide.
14. MR. HOLMES: Yes, sir.
15. MR. BLACKLEDGE: Okay.
16. MR. HOLMES: That corner right there off of
17. West Taylor and Carl Legett, that corner is already zoned
18. B-1, so what they're doing, that will be a zoned parcel as
19. B-1.
20. MR. BLACKLEDGE: That will remain B-1,
21. nothing else.
22. MR. HOLMES: Yes.
23. MR. BLACKLEDGE: And we've been here before,
24. I spoke before, and I will say that from what I have seen, I

25. am in favor of what the Marshalls are doing. I believe

their plan is -- exceeds what the city requires. I do believe that there is a need in Gulfport for what they are doing.

MR. WILLIAMS: Thank you, sir. Appreciate it.

Anyone else here to speak for the request?

Anyone here to speak against this request?

MR. PRESTIA: Michael Prestia, 42 Old Oak Lane, Gulfport. I live in Bayou Oaks. I live across the street from the B-1 property that's of the tract.

I oppose the request because it's very uncommon when you have a residential area like this one, where you have Bayou Oaks, Brighton Place in the back, in the front is S-2 residential, and then you have in the middle a B-1 commercial.

And when you subdivide this tract, the four tracts, then the intent is you have the opportunity to sell that B-1 as commercial which means that's very uncommon in the City of Gulfport.

There are few instances, there are Family Dollars that are in residential areas where you see a B-1, but more than likely residential business instead of a B-1. And it just does not conform with the area.

For that reason, I oppose it. I think it would be detrimental to our whole subdivisions to have an

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1. independent standing Waffle House, Family Dollar. As soon
2. as you subdivide that, it could be sold tomorrow and Huddle
3. House could be in there or some restaurant which they have
4. admit called some franchises.
5. I'm very concerned about franchises.
6. As you know, there's no public need to
7. destroy and light up this area with commercial. Where this
8. is leading down the road is the B-1, this gets subdivided,
9. then they'll sell the frontage, B-1 in the back. Then
10. eventually they'll be back and back to get the other parts
11. to be B-1.
12. Now, I've asked Mr. Marshall about his
13. intent. I don't know his intent. He wouldn't tell me.
14. I've asked him what he intends to do with that property. I
15. think we need some disclosure.
16. The second thing is the owner of the property
17. is Mr. Bridges in Tennessee. He is the owner. He's on the
18. application. He currently owns the property. I'm very
19. concerned, you know, Mr. Marshall testified at the last
20. meeting that he was developing this property. But there are
21. no agreements, and I have not found any agreements where
22. he's the owner of this property.
23. Mr. Bridges up in Tennessee is making the
24. decisions about this property. That's the application.

25. And I just ask you, you know, to consider let

it remain one tract, and if they want to come back a year later or whenever for B-1, they can come back. Or it can remain all residential.

But it's just this mixed use thing is just going to be detrimental to our residential areas. And there's plenty of property that's available for commercial use where there's a greater public need, and that's the law, public need, in other areas of Gulfport.

And this is such a nice area in between two bridges, we just hate to lose it. And we're going to lose it. It's going to be commercial if they get their way on -- if this gets chopped up, it's going to be next you're going to get a B-1 on the frontage, you go in with their development over there, and then it's going to be B-1 in the back, we'll have a Dairy Queen, and it's just, you know, it's just going to affect value.

Any questions? Anybody have any questions about this?

MR. JONES: I have a question.

MR. PRESTIA: Yes, sir.

MR. JONES: If it were approved to be spot zoning, my question would it mess -- would it kind of hurt the property -- would it kind of make -- what I'm trying to

24. say would it kind of devalue, would the property go down?

25. MR. PRESTIA: The neighbors that testified at

1. the last meeting believe that it would affect property
2. values in the area. I mean, it's natural you have a
3. commercial B-1 there, and it's developed into a restaurant,
4. you know, it's going to affect, you get a franchise in
5. there, I mean, that's scary. You've seen franchises come
6. and go up on 49, you know, they close, they come, they go,
7. someone else moves in.
8. You can get a gas station there in B-1.
9. I mean, is there really such a public need
10. for this to be divided that way. It needs to be declared
11. either residential or commercial. And that's the
12. significance. He's going -- you know, the developer in all
13. respects -- he's going for commercial. And that's where
14. it's all going. You know, we should have some nice areas to
15. preserve in Gulfport so people move here and they're
16. concerned about our area. They look at our area.
17. That area is so congested right now, I mean,
18. with the light up and everything. Can you imagine when all
19. the commercial activity that goes in there. I mean, it's
20. just very -- a lot of congestion.
21. And there's other areas that are -- I'll be
22. brief -- but there's other areas of Gulfport that there's a
23. public need, west Gulfport, Orange Grove, over towards
24. Biloxi. That all goes in with the definition of public

25. need. Everybody's got to jump in this one area and destroy

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1. it. And there's no reason for that just to make, you know,
2. for profit's sake.
3. And I'm very concerned that Mr. Bridges is
4. not here. He owns the property. These are serious
5. meetings, and the owner is not -- you know, Mr. Bridges
6. could come down and talk to the planning commission about
7. what he intends to do. And if it necessitates that as an
8. alternative, I ask that you have him come down from
9. Tennessee and talk about what he's doing in our community.
10. I think it's just, you know, very important.
11. If you want a nice community and there's no public need
12. under the law, I can assure you, to have -- that that
13. property needs to be zoned B. That's going to be
14. residential.
15. And you remember the last decision from down
16. the street. They're building houses in the back. And Judge
17. Barnett ruled there's no public need for this. So, I mean,
18. we should hear from the owner of that property. I mean,
19. otherwise, you're going to have somebody from Hong Kong come
20. in and say -- and a realtor calls them and say, yeah, I'll
21. buy it, and they'll come before you and all that.
22. I mean, I don't see any documents about
23. anything. You know, there's no intent here about what they

24. intend to do except they're going to sell that, you can

25. presume, sell it commercial, and it's going to ruin Bayou

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1. Oaks, it's going to ruin Brighton Place, it's going to ruin
2. the whole nice harmony of the whole area.
3. That's not what planning is about. And I
4. disagree with Greg Holmes that this is excessive. If you
5. look at the map of -- and I respect Greg, he's great -- but
6. if you look at the -- of Gulfport you'll see some Family
7. Dollars where you just have residential. And that's on a
8. major thoroughfare, and it's residential.
9. And now this property is in the back. It's
10. not up front on the highway. So Dairy Queen can come in
11. there. They're looking for spots.
12. So it's all, you know, it's just not good
13. planning.
14. Thank you.
15. MR. WILLIAMS: Thank you. Appreciate it.
16. MR. ANTHONY: I have a question. So I don't
17. know if you -- I mean, I'm sure you're familiar with the
18. area. You're seeing the other development that the
19. Marshalls have developed along that road there. What are
20. your opinions on that particular design development and how
21. do you feel that that's impacted the area?
22. MR. PRESTIA: Well, I certainly would not
23. like to see it in our area. But we're talking about a
24. larger tract of land. It's a nice strip center. As you

25. know, retail is going down. Everything is over the

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1. internet. So, you know, strip center, I don't know how he's
2. doing. I hope he's doing well.
3. But, I mean, this is a larger tract of land.
4. I mean, it's not just that front part that Rick has, that
5. acreage Rick has. It goes all the way back to Carl Legett
6. Road. And that was built by Mr. Legett. I remember when he
7. was back there building houses, working in that area, when
8. they first started. And that's what this area is about.
9. I didn't mean to go on. I mean, Rick does a
10. good job. He's a good developer on the other side. I think
11. he's a bad promoter on our side. But I'm a little -- I
12. mean, a little -- but what I'm saying is I just don't agree
13. with what they're doing there in developing that property.
14. It's residential.
15. And it could be very nice, you know, smaller
16. homes for like you have by Al's on the other side of the
17. street. There are developers that would be interested in
18. building smaller homes, you know, in that area, nice homes
19. on the other, you know, lots -- a lot smaller than what's
20. currently in Brighton or Bayou Oaks.
21. But I think you have to look at all of the
22. land, not just one part of the land, you know. And once --

23. you know Rick is going with the front with the strip center.

24. From what we saw with Mr. Gillespie, it was a much larger

25. development than what Rick's -- currently was developing,

1. what I could see from his drawing.
2. But I think it's -- you've got to consider
3. the whole tract. And you're going to see a franchise,
4. you're going to see in that B-1.
5. And the fact of the matter is, you know,
6. you're calling it B-1. There's some doubt about really it's
7. a true B-1 because you had Bessie's across the street years
8. ago, and that was abandoned. And then you had -- that was
9. changed to residential. And this property has never been
10. developed that lies across the street from the old Bessie's
11. Milk Jug.
12. So there's a real issue about whether it's an
13. abandoned B-1. Greg has to, you know, check the history of
14. it and all that. I mean, I don't think the city knows the
15. history of it. Maybe it goes back to the '40s, you know.
16. It just has never been developed.
17. And so, I mean, I like what Rick did across
18. the street. I compliment him. But then, again, you have to
19. look at the whole picture. And if you get commercial in the
20. front and get commercial in the back, it's all commercial,
21. and it's all lights.
22. Look now what you have on the other side as
23. you go between the two bridges, and some dentist's office

24. opened up, they got this big pink sign there. I think the

25. city mentioned to me they're looking at it. Think about 20

of those darn pink signs that that dentist put out there.
If you've been across the bridge you've seen it. Terrible
looking.
Is that the kind of city you want? Or do you
want something like Fairhope, Alabama, where people are
attracted to the area, and they come in and say, you know --
or Ocean Springs, and let's move here. Or do you want
something where everybody comes in and says, you know, this
is so junky, let's move to Ocean Springs.
We have to think about that as a planning
commission.
MR. ANTHONY: Excuse me. Let me ask the
staff a question.
With this if it passes, let's say it passes,
then the other parcels, B, C, and D, all the parcels, would
there need to be a reason for them to come to more planning
before this commission before this body to do any type of
development on any of those tracts?
MR. HOLMES: No, sir.
Let me also give you guys a point of
clarification. I hear a lot of talk about rezoning. This
is a simple resubdivision process, nothing to do with zoning
this. There's one piece of property being subdivided into

24. four pieces. The zoning is staying the same.

25. There is no zoning change before you right

1. now.
2. MR. LADNER: Let me ask you this. The corner
3. that's zoned B-2 now, it could be developed today just as it
4. could if we resubdivide it.
5. MR. HOLMES: Yes. The corner that's B-1,
6. yes.
7. MR. LADNER: That's not going to change the
8. use of it whether we subdivide it and approve it or not,
9. it's still B-2 and it can still be approved as commercial.
10. MR. HOLMES: Yes, sir. They can come in and
11. pull a permit today.
12. MR. LADNER: Without this resubdivision.
13. MR. HOLMES: Yes, sir.
14. MR. HEWES: Mr. Holmes, can I ask you a
15. question real quick. Because this is one little spot inside
16. this whole piece of property that's zoned commercial, do you
17. know any history on why it sits like that? Is it because
18. Bessie's was across the street and that was commercial
19. business; is that why? Or can we get some history?
20. MR. HOLMES: I believe so. I know at one
21. time, Bessie's was open in a little bit of a commercial
22. corridor that was all B-1. And I want to say after Katrina,

23. somebody came and rezoned it across the street to build some

24. houses over there, and that's how it got rezoned.

25. MR. HEWES: So this whole piece used to be

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1. B-1?
2. MR. HOLMES: I don't know about the whole
3. piece. I know what that corridor was.
4. MR. HEWES: Okay.
5. MR. PRESTIA: Because that was the old
6. highway, remember, the old bridge, and then it never really
7. developed. You had Bessie's, the gas station, and there was
8. nothing else there. And Bayou Oaks came in and subsequently
9. Brighton Place. And now you have another subdivision down
10. at the end of the road, Elliott Homes is I believe building
11. some lots in there.
12. But you have to look at te big picture. And
13. where he's going, if he wanted residential, he'd change this
14. to residential and sell lots. This is going -- are we going
15. to fight this battle again in six months? I mean, that's
16. where we're going here, it's a continuous battle, and it's
17. just not good planning.
18. And I hope you give it consideration. Thank
19. you.
20. MR. WILLIAMS: Thank you, sir. Appreciate it.
21. Anyone else here to speak against this
22. request?

23. MR. VLAHOS: I'm in total agreement with the

24. prior comments. My name is Dememtri Vlahos.

25. MR. WILLIAMS: Just give your name and

1. address so it will be official record.
2. MR. VLAHOS: 11591 Bluff Lane, Gulfport.
3. MR. WILLIAMS: Thank you, sir. Appreciate
4. it.
5. Anyone else here to speak against the
6. request?
7. All right. Commissioners, we've heard the
8. public comment. You've had a chance to review the case.
9. Any questions, comments, or a motion, please?
10. MR. SELLERS: Mr. Chairman, while I
11. understand the concerns of those who oppose this change,
12. this resubdivision, I feel like that as long as I've been on
13. this commission, when someone came with a resubdivision
14. request that met all the guidelines and requirements of the
15. city, we've always followed through with that. Again, we're
16. not changing the zoning. It's remaining as it is. In fact,
17. we're eliminating a split zoning situation which we
18. discussed on an earlier case. So with all that being
19. considered, I move that we approve the case with any
20. conditions.
21. MR. WILLIAMS: All right. Do I have a
22. second?
23. MR. LADNER: Second.

24. MR. WILLIAMS: Got a motion and a second to

25. approve the resubdivision. Any further discussion? If not,

1. all those in favor signify by saying aye. Any opposed?
2. Coach.
3. (Jones opposed.)
4. MR. WILLIAMS: One opposed. All right. It's
5. been approved, Thank you all. Appreciate it.
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(228) 467-2199

9

1. BEFORE THE CITY OF GULFPORT PLANNING COMMISSION

2

3 1801PC005

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6 COURT REPORTER'S CERTIFICATE

7

8 I, Norma Jean Ladner Soroe, Certified Shorthand

9 Reporter, do hereby certify that to the best of my skill and

10 ability I have reported the hearing held before the City of

11 Gulfport Planning Commission and that the foregoing 18 pages

12 constitute a true and correct transcription of said hearing

13 held on the 25th day of January 2018.

14 I do further certify that my certificate annexed

15 hereto applies only to the original and certified

16 transcript. The undersigned assumes no responsibility for

17 the accuracy of any reproduced copies not made under my

18 control and direction.

19 Witness my signature this the 31st day of January

20 2018.

21

22

23 _____

24 NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter

25

N.J. SOROE, CSR #1297
(228) 467-2199

LEGAL NOTICE
PUBLIC HEARING
In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 P.M., Thursday, January 25, 2018 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.
Resubdivision 1801PC002:
Randy Marker, property owner, requests to divide the tax parcel 1010L-02-001.003 containing 20,333 square feet into two parcels zoned T3 (Suburban Zone): located north of and adjacent to Church Street, south of East Pass Road, east of Watkins Avenue, and west of Cowan Road, in Ward 2.
Zoning Map Amendment 1801PC003:
Keith Dern, property owner, requests to rezone the tax parcel 0910P-02-004.001 containing approx. 14,263 square feet from T3 (Suburban Zone) and T4+ (General Urban Zone "Plus") to entirely T4+: located north of North Railroad Street, south of White Street, east of Oakwood Drive, and west of Tegarden Road, in Ward 2.
Resubdivision 1801PC005:
Rick and Jonathan Marshall, agents for Southern Mississippi Cemetery Properties LLC, property owner, request to divide the 11.378 acre tax parcel 1010D-01-001.001 into four parcels, zoned B-1 (Neighborhood Business) and R-2 (Single Family): located north of Sundown Lane, south of and adjacent to W Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road, in Ward 4.
Resubdivision 1801PC007:
Charles Randolph Box, property owner, requests to divide the tax parcel 0811G-03-029.000 containing 14,466 square feet into two parcels zoned T4L (General Urban Zone "Limited"): located north of 2nd Street, south of and adjacent to 3rd Street, east of and adjacent to Nichols Court, and west of Pratt Avenue, in Ward 2.
Resubdivision 1801PC010:
Robert Heinrich of Heinrich & Associates, LLC, agent for Bobbye Carraway of BA Development, LLC, property owner, requests to divide two parcels 0911A-02-039.001 and 0911A-02-048.000 containing approx. 1.03 acres into five parcels, zoned T4L (General Urban "Limited"): located north of McIntosh Street, south of and adjacent to South Railroad Street, east of Church Avenue, and west of Dolan Avenue, in Ward 2.
Planning Commission Approval 1801PC011:
Carolyn T. Malveaux, Mary L. Rogers, and Victor S. Tillis, property owners, request to allow a mobile home use at 8198 Florida Avenue on the tax parcel 0810F-01-030.000 zoned R-1-5 (Single Family): located north of Monroe Street, south of Martin Luther King Jr Boulevard, east of and adjacent to Florida Avenue, and west of Georgia Avenue, in Ward 3.
Planning Commission Approval 1801PC013:
Michael R. and Sonia M. Smith, property owners, request to provide administrative functions for an attack preparedness and training business as a home occupation at 13396 Cedar Knot Cove on the tax parcel 0807O-01-030.033 zoned R-1-15 (Single-Family): located north of O'Neal Road, south of Autumn Chase, east of and adjacent to Cedar Knot Cove, and west of Kirkwood Drive, in Ward 7.
Resubdivision 1801PC014:
David and Donna Machado, Christopher E. Smith, Lisa M. Mabry, and Keith A. and Shelley P. Williams, property owners, request to divide the tax parcels 1010C-01-001.013, 1010C-01-001.014, and 1010C-01-001.015 containing 1.25 acres into two parcels zoned R-2 (Single Family): located north of Bernard Bayou, south of and adjacent to Channelside Drive, east of Lorraine Road, and west of Bayou Plantation Lane, in Ward 5.
Zoning Map Amendment 1801PC015:
Outdoor Way Development, LLC, agent for Outdoor Way, LLC, property owner, requests to rezone the tax parcel 0809A-02-007.001 containing 3.89 acres from I-2 (Heavy Industrial) to I-3 (Planned Industrial): located north of and adjacent to Seaway Road, south of Interstate 10, east of Three Rivers Road, and west of and adjacent to Outdoor Way, in Ward 5.
Final Plat 1801PC016:
Brown, Mitchell, and Alexander, Inc, agent for Florence Gardens, LLC, property owner, request approval of a 20-lot single-family subdivision (The Westwood District Florence Gardens Phase IV) on 17.54 acres of the tax parcel 0908C-01-001.000 containing 134 acres zoned R-1-7.5 (Single Family): located north of Kinder Drive, south of and adjacent to O'neal Road, east of Holliman Road, and west of and adjacent to Florence Gardens Boulevard, in Ward 6.
Text Amendment 1801PC018:
The City of Gulfport requests amendments to Chapter 8: Parks, Grounds, and Beautification; Article I: Tree Protection; Section 8-4: Application of Provisions.
Planning Commission Approval 1801PC019:
Chuck Compton, agent for Top Rock Holdings, LLC, property owner, requests approval for a warehouse use at 1251 Pass Road on the tax parcel 0811A-05-054.000 zoned B-2 (General Business): located north of and adjacent to Deborah Place, south of and adjacent to Pass Road, east of 13th Avenue, and west of Joan Avenue, in Ward 2.
This the 4th day of January, 2018
Keith Williams, Chairman
Gulfport City Planning Commission
ADV10

1897005

Proof of Publication

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Brackett who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

Vol. 134 No., 99 dated 10 day of Jan, 2018

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett

Clerk

Sworn to and subscribed before me this 10 day of Jan, A.D., 20 18

Meri A. Jackson

Notary Public

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 87184 MERI A. JACKSON Commission Expires Sept. 30, 2019 HARRISON COUNTY

MEMORANDUM

To: Mayor Billy Hewes and
Gulfport City Council

From: Greg Holmes, Planning Administrator
Urban Development Department

Date: February 23, 2018

Re: **Zoning Map Amendment 1801PC003:**

Subject: Keith Dern, property owner, requests to rezone the tax parcel 0910P-02-004.001 containing approx. 14,263 square feet from T3 (Suburban Zone) and T4+ (General Urban Zone "Plus") to entirely T4+: located north of North Railroad Street, south of White Street, east of Oakwood Drive, and west of Tegarden Road, in Ward 2.

Planning Commission recommendation: To Approve

Motion: Mr. Ladner
Second: Mr. Anthony

KEITH WILLIAMS **– Chairman**
HAROLD SPANN **– Yea**
COLETTE TOWLES **– Yea**
VIRGINIA ADOLPH **– Yea**
CHARLIE HEWES **– Yea**
EVERETTE LADNER **– Yea**
BJ SELLERS **– Yea**
WM. PRINCE JONES **– Yea**
DOUG HANCOCK **– Yea**
JOHN ANTHONY **– Yea**

Action: Motion was carried unanimously.

Speaking for the Petition: Keith Dern
Speaking against the Petition: None

On January 25, 2018 the Planning Commission recommended approval of the above referenced case.

Please place the attached item on the Council agenda for March 6, 2018.

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 1801PC003

Hearing Date: January 25, 2018

Current Zoning/Use: T3 and T4+ / Single Family Home

Legal: Keith Dern, property owner, requests to rezone the tax parcel 0910P-02-004.001 containing approx. 14,263 square feet from T3 (Suburban Zone) and T4+ (General Urban Zone "Plus") to entirely T4+: located north of North Railroad Street, south of White Street, east of Oakwood Drive, and west of Tegarden Road, in Ward 2.

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail:

(a) *Error*. There is a manifest error in the article.
(b) *Change in conditions*. Changed or changing conditions in a particular area or in the city or metropolitan area generally make a change in the regulations necessary and desirable.
(c) *Increase in need for sites*. Increased or increasing needs for business or industrial sites in addition to sites that are available make it necessary and desirable to reclassify an area or to extend the boundaries of an existing area.
(d) *Annexation*. It is necessary and desirable to reclassify territory annexed to the city.
(e) *Ordinance changes*. Amendment to the ordinance not involving a change in classification of land is necessary.
(f) *Change in governmental property*. It is necessary to reclassify property as a result of acquisition or disposition of such property by the United States of America, the State of Mississippi, or Harrison County.

According to the City's Legal Department:

When requesting rezoning of real property, **an applicant must prove**, by **clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

B.12

Technical Report

Zoning Map Amendment

The applicant is requesting to rezone an approximately 14,263 square feet of mixed use and residentially zoned property from T4+ (General Urban Zone "Plus") and T3 (Sub-Urban Zone) to an entire T4+ zone. As presented, the applicant has omitted to include information on any specific tenants; however, a statement does indicate a business tenant is expected to move onto the property.

In March of 2000, a variance was granted that allowed for a single-family house and a business on one building site. According to the deed, the property was illegally split in 2007 against the ordinances of the City, thus creating a land locked property that is split zoned. In essence, the applicant is seeking approval from the City Planning Commission which would reward the applicant for violating the City's regulations.

The applicant has chosen error ("correction") as a justification for zoning change.

(a) Error is indicated by the applicant as "a consultant was hired by the City to update the zoning in the area to Smart Codes. In the process, my property was split-zoned, a portion is zoned T4+ and the rest is zoned T3." According to the City's Legal Department, error is classified as a mistake in the original zoning. When the SmartCode zoning was implemented in the City of Gulfport, it was common practice to have zones a specific distance from other zones, thereby creating split zones. While split zoning is discouraged by the City, it has been upheld by the different boards in the City as an appropriate transitional zone.

(b) Change in conditions is not addressed by the applicant.

(c) Increased need for sites is not addressed by the applicant.

(d) Annexation is not applicable to this site nor are any statements provided by the applicant.

(e) Ordinance changes not listed as a justification for change by the applicant.

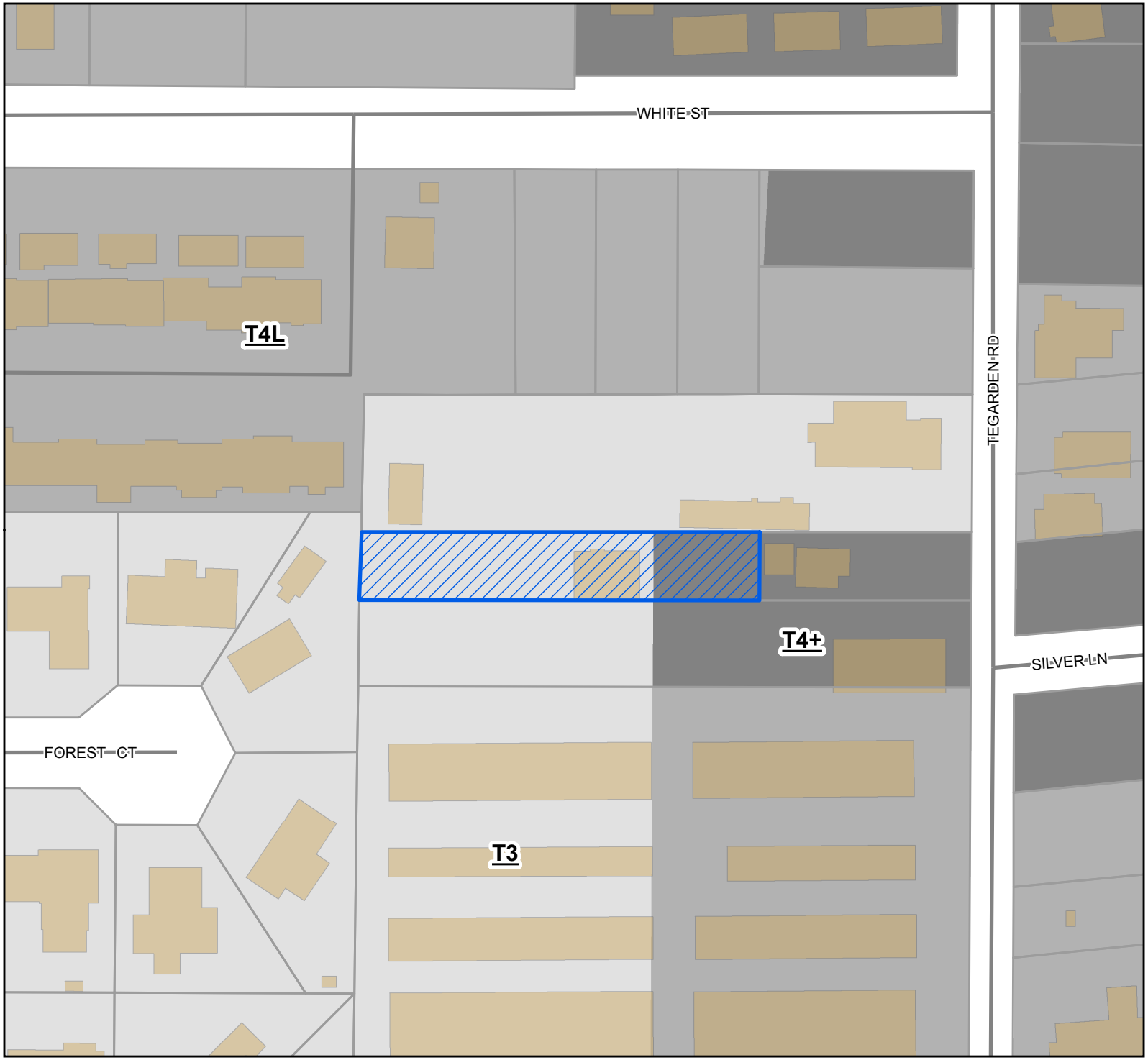
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

1801PC003

Zoning Map Amendment



Legend

- Site
- Street
- Parcels
- Buildings
- T4+
- T4L
- T3

Site Information

0910P-02-04.001
Zoning: T3 (Suburuban Zone) and T4+(General Urban Zone "Plus")
Size: 14,263 square feet

0 10 20 30
Yards

1 inch = 100 feet

N
W E
S

DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

$175.00

Revision date 12/20/16

CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

For Staff Use Only

Case File #: 1801PCD03

Date Received: 12-1-17

Receipt #: 8728997

Received By: SLB

Zoning: _____

Ward: _____ Flood: _____

Property Information

TAX PARCEL # 0910P-02-004.001

(If necessary, use separate sheet of paper)

Address of Property Involved: 379 TEGARDEN ROAD

Lot(s) N/A, Block(s) N/A, Subdivision N/A

General Location: WEST SIDE OF TEGARDEN ROAD, SOUTH OF WHITE ~~AVE~~ ST.

GENERAL DESCRIPTION OF REQUEST:

TO CORRECT LOT BEING SPLIT-ZONED (BOTH T3 AND T4+) ORIGINALLY ZONED RB

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

KEITH DERN
Printed Name Of Owner

379 TEGARDEN RD.
Mailing Address

GULFPORT MS 39507
City State Zip code

228-263-1554 228-864-7612
Home Phone Work/Cell Phone

keithdern@gmail.com
Email

Signature Of Owner

AGENT

Printed Name Of Agent

Mailing Address

City State Zip code

Home Phone Work/Cell Phone

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures. ☐

SECTIONS A. THROUGH H. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

November 30, 2017

City of Gulfport
Urban Development
Planning Division
1410 24th Avenue
Gulfport, MS 39501

Tax parcel # 0910P-02-004.001

Zoning change / correction:

When I purchased my property in 2000, it was zoned R-B (residence/business). Two structures were built on this property. A shop for commercial use and a residence with the intention of being used as commercial in the future.

As it was explained to me, a consultant was hired by the City to update the zoning in this area to Smart Codes. In the process, my property was split-zoned, a portion is zoned T4+ and the rest is zoned T3. I am in the process of listing my parcel for sale and have a prospective buyer. The buyer plans on opening a business on the lot. My property currently abuts commercial property to the north and south.

By this letter and application I am requesting that the entire parcel be zoned T4+ which would be similar to the original zoning (R-B) when it was purchased.

Thank you for your action on this matter.

Keith Dern
379 Tegarden Road
Gulfport, MS 39507
228-263-1554

URBAN DEVELOPMENT
PLANNING DIVISION

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5710
Fax: 228-868-5708

Wm. H. Hardy Building
1410 24th Avenue
Gulfport, MS 39501

January 4, 2018

Keith Dern
379 Tegarden Rd
Gulfport, MS 39507

RE: <u>Zoning Map Amendment 1801PC003:</u> Keith Dern, property owner, requests to rezone the tax parcel 0910P-02-004.001 containing approx. 14,263 square feet from T3 (Suburban Zone) and T4+ (General Urban Zone "Plus") to entirely T4+: located north of North Railroad Street, south of White Street, east of Oakwood Drive, and west of Tegarden Road, in Ward 2.

To Whom It May Concern:

The purpose of this letter is to inform you of the above referenced application. A map showing the general location of the property involved is on the back of this letter.

The City of Gulfport Planning Commission will hold a public hearing to consider the above request at 4:30 P.M. on **Thursday, January 25, 2018** in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

It is your option whether or not to appear personally or speak for or against the request at the scheduled hearing. If you are unable to attend the public hearing you may submit your opinion in writing and request that it be read into the public record. If you desire, it is also your choice to be represented by an agent or attorney.

A copy of the filed application to be considered will be available for public review at the office of the Department of Urban Development – Planning Division located at the Hardy Building, 1410 24th Avenue. <u>Adjacent property owners will not be provided any further correspondence on the matter unless an appeal is filed but may, as stated above, contact this office for additional information.</u>

Any interested party that may feel aggrieved by the Planning Commission's recommendation may file a written <u>notice of objection</u> within fifteen (15) calendar days after the date of the Planning Commission hearing. The notice of objection and reasons for objecting to the decision should be stated in writing and filed with the Department of Urban Development-Planning Division. This notice of objection shall be forwarded as part of the record with the record and recommendation from the Planning Commission to the Mayor and City Council. The City Council shall make a final decision based upon the record as submitted. No new evidence may be presented at the meeting.

If you have any questions or comments, please contact this office.

Sincerely,
City of Gulfport Planning Division

c. Agent, Adjacent Property Owners (You have been identified as owning property within 160 feet of this request)

PPIN	Parcel ID	Name	Address	City	State	ZIP
120024	0910P-02-004.001	DERN KEITH E (Owner)	379 TEGARDEN RD	GULFPORT	MS	39507
		Adjacent Property Owners				
21112	1010M-05-047.000	SMITH MICHAEL CEDRIC	400 TEAGARDEN RD	GULFPORT	MS	39507
21131	1010M-05-046.000	LITTLE TINA M	396 TEAGARDEN RD	GULFPORT	MS	39507
21134	1010M-05-045.000	LITTLE TINA M	396 TEAGARDEN RD	GULFPORT	MS	39507
22065	0910P-02-068.000	HERITAGE PLACE CONDOMINIUMS	33 HERITAGE PLACE	GULFPORT	MS	39507
22125	0910P-02-002.000	EVANS LYDIA	6323 GREENVALE LN	HOUSTON	TX	77066
22127	0910P-02-003.000	SYVERSON DORVAN L & GAIL E	P O BOX 901	WIGGINS	MS	39577
22128	0910P-02-004.000	SKAGGS BUILDING SOLUTIONS LLC	375 TEGARDEN RD	GULFPORT	MS	39507
22129	0910P-02-005.000	BROWN FONTELLO -EST-	2454 OLD BAY RD	BILOXI	MS	39531
22130	0910P-02-006.000	SECURCARE MOVEIT MCALLEN LLC	5200 DTC PKWY STE 200	GREENWOOD VILLAGE	CO	80111
36573	0910P-02-056.000	NEWMAN BERT	2200 SEVERN V-203	METAIRIE	LA	70001
36574	0910P-02-057.000	MILITELLO JILLIAN H & SALVADOR JR	240 FOREST CT	GULFPORT	MS	39507
36575	0910P-02-058.000	SOWELL WILLIAM R	239 FOREST COURT	GULFPORT	MS	39507
36576	0910P-02-059.000	HAIR DONALD R & KAREN R	235 FOREST CT	GULFPORT	MS	39507
84087	1010M-04-044.001	SECURCARE MOVEIT MCALLEN LLC	5200 DTC JPKWY STE 200	GREENWOOD VILLAGE	CO	80111
117083	0910P-02-001.001	LIVE OAK HOLDINGS LLC	13841 FAIRWAY DR	OCEAN SPRINGS	MS	39564
117084	0910P-02-001.002	LIVE OAK HOLDINGS LLC	13841 FAIRWAY DR	OCEAN SPRINGS	MS	39564
117085	0910P-02-001.003	LIVE OAK HOLDINGS LLC	13841 FAIRWAY DR	OCEAN SPRINGS	MS	39564

1. CITY OF GULFPORT PLANNING COMMISSION

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3 1801PC003

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5 TRANSCRIPT OF HEARING

6 January 25, 2018

7 **********

8 TRANSCRIPT OF HEARING HELD BEFORE THE CITY OF GULFPORT

9 PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS,

10 GULFPORT, MISSISSIPPI, ON THE 25TH DAY OF JANUARY 2018

11 COMMENCING AT 4:30 P.M. AND REPORTED BY

12 NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

13 **********

14

COMMISSION MEMBERS PRESENT:

15

KEITH WILLIAMS, President

16 VIRGINIA ADOLPH

WILLIAM "PRINCE" JONES

17 B.J. SELLERS

EVERETT "LAD" LADNER

18 CHARLIE HEWES

JOHN ANTHONY

19 COLETTE TOWLES

DOUG HANCOCK

20 HAROLD SPANN

21 STAFF PRESENT:

22 GREG PIETRANGELO

GREG HOLMES

23 CORY LONG

MATILDA WELCH

24

N.J. SOROE, CSR #1297
(228) 467-2199

1. 1. Zoning Map Amendment 1801PC003
2. MR. LONG: Item Number 2. Zoning Map
3. Amendment 1801PC003 has been duly and timely noticed as
4. required by law. The applicant requests to rezone from T3
5. and T4+ to entirely T4+ located north of North Railroad
6. Street, south of White Street, east of Oakwood Drive, and
7. west of Tegarden Road, in Ward 2. A copy of the packet
8. considered is hereby offered into the record.
9. MR. WILLIAMS: All right. Thank you.
10. Is someone here to speak for this case
11. tonight?
12. MR. DERN: My name is Keith Dern. I live at
13. 379 Tegarden Road, Gulfport.
14. MR. WILLIAMS: Can you tell us the reason for
15. the application, what you're doing here?
16. MR. DERN: Yes, sir. I bought the property a
17. few years ago and it was zoned R-B at the time or residence
18. or business. Since that time, the Smart Code came through
19. and actually split zoned my property and a few of the
20. properties on that side of the street, also.
21. I'm looking to sell the property, and it's
22. going to be used as a business property, the same as the
23. property in front of me now. So I just want to get it all
24. one zone.
25. MR. WILLIAMS: All right. Commissioners, any

N.J. SOROE, CSR #1297
(228) 467-2199

1. questions of the applicant?
2. MR. ANTHONY: Yes, sir, I do.
3. I had a chance to speak to one of the
4. residents nearby. And the question that was brought to me
5. was were you able to find out what was the plan why the
6. change -- really, what they were saying is they did not want
7. to see any low income housing.
8. MR. DERN: Oh, no, sir. The property is
9. already built on, the house -- there are two buildings on
10. the property now. One was built for business, one for
11. residence, but they both intend to be business property in
12. the future. The person that's looking at the property now
13. wants to have a business there.
14. So the property was R-B to begin with, and
15. I'm just trying to get it back to what it was before.
16. MR. ANTHONY: And that person was not against
17. it, it's just they wanted to know. Thank you.
18. MR. WILLIAMS: Any other questions?
19. MR. SELLERS: The piece that fronts Tegarden
20. Road, you don't own that?
21. MR. DERN: No.
22. MR. SELLERS: Okay. How is your property
23. accessed? Do you have an easement across that piece?
24. MR. DERN: Yes. You'll notice that a few

25. other properties on the side of it got split zoned, also.

The business ( ) split zoned. And for some reason the storage units got split zoned, and I don't know how that happened in the process of changing the zoning. But I'm just trying to fix it back the way it was.

MR. SELLERS: That area south of you is an entire complex of mini storage; is that what it is?

MR. DERN: Yes.

MR. SELLERS: And it's split zoned.

MR. WILLIAMS: Any other questions? If something comes up, we'll bring you back up. Thank you, sir.

MR. DERN: Thank you.

MR. WILLIAMS: Anyone else here to speak for the request?

Anyone here tonight to speak against this request?

Commissioners, any other questions or comments, or a motion on the case?

MR. ANTHONY: Just a real quick one for the staff.

Since the applicant chose error as a condition, is that what this is? Was it an error?

MR. HOLMES: I guess the best way to answer is split zoning is one of the things that planning and

25. zoning is really discouraged because you've got a mixture of

mixed uses there.
So basically we really discourage splitting those properties, making it all one zone that was conforming.
MR. WILLIAMS: Any other questions or discussion?
Someone going to give me a motion?
MR. LADNER: Mr. Chairman, are we ready for a motion?
MR. WILLIAMS: Yes, sir. Thank you.
MR. LADNER: Mr. Chairman, I move that we approve Case File Number 1801PC003.
MR. ANTHONY: Second.
MR. WILLIAMS: Got a motion and a second to approve the case for the rezoning. Any further discussion? If not all those in favor signify by saying aye. Any opposed? It's been approved. Thank you so much.

N.J. SOROE, CSR #1297
(228) 467-2199

1. BEFORE THE CITY OF GULFPORT PLANNING COMMISSION

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6 COURT REPORTER'S CERTIFICATE

7

8 I, Norma Jean Ladner Soroe, Certified Shorthand

9 Reporter, do hereby certify that to the best of my skill and

10 ability I have reported the hearing held before the City of

11 Gulfport Planning Commission and that the foregoing 5 pages

12 constitute a true and correct transcription of said hearing

13 held on the 25th day of January 2018.

14 I do further certify that my certificate annexed

15 hereto applies only to the original and certified

16 transcript. The undersigned assumes no responsibility for

17 the accuracy of any reproduced copies not made under my

18 control and direction.

19 Witness my signature this the 29th day of January

20 2018.

21

22

23 _____

24 NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter

N.J. SOROE, CSR #1297
(228) 467-2199

LEGAL NOTICE
PUBLIC HEARING
In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 P.M., Thursday, January 25, 2018 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.
Resubdivision 1801PC002:
Randy Marker, property owner, requests to divide the tax parcel 1010L-02-001.003 containing 20,333 square feet into two parcels zoned T3 (Suburban Zone): located north of and adjacent to Church Street, south of East Pass Road, east of Watkins Avenue, and west of Cowan Road, in Ward 2.
Zoning Map Amendment 1801PC003:
Keith Dern, property owner, requests to rezone the tax parcel 0910P-02-004.001 containing approx. 14,263 square feet from T3 (Suburban Zone) and T4+ (General Urban Zone "Plus") to entirely T4+: located north of North Railroad Street, south of White Street, east of Oakwood Drive, and west of Tegarden Road, in Ward 2.
Resubdivision 1801PC005:
Rick and Jonathan Marshall, agents for Southern Mississippi Cemetery Properties LLC, property owner, request to divide the 11.378 acre tax parcel 1010D-01-001.001 into four parcels, zoned B-1 (Neighborhood Business) and R-2 (Single Family): located north of Sundown Lane, south of and adjacent to W Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road, in Ward 4.
Resubdivision 1801PC007:
Charles Randolph Box, property owner, requests to divide the tax parcel 0811G-03-029.000 containing 14,466 square feet into two parcels zoned T4L (General Urban Zone "Limited"): located north of 2nd Street, south of and adjacent to 3rd Street, east of and adjacent to Nichols Court, and west of Pratt Avenue, in Ward 2.
Resubdivision 1801PC010:
Robert Heinrich of Heinrich & Associates, LLC, agent for Bobbye Carraway of BA Development, LLC, property owner, requests to divide two parcels 0911A-02-039.001 and 0911A-02-048.000 containing approx. 1.03 acres into five parcels, zoned T4L (General Urban "Limited"): located north of McIntosh Street, south of and adjacent to South Railroad Street, east of Church Avenue, and west of Dolan Avenue, in Ward 2.
Planning Commission Approval 1801PC011:
Carolyn T. Malveaux, Mary L. Rogers, and Victor S. Tillis, property owners, request to allow a mobile home use at 8198 Florida Avenue on the tax parcel 0810F-01-030.000 zoned R-1-5 (Single Family): located north of Monroe Street, south of Martin Luther King Jr Boulevard, east of and adjacent to Florida Avenue, and west of Georgia Avenue, in Ward 3.
Planning Commission Approval 1801PC013:
Michael R. and Sonia M. Smith, property owners, request to provide administrative functions for an attack preparedness and training business as a home occupation at 13396 Cedar Knot Cove on the tax parcel 0807O-01-030.033 zoned R-1-15 (Single-Family): located north of O'Neal Road, south of Autumn Chase, east of and adjacent to Cedar Knot Cove, and west of Kirkwood Drive, in Ward 7.
Resubdivision 1801PC014:
David and Donna Machado, Christopher E. Smith, Lisa M. Mabry, and Keith A. and Shelley P. Williams, property owners, request to divide the tax parcels 1010C-01-001.013, 1010C-01-001.014, and 1010C-01-001.015 containing 1.25 acres into two parcels zoned R-2 (Single Family): located north of Bernard Bayou, south of and adjacent to Channelside Drive, east of Lorraine Road, and west of Bayou Plantation Lane, in Ward 5.
Zoning Map Amendment 1801PC015:
Outdoor Way Development, LLC, agent for Outdoor Way, LLC, property owner, requests to rezone the tax parcel 0809A-02-007.001 containing 3.89 acres from I-2 (Heavy Industrial) to I-3 (Planned Industrial): located north of and adjacent to Seaway Road, south of Interstate 10, east of Three Rivers Road, and west of and adjacent to Outdoor Way, in Ward 5.
Final Plat 1801PC016:
Brown, Mitchell, and Alexander, Inc, agent for Florence Gardens, LLC, property owner, request approval of a 20-lot single-family subdivision (The Westwood District Florence Gardens Phase IV) on 17.54 acres of the tax parcel 0908C-01-001.000 containing 134 acres zoned R-1-7.5 (Single Family): located north of Kinder Drive, south of and adjacent to O'neal Road, east of Holliman Road, and west of and adjacent to Florence Gardens Boulevard, in Ward 6.
Text Amendment 1801PC018:
The City of Gulfport requests amendments to Chapter 8: Parks, Grounds, and Beautification; Article I: Tree Protection; Section 8-4: Application of Provisions.
Planning Commission Approval 1801PC019:
Chuck Compton, agent for Top Rock Holdings, LLC, property owner, requests approval for a warehouse use at 1251 Pass Road on the tax parcel 0811A-05-054.000 zoned B-2 (General Business): located north of and adjacent to Deborah Place, south of and adjacent to Pass Road, east of 13th Avenue, and west of Joan Avenue, in Ward 2.
This the 4th day of January, 2018
Keith Williams, Chairman
Gulfport City Planning Commission
ADV10

1897005

Proof of Publication

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Brackett who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

Vol. 134 No., 99 dated 10 day of Jan, 2018

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett

Clerk

Sworn to and subscribed before me this 10 day of Jan, A.D., 20 18

Meri A. Jackson

Notary Public

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 87184 MERI A. JACKSON Commission Expires Sept. 30, 2019 HARRISON COUNTY

There came on for consideration at a duly constituted meeting of the City Council

and Mayor of the City of Gulfport held on the _____ day of _____,

2018, the following Ordinance:

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GULFPORT, MISSISSIPPI ADOPTED THE 29TH DAY OF JUNE, 1979, AS AMENDED, TO REZONE CERTAIN PROPERTY FROM ITS PRESENT ZONING CLASSIFICATION OF T3 (SUBURBAN ZONE) AND T4+ (GENERAL URBAN ZONE "PLUS") DISTRICT TO T4+ (GENERAL URBAN ZONE "PLUS") DISTRICT

WHEREAS, the Mayor and City Council of the City of Gulfport, Mississippi, find and do so determine, based upon the recommendation of the Gulfport City Planning Commission and City departments, and based upon a reasonable consideration of the character of the district and neighborhood and suitability for particular purposes, that ad valorem tax parcel number 0910P-02-004.001 , which is generally described as being located north of North Railroad Street, south of White Street, east of Oakwood Drive, and west of Tegarden Road, should be rezoned from its present classification of T3 (Suburban Zone) and T4+ (General Urban Zone "Plus") District to T4+ (General Urban Zone "Plus") District. The Case File Number is 1801PC003.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1: That the Official Zoning Map of the Comprehensive Zoning Ordinance of the City of Gulfport, adopted the 29th day of June, 1979, as amended, be and the same is hereby amended to provide that the following legally described property **be rezoned from its present classification of T3 (Suburban Zone) and T4+ (General Urban Zone "Plus") District to T4+ (General Urban Zone "Plus") District.**

Ad valorem tax parcel number 0910P-02-004.001 is legally described as:

> A parcel of land situated and being located in the Southeast Quarter of the Southeast Quarter (SE1/4 of the SE1/4), of Section 36, Township 7 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit: Commencing at a point of the Westerly margin of Teagarden Road, said point being a distance of 314 feet South of the centerline of White Street; thence run North 89 degrees 18 minutes 30 seconds West a distance of 153.43 feet to the Point of Beginning; thence North 89 degrees 18 minutes 30 seconds West a distance of 290.88 feet; thence run South 00 degrees 16 minutes 54 seconds West a distance of 57.22 feet; thence run North 89 degrees- 45 minutes 37 seconds East a distance of 291.05 feet; thence run North 00 degrees 05 minutes 37 seconds East a distance of 52.49 feet to the said Point of Beginning.

INDEXING INSTRUCTIONS:

M & B parcel in SE1/4 of SE1/4, Section 36, Township 7 South, Range 11 West, being bounded East by Dern.

SECTION 2: The rezoning of said parcel shall be further subject to the following conditions: The owner, agent or lessee who requested rezoning of the property, which was subsequently rezoned by the Mayor and City Council must secure a building permit from the Building Official and commence construction within one year from the date of approval of rezoning by the City Council. If no building permit has been obtained and

said plan development is not completed according to approved plans, the rezoning of said parcel shall be null and void and automatically revert back to its original zoning classification.

See also: COMPREHENSIVE ZONING ORDINANCE {Section IX (3) (b)} Reversion.

SECTION 3: For good cause being shown and the interest and welfare of the City of Gulfport, the citizens thereof require that the said Ordinance be in full force and effect immediately upon its passage and this Ordinance shall be in full force and effect from and after its passage, but shall nevertheless be published and enrolled as provided by law.

The above and foregoing Ordinance, after having been first reduced to writing, was introduced by _____, seconded by _____ and was adopted by the following roll call votes, to-wit:

YEAS: ABSTENTIONS: ABSENCES: NAYS:

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the _____ day of _____, _____.
(SEAL:)

ATTEST: ADOPT:

_____ _____
CLERK OF THE COUNCIL PRESIDENT

The above and foregoing Ordinance, having been submitted and approved by the Mayor, this the _____day of _____, _____.

_____
BILLY HEWES, Mayor

MEMORANDUM

To: Mayor Billy Hewes and
Gulfport City Council

From: Greg Holmes, Planning Administrator
Urban Development Department

Date: February 23, 2018

Re: **Resubdivision 1801PC007:**

Subject: Charles Randolph Box, property owner, requests to divide the tax parcel 0811G-03-029.000 containing 14,466 square feet into two parcels zoned T4L (General Urban Zone "Limited"): located north of 2nd Street, south of and adjacent to 3rd Street, east of and adjacent to Nichols Court, and west of Pratt Avenue, in Ward 2.

Planning Commission recommendation: To Approve

Motion: Mr. Hewes
Second: Ms. Adolph

KEITH WILLIAMS **– Chairman**
HAROLD SPANN **– Yea**
COLETTE TOWLES **– Yea**
VIRGINIA ADOLPH **– Yea**
CHARLIE HEWES **– Yea**
EVERETTE LADNER **– Yea**
BJ SELLERS **– Yea**
WM. PRINCE JONES **– Yea**
DOUG HANCOCK **– Yea**
JOHN ANTHONY **– Yea**

Action: Motion was carried unanimously.

Speaking for the Petition: Charles Box
Speaking against the Petition: None

On January 25, 2018 the Planning Commission recommended approval of the above referenced case.

Please place the attached item on the Council agenda for March 6, 2018.

Technical Report

Resubdivision

GENERAL INFORMATION

Case File Number: 1801PC007

Hearing Date: January 25, 2018

Current Zoning/Use: T4L / Single Family Home

Legal: Charles Randolph Box, property owner, requests to divide the tax parcel 0811G-03-029.000 containing 14,466 square feet into two parcels zoned T4L (General Urban Zone "Limited"): located north of 2nd Street, south of and adjacent to 3rd Street, east of and adjacent to Nichols Court, and west of Pratt Avenue, in Ward 2.

TECHNICAL DETAILS

As proposed, the applicant would like to divide a 14,466 square foot parcel into two parcels. This property was three separate properties until a few years ago. The applicant proposes to divide the now unified parcel into two properties, which would be larger than the original parcels. With this property being in the older parts of Gulfport, the proposal finds itself contradictory to the City's requirements; however, on January 18, 2018, variances in case number 1801ZB006 were approved that would make the subdivision conforming to City Ordinances.

The Gulfport Subdivision Regulations require that:

1. Each new lot created is in compliance with appropriate zoning ordinances, building codes and restrictive covenants, if any;
2. Each new lot created shall have direct access to a dedicated public street for at least 35 feet; and
3. Each new lot created shall have available capacity for water and sewer

The proposed parcels are located adjacent to existing city rights-of-way, are protected by Gulfport Fire and Police, and will have capacity for city water and sewer. The applicant states there are no protective or restrictive covenants which would prevent the resubdivision of the parcels.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 1/18/18.

Public Works: No conditions. Memo dated 1/12/18.

Traffic and Safety: No conditions. Memo dated 1/04/18.

Technical Report

Resubdivision

Building Code Services: Must meet current Building Codes and City of Gulfport Ordinances. Memo dated 1/04/18.

GIS: No conditions. Memo dated 1/08/18.

Police Department: No conditions. Memo dated 1/04/18.

Fire Department: No conditions. Memo dated 1/16/18.

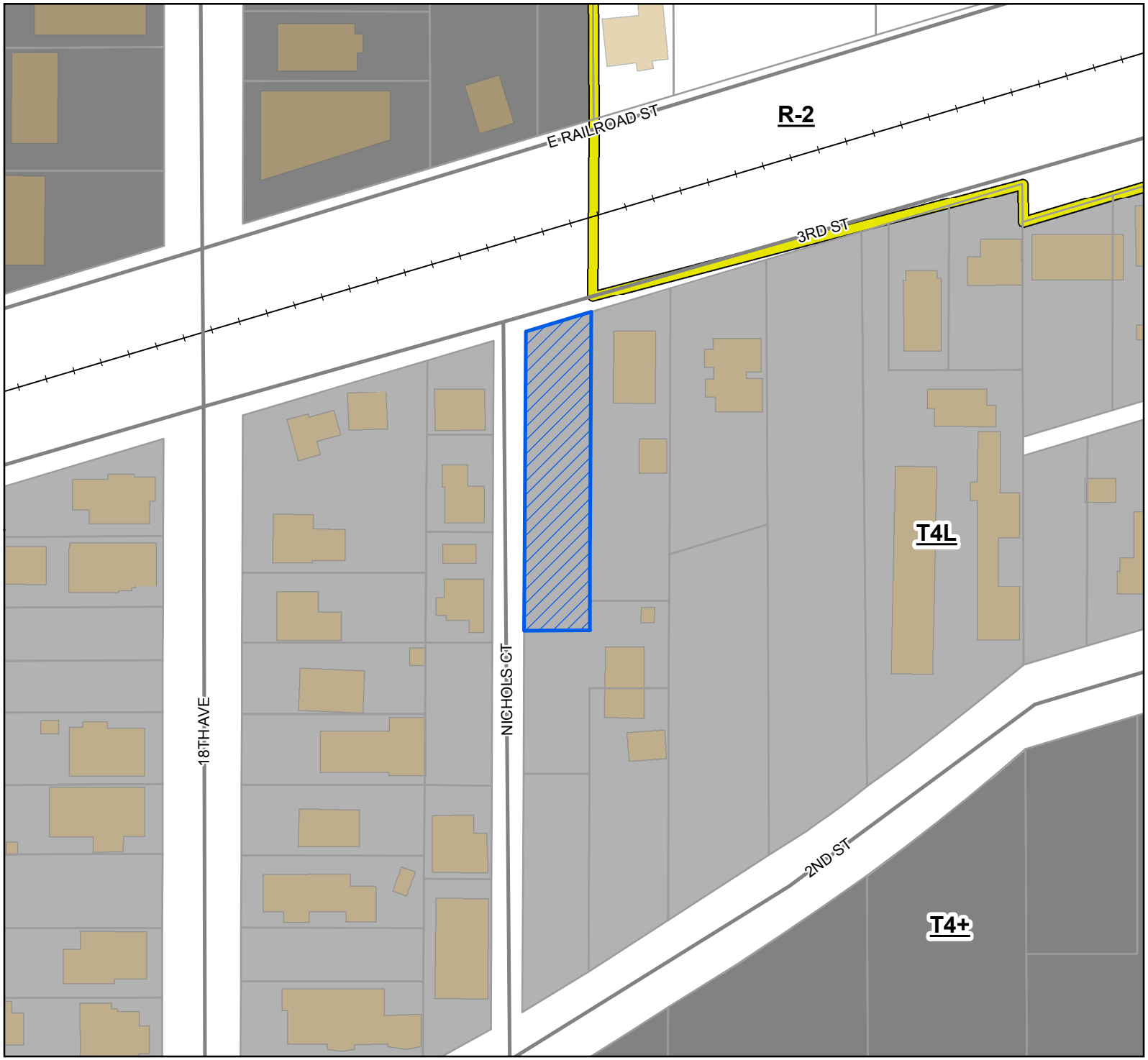
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

1801PC007

Resubdivision



Legend

- Site
- Street
- Railroad
- Parcels
- Buildings
- Zoning
- T4+
- T4L

Site Information

0811G-03-029.000
Zoning: T4L (General Urban Zone "Limited")
Size: 14,466 square feet
Flood: 0.2% Annual

0 10 20 30
Yards

1 inch = 104 feet

N
W E
S

DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR RESUBDIVISION

For Staff Use Only

Case File #: 1801PL007
Date Received: 12-5-17
Receipt #:
Received By: T. Lalo
Zoning: T4L
Ward: 2 Flood: 0.2
Size: 11,493 sqft
(If necessary, use separate sheet of paper)

Property Information

TAX PARCEL # 0811G-03-029.000

Address of Property Involved: 1630 NICHOLS COURT

Lot(s) 15, Block(s) _____, Subdivision DAY BAKER DIVISION

General Location: EAST OF NICHOLS COURT, SOUTH OF 3rd STREET, WEST OF PRATT AVE, NORTH OF 2nd STREET

GENERAL DESCRIPTION OF REQUEST:

DIVIDE SUBJECT PARCEL INTO PARCEL "A" (5,683 SQ. FT) AND PARCEL "B" (8,783 SQ. FT)

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER	AGENT
CHARLES RANDOLPH BOX	
Printed Name Of Owner	Printed Name Of Agent
4901 COURTHOUSE RD.	
Mailing Address	Mailing Address
GULFPORT MS 39507	
City State Zip code	City State Zip code
(228) 875-8266	
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
Rbox112@yahoo.com	
Email	Email
Charles R. Box	
Signature Of Owner	**Signature Of Agent**

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures. ☐

SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

There are no prohibited convinance prohibiting the resubdivision of this parcel # #0811G-03-029.000 As presented

Charles R. Box

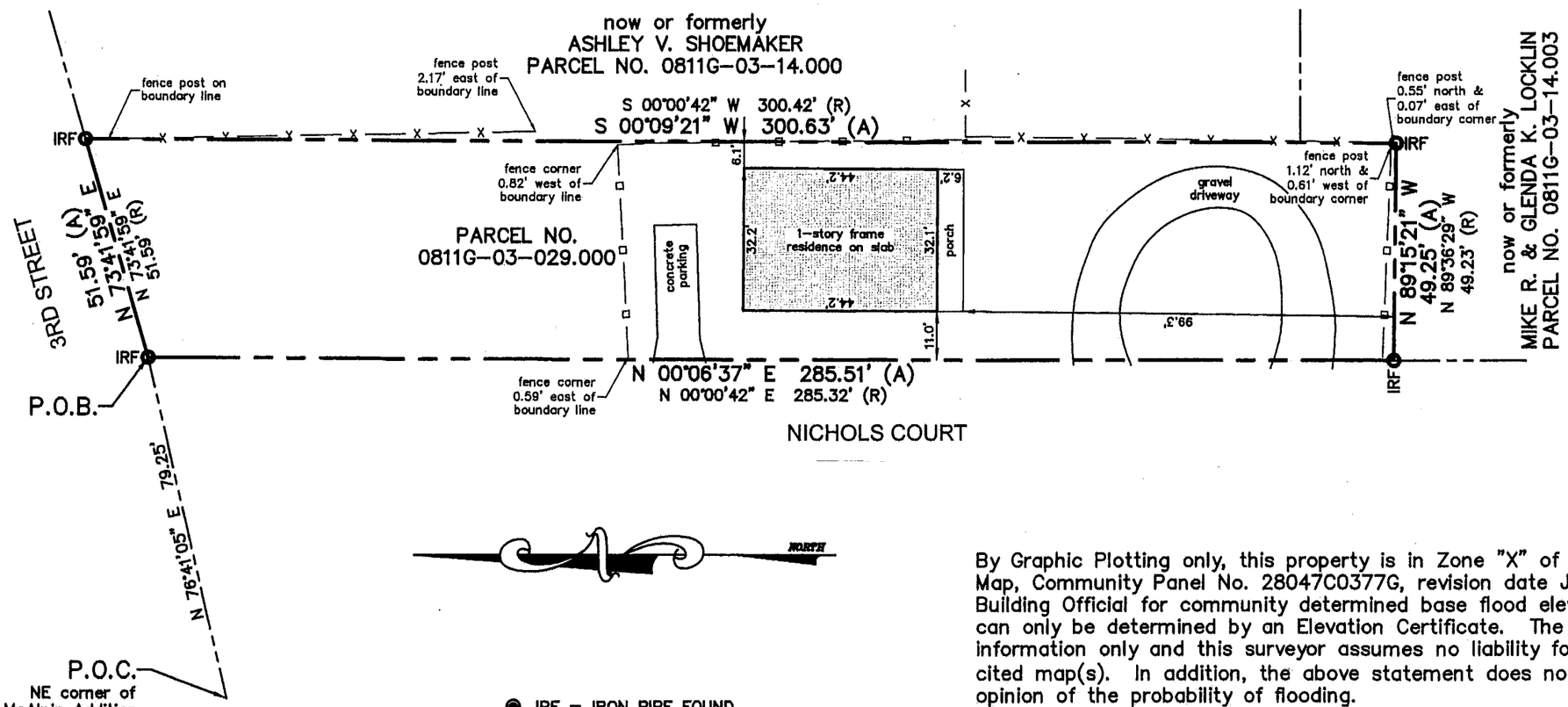
CHARLES R. BOX

12-5-2017

Sworn to and subscribed to me this 5th day of December 2017

Notary:

STATE OF MISSISSIPPI
THOMAS SCOTT LANG
ID NO. 92842
Commission Expires
04/23/2021
NOTARY PUBLIC
HARRISON COUNTY



IPF = IRON PIPE FOUND

IRF = IRON ROD FOUND

IRS = IRON ROD SET

—— □ —— = WOOD FENCE LINE

—— x —— = CHAIN-LINK FENCE LINE

(R) = RECORD

(A) = ACTUAL

BASE BEARING = MISSISSIPPI STATE PLANE COORDINATE SYSTEM/EAST ZONE NAD '83 (GCGC REAL TIME NETWORK)

By Graphic Plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 28047C0377G, revision date June 16, 2009. Check with Building Official for community determined base flood elevation. Exact designation can only be determined by an Elevation Certificate. The above statement is for information only and this surveyor assumes no liability for the correctness of the cited map(s). In addition, the above statement does not represent this surveyor's opinion of the probability of flooding.

This is to CERTIFY that this map or plat and the survey on which it is based were made in accordance with "Standards of Practice for Surveying in the State of Mississippi".

MICHAEL P. BLANCHARD, PLS
Dated: December 4, 2017

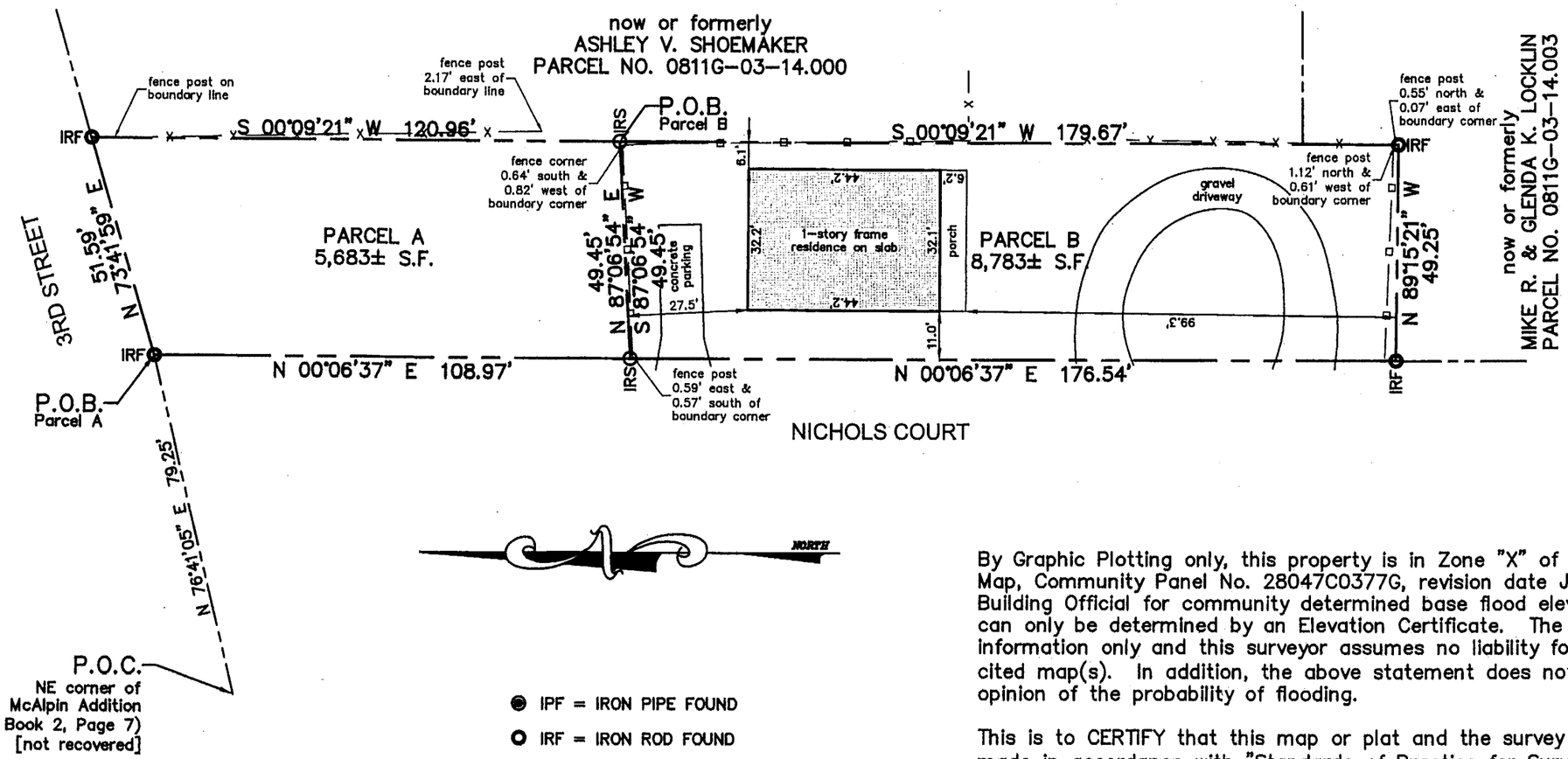
MISSISSIPPI CLASS "B" SURVEY

MICHAEL P. BLANCHARD
LICENSED PROFESSIONAL SURVEYOR
PS 02834
STATE OF MISSISSIPPI

PREPARED BY:
CASSADY - ACADIA LAND SURVEYING, L.L.C.
Surveys@CassadyAssociate.com
1714 22nd Avenue - Gulfport, MS 39505
(228)896-7155 Fax (228)896-8405

Scale:	1"=30'	Drawn By:	JET	Job Number:	08521-17
Date:	12/04/17	Revised:	--/--/--	Filename:	0852117.dwg

RESUBDIVISION OF PARCEL 0811G-03-029.000 INTO PARCELS A & B
SHEET 1 OF 4



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MICHAEL P. BLANCHARD, PLS
Dated: December 4, 2017

MISSISSIPPI CLASS "B" SURVEY

MICHAEL P. BLANCHARD
LICENSED PROFESSIONAL SURVEYOR
PS 02834
STATE OF MISSISSIPPI

PREPARED BY:
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Scale:	1"=30'	Drawn By:	JET	Job Number:	08521-17
Date:	12/04/17	Revised:	--/--/--	Filename:	0852117.dwg

RESUBDIVISION OF PARCEL 0811G-03-029.000 INTO PARCELS A & B
SHEET 2 OF 4

CERTIFICATE OF RESUBDIVISION

In accordance with Section 9–48 of the Code of Ordinance (Subdivision Regulations) of the City of Gulfport as amended, it is hereby certified that the Gulfport City Planning Commission Chairman and Gulfport City Council have reviewed and approved this Final Plat for the Resubdivision of "PARCEL 0811G–03–029.000" in Section 3, Township 8 South, Range 11 West into Parcel "A" and Parcel "B". The subject property is generally described as being located south of 3rd Street and east of Nichols Court. The ad valorem tax parcel number of the subject property is 0811G–03–029.000 . (Instrument No. 2016–5254–D–J1). The Case File Number is _____.

LEGAL DESCRIPTION OF LANDS PRIOR TO THIS RESUBDIVISION (PER DEED):

PROPERTY OF CHARLES RANDOLPH BOX:
PARCEL NO. 0811G–03–029.000
(Instrument No. 2016–5254–D–J1)

A parcel of land situated in Section 3, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, better described as follows:

Commencing at a wood fence post on the South margin of 3rd Street, said point being the Northeast corner of Lot 1, McAlpin Addition, per Plat Book 2, Page 7, and run N76°17'32"E 79.25 feet to an iron rod at the intersection of the South margin of 3rd Street and the East margin of Nichols Court and the POINT OF BEGINNING, thence continue along said South margin of 3rd Street N73°18'26"E 51.40 feet to an iron rod, thence S00°00'42"W 300.42 feet to an iron rod, thence N89°36'29"W 49.23 feet to an iron rod on the East margin of Nichols Court, thence N00°00'42"E along said East margin 285.32 feet to the South margin of 3rd Street and the POINT OF BEGINNING. Said parcel contains 14,418 square feet, more or less, or 0.33 acres, more or less.

LEGAL DESCRIPTIONS OF THE (2) PARCELS CREATED BY THIS RESUBDIVISION:

LEGAL DESCRIPTION OF PARCEL A: AS PER SURVEY

A parcel of land situated and being located in the Southwest ¼ of the Southwest ¼ of Section 3, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to–wit:

COMMENCING at a wood fence post on the South margin of 3rd Street, said point being the Northeast corner of Lot 1, MCALPIN ADDITION (Plat Book 2, Page 7); thence run North 76 degrees 41 minutes 05 seconds East 79.25 feet to an iron rod found at the intersection of the southerly margin of 3rd Street with the easterly margin of Nichols Court and the POINT OF BEGINNING; thence run North 73 degrees 41 minutes 59 seconds East 51.59 feet along said southerly margin of 3rd Street to an iron rod found; thence run South 00 degrees 09 minutes 21 seconds West 120.96 feet to an iron rod set; thence run South 87 degrees 06 minutes 54 seconds West 49.45 feet to an iron rod set on the easterly margin of Nichols Court; thence run North 00 degrees 06 minutes 37 seconds East 108.97 feet along said easterly margin of Nichols Court to the POINT OF BEGINNING. Containing 5,683 square feet, more or less.

DESCRIPTION OF PARCEL B: AS PER SURVEY

A parcel of land situated and being located in the Southwest ¼ of the Southwest ¼ of Section 3, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to–wit:

COMMENCING at a wood fence post on the South margin of 3rd Street, said point being the Northeast corner of Lot 1, MCALPIN ADDITION (Plat Book 2, Page 7); thence run North 76 degrees 41 minutes 05 seconds East 79.25 feet to an iron rod found at the intersection of the southerly margin of 3rd Street with the easterly margin of Nichols Court; thence run North 73 degrees 41 minutes 59 seconds East 51.59 feet along said southerly margin of 3rd Street to an iron rod found; thence run South 00 degrees 09 minutes 21 seconds West 120.96 feet to an iron rod set at the POINT OF BEGINNING; thence continue South 00 degrees 09 minutes 21 seconds West 179.67 feet to an iron rod found; thence run North 89 degrees 15 minutes 21econds West 49.25 feet to an iron rod found on the easterly margin of Nichols Court; thence run North 00 degrees 06 minutes 37 seconds East 176.54 feet along said easterly margin of Nichols Court to an iron rod set; thence run North 87 degrees 06 minutes 54 seconds East 49.45 feet to the POINT OF BEGINNING. Containing 8,783 square feet, more or less.

RESUBDIVISION OF PARCEL
0811G–03–029.000 INTO
PARCELS A & B
SHEET 3 OF 4

PREPARED BY:
CASSADY - ACADIA
LAND SURVEYING, L.L.C.
Surveys@CassadyAssociate.com
1714 22nd Avenue - Gulfport, MS 39505
(228)896-7155 Fax (228)896-8405

Scale:	1"=30'	Drawn By:	JET	Job Number:	08521-17
Date:	12/04/17	Revised:	--/--/--	Filename:	08521 17.dwg

The applicant hereby covenants and agrees to indemnify and hold harmless the City of Gulfport, its agents, servants, and/or employees against any and all claims, demands, or causes of action of whatever nature which may arise as a result of the action of the Planning Commission, its agents, and/or employees concerning the petition for resubdivision of the real property described herein.

Ratified and Approved by:

Charles Randolph Box
(Signature) By: Charles Randolph Box, Owner

This 5TH day of December, 2017.

ACKNOWLEDGE

Before me, the undersigned, personally appeared the aforenamed Charles Randolph Box, who acknowledged that he is the Owner and he accepted this plat and executed the foregoing certificate and dedication for the purpose therein set forth.

Tracy D. Boyd
NOTARY PUBLIC

My Commission Expires: 7/25/2020

STATE OF MISSISSIPPI
TRACY D. BOYD
SEAL
ID NO. 117162
Commission Expires
07/25/2020
NOTARY PUBLIC
HARRISON COUNTY

PLANNING COMMISSION

Submitted to and approved by the Gulfport City Planning Commission on the _____ day of _____, 2017.

_____ Gulfport City Planning Commission

_____ Planning Division Administrator

APPROVAL

Submitted to and approved by the City of Gulfport, City Council, at the regular meeting of said Council held on the _____ day of _____, 2017.

ATTEST: ADOPT:

_____ CLERK OF COUNCIL

_____ PRESIDENT

This resubdivision plat and Certificate of Resubdivision, having been submitted and approved by the Mayor, this _____ day of _____, 2017.

_____ BILLY HEWES, MAYOR

RESUBDIVISION OF PARCEL
0811G-03-029.000 INTO
PARCELS A & B
SHEET 4 OF 4

PREPARED BY:
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Date:	12/04/17	Revised:	--/--/--	Filename:	0852117.dwg

URBAN DEVELOPMENT
PLANNING DIVISION

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5710
Fax: 228-868-5708

Wm. H. Hardy Building
1410 24th Avenue
Gulfport, MS 39501

January 4, 2018

Charles Randolph Box (Owner)
4901 Courthouse Rd
Gulfport, MS 39507

RE: Resubdivision 1801PC007: Charles Randolph Box, property owner, requests to divide the tax parcel 0811G-03-029.000 containing 14,466 square feet into two parcels zoned T4L (General Urban Zone "Limited"): located north of 2nd Street, south of and adjacent to 3rd Street, east of and adjacent to Nichols Court, and west of Pratt Avenue, in Ward 2.

To Whom It May Concern:

The purpose of this letter is to inform you of the above referenced application. A map showing the general location of the property involved is on the back of this letter.

The City of Gulfport Planning Commission will hold a public hearing to consider the above request at 4:30 P.M. on **Thursday, January 25, 2018** in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

It is your option whether or not to appear personally or speak for or against the request at the scheduled hearing. If you are unable to attend the public hearing you may submit your opinion in writing and request that it be read into the public record. If you desire, it is also your choice to be represented by an agent or attorney.

A copy of the filed application to be considered will be available for public review at the office of the Department of Urban Development – Planning Division located at the Hardy Building, 1410 24th Avenue. Adjacent property owners will not be provided any further correspondence on the matter unless an appeal is filed but may, as stated above, contact this office for additional information.

Any interested party that may feel aggrieved by the Planning Commission's recommendation may file a written notice of objection within fifteen (15) calendar days after the date of the Planning Commission hearing. The notice of objection and reasons for objecting to the decision should be stated in writing and filed with the Department of Urban Development-Planning Division. This notice of objection shall be forwarded as part of the record with the record and recommendation from the Planning Commission to the Mayor and City Council. The City Council shall make a final decision based upon the record as submitted. No new evidence may be presented at the meeting.

If you have any questions or comments, please contact this office.

Sincerely,
City of Gulfport Planning Division

c. Agent, Adjacent Property Owners (You have been identified as owning property within 160 feet of this request)

PPIN	Parcel ID	Name	Address	City	State	ZIP
25593	0811G-03-029.000	Charles Randolph Box (Owner)	4901 Courthouse Rd	Gulfport	MS	39507
		Adjacent Property Owners				
25581	0811G-03-013.000	LU EDDY & YIQUN	961 ALFONSO AVE	HENDERSON	NV	89015
25582	0811G-03-031.000	LADNER MICHAEL K	11555 BRIARSTONE PL	GULFPORT	MS	39503
25591	0811G-04-077.000	HOFF LINDA KAY	P O BOX 8302	GULFPORT	MS	39506
25594	0811G-03-030.000	CARAWAY WILLIAM H JR-EST-	1724 2ND ST	GULFPORT	MS	39501
25598	0811G-03-023.000	GROVE BRIAN T	1619 NICHOLS CT	GULFPORT	MS	39501
25599	0811G-03-028.000	LOCKLIN R MICHAEL & GLENDA K	1728 2ND ST	GULFPORT	MS	39501
25600	0811G-03-022.000	ROBERTSON RONALD W JR & AIMEE W	406 CARIBE PLACE N	GULFPORT	MS	39507
25603	0811G-03-018.000	RUBLE MARTHA HENDERSON	38 55TH STREET	GULFPORT	MS	39507
25604	0811G-03-017.000	FULLER GREGORY C JR	P O BOX 1929	GULFPORT	MS	39502
25605	0811G-03-015.000	MAGNOLIA BEACH PROPERTIES LLC	3420 SILVER LAKE DR	CUMMING	GA	30041
32363	0811G-04-079.000	MERTZ MANAGEMENT LLC	1717 PASS RD	GULFPORT	MS	39501
32670	0811G-04-081.000	LADNER WALLACE II	542 MAGNOLIA ST	GULFPORT	MS	39507
32671	0811G-04-080.000	VINCENT JACK D JR	P O BOX 271	GULFPORT	MS	39502
32713	0811G-03-019.000	LUNGREN JOHN R & SHERRI	P O BOX 1331	NORMAN	OK	73070
32714	0811G-03-020.000	IRION ROGER G & JUDY H	3867 ROMAN ST	METAIRIE	LA	70001
32715	0811G-03-021.000	COBB RORY A JR	791 WYLIE ST SE UNIT 1110	ATLANTA	GA	30316
32716	0811G-03-024.000	HOUSE ERNEST TROTH	1614 18TH AVE	GULFPORT	MS	39501
87988	0811G-03-012.000	RICE SIDNEY E JR & SHELLY S	5304 QUINCY AVE	GULFPORT	MS	39507
87991	0811G-03-014.000	SHOEMAKER ASHLEY V	751 GAYFER AVE	FAIRHOPE	AL	36532
87995	0811G-03-016.000	MASTERSON DEBORAH M & JOSEPH H JR	1664 SHAMROCK TRAIL	SMRYNA	GA	30080
88378	0811G-04-076.000	GULFPORT CITY OF -SCHOOL-	2001 PASS RD	GULFPORT	MS	39501
123200	0811G-03-014.003	LOCKLIN R MIKE & GLENDA KAY	1728 -2ND ST	GULFPORT	MS	39501
127336	0811G-04-081.001	MOEINI MOHAMMAD	P O BOX 8833	GULFPORT	MS	39507
137891	0811G-04-079.001	HOFF LINDA K	1734 E RAILROAD ST	GULFPORT	MS	39501

LEGAL NOTICE
PUBLIC HEARING
In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 P.M., Thursday, January 25, 2018 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.
Resubdivision 1801PC002:
Randy Marker, property owner, requests to divide the tax parcel 1010L-02-001.003 containing 20,333 square feet into two parcels zoned T3 (Suburban Zone): located north of and adjacent to Church Street, south of East Pass Road, east of Watkins Avenue, and west of Cowan Road, in Ward 2.
Zoning Map Amendment 1801PC003:
Keith Dern, property owner, requests to rezone the tax parcel 0910P-02-004.001 containing approx. 14,263 square feet from T3 (Suburban Zone) and T4+ (General Urban Zone "Plus") to entirely T4+: located north of North Railroad Street, south of White Street, east of Oakwood Drive, and west of Tegarden Road, in Ward 2.
Resubdivision 1801PC005:
Rick and Jonathan Marshall, agents for Southern Mississippi Cemetery Properties LLC, property owner, request to divide the 11.378 acre tax parcel 1010D-01-001.001 into four parcels, zoned B-1 (Neighborhood Business) and R-2 (Single Family): located north of Sundown Lane, south of and adjacent to W Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road, in Ward 4.
Resubdivision 1801PC007:
Charles Randolph Box, property owner, requests to divide the tax parcel 0811G-03-029.000 containing 14,466 square feet into two parcels zoned T4L (General Urban Zone "Limited"): located north of 2nd Street, south of and adjacent to 3rd Street, east of and adjacent to Nichols Court, and west of Pratt Avenue, in Ward 2.
Resubdivision 1801PC010:
Robert Heinrich of Heinrich & Associates, LLC, agent for Bobbye Carraway of BA Development, LLC, property owner, requests to divide two parcels 0911A-02-039.001 and 0911A-02-048.000 containing approx. 1.03 acres into five parcels, zoned T4L (General Urban "Limited"): located north of McIntosh Street, south of and adjacent to South Railroad Street, east of Church Avenue, and west of Dolan Avenue, in Ward 2.
Planning Commission Approval 1801PC011:
Carolyn T. Malveaux, Mary L. Rogers, and Victor S. Tillis, property owners, request to allow a mobile home use at 8198 Florida Avenue on the tax parcel 0810F-01-030.000 zoned R-1-5 (Single Family): located north of Monroe Street, south of Martin Luther King Jr Boulevard, east of and adjacent to Florida Avenue, and west of Georgia Avenue, in Ward 3.
Planning Commission Approval 1801PC013:
Michael R. and Sonia M. Smith, property owners, request to provide administrative functions for an attack preparedness and training business as a home occupation at 13396 Cedar Knot Cove on the tax parcel 0807O-01-030.033 zoned R-1-15 (Single-Family): located north of O'Neal Road, south of Autumn Chase, east of and adjacent to Cedar Knot Cove, and west of Kirkwood Drive, in Ward 7.
Resubdivision 1801PC014:
David and Donna Machado, Christopher E. Smith, Lisa M. Mabry, and Keith A. and Shelley P. Williams, property owners, request to divide the tax parcels 1010C-01-001.013, 1010C-01-001.014, and 1010C-01-001.015 containing 1.25 acres into two parcels zoned R-2 (Single Family): located north of Bernard Bayou, south of and adjacent to Channelside Drive, east of Lorraine Road, and west of Bayou Plantation Lane, in Ward 5.
Zoning Map Amendment 1801PC015:
Outdoor Way Development, LLC, agent for Outdoor Way, LLC, property owner, requests to rezone the tax parcel 0809A-02-007.001 containing 3.89 acres from I-2 (Heavy Industrial) to I-3 (Planned Industrial): located north of and adjacent to Seaway Road, south of Interstate 10, east of Three Rivers Road, and west of and adjacent to Outdoor Way, in Ward 5.
Final Plat 1801PC016:
Brown, Mitchell, and Alexander, Inc, agent for Florence Gardens, LLC, property owner, request approval of a 20-lot single-family subdivision (The Westwood District Florence Gardens Phase IV) on 17.54 acres of the tax parcel 0908C-01-001.000 containing 134 acres zoned R-1-7.5 (Single Family): located north of Kinder Drive, south of and adjacent to O'neal Road, east of Holliman Road, and west of and adjacent to Florence Gardens Boulevard, in Ward 6.
Text Amendment 1801PC018:
The City of Gulfport requests amendments to Chapter 8: Parks, Grounds, and Beautification; Article I: Tree Protection; Section 8-4: Application of Provisions.
Planning Commission Approval 1801PC019:
Chuck Compton, agent for Top Rock Holdings, LLC, property owner, requests approval for a warehouse use at 1251 Pass Road on the tax parcel 0811A-05-054.000 zoned B-2 (General Business): located north of and adjacent to Deborah Place, south of and adjacent to Pass Road, east of 13th Avenue, and west of Joan Avenue, in Ward 2.
This the 4th day of January, 2018
Keith Williams, Chairman
Gulfport City Planning Commission
ADV10

1897005

Proof of Publication

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Brackett who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

Vol. 134 No., 99 dated 10 day of Jan, 2018

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett

Clerk

Sworn to and subscribed before me this 10 day of Jan, A.D., 20 18

Meri A. Jackson

Notary Public

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 87184 MERI A. JACKSON Commission Expires Sept. 30, 2019 HARRISON COUNTY

1. CITY OF GULFPORT PLANNING COMMISSION

2

3 1801PC007

4

5 TRANSCRIPT OF HEARING

6 January 25, 2018

7 **********

8 TRANSCRIPT OF HEARING HELD BEFORE THE CITY OF GULFPORT

9 PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS,

10 GULFPORT, MISSISSIPPI, ON THE 25TH DAY OF JANUARY 2018

11 COMMENCING AT 4:30 P.M. AND REPORTED BY

12 NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

13 **********

14

COMMISSION MEMBERS PRESENT:

15

KEITH WILLIAMS, President

16 VIRGINIA ADOLPH

WILLIAM "PRINCE" JONES

17 B.J. SELLERS

EVERETT "LAD" LADNER

18 CHARLIE HEWES

JOHN ANTHONY

19 COLETTE TOWLES

DOUG HANCOCK

20 HAROLD SPANN

21 STAFF PRESENT:

22 GREG PIETRANGELO

GREG HOLMES

23 CORY LONG

MATILDA WELCH

24

N.J. SOROE, CSR #1297
(228) 467-2199

1. 1. Resubdivision 1801PC007
2. MR. LONG: Item Number 4. Resubdivision
3. 1801PC007 has been duly and timely noticed as required by
4. law. The applicant requests to divide the tax parcel into
5. two parcels zoned T4L located north of Second Street, south
6. of and adjacent to Third Street, east of and adjacent to
7. Nicols Court, and west of Pratt Avenue, in Ward 2. A copy
8. of the packet considered is hereby offered into the record.
9. MR. WILLIAMS: All right. Thank you.
10. Someone here to speak for the request?
11. MR. BOX: Good afternoon. I'm Charles Box,
12. 4504 Courthouse Road, Gulfport, Mississippi. I'm here and
13. the property to answer any questions you might have.
14. MR. WILLIAMS: Okay.
15. Commissioners, you've had a chance to look at
16. the packet and the application. Did you have any questions
17. for Mr. Box?
18. MR. HEWES: Is there a house that's recently
19. been built on that property, or is that next door to it?
20. MR. BOX: There is. I built that house.
21. It's right next door to it.
22. MR. HEWES: Good job.
23. MR. BOX: Thank you. Could have sold it four
24. times.
25. MR. HEWES: What's that?

N.J. SOROE, CSR #1297
(228) 467-2199

1. MR. BOX: I could have sold it four times.
2. MR. HEWES: So are you splitting it to put
3. another home?
4. MR. BOX: Yes, sir.
5. MR. WILLIAMS: Any other questions?
6. If we got anything else, we'll call you back
7. up. Thank you. Appreciate it.
8. Anyone else here to speak for the request?
9. Anyone to speak against this request?
10. Commissioners, we've heard from the public.
11. And I'll take a motion, please.
12. MR. HEWES: Mr. Chairman, I move we accept
13. the staff -- well, there's no staff recommendation. I move
14. that we approve Case Number 1801PC007 with any conditions
15. applicable.
16. MS. ADOLPH: Second.
17. MR. WILLIAMS: Got a motion and a second for
18. approval. Any further discussion? If not, all those in
19. favor signify by saying aye. Any opposed?
20. Thank you, Mr. Box. Appreciate it.
21. MR. BOX: Thank you.
22
23
24
25

N.J. SOROE, CSR #1297
(228) 467-2199

1. BEFORE THE CITY OF GULFPORT PLANNING COMMISSION

2

3 1801PC007

4

5

6 COURT REPORTER'S CERTIFICATE

7

8 I, Norma Jean Ladner Soroe, Certified Shorthand

9 Reporter, do hereby certify that to the best of my skill and

10 ability I have reported the hearing held before the City of

11 Gulfport Planning Commission and that the foregoing 3 pages

12 constitute a true and correct transcription of said hearing

13 held on the 25th day of January 2018.

14 I do further certify that my certificate annexed

15 hereto applies only to the original and certified

16 transcript. The undersigned assumes no responsibility for

17 the accuracy of any reproduced copies not made under my

18 control and direction.

19 Witness my signature this the 31st day of January

20 2018.

21

22

23 _____

24 NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter

N.J. SOROE, CSR #1297
(228) 467-2199

MEMORANDUM

To: Mayor Billy Hewes and
Gulfport City Council

From: Greg Holmes, Planning Administrator
Urban Development Department

Date: February 1, 2018

Re: **Resubdivision 1801PC010**

Subject: Robert Heinrich of Heinrich & Associates, LLC, agent for Bobbye Carraway of BA Development, LLC, property owner, requests to divide two parcels 0911A-02-039.001 and 0911A-02-048.000 containing approx. 1.03 acres into five parcels, zoned T4L (General Urban "Limited"): located north of McIntosh Street, south of and adjacent to South Railroad Street, east of Church Avenue, and west of Dolan Avenue, in Ward 2.

Planning Commission recommendation: To approve with conditions

Motion: Mrs. Adolph
Second: Ms. Towles

KEITH WILLIAMS **– Chairman**
HAROLD SPANN – **Yea**
COLETTE TOWLES **– Yea**
VIRGINIA ADOLPH **– Yea**
CHARLIE HEWES **– Yea**
EVERETTE LADNER **– Yea**
BJ SELLERS **– Yea**
WM. PRINCE JONES **– Yea**
DOUG HANCOCK **– Yea**
JOHN ANTHONY **– Yea**

Action: Motion was carried unanimously.

Speaking for the Petition: Bobby Heinrich
Speaking against the Petition: (Other) Joel Blacklidge

On January 25, 2018, the Planning Commission recommended approval of the above referenced case.

Please place the attached item on the Council agenda for March 6, 2018.

Technical Report
RESUBDIVISION

GENERAL INFORMATION

Case File Number: 1801PC010

Hearing Date: 25 January 2018

Current Zoning/Use: T4L / Vacant

Legal: Robert Heinrich of Heinrich & Associates, LLC, agent for Bobbye Carraway of BA Development, LLC, property owner, requests to divide two parcels 0911A-02-039.001 and 0911A-02-048.000 containing approx. 1.03 acres into five parcels, zoned T4L (General Urban "Limited"): located north of McIntosh Street, south of and adjacent to South Railroad Street, east of Church Avenue, and west of Dolan Avenue, in Ward 2.

TECHNICAL DETAILS

The applicant is requesting a resubdivision of two parcels containing 1.03 acres, into five parcels; Lot "1" containing 7,524.60 square feet, Lot "2" containing 7,890.74 square feet, Lot "3" containing 9,483.47 square feet, Lot "4" containing 10,832.63 square feet, and Lot "5" containing 7,506.03 square feet. The proposed parcels do not meet all the requirements of the City of Gulfport's subdivision ordinance and thus can only be approved with approval of the applicant's requested variances, Case 1801ZB009.

One of the approved variances is to allow lots 1 through 4 to be narrower than 60 feet at the building setback line (Ord. Ch. 9 Art. III Sec. 9-50 (D) (2)), and the other is to allow lots 3 and 4 to exceed the maximum width-to-depth ratio, which is 1 to 3.5 (3). These variances were both approved at the Zoning Board meeting on 18 January 2018; therefore, the Planning Commission has authority to grant the request for resubdivision.

The Gulfport Subdivision Regulations require that:

1. Each new lot created is in compliance with appropriate zoning ordinances, building codes, and restrictive covenants, if any;
2. Each new lot created shall have direct access to a dedicated public street for at least 35 feet; and
3. Each new lot created shall have available capacity for water and sewer

The proposed parcels are located adjacent to existing city rights-of-way, are protected by Gulfport Fire and Police, and will have capacity for city water and sewer. The applicant states there are no protective or restrictive covenants which would prevent the resubdivision of the parcels.

Any approval should consider these conditions:

1. Must meet current Building Codes and all City of Gulfport Ordinances.
2. Lots 3 & 4 to submit drainage plan at time of permitting for construction.

Technical Report
RESUBDIVISION

DEPARTMENTAL CONDITIONS

Engineering:	Conditions: Lots 3 & 4 to submit drainage plan at time of permitting for construction. Memo dated 18 January 2018.
Public Works:	No conditions. Memo dated 12 January 2018.
Traffic and Safety:	No conditions. Memo dated 4 January 2018.
Building Code Services:	Conditions: Must meet current Building Codes and all City of Gulfport Ordinances. Memo dated 4 January 2018.
GIS:	No conditions. Memo dated 8 January 2018.
Police Department:	No conditions. Memo dated 4 January 2018.
Fire Department:	No conditions. Memo dated 16 January 2018.

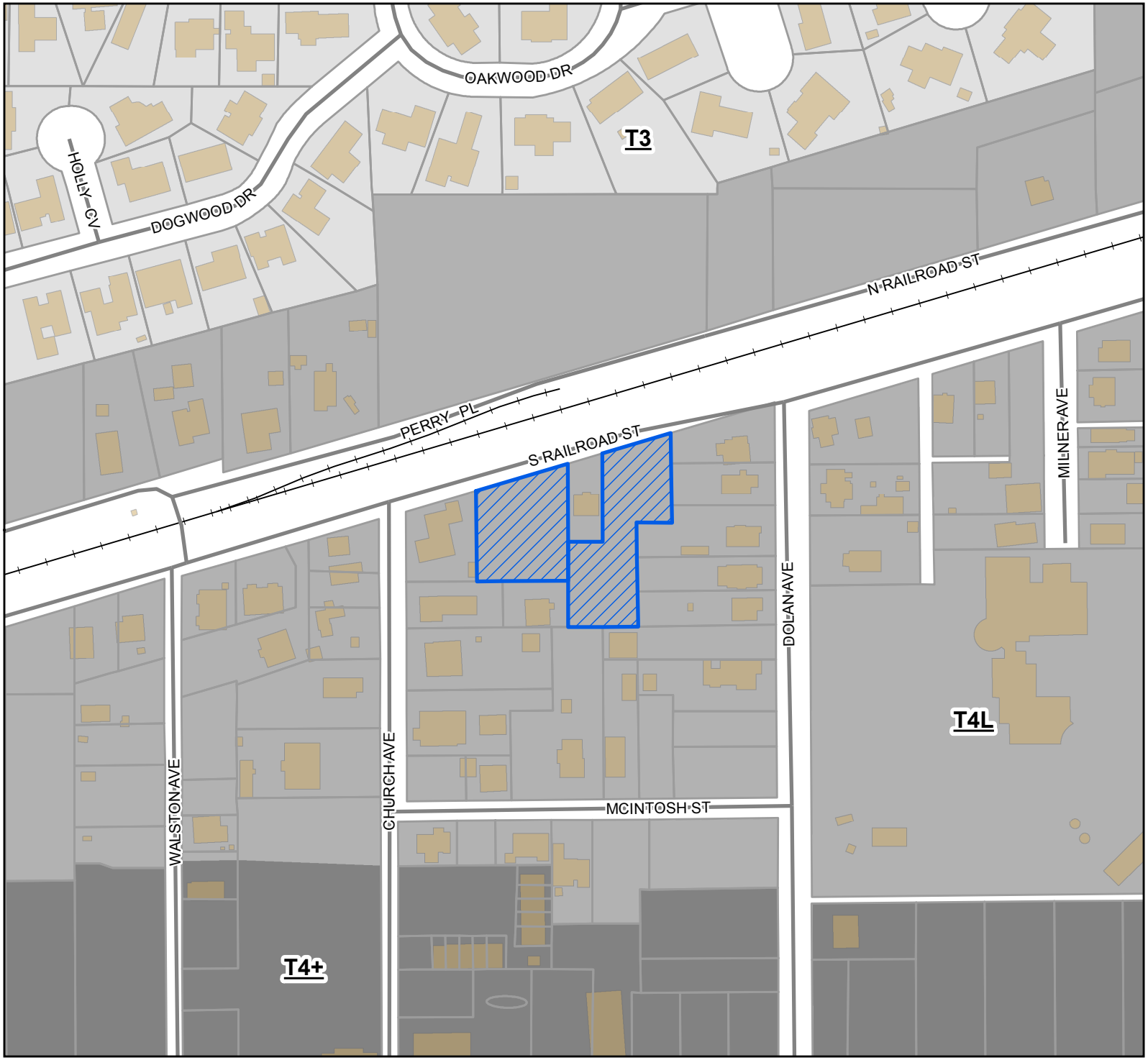
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

1801PC010

Resubdivision



Legend

- Site
- Street
- Railroad
- Parcels
- Buildings
- T4+
- T4L
- T3

Site Information

0911A-02-039.001
0911A-02-048.000
Zoning: T4L (General Urban Zone "Limited")
Size: 45,068 square feet
Flood: 0.2% Annual

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR RESUBDIVISION

Property Information

For Staff Use Only

Case File #: 1801PC010

Date Received: 12-5-17

Receipt #:

Received By: T. Hall

Zoning:

Ward: Flood:

Size:

(If necessary, use separate sheet of paper)

TAX PARCEL #

0	9	1	1	A	–	0	2	–	0	3	9	.	0	0	1
0	9	1	1	A	–	0	2	–	0	4	8	.	0	0	0
					–			–				.			

Address of Property Involved: South Railroad Street

Lot(s)_____, Block(s)_____, Subdivision_____

General Location: South of S. Railroad St.; North of McIntosh St.; West of Church Ave.; East of Dolan Ave.

GENERAL DESCRIPTION OF REQUEST:

Resubdivide two parcels into five parcels that meet current zoning criteria.

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

Bobbye Carraway w/ BA Development, LLC
Printed Name Of Owner

4501 Kendall Ave.
Mailing Address

Gulfport MS 39507
City State Zip code

228-424-4083
Home Phone Work/Cell Phone

bobbyecarraway@att.net
Email

Bobbye Carraway
Signature Of Owner

AGENT

Robert Heinrich w/ Heinrich & Associates, LLC
Printed Name Of Agent

370 Courthouse Road, Ste. 104
Mailing Address

Gulfport MS 39507
City State Zip code

228-896-6768
Home Phone Work/Cell Phone

bobby.h@heinrichassociates.net
Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures. ☐

SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

BA Development
4501 Kendall Ave.
Gulfport, MS 39507

December 18, 2017

City of Gulfport
Urban Development – Planning Division
1410 24th Ave., Hardy Building
Gulfport, MS 39501

RE: **Tax Parcel #s: 0911A-02-039.001**
0911A-02-048.000
Gulfport, Mississippi

To Whom It May Concern:

To my knowledge, there are no restrictive covenants on the above referenced property that would prohibit it from being resubdivided.

If you have any questions, please call me at 228-424-4083.

Sincerely,

Bobbye Carraway

Notary

STATE OF MISSISSIPPI
KRISTIN L. SHAW
ID NO.
89544
NOTARY PUBLIC
Comm Expires
May 14, 2020
NOTARY PUBLIC
HARRISON COUNTY

A RESUBDIVISION OF TWO PARCELS TOTALING 43,237.47 SQUARE FEET, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, INTO LOTS "1", "2", "3", "4" AND "5". SAID PARCELS BEING REFERRED TO AS TAX PARCEL NO. 0911A-02-039.001 AND 0911A-02-048.000, ADDRESS- 612 S. RAILROAD STREET

LEGEND:

- ⊠ -- IRON ROD FOUND
- ● -- IRON PIPE FOUND
- ○ -- IRON ROD SET
- ⊗ -- SPIKE FOUND
- △ -- SPIKE SET
- ⊠ -- CONCRETE MONUMENT FOUND
- □ -- CONCRETE MONUMENT SET
- ◘ -- LIGHTARD KNOT FOUND
- (M) -- AS MEASURED
- (R) -- AS PER RECORD
- APP -- AS PER PLAT
- IRF -- IRON ROD FOUND
- IRS -- IRON ROD SET

0 50 100 150

REFERENCE MATERIALS:

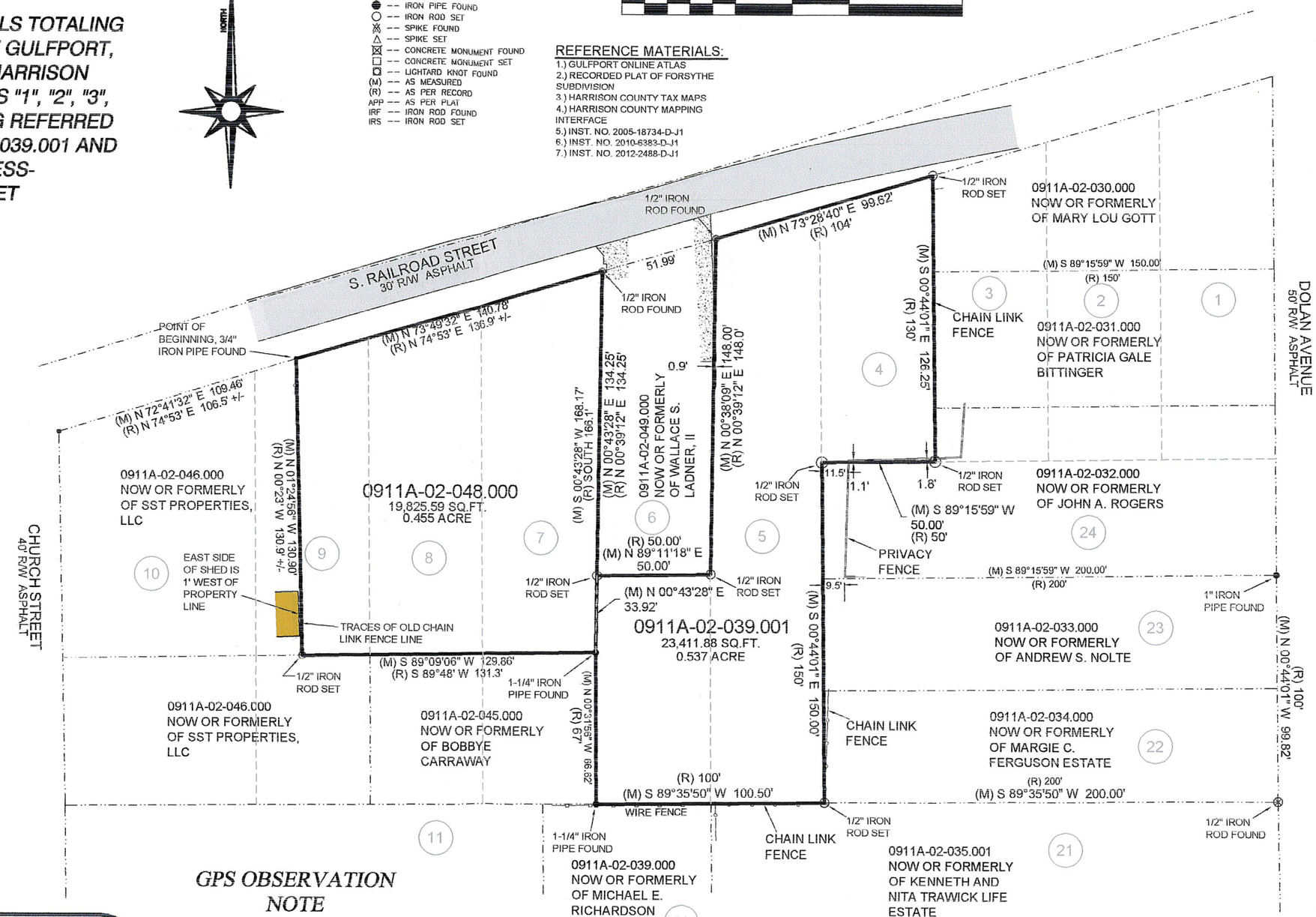
1.) GULFPORT ONLINE ATLAS
2.) RECORDED PLAT OF FORSYTHE SUBDIVISION
3.) HARRISON COUNTY TAX MAPS
4.) HARRISON COUNTY MAPPING INTERFACE
5.) INST. NO. 2005-18734-D-J1
6.) INST. NO. 2010-6383-D-J1
7.) INST. NO. 2012-2488-D-J1

NOTES:

1.) FIELD SURVEY PEFORMED WITH A TOPCON GR5 GPS RECIEVER.
2.) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY GPS OBSERVATION UTILIZING THE EARL DUDLEY, INC. RTK NETWORK, AND ARE BASED ON SPC (2301 MS E).
3.) UNLESS OTHERWISE NOTED THIS SURVEY IS LIMITED TO ABOVE GROUND AND VISIBLE UTILITIES. A MISSISSIPPI ONE CALL SHOULD BE MADE BEFORE ANY DIGGING @ 1-800-227-6477.
4.) BUILDING SETBACKS, ELEVATIONS, WETLAND DETERMINATION AND ET CETERA TO BE PRESCRIBED BY APPROPRIATE GOVERNING BODIES.

FLOOD ZONE NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN THE FIRM ZONE "X500" ACCORDING TO MAP NUMBER 28047C0268G, DATED JUNE 16, 2009. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING. THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.



CLIENT: BA DEVELOPMENT, LLC
DATE OF FIELD SURVEY: 11/29/2017
DRAWN BY: CAC
JOB NUMBER: 17526 RESUBDIVISION

GPS OBSERVATION NOTE

DATE OF FIELD WORK: 11/29/2017
TOPCON GR-5 RECIEVER WAS USED FOR GPS OBSERVATION, UTILIZING THE EARL DUDLEY, INC. REAL-TIME NETWORK

NOTE:

THIS PROPERTY LIES IN SMARTCODE T4L, REFER TO CITY OF GULFPORT MUNICODE FOR MINIMUM BUILDING SETBACKS.

NOTE:

PROPERTY IS SERVICED BY CITY OF GULFPORT WATER AND SEWER AT THIS TIME.

SCALE 1" = 50'
REFERENCE: GRID NORTH BY GPS OBSERVATION (DATUM=NAD 83)

PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

A RESUBDIVISION OF TWO PARCELS TOTALING 43,237.47 SQUARE FEET, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, INTO LOTS "1", "2", "3", "4" AND "5". SAID PARCELS BEING REFERRED TO AS TAX PARCEL NO. 0911A-02-039.001 AND 0911A-02-048.000, ADDRESS- 612 S. RAILROAD STREET

LEGEND:

- ⊠ -- IRON ROD FOUND
- ● -- IRON PIPE FOUND
- ○ -- IRON ROD SET
- ⊠ -- SPIKE FOUND
- △ -- SPIKE SET
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- (M) -- AS MEASURED
- (R) -- AS PER RECORD
- APP -- AS PER PLAT
- IRF -- IRON ROD FOUND
- IRS -- IRON ROD SET
- P.O.C.-- POINT OF COMMENCEMENT
- P.O.B.-- POINT OF BEGINNING

0 50 100 150

REFERENCE MATERIALS:

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7.) INST. NO. 2012-2488-D-J1

NOTES:

1.) FIELD SURVEY PEFORMED WITH A TOPCON GR5 GPS RECIEVER.
2.) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY GPS OBSERVATION UTILIZING THE EARL DUDLEY, INC. RTK NETWORK, AND ARE BASED ON SPC (2301 MS E).
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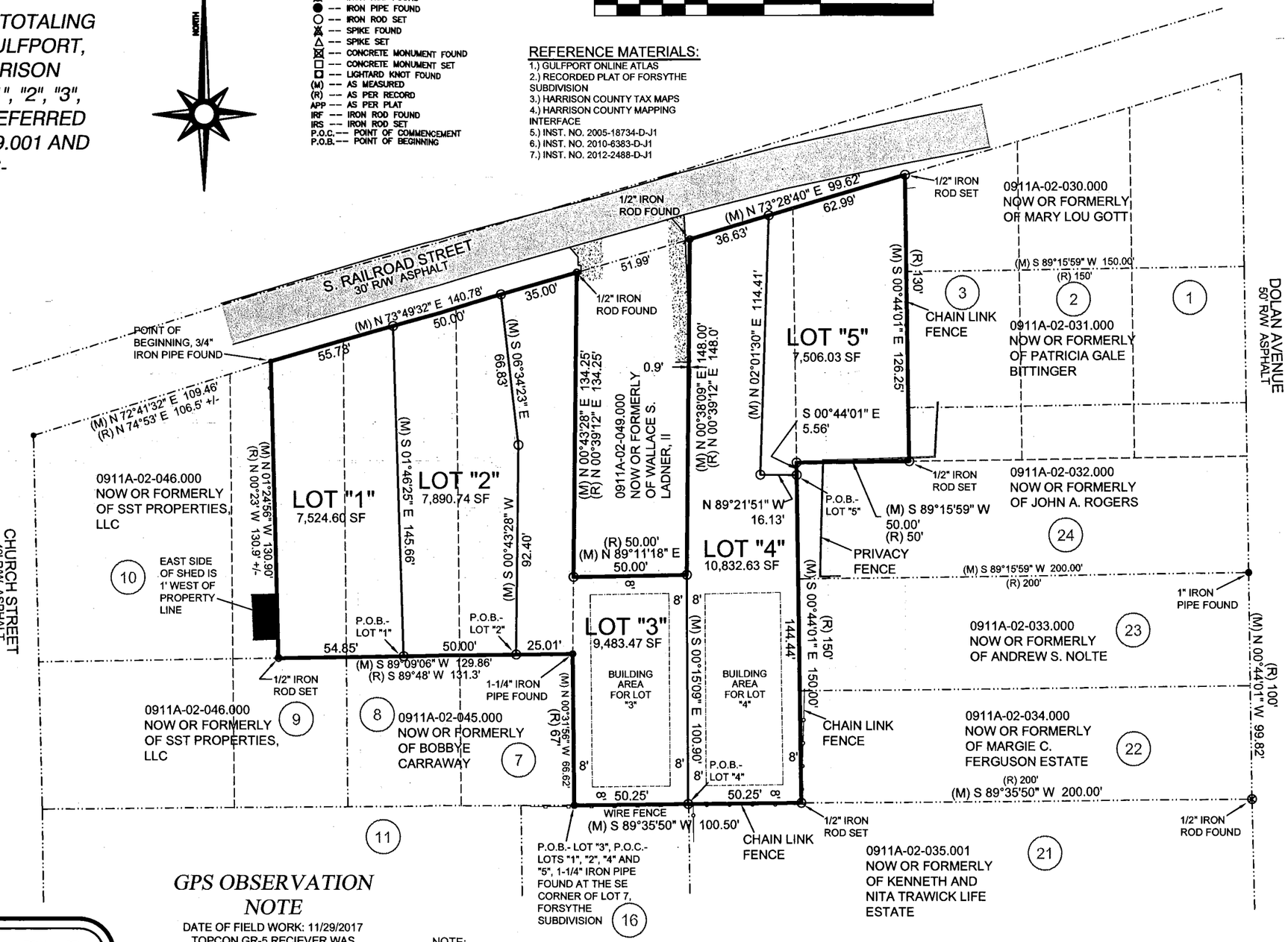

FLOOD ZONE NOTE:

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CLIENT: BA DEVELOPMENT, LLC
DATE OF FIELD SURVEY: 11/29/2017
DRAWN BY: CAC
JOB NUMBER: 17526 RESUBDIVISION

GPS OBSERVATION NOTE

DATE OF FIELD WORK: 11/29/2017
TOPCON GR-5 RECIEVER WAS USED FOR GPS OBSERVATION, UTILIZING THE EARL DUDLEY, INC. REAL-TIME NETWORK

NOTE:

THIS PROPERTY LIES IN SMARTCODE T4L, REFER TO CITY OF GULFPORT MUNICODE FOR MINIMUM BUILDING SETBACKS.

NOTE:

PROPERTY IS SERVICED BY CITY OF GULFPORT WATER AND SEWER AT THIS TIME.

SCALE 1" = 50'
REFERENCE: GRID NORTH BY GPS OBSERVATION (DATUM=NAD 83)

PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

A RESUBDIVISION OF TWO PARCELS TOTALING 43,237.47 SQUARE FEET, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, INTO LOTS "1", "2", "3", "4" AND "5". SAID PARCELS BEING REFERRED TO AS TAX PARCEL NO. 0911A-02-039.001 AND 0911A-02-048.000, ADDRESS- 612 S. RAILROAD STREET

GENERAL NOTES:

1.) THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

2.) THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE "X500" ACCORDING TO MAP NUMBER 28047C0268G DATED JUNE 16, 2009.

3.) BEARINGS SHOWN HEREON ARE DERIVED BY: GRID NORTH BY GPS OBSERVATION. ALL LINES RELATIVE TO.

4.) THIS SURVEY MEETS MISSISSIPPI MINIMUM REQUIREMENTS FOR A CLASS "B" SURVEY.

5.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREON AND NO THIRD PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.

6.) A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL EMBOSSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.

BOUNDARY NOTE:

BOUNDARY SURVEYS ARE BASED UPON THE RECORDED SUBDIVISION PLAT IN CASES OF REGULAR SUBDIVISIONS LOTS. BOUNDARY SURVEYS OF PROPERTIES NOT A PART OF A REGULAR SUBDIVISION ARE BASED UPON TITLE INFORMATION PROVIDED BY THE PARTY REQUESTING THE SURVEY. BOUNDARY SURVEY PLATS REFLECT INFORMATION DISCOVERED BY THE SURVEYOR IN THE NORMAL COURSE OF WORK AND DOES NOT NECESSARILY SHOW EVERY POSSIBLE CONDITION AFFECTING THE PROPERTY. EASEMENTS, SERVITUDES, BUILDING ORDINANCES, ZONING, AND OTHER LEGAL ENCUMBERMENTS MAY EXIST. CONSULT A TITLE ATTORNEY IF YOU WISH TO DISCOVER ALL THE LEGAL ENCUMBERMENTS ATTACHED TO ANY PROPERTY.

DESCRIPTIONS PRIOR TO THIS RESUBDIVISION

RECORD DESCRIPTION, 0911A-02-048.000:

A part of Lots Seven (7), Eight (8), and Nine (9), FORSYTHE SUBDIVISION, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 3, at Page 42 (copy Book 2 at Page 89), reference to which is made in aid of and as part of this description and being more particularly described as follows, to-wit: Commencing at the Northwest corner of Lot 10 of said Forsythe Subdivision; thence run North 74 degrees 53 minutes East along the Southerly margin of Railroad Street a distance of 106.5 feet, more or less, to a fence for the point of beginning; thence from said point of beginning continue North 74 degrees 53 minutes East along the Southerly margin of Railroad Street a distance of 136.9 feet, more or less to the Northeast corner of said Lot 7, thence run South along the East line of said Lot 7 a distance of 166.1 feet to a point which is 67.0 feet North of the Southeast corner of said Lot 7; thence run South 89 degrees 48 minutes West a distance of 131.3 feet to a point on a fence line; thence run North 00 degrees 23 minutes West along a fence line a distance of 130.9, more or less, to a point on the Southerly margin of Railroad Street and the point of beginning.

RECORD DESCRIPTION, 0911A-02-039.001:

Lots 4, 5, and the south 1/2 of Lot 6, FORSYTHE SUBDIVISION, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 3, at Page 42 (copy Book 2 at Page 89), thereof, reference to which is made in aid of and as part of this description.

LEGAL DESCRIPTIONS OF LOTS CREATED BY THIS SUBDIVISION:
LEGAL DESCRIPTION: LOT "1", AS PER SURVEY DIMENSIONS

A PORTION OF LOTS 8 AND 9, FORSYTHE SUBDIVISION, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BEING BASED ON STATE PLANE GRID NORTH:
COMMENCING AT A 1-1/4" IRON PIPE FOUND AT THE SOUTHEAST CORNER OF LOT 7, FORSYTHE SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID LOT 7, N00°31'56"W 66.62' TO A 1-1/4" IRON PIPE FOUND; THENCE S89°09'06"W 75.01' TO THE POINT OF BEGINNING; THENCE S89°09'06"W 54.85' TO AN IRON ROD; THENCE N01°24'56"W 130.90' TO A 3/4" IRON PIPE FOUND ON THE SOUTH MARGIN OF S. RAILROAD STREET; THENCE ALONG SAID SOUTH MARGIN, N73°49'32"E 55.78'; THENCE S01°46'25"E 145.66' TO THE POINT OF BEGINNING, CONTAINING 7,524.60 SQUARE FEET.

LEGAL DESCRIPTION: LOT "2", AS PER SURVEY DIMENSIONS

A PORTION OF LOTS 7 AND 8, FORSYTHE SUBDIVISION, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BEING BASED ON STATE PLANE GRID NORTH:
COMMENCING AT A 1-1/4" IRON PIPE FOUND AT THE SOUTHEAST CORNER OF LOT 7, FORSYTHE SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID LOT 7, N00°31'56"W 66.62' TO A 1-1/4" IRON PIPE FOUND; THENCE S89°09'06"W 25.01' TO THE POINT OF BEGINNING; THENCE S89°09'06"W 50.00'; THENCE N01°46'25"W 145.66' TO THE SOUTH MARGIN OF S. RAILROAD STREET; THENCE ALONG SAID SOUTH MARGIN, N73°49'32"E 50.00'; THENCE S06°34'23"E 66.83'; THENCE S00°43'28"W 92.40' TO THE POINT OF BEGINNING, CONTAINING 7,890.74 SQUARE FEET.

PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

A RESUBDIVISION OF TWO PARCELS TOTALING 43,237.47 SQUARE FEET, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, INTO LOTS "1", "2", "3", "4" AND "5". SAID PARCELS BEING REFERRED TO AS TAX PARCEL NO. 0911A-02-039.001 AND 0911A-02-048.000, ADDRESS- 612 S. RAILROAD STREET

GENERAL NOTES:

1.) THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

2.) THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE "X500" ACCORDING TO MAP NUMBER 28047C0268G DATED JUNE 16, 2009.

3.) BEARINGS SHOWN HEREON ARE DERIVED BY: GRID NORTH BY GPS OBSERVATION, ALL LINES RELATIVE TO.

4.) THIS SURVEY MEETS MISSISSIPPI MINIMUM REQUIREMENTS FOR A CLASS "B" SURVEY.

5.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREON AND NO THIRD PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.

6.) A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL EMBOSSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.

BOUNDARY NOTE:

BOUNDARY SURVEYS ARE BASED UPON THE RECORDED SUBDIVISION PLAT IN CASES OF REGULAR SUBDIVISIONS LOTS. BOUNDARY SURVEYS OF PROPERTIES NOT A PART OF A REGULAR SUBDIVISION ARE BASED UPON TITLE INFORMATION PROVIDED BY THE PARTY REQUESTING THE SURVEY. BOUNDARY SURVEY PLATS REFLECT INFORMATION DISCOVERED BY THE SURVEYOR IN THE NORMAL COURSE OF WORK AND DOES NOT NECESSARILY SHOW EVERY POSSIBLE CONDITION AFFECTING THE PROPERTY. EASEMENTS, SERVITUDES, BUILDING ORDINANCES, ZONING, AND OTHER LEGAL ENCUMBERMENTS MAY EXIST. CONSULT A TITLE ATTORNEY IF YOU WISH TO DISCOVER ALL THE LEGAL ENCUMBERMENTS ATTACHED TO ANY PROPERTY.

LEGAL DESCRIPTION: LOT "3", AS PER SURVEY DIMENSIONS

A PORTION OF LOTS 6 AND 7, FORSYTHE SUBDIVISION, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BEING BASED ON STATE PLANE GRID NORTH:

BEGINNING AT A 1-1/4" IRON PIPE FOUND AT THE SOUTHEAST CORNER OF LOT 7, FORSYTHE SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID LOT 7, N00°31'56"W 66.62' TO A 1-1/4" IRON PIPE FOUND; THENCE S89°09'06"W 25.01'; THENCE N00°43'28"E 92.40'; THENCE N06°34'23"W 66.83' TO THE SOUTH MARGIN OF S. RAILROAD STREET; THENCE ALONG SAID SOUTH MARGIN, N73°49'32"E 35.00' AN IRON ROD FOUND; THENCE S00°43'28"W 134.25'; THENCE N89°11'18"E 50.00' TO THE EAST LINE OF LOT 6, FORSYTHE SUBDIVISION; THENCE ALONG SAID EAST LINE, S00°15'09"E 100.90' TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE ALONG THE SOUTH LINE OF SAID LOT 6, S89°35'50"W 50.25' TO THE POINT OF BEGINNING, CONTAINING 9,483.47 SQUARE FEET.

LEGAL DESCRIPTION: LOT "4", AS PER SURVEY DIMENSIONS

A PORTION OF LOT 5, FORSYTHE SUBDIVISION, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BEING BASED ON STATE PLANE GRID NORTH:

COMMENCING AT A 1-1/4" IRON PIPE FOUND AT THE SOUTHEAST CORNER OF LOT 7, FORSYTHE SUBDIVISION; THENCE ALONG THE SOUTH LINE OF LOT 6, FORSYTHE SUBDIVISION, N89°35'50"E 50.25' TO THE SOUTHWEST CORNER OF SAID LOT 5, BEING THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID LOT 5, N00°15'09"W 100.90'; THENCE N00°38'09"E 148.00' TO AN IRON ROD FOUND ON THE SOUTH MARGIN OF S. RAILROAD STREET; THENCE ALONG SAID SOUTH MARGIN, N73°28'40"E 36.63'; THENCE S02°01'30"W 114.41'; THENCE S89°21'51"E 16.13' TO THE EAST LINE OF SAID LOT 5; THENCE ALONG SAID EAST LINE, S00°44'01"E 144.44' TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE SOUTH LINE OF SAID LOT 5, S89°35'50"W 50.25' TO THE POINT OF BEGINNING, CONTAINING 10,832.63 SQUARE FEET.

LEGAL DESCRIPTION: LOT "5", AS PER SURVEY DIMENSIONS

A PORTION OF LOTS 4 AND 5, FORSYTHE SUBDIVISION, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BEING BASED ON STATE PLANE GRID NORTH:

COMMENCING AT A 1-1/4" IRON PIPE FOUND AT THE SOUTHEAST CORNER OF LOT 7, FORSYTHE SUBDIVISION; THENCE N89°35'50"E 100.50' TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE EAST LINE OF SAID LOT 5, N00°44'01"W 144.44' TO THE POINT OF BEGINNING; THENCE N89°21'51"W 16.13'; THENCE N02°01'30"E 114.41' TO THE SOUTH MARGIN OF S. RAILROAD STREET; THENCE ALONG SAID SOUTH MARGIN, N73°28'40"E 62.99' TO THE EAST LINE OF SAID LOT 4; THENCE ALONG SAID EAST LINE, S00°44'01"E 126.25' TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE ALONG THE SOUTH LINE OF SAID LOT 4, S89°15'59"W 50.00' TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE EAST LINE OF SAID LOT 5, S00°44'01"E 5.56' TO THE POINT OF BEGINNING, CONTAINING 7,506.03 SQUARE FEET.

PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

CERTIFICATE OF RESUBDIVISION

IN ACCORDANCE WITH SECTION 9-48 OF THE CODE OF ORDINANCE (SUBDIVISION REGULATIONS) OF THE CITY OF GULFPORT AS AMENDED, IT IS HEREBY CERTIFIED THAT THE GULFPORT CITY PLANNING COMMISSION CHAIRMAN AND GULFPORT CITY COUNCIL HAVE REVIEWED AND APPROVED THIS FINAL PLAT FOR THE RESUBDIVISION OF TAX PARCEL # 0911A-02-039.001 AND 0911A-02-048.000, SITUATED IN FORSYTHE SUBDIVISION IN SECTION 1, TOWNSHIP 8 SOUTH, RANGE 11 WEST, BEING 43,237.47 SQUARE FEET. THE SUBJECT PROPERTY IS GENERALLY DESCRIBED AS BEING LOCATED ON THE SOUTH SIDE OF S. RAILROAD STREET AND BETWEEN DOLAN AVENUE AND CHURCH STREET. THE AD VALOREM TAX PARCEL NUMBER OF THE SUBJECT PROPERTY IS

0911A-02-039.001 AND 0911A-02-048.000. THE CASE FILE NUMBER IS _____.

OWNER'S DEDICATION

THIS IS TO CERTIFY THAT B.A. DEVELOPMENT, LLC IS THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT, DECLARE THIS TO BE A CORRECT PLAT.

WITNESS MY SIGNATURE ON THIS 5 DAY OF Dec, 2017.

BY: Bobbye Carraway

BOBBYE CARRAWAY, MEMBER

THE APPLICANT HEREBY COVENANTS AND AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY OF GULFPORT, ITS AGENTS, SERVANTS, AND OR EMPLOYEES AGAINST ANY AND ALL CLAIMS, DEMANDS, OR CAUSES OF ACTION OF WHATEVER NATURE WHICH MAY ARISE AS A RESULT OF THE ACTION OF THE PLANNING COMMISSION, ITS AGENTS, AND/OR EMPLOYEES CONCERNING THE PETITION FOR RESUBDIVISION OF THE REAL PROPERTY DESCRIBED HEREIN.

RATIFIED AND APPROVED BY:

Bobbye Carraway

BOBBYE CARRAWAY, MEMBER

THIS 5 DAY OF Dec, 2017.

ACKNOWLEDGEMENT

BEFORE ME, THE UNDERSIGNED, AUTHORIZED IN AND FOR THE STATE OF MISSISSIPPI, COUNTY OF HARRISON COUNTY, PERSONALLY APPEARED THE AFORENAMED BOBBYE CARRAWAY, WHO ACKNOWLEDGED THAT SHE ACCEPTED THIS PLAT AND EXECUTED THE FOREGOING CERTIFICATE AND DEDICATION FOR THE PURPOSE THEREIN SET FORTH.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 76250 YVONNE COWART Commission Expires Jan. 10, 2021 JACKSON COUNTY

PLANNING COMMISSION

SUBMITTED TO AND APPROVED BY THE GULFPORT CITY PLANNING COMMISSION ON THE _____ DAY OF _____, 2017.

BY: _____ _____ *DATED:* _____

PLANNING COMMISSION CHAIRMAN *PRINT NAME*

BY: _____ _____ *DATED:* _____

PLANNING ADMINISTRATOR *PRINT NAME*

APPROVAL

SUBMITTED TO AND APPROVED BY THE CITY OF GULFPORT, CITY COUNCIL, AT THE REGULAR MEETING OF SAID COUNCIL HELD ON THE _____ DAY OF _____, 2017.

ATTEST: *ADOPT*

_____ _____

CLERK OF COUNCIL *PRESIDENT*

THIS RESUBDIVISION PLAT AND CERTIFICATE OF RESUBDIVISION, HAVING BEEN SUBMITTED AND APPROVED BY THE MAYOR, THIS _____ DAY OF _____, 2017.

_____

BILLY HEWES, MAYOR

A RESUBDIVISION OF TWO PARCELS TOTALING 43,237.47 SQUARE FEET, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, INTO LOTS "1", "2", "3", "4" AND "5". SAID PARCELS BEING REFERRED TO AS TAX PARCEL NO. 0911A-02-039.001 AND 0911A-02-048.000, ADDRESS- 612 S. RAILROAD STREET

SURVEYOR'S CERTIFICATE

I, CLIFFORD A. CROSBY, PROFESSIONAL LAND SURVEYOR IN AND FOR THE STATE OF MISSISSIPPI, DO HEREBY CERTIFY THAT THE FOREGOING PLAT AND DESCRIPTIONS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT ALL MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS LOCATED AND THAT ALL DIMENSIONAL AND OTHER DATA SHOWN ARE CORRECT. I ALSO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF MISSISSIPPI".

WITNESS MY SIGNATURE AND SEAL THIS 5th DAY OF DECEMBER, 2017.

_____

CLIFFORD A. CROSBY, MS PLS 2539

CLIFFORD A. CROSBY REGISTERED PROFESSIONAL LAND SURVEYOR PLS 2539 STATE OF MISSISSIPPI

PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

URBAN DEVELOPMENT
PLANNING DIVISION

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5710
Fax: 228-868-5708

Wm. H. Hardy Building
1410 24th Avenue
Gulfport, MS 39501

January 4, 2018

Bobbye Carraway of BA Development, LLC
4501 Kendall Ave
Gulfport, MS 39507

RE: Resubdivision 1801PC010: Robert Heinrich of Heinrich & Associates, LLC, agent for Bobbye Carraway of BA Development, LLC, property owner, requests to divide two parcels 0911A-02-039.001 and 0911A-02-048.000 containing approx. 1.03 acres into five parcels, zoned T4L (General Urban "Limited"): located north of McIntosh Street, south of and adjacent to South Railroad Street, east of Church Avenue, and west of Dolan Avenue, in Ward 2

To Whom It May Concern:

The purpose of this letter is to inform you of the above referenced application. A map showing the general location of the property involved is on the back of this letter.

The City of Gulfport Planning Commission will hold a public hearing to consider the above request at 4:30 P.M. on **Thursday, January 25, 2018** in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

It is your option whether or not to appear personally or speak for or against the request at the scheduled hearing. If you are unable to attend the public hearing you may submit your opinion in writing and request that it be read into the public record. If you desire, it is also your choice to be represented by an agent or attorney.

A copy of the filed application to be considered will be available for public review at the office of the Department of Urban Development – Planning Division located at the Hardy Building, 1410 24th Avenue. Adjacent property owners will not be provided any further correspondence on the matter unless an appeal is filed but may, as stated above, contact this office for additional information.

Any interested party that may feel aggrieved by the Planning Commission's recommendation may file a written notice of objection within fifteen (15) calendar days after the date of the Planning Commission hearing. The notice of objection and reasons for objecting to the decision should be stated in writing and filed with the Department of Urban Development-Planning Division. This notice of objection shall be forwarded as part of the record with the record and recommendation from the Planning Commission to the Mayor and City Council. The City Council shall make a final decision based upon the record as submitted. No new evidence may be presented at the meeting.

If you have any questions or comments, please contact this office.

Sincerely,
City of Gulfport Planning Division

c. Agent, Adjacent Property Owners (You have been identified as owning property within 160 feet of this request)

PPIN	Parcel ID	Name	Address	City	State	ZIP
26653	0911A-02-048.000	CARRAWAY BOBBYE A (Owner)	4501 KENDALL AVE	GULFPORT	MS	39507
98725	0911A-02-039.001	CARRAWAY BOBBYE A (Owner)	4501 KENDALL AVE	GULFPORT	MS	39507
		Robert Heinrich, Heinrich & Associates (Agent)	370 Courthouse Rd	Gulfport	MS	39507
		Adjacent Property Owners				
22142	0911A-01-002.000	PRESS KAREN J & THOMAS JACK D	527 A MAGNOLIA ST	GULFPORT	MS	39507
22193	0911A-01-004.000	SHOEMAKER LOIS	550 PERRY PL	GULFPORT	MS	39507
22194	0911A-02-067.000	LOVETT NAN R & CARTER JEROME H	265 CHURCH AVENUE	GULFPORT	MS	39507
22195	0911A-02-066.000	ERHARD ROBERT VAL L/E	P O BOX 6663	GULFPORT	MS	39506
22197	0911A-02-065.000	ZIEGLER D J JR	249 CHURCH ST	GULFPORT	MS	39507
26648	0911A-02-030.000	GOTT MARY LOU	6331 SHERMAN RD	GALENA	OH	43021
26650	0911A-02-031.000	ROGERS JOHN A & MICHELLE T	275 DOLAN AVE	GULFPORT	MS	39507
26652	0911A-02-049.000	LADNER WALLACE S II	542 MAGNOLIA ST	GULFPORT	MS	39507
26654	0911A-02-046.000	SST PROPERTIES LLC	467 COVE DRIVE	BILOXI	MS	39531
26655	0911A-02-045.000	CARRAWAY BOBBYE	4501 KENDALL AVENUE	GULFPORT	MS	39507
26658	0911A-02-044.000	MCGINTY ROBERT B & TINA M	250 CHURCH AVE	GULFPORT	MS	39507
26660	0911A-02-042.000	STEGBAUER VIVIAN F	244 CHURCH AVE	GULFPORT	MS	39507
26664	0911A-02-036.000	BEAIRD JERRY	1904 BASKINBROOKE COURT	MURFREESBORO	TN	37130
26666	0911A-02-037.001	POTTER RUSSELL H IV	P O BOX 249	CONCORD	GA	30206
26667	0911A-02-035.000	TRAWICK KENNETH E & NITA L/E	251 DOLAN AVE	GULFPORT	MS	39501
26668	0911A-02-038.000	BOERNGE JIM & C J	625 MCINTOSH STREET	GULFPORT	MS	39507
26669	0911A-02-034.000	FERGUSON MARGIE C -EST-	259 DOLAN AVE	GULFPORT	MS	39507
26670	0911A-02-033.000	NOLTE ANDREW S	263 DOLAN AVE	GULFPORT	MS	39507
30508	0911A-02-027.000	LEE CAROLYN	262 DOLAN AVE	GULFPORT	MS	39507
30509	0911A-02-028.000	MATTHEWS JOYCE M & ROSE ERIC D	272 DOLAN AVE	GULFPORT	MS	39507
30511	0911A-02-029.000	WISEMAN KRISTIN	278 DOLAN AVE	GULFPORT	MS	39501
37750	0911A-02-032.000	ROGERS JOHN A	267 DOLAN AVE	GULFPORT	MS	39507
37792	0911A-02-039.000	RICHARDSON MICHAEL E	621 MCINTOSH ST	GULFPORT	MS	39507
37898	0911A-02-047.000	SMITH MARTIN R	262 CHURCH ST	GULFPORT	MS	39507
97729	0911A-02-035.001	TRAWICK KENNETH E & NITA H L/E	251 DOLAN AVE	GULFPORT	MS	39501
98726	0911A-02-066.001	TIERCE ELSIE ERHARD	263 CHURCH AVE	GULFPORT	MS	39507
105150	0911A-01-003.000	THOMAS JACK LEE & BOBBIE	944 CLEVELAND AVE	GULFPORT	MS	39507

1. CITY OF GULFPORT PLANNING COMMISSION

2

3 1801PC010

4

5 TRANSCRIPT OF HEARING

6 January 25, 2018

7 **********

8 TRANSCRIPT OF HEARING HELD BEFORE THE CITY OF GULFPORT

9 PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS,

10 GULFPORT, MISSISSIPPI, ON THE 25TH DAY OF JANUARY 2018

11 COMMENCING AT 4:30 P.M. AND REPORTED BY

12 NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

13 **********

14

COMMISSION MEMBERS PRESENT:

15

KEITH WILLIAMS, President

16 VIRGINIA ADOLPH

WILLIAM "PRINCE" JONES

17 B.J. SELLERS

EVERETT "LAD" LADNER

18 CHARLIE HEWES

JOHN ANTHONY

19 COLETTE TOWLES

DOUG HANCOCK

20 HAROLD SPANN

21 STAFF PRESENT:

22 GREG PIETRANGELO

GREG HOLMES

23 CORY LONG

MATILDA WELCH

24

N.J. SOROE, CSR #1297
(228) 467-2199

5. Resubdivision 1801PC010

MR. LONG: Item Number 5. Resubdivision 1801PC010 has been duly and timely noticed as required by law. The applicant requests to divide two parcels into five parcels zoned T4L located located north of McIntosh Street, south of and adjacent to South Railroad Street, east of Church Avenue, and west of Dolan Avenue, in Ward 2. A copy of the packet considered is hereby offered into the record.

MR. WILLIAMS: Is someone here to speak for this case?

MR. HEINRICH: I'm a visual person. I think I only have seven. I should have made some more copies, but to give you an idea of what it is.

Bobby Heinrich, 370 Courthouse Road. I'm here to speak for Ms. Carraway. She's here if you want to wave at her.

But anyway, a few months ago, I came in here with sort of similar same case. We've got two parcels of land we want to make five parcels out of. They all meet the minimum square footage of lots.

What I want to show you there, part of the requirement is to have 35 feet attached to the city right-of-way, which we've done. So you'll have two lots

24. back there in the back, two cottages in the back.

25. So what's neat about this piece of property

the drainage that goes east and west to some inlets. We have water and sewer available already there. And so we would like to build five little cottages back in there that will blend in with the rest of the neighborhood.

If you have any questions, I'm here to answer them.

MR. LADNER: I have one.

What's the vacant parcel in the middle there?

MR. HEINRICH: That's a duplex, that's an existing duplex.

MR. LADNER: A duplex?

MR. HEINRICH: Yeah.

MR. LADNER: Thank you.

MR. HEINRICH: That was an MDA duplex project or home.

MR. ANTHONY: Those in the surrounding area, are they duplexes?

MR. HEINRICH: No, not that I know of. I think they're kind of scattered around. I mean, they're zoned for that, too. But that is a duplex that was done right after the storm.

But these will be single family homes, the ones we are doing.

MR. ANTHONY: You do build quality homes.

MR. HANCOCK: And just to make sure I'm

N.J. SOROE, CSR #1297
(228) 467-2199

reading this correctly, on Lot 3 it looks like you've got kind of a skinny piece down the side of a duplex. That's going to be your right-of-way, I guess.

MR. HEINRICH: That's basically the driveway to get to the back, yes.

The reason I wanted to show in Lots 3 and 4, the tan box there would be where the building would be or the homes. And just wanted to kind of give you a visual of that. Houses won't be in that skinny part.

MR. WILLIAMS: All right. Any other questions? Thank you, sir. Appreciate it.

Anyone else here to speak for the request?

Have someone here tonight to speak against this request?

MR. BLACKLEDGE: How about just to speak?

MR. WILLIAMS: Okay. That will be fine.

We'll take that, too.

MR. BLACKLEDGE: At this point in time I'm not sure -- my name is Joel Blackledge. I'm an attorney in Gulfport. My office address is 30 29th Street. I'm here on behalf of Andrew S. Nolte. Mr. Nolte is actually in Cuba on business, so he is unavailable to be here.

Mr. Nolte owns parcel located on here 23 located to the east of Building 4.

25. Mr. Nolte has concerns about the property.

N.J. SOROE, CSR #1297
(228) 467-2199

Obviously, he has concerns about drainage issues, effect on value. To my knowledge, he has not seen anything about what kind of construction we're going to be looking at, the value of the construction that they're going to be building. Those are his concerns. Need to address those. Other than that, he just has the typical neighborly concerns.

MR. WILLIAMS: Okay. Thank you, sir. Anyone else here to speak on this? Mr. Heinrich, do you have anything to add to that comment? Would you come back up, please?

MR. HEINRICH: Bobby Heinrich, 370 Courthouse Road. These are single family homes. We're looking at about eleven1 to twelve hundred square foot living area. They're going to be well built and meet the City of Gulfport's building code and self funded. There are no project money or anything like that. These will be single family homes.

MR. HEWES: Mr. Heinrich, just a question for you maybe to clarify to some folks. If it comes to mind, there are some

25. developments or a developer that's done something similar to

this in the general area. I think is that off Sunshine?
Does that sound right? Just north of where Wet Willy's used
to be. Are these homes going to be similar to that? Mr.
Creel built a lot -- done some things. And they've come out
real tasteful. And they're smaller, like a thousand, twelve
hundred square feet homes.
MR. HEINRICH: They -- the style that we're
looking at, I think I know what you're talking about,
they're kind of a narrow home.
MR. HEWES: Uh-huh.
MR. HEINRICH: No. These will be a little
bit bigger than those.
MR. HEWES: But if you were to look at some
lots, would it be similar layout?
MR. HEINRICH: I'd say similar to that, yes.
And even Mr. Box, when he showed me his house, I mean, I
think he's already left, but Mr. Randy was just here,
similar to that. Yes.
MR. HEWES: Does that help any?
MR. HEINRICH: They're going to be well built
homes.
As far as drainage, in the back of Lots 3 and
4, that's the top of the hill there. It drains down. And

24. about the middle of the property between the front lots

25. there, there's two drainage places that go east and west, so

1. we have plenty of drainage to go to, and it won't affect the
2. lots, the neighbors' lots.
3. MR. WILLIAMS: Got more questions? Got a
4. couple here.
5. MR. HANCOCK: I was going to point out to the
6. previous gentleman, one of the departmental conditions from
7. the engineering department is that Lots 3 and 4 will have to
8. submit a drainage plan at the time of permitting. So Lot 4
9. I believe backs up to your client's property. So just point
10. that out.
11. MR. LADNER: I have more clarification for
12. the staff. I want to make sure -- and it's good to talk
13. about what is going to be put and what type of houses, but
14. we're not here to approve a subdivision plan. It's a
15. resubdivision; is that correct?
16. MR. HOLMES: Yes, sir.
17. MR. LADNER: The type of houses, it's
18. important to know that, but we're looking at just a
19. resubdivision.
20. MR. HOLMES: Just the division of the land.
21. MR. LADNER: It's already approved for these
22. houses -- to put houses on it, it's zoned for residential?
23. MR. HOLMES: Correct.

24. MR. LADNER: Thank you.

25. MR. WILLIAMS: Thank you for that

N.J. SOROE, CSR #1297
(228) 467-2199

clarification, Mr. Ladner.

All right. Any other questions

commissioners? We've heard the public comment, you've had a

chance to ask questions on the case. Do we have a motion

yet?

MS. ADOLPH: Mr. Chairman, I offer a motion

to approve Resubdivision 1801PC010 with the stated

conditions.

MR. WILLIAMS: All right. Thank you. Do I

have a second?

MS. TOWLES: Second.

MR. WILLIAMS: Motion and a second to approve

the case, the resubdivision case. Any further discussion?

MR. ANTHONY: I do have a quick question.

MR. WILLIAMS: Sure.

MR. ANTHONY: From these technical details, I

want to know about Case 1801ZB009 in that first paragraph

with the technical details, something about approval for

that.

MR. HOLMES: Yes, sir, Mr. Anthony. This

case actually or this item came before the zoning board last

week, and the variances needed to be approved were actually

for you guys. You can see some variances last week.

MR. ANTHONY: Thank you.

25. MR. WILLIAMS: Great clarification. Thank

1. you, Mr. Anthony.
2. Any further discussion on the motion and
3. second that's on the table? We have a motion and a second
4. to approve the case. All those in favor signify by saying
5. aye. Any opposed? All right. It's been approved.
6. Thank you, Mr. Heinrich.
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N.J. SOROE, CSR #1297
(228) 467-2199

1. BEFORE THE CITY OF GULFPORT PLANNING COMMISSION

2

3 1801PC010

4

5

6 COURT REPORTER'S CERTIFICATE

7

8 I, Norma Jean Ladner Soroe, Certified Shorthand

9 Reporter, do hereby certify that to the best of my skill and

10 ability I have reported the hearing held before the City of

11 Gulfport Planning Commission and that the foregoing 9 pages

12 constitute a true and correct transcription of said hearing

13 held on the 25th day of January 2018.

14 I do further certify that my certificate annexed

15 hereto applies only to the original and certified

16 transcript. The undersigned assumes no responsibility for

17 the accuracy of any reproduced copies not made under my

18 control and direction.

19 Witness my signature this the 5th day of February

20 2018.

21

22

23 _____

24 NORMA JEAN LADNER SOROE, CSR #1297

Certified Shorthand Reporter

25

N.J. SOROE, CSR #1297
(228) 467-2199

LEGAL NOTICE
PUBLIC HEARING
In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 P.M., Thursday, January 25, 2018 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.
Resubdivision 1801PC002:
Randy Marker, property owner, requests to divide the tax parcel 1010L-02-001.003 containing 20,333 square feet into two parcels zoned T3 (Suburban Zone): located north of and adjacent to Church Street, south of East Pass Road, east of Watkins Avenue, and west of Cowan Road, in Ward 2.
Zoning Map Amendment 1801PC003:
Keith Dern, property owner, requests to rezone the tax parcel 0910P-02-004.001 containing approx. 14,263 square feet from T3 (Suburban Zone) and T4+ (General Urban Zone "Plus") to entirely T4+: located north of North Railroad Street, south of White Street, east of Oakwood Drive, and west of Tegarden Road, in Ward 2.
Resubdivision 1801PC005:
Rick and Jonathan Marshall, agents for Southern Mississippi Cemetery Properties LLC, property owner, request to divide the 11.378 acre tax parcel 1010D-01-001.001 into four parcels, zoned B-1 (Neighborhood Business) and R-2 (Single Family): located north of Sundown Lane, south of and adjacent to W Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road, in Ward 4.
Resubdivision 1801PC007:
Charles Randolph Box, property owner, requests to divide the tax parcel 0811G-03-029.000 containing 14,466 square feet into two parcels zoned T4L (General Urban Zone "Limited"): located north of 2nd Street, south of and adjacent to 3rd Street, east of and adjacent to Nichols Court, and west of Pratt Avenue, in Ward 2.
Resubdivision 1801PC010:
Robert Heinrich of Heinrich & Associates, LLC, agent for Bobbye Carraway of BA Development, LLC, property owner, requests to divide two parcels 0911A-02-039.001 and 0911A-02-048.000 containing approx. 1.03 acres into five parcels, zoned T4L (General Urban "Limited"): located north of McIntosh Street, south of and adjacent to South Railroad Street, east of Church Avenue, and west of Dolan Avenue, in Ward 2.
Planning Commission Approval 1801PC011:
Carolyn T. Malveaux, Mary L. Rogers, and Victor S. Tillis, property owners, request to allow a mobile home use at 8198 Florida Avenue on the tax parcel 0810F-01-030.000 zoned R-1-5 (Single Family): located north of Monroe Street, south of Martin Luther King Jr Boulevard, east of and adjacent to Florida Avenue, and west of Georgia Avenue, in Ward 3.
Planning Commission Approval 1801PC013:
Michael R. and Sonia M. Smith, property owners, request to provide administrative functions for an attack preparedness and training business as a home occupation at 13396 Cedar Knot Cove on the tax parcel 0807O-01-030.033 zoned R-1-15 (Single-Family): located north of O'Neal Road, south of Autumn Chase, east of and adjacent to Cedar Knot Cove, and west of Kirkwood Drive, in Ward 7.
Resubdivision 1801PC014:
David and Donna Machado, Christopher E. Smith, Lisa M. Mabry, and Keith A. and Shelley P. Williams, property owners, request to divide the tax parcels 1010C-01-001.013, 1010C-01-001.014, and 1010C-01-001.015 containing 1.25 acres into two parcels zoned R-2 (Single Family): located north of Bernard Bayou, south of and adjacent to Channelside Drive, east of Lorraine Road, and west of Bayou Plantation Lane, in Ward 5.
Zoning Map Amendment 1801PC015:
Outdoor Way Development, LLC, agent for Outdoor Way, LLC, property owner, requests to rezone the tax parcel 0809A-02-007.001 containing 3.89 acres from I-2 (Heavy Industrial) to I-3 (Planned Industrial): located north of and adjacent to Seaway Road, south of Interstate 10, east of Three Rivers Road, and west of and adjacent to Outdoor Way, in Ward 5.
Final Plat 1801PC016:
Brown, Mitchell, and Alexander, Inc, agent for Florence Gardens, LLC, property owner, request approval of a 20-lot single-family subdivision (The Westwood District Florence Gardens Phase IV) on 17.54 acres of the tax parcel 0908C-01-001.000 containing 134 acres zoned R-1-7.5 (Single Family): located north of Kinder Drive, south of and adjacent to O'neal Road, east of Holliman Road, and west of and adjacent to Florence Gardens Boulevard, in Ward 6.
Text Amendment 1801PC018:
The City of Gulfport requests amendments to Chapter 8: Parks, Grounds, and Beautification; Article I: Tree Protection; Section 8-4: Application of Provisions.
Planning Commission Approval 1801PC019:
Chuck Compton, agent for Top Rock Holdings, LLC, property owner, requests approval for a warehouse use at 1251 Pass Road on the tax parcel 0811A-05-054.000 zoned B-2 (General Business): located north of and adjacent to Deborah Place, south of and adjacent to Pass Road, east of 13th Avenue, and west of Joan Avenue, in Ward 2.
This the 4th day of January, 2018
Keith Williams, Chairman
Gulfport City Planning Commission
ADV10

1897005

Proof of Publication

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Brackett who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

Vol. 134 No., 99 dated 10 day of Jan, 2018

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett

Clerk

Sworn to and subscribed before me this 10 day of Jan, A.D., 20 18

Meri A. Jackson

Notary Public

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 87184 MERI A. JACKSON Commission Expires Sept. 30, 2019 HARRISON COUNTY

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Nellie Henry, Urban Development Clerk
Code Enforcement

Date: 02/23/2018

Subject: Code Enforcement Hearing - on resolution to declare that certain properties are in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community and to authorize advertisements for bids and lot clean-ups and/or demolitions.

Recommendation:

Memorandum

To: Mayor Billy Hewes and Gulfport City Council

From: Greg Pietrangelo, Director
Department of Urban Development

Date: February 23, 2018

Re: Resolutions to declare property in a state of uncleanliness and a menace to the public health and safety of the community and to authorize lot clean-up and/or demolitions, and for the authority to advertise for bids to be presented to the City Council on the 6th day of March, 2018.

Please place the attached item on the Council agenda for March 6, 2018.

Subject: Code Enforcement Resolutions to Advertise for Bids for Lot Clean-ups and/or Demolitions.

The attached items have been routed through the following departments:

	Approve	Disapprove
Dept. of Urban Development	✕	

The items have been reviewed and approved by:

_____ Director of Urban Development

_____ CAO or Mayor _____

Memorandum - City of Gulfport

Department of Urban Development

Date: February 23, 2018

To: Mayor Billy Hewes
City Council Members

From: Code Enforcement

RE: Resolutions declaring property in a state of uncleanliness to be a menace to the public health and safety of the community and authorizing lot clean-up and/or demolitions and for approval to advertise for bids to be presented on the 6th day of March, 2018, to the City Council:

WARD 1

Parcel 1: 0711L-02-001.000. 4919 17th Street. Cut and clean grounds and remove all trash and miscellaneous debris from site. (Westley)

Parcel 2: 0711K-03-011.000. Lot 17, Blk. 5 Parkway Add. - 1111 Fournier Avenue. Board up and secure all openings. (Coastal Prop. Mgmt. LLC)

Parcel 3: 0710J-01-001.000. Lot 210, Villa Del Rey Subd. - 3920 Monterey Drive. Repair or remove inoperable vehicle(s). (Anderson)

WARD 2

Parcel 4: 0910I-02-010.000. 603 East Pass Road. Board up and secure all openings. Re-brace existing boarding. (Gimenez)

Parcel 5: 0910I-02-007.000. 729 Teagarden Road. Board up and secure all openings. Remove all trash and miscellaneous debris. Remove or weather proof tires. (Trustee of Morning Star Bapt. Ch.)

WARD 3

Parcel 6: 0811C-03-094.000. E 50 Ft. of Lots 15-17, Inc., Blk. 57, Original Gulfport. - 2412 23rd Street. Cut and clean grounds and remove all trash and miscellaneous debris from site. Bring building up to code or demo. Exterminate by approves process. (Martin)

WARD 7

Parcel 7: 0907I-01-075.000. Lots 92-94, Blk. 9, Re-Subd of Biloxi River Estates Unit # 1 – 12036 Boles Blvd. Remove all trash and miscellaneous debris from site. Repair or remove inoperable vehicle(s). (Hanson)

There came on for consideration at a meeting of the Mayor and members of the Council of the City of Gulfport, Mississippi, held on the **6th** day of **March, 2018**, the following Resolution:

A RESOLUTION OF THE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF GULFPORT FINDING AND ADJUDICATING THAT THE HEREIN DESCRIBED PARCELS OF LAND ARE IN SUCH A STATE OF UNCLEANLINESS AS TO BE A MENACE TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND AUTHORIZING ADVERTISEMENT FOR BIDS TO HAVE LAND CLEANED AND TO ASSESS THE COSTS TO THE SAID PROPERTIES

WHEREAS, Mayor and members of the Council of the City of Gulfport finds, determines, and adjudicates, based upon the investigation of the City's Department of Urban Development Code Enforcement Division, that the parcels of land described below are in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community; and

WHEREAS, said properties, as described herein, are lying and being within the City of Gulfport, First Judicial District, Harrison County, Mississippi; and

WHEREAS, the parcels investigated by the Department of Urban Development Code Enforcement Division and recommended by them for adjudication as being parcels in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community are as follows:

Parcel 1: 0711L-02-001.000. 4919 17th Street. Cut and clean grounds and remove all trash and miscellaneous debris from site. (Westley)

Parcel 2: 0711K-03-011.000. Lot 17, Blk. 5 Parkway Add. - 1111 Fournier Avenue. Board up and secure all openings. (Coastal Prop. Mgmt. LLC)

Parcel 3: 0710J-01-001.000. Lot 210, Villa Del Rey Subd. - 3920 Monterey Drive. Repair or remove inoperable vehicle(s). (Anderson)

Parcel 4: 0910I-02-010.000. 603 East Pass Road. Board up and secure all openings. Re-brace existing boarding. (Gimenez)

Parcel 5: 0910I-02-007.000. 729 Teagarden Road. Board up and secure all openings. Remove all trash and miscellaneous debris. Remove or weather proof tires. (Trustee of Morning Star Bapt. Ch.)

Parcel 6: 0811C-03-094.000. E 50 Ft. of Lots 15-17, Inc., Blk. 57, Original Gulfport. - 2412 23rd Street. Cut and clean grounds and remove all trash and miscellaneous debris from site. Bring building up to code or demo. Exterminate by approves process. (Martin)

Parcel 7: 0907I-01-075.000. Lots 92-94, Blk. 9, Re-Subd of Biloxi River Estates Unit # 1 – 12036 Boles Blvd. Remove all trash and miscellaneous debris from site. Repair or remove inoperable vehicle(s). (Hanson)

WHEREAS, the Mayor and members of the Council of the City of Gulfport further find, determine and adjudicate that advertisement for bids to clean the above referenced properties should be made in the form and manner by law provided; and

WHEREAS, the Mayor and members of the Council further find, determine and adjudicate that the cost of the demolition and lot cleanup shall not exceed the aggregate amount of $20,000.00 per parcel shall be a lien against said property and shall be enrolled in the office of the Circuit Clerk of the First Judicial District of Harrison County, Mississippi as other judgments are enrolled, and thereafter, the Tax Collector of the Municipality shall, upon order of the Mayor and members of the Council, proceed to sell the herein described land to satisfy said lien as now provided by law for the sale of land for delinquent municipal taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters, facts and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That the City Clerk be and is hereby authorized to advertise for bids to clean the property described above lying and being within the City of Gulfport, First Judicial District of Harrison County, Mississippi.

SECTION 3. That the cost of cleanup of the herein described property, including any penalty assessed, shall be a lien against said property and shall be enrolled in the office of the Circuit Clerk of the First Judicial District of Harrison County, Mississippi, and thereafter, the Tax Collector of the City, shall, upon order of the Mayor and members of the Council, proceed to sell the land to satisfy said lien as now provided by law for the sale of lands delinquent municipal taxes.

Councilmember _____ moved the adoption of the Resolution, which motion was seconded by Councilmember _____. Upon being put to a roll call vote, the following ballots were cast:

YEAS: NAYS: ABSENT:

WHEREUPON the President declared the motion carried and the Resolution adopted, this the _____ day of _____, 2018.

(SEAL)

ATTEST: ADOPTED:

_____ _____

CLERK OF THE COUNCIL PRESIDENT OF THE COUNCIL

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the _____ day of _____, 2018.

APPROVED:

_____

MAYOR

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Cory Long, Planner III
Planning & Zoning

Date: 02/28/2018

Subject: Acceptance for Perpetual Maintenance - Tracewood Subdivision public improvements and transfer of streetlight account to the City of Gulfport - Ward 6.

Recommendation:

Blessed Investment Team, LLC (BIT)
P.O. Box 2353
Gulfport, MS 39505

February 26, 2018

City of Gulfport – Planning Department
2410 14th Street
Gulfport, MS 39501

RE: **Tracewood Subdivision Final Acceptance**
Located at Oneal Rd.
Gulfport, Mississippi

To Whom It May Concern:

In reference to the above subdivision and per our meeting on February 23, 2018, we agree to address the following items:

1. Clean out the 3 existing detention ponds;
2. Form and finish concrete sidewalks in front of the 14 existing duplexes. The sidewalks will constructed at the same time as each permit is pulled for new construction by BIT.
3. Upgrade the existing fence along O'Neal Rd.

If you have any questions or need any additional information, please do not hesitate to call me.

Sincerely,

Blessed Investment Team, LLC

Wayne Carr, Member

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Connie Debenport, Manager
Purchasing

Date: 02/26/2018

Subject: Resolution - approving Amendment #1 to the Agreement with Brown, Mitchell & Alexander, Inc., for professional services related to the Gulfport Sportsplex Expansion Project and authorizing the Mayor to execute the same.

Recommendation:

Memorandum - City of Gulfport

Purchasing

To: The Honorable Mayor and City Council

From: Connie Debenport, CPPB

Date: February 26, 2018

Re: **Request to Approve Amendment #1**
Engineering Fees
Expansion of Gulfport Sportsplex,

Please see attached letter of recommendation from Dax Alexander, Project Engineer requesting approval of the Amendment #1 in the amount of $49,871.75.

Factors affecting the construction schedule are a four (4) month or 22% increase in construction duration which is primarily due to delays in the initial COE permit resulting from plan changes made after bids were received on the site work portion of the project. A secondary factor in the increased construction duration is the extremely wet weather that has occurred during the project.

Original Contract Amount	$543,150.00
Additional RPR Fees – Council approved 04-19-16	$200,000.00
Amendment #1 to Additional RPR Fees	$20,188.00
Total Contract Price	**$763,333.08**

Thank you for your consideration.

BROWN, MITCHELL & ALEXANDER, INC.
CONSULTING ENGINEERS

401 Cowan Road, Suite A
Gulfport, MS 39507
228-864-7612

796 Vieux Marche, 2nd Floor
Biloxi, MS 39530
228-436-7612

3103 Pascagoula Street
Pascagoula, MS 39567
228-436-7612

www.bmaengineers.com

February 20, 2018

Mr. Gus Wesson, Director
Department of Leisure Services
City of Gulfport
P.O. Box 1780
Gulfport, MS 39507

RE: Gulfport Sportsplex Expansion
Gulfport, Mississippi

Dear Mr. Wesson:

Brown, Mitchell & Alexander, Inc. (BMA) has been providing Resident Project Representative (RPR) services on the referenced project as part of our agreement with the City of Gulfport. That agreement anticipated a construction duration of eighteen (18) months.

Currently, the project is in its 19th month of construction, with completion anticipated in April (totaling 22 months). This four (4) month or 22% increase in construction duration is primarily due to delays in the initial COE permit resulting from plan changes made after bids were received on Contract "A" (sitework). A secondary factor in increased construction duration was the extremely wet weather that has occurred during the course of earthwork portions of this project.

We feel we have effectively managed our RPR services for this project, stretching them to the 19 month mark thus far. To this end, we have reduced weekly work and have utilized our personnel to review the work typically reviewed by our subconsultants all in order to manage the fee. However, to continue providing RPR services through the end of the project, we request an amendment for $20,188.00.

Please review and if satisfactory, forward to the Mayor and Council for approval. Call Kevin Mullen or myself with any questions or comments.

Sincerely,

Dax Alexander

Dax Alexander, P.E.
President

Enclosures

CELEBRATING 50 YEARS

O:\lorrie\ProjectFiles\3485 Gpt Sportsplex Expansion\RPR amend trans.ltr.doc

BROWN, MITCHELL & ALEXANDER, INC.
CONSULTING ENGINEERS
CELEBRATING 50 YEARS

ORIGINAL

AMENDMENT 1

To the Agreement for Professional Services between

City of Gulfport

&

Brown, Mitchell & Alexander, Inc.

Gulfport Sportsplex Expansion
Gulfport, Mississippi

This Amendment is attached to, made a part of, and incorporated by reference into an Agreement made on the 19th day of April, 2016, between the City of Gulfport (Owner) and Brown, Mitchell & Alexander, Inc, (Engineer), providing for Professional Engineering Services for the Gulfport Sportsplex Expansion Project. The payments to Engineer as described in Amendment 2 Exhibit C are amended or supplemented as indicated below:

1. Reference Article 3 – *Schedule for Rendering Services* Paragraph 3.02 *Time for Completion:*

3.02B "If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's services is impaired, or Engineer's services are delayed or suspended, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably."

3.02 C "If Owner authorizes changes in the scope, extent, or character of the Project, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation , shall be adjusted equitably."

2. Contractor's Notice –to-Proceed was on or before June 15, 2016_ for work to be completed within 18 months thereafter.

The project has been divided in to multiple projects to keep the overall project under budget. The initial site work project, Project A, was delayed fifty-two (52) work days due to changes in the road alignment to JFM Parkway and delays in receiving the wetlands permit. Though work continued during the delay, the contractor was not able to execute the work in an efficient manner. Contractor was granted a time extension on November 7, 2017. We had an RPR on site during the delay and request $20,188 be added to our RPR budget to complete this project. With the additional funds, we will be able to continue our effort and provide sufficient RPR services up until closeout of the project in early May 2018.

3. Add to Exhibit C: *"Compensation for Additional Services and Reimbursable Expenses – Standard Hourly Rates Method of Payment"*

C2.05.3 **Extended Resident Project Representation Services:** For services of Engineer's Employees beginning February 20, 2018, to perform extended Resident Project Representation Services an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times Standard Hourly Rates for each applicable billing class for all services performed on the Project. The total compensation increase under this Paragraph is hourly, not-to-exceed **$20,188.00, for a total RPR fee of $220,188.00 project to date.**

The total of all fees under this contract including the original agreement and Amendment 1 is approximately **$763,333.08** which includes both lump sum and hourly fee tasks.

This AMENDMENT 1 is hereby made a part of and incorporated into the original Agreement, dated April 19, 2016, as though originally included therein.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment, as of this _____ day of March, 2018.

OWNER:
City of Gulfport

_____

Honorable Billy Hewes
Mayor

Address for giving notice:
P.O. Box 1780
Gulfport, MS 39502

ENGINEER:
Brown, Mitchell & Alexander, Inc.

Dax Alexander

Dax Alexander, P.E.
President

Address for giving notice:
401 Cowan Road Suite A
Gulfport, MS 39507

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Terri Goad, Purchasing
Purchasing

Date: 02/26/2018

Subject: Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport Police Department and for related purposes.

Recommendation:

Memorandum - City of Gulfport

Purchasing

To: The Honorable Mayor and City Council

From: Terri Goad, Procurement Specialist

Date: February 26, 2018

Re: **Promotional Items Request**
City of Gulfport Police Department

The City of Gulfport Police Department is requesting approval to purchase 1,000 Plastic Jr. Badges, Silver with black, pencils and (2) color hats with badge. Items are being purchased for activities for the citizens of Gulfport with emphasis on engaging children. The total approximate cost is $1,645.00 – see attached quotes.

Request City Council make a finding that the purchase of such promotional items be spread across the minutes in accordance with the following provision in the MS Code. (See attached resolution).

Miss. Code Ann. §17-3-3 (Rev. 2003) provides,

"Advertising pursuant to Section 17-3-1 shall include newspaper and magazine advertising and literature, publicity, expositions, public entertainment or other form of advertising or publicity, which in the judgment of such board or boards will be helpful toward advancing the moral, financial and other interests of such municipality or county."

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the _____ day of _____, 2017, the following Resolution:

A RESOLUTION BY THE GULFPORT CITY COUNCIL TO AUTHORIZE AN EXPENDITURE FOR ADVERTISING AND BRINGING INTO FAVORABLE NOTICE THE OPPORTUNITIES, POSSIBILITIES AND RESOURCES OF THE CITY OF GULFPORT THRU POLICE DEPARTMENT RECRUITING AND COMMUNITY OUTREACH EFFORTS, AND FOR RELATED PURPOSES

WHEREAS, the Gulfport Police Department regularly participates in recruiting and community outreach efforts to assist in both identifying quality candidates to join the Department and promoting a good relationship between the Department and the community that it serves; and

WHEREAS, the City of Gulfport receives advertising thru the recruiting and community outreach efforts of the Department; and

WHEREAS, the Governing Authority of the City of Gulfport is of the opinion that the City of Gulfport benefits from such advertising in the event by having an opportunity to promote the City of Gulfport to individuals from around the Gulf South; and it finds that pursuant to the authority of Miss. Code Ann. §17-3-1 (Rev. 2003) and Miss. Code Ann. §17-3-3 (Rev.2003) that an expenditure of $1,645.00 for the purchase of the items identified in the attached request hereto as Exhibit "A & B" serves the purposes of advertising and bringing into favorable notice the opportunities, possibilities and resources of the municipality, and shall constitute a form of advertising or publicity that will be helpful toward advancing the moral, financial and other interests of the City of Gulfport.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS, TO WIT:

Section 1. That the matters, facts and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

Section 2. That the City of Gulfport, by and through the Gulfport Police Department, is hereby authorized to expend municipal funds in the amount of $1,645.00, payable in payment to the entity/ies listed on the attached requests to purchase - Exhibit "A & B".

The above and foregoing Resolution, after having been first reduced to writing and read by the Clerk, was introduced by _____, seconded by _____, and was adopted by the following roll call vote:

AYES	**NAYS**	**ABSENT**

WHEREUPON, the President declared the motion carried and the Resolution adopted this the _____ day of _____, 2017.

(SEAL)

ATTEST: **ADOPTED:**

_____ _____

CLERK OF THE COUNCIL **PRESIDENT**

The above and foregoing Resolution was submitted to and approved by the Mayor, this the _____ day of _____, 2017.

APPROVED:

_____

MAYOR

Geiger™
Brandspiration.

Amy Barrett
228-863-2231
amybarrett.geiger.com

February 16, 2018

Quote for Gulfport Police Department
Plastic Jr. Badges, Silver with black
1000 @ 1.10 = 1100.00
Freight estimate 65.00
Total 1165.00

Production time approximately 3 weeks.

Thank you, Amy

Geiger™
Brandspiration.

Amy Barrett
228-863-2231
amybarrett.geiger.com

February 16, 2018

Pencils BW
1000 @ .16 = 160.00
Freight est. 20.00
Total 180.00

Thank you, Amy

Geiger™
Brandspiration

Amy Barrett
228-863-2231
amybarrett.geiger.com

February 16, 2018

Quote for Gulfport Police Department

Item 97141
Police Hat
2 color hat with badge

500 @ .52 =	260.00
Freight estimate	40.00
Total	300.00

Thank you, amy

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Ronda Cole, Clerk of Council
City Council

Date:

Subject: Resolution - by the Gulfport City Council rescinding action on February 20, 2018 approving expenditure to the MS Aquarium and re-authorizing issuance of a special check and for related purposes.

Recommendation:

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Veronica Weaver, Assistant Budget Analyst
Public Works

Date: 02/26/2018

Subject:

Request - for approval of application programming interface to merge Cityworks and Citysourced.

Recommendation:

DEPARTMENT OF PUBLIC WORKS

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5740
Fax: 228-214-2238

Public Works & Engineering
4050 Hewes Ave
Gulfport, MS 39507

Memorandum

To: City Council
Purchasing
Legal

CC: Mayor Billy Hewes
Dr. John Kelly, CAO
Kris Riemann, P.E., Director of Engineering

From: Wayne E. Miller, P.E., Director of Public Works

Date: February 26th, 2018

Subject: Cityworks Citizen Engagement (API)

On January 16, 2018 the Council approved the software development application services contract with Citysourced, Inc. We are now at the point in the project where we are tying Cityworks and Citysourced together; this connection must be made through an application programming interface, or API. As expected, this additional feature will result in a $2,750.00 increase to the annual maintenance cost of Cityworks.

Please place on the March 6th, 2018 City Council Agenda.

CITYWORKS®
LICENSE AND MAINTENANCE AGREEMENT

This Software License and Maintenance Agreement made by and between Azteca Systems, LLC ("Azteca Systems") a Delaware limited liability company, with a place of business at 11075 South State, Suite 24, Sandy, Utah 84070 USA and the **City of Gulfport,** Mississippi, using certain of Azteca Systems Licensed Products hereinafter referred to as "Licensee." This Agreement is effective immediately upon delivery of Licensed Products (the "Effective Date").

Azteca Systems Products are licensed under the terms and conditions of the Agreement. This agreement, when executed by the licensee named below ("Licensee") and Azteca Systems, LLC (Azteca Systems), as licensor of the Software, Online, Services, and Documentation licensed under the License Agreement, will supersede any previous Agreements including the License Agreement presented in the installation process requiring acceptance by electronic acknowledgement and will constitute a signed License Agreement.

This signed Agreement includes (i) this License and Maintenance Agreement, (ii) Addendum #1 – Product Licensing, (iii) Addendum #2 – Standard Maintenance and Support and (iv) Addendum #3 – Third Party Contractor Acknowledgment.

This signed Agreement may be executed in duplicate by the Parties. An executed Agreement, modification, amendment, or separate signature page shall constitute a duplicate if it is transmitted through electronic means, such as fax or email, and reflects the signing of the document by any Party. Duplicates are valid and binding even if an original paper document bearing each Party's original signature is not delivered.

ARTICLE 1—DEFINITIONS

1.1 Definitions. The terms used are defined as follows:

a. "Agreement" means this Software License Agreement between Azteca Systems and Licensee, inclusive of all schedules, exhibits, attachments, addenda and other documents incorporated by reference.
b. "Authorization Code(s)" means any key, authorization number, enablement code, login credential, activation code, token, account user name and password, or other mechanism required for use of a Product.
c. "Authorized User" or "User" shall mean: (i) a direct user of the Licensed Products, including but not limited to Licensee's employees; (ii) Licensee's consultants who have agreed to maintain the Licensed Property in confidence and use it only for the benefit of Licensee, or (iii) members of the public gaining access to, and only limited use of, the Licensed Products via the Software's public web portal (if applicable). Other than limited use of the Products through the software's web portal, the public is not considered an authorized user.
d. "Client Data" means the data provided or inputted by or on behalf of Licensee, including personally identifiable information, for use with the Software.
e. "Covered Software" shall mean the particular Cityworks Software, scripts, interfaces and custom code identified in Addendum #1.
f. "Deployment Server License" means a license that, in addition to providing staging server License rights, authorizes Licensee to install and use the Software for deployment in Licensee's internal use.
g. "Testing Server License" means a license that authorizes Licensee to install and use the Software on a server in Licensee's internal use to provide testing License rights prior to deployment.
h. "Documentation" means all user reference documentation that is delivered with the Software.
i. "Internal Use" means use of the Licensed Products by employees of Licensee in Licensee's internal operations but does not include access of the Licensed Products by, or use of the Licensed Products in the provisions of services to, Licensee's clients or customers. Internal Use also includes use of the Licensed Products by contractors of Licensee, including contractors providing outsourcing or hosting services, as long as Licensee assumes full responsibility for the compliance with this Agreement in such use. Use of the Licensed Products (or any part thereof) for the benefit of others, whether by means of a software as a service offering, service bureau application, application service provider, outsourcing or other means of providing service to any third party shall not be considered Internal Use.
j. "Licensed Products" or "Products" shall mean the portion of the Cityworks Software and the

Documentation to which Licensee has purchased a License as identified as specified in Addendum #1 attached hereto. Licensed Products shall include any updates or upgrades to the Licensed Products that Azteca Systems may at its discretion deliver to Licensee. Products includes but is not limited to Software, Online Services, and Documentation licensed under the terms of this license Agreement.

k. "Login" means a license that allows Licensee to permit a single authorized named end user to use the Software, Data, and Documentation installed on a server and accessed from a computer device.
l. "Online Services" means any Internet-based system, including applications and associated APIs, hosted by Azteca Systems or its licensors, for storing, managing, publishing, and using Cityworks software and data, and other information.
m. "Ordering Document(s)" means a sales quotation, purchase order, or other document identifying the Products that Licensee orders.
n. "Preview" means any alpha, beta, or prerelease Product.
o. "Sample(s)" means sample code, sample applications, add-ons, or sample extensions of Products.
p. “Server” means each single instance of an operating system, whether physically installed on a computer or within a virtualized environment.
q. "Software" or “Cityworks Software” means all or any portion of Azteca Systems proprietary software technology, excluding data, accessed or downloaded from an Azteca Systems (Cityworks) authorized website or delivered on any media in any format including backups, updates, upgrades, and service packs.
r. “Standard Maintenance” or “Maintenance Addendum” shall mean the Standard Software Maintenance & Support Addendum #2.
s. "Term License" means a license or access provided for use of a Product for a limited time period ("Term") or on a subscription or maintenance basis as specified herein.

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ARTICLE 3—GRANT OF LICENSE

3.1 Grant of License. Subject to the terms of this Agreement, Azteca Systems grants to Licensee a personal, nonexclusive, nontransferable license solely to use the Products as set forth in Addendum #1 – Product Licensing (i) for which the applicable license fees have been paid; (ii) for Licensee's own internal use; and (iii) in accordance with this Agreement and the configuration ordered by Licensee or as authorized by Azteca Systems; and (iv) for the applicable Term or until terminated in accordance with Article 5. License types may include, but are not limited to Login, Workgroup, Departmental, ELA (Enterprise License) Licenses. Licensee may allow Third Party Contractors to access and use the licensed Software, provided Licensee and Third Party Contractor agree to and are bound by the terms set forth in Addendum 3. In addition to the Scope of Use in Article 4, Addendum #1 -- Product Licensing which applies to specific Products, Addendum #2 – Standard Maintenance and Support, and Addendum #3 – Third Party Contractor Acknowledgment (if applicable) collectively, are incorporated in this Agreement.

a. *Software. U*se and License for specific Software products are set forth in Addendum 1- Product Licensing Addendum, which is incorporated by reference.
b. *Maintenance.* Maintenance terms are set forth in Section 9.11 below and in Addendum 2, - Standard Maintenance and Support which terms are incorporated by reference.
c. *Third Party Contractor.* Terms of use for Third Party Contractor software usage (if applicable) are set forth in Addendum #3, which is incorporated by reference.

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3.3 Special Use Programs. If Licensee acquires Products under a special program for noncommercial, nonprofit, educational, or other limited-use license, Licensee's use of the Products is subject to the terms set forth in the applicable enrollment form or as described on Azteca's website in addition to the non-conflicting terms of this Agreement. All such program terms are incorporated herein by reference.

3.4 Delivery. Unless otherwise requested by Licensee, Azteca Systems shall provide an electronic link to make available to Licensee the Licensed Property by electronic download and a license key to activate the Licensed Property.

ARTICLE 4—SCOPE OF USE

4.1 Permitted Uses

a. For Products delivered to Licensee, Licensee may:

1. Install and store Products on electronic storage device(s);
2. Make archival copies and routine computer backups;
3. Install and use a newer version of Software concurrently with the version to be replaced during a reasonable transition period not to exceed 6 months, provided that the deployment of either version does not exceed the Licensee's licensed quantity; thereafter, Licensee shall not use more Software in the aggregate than Licensee's total licensed quantity; and
4. Move the Software in the licensed configuration to a replacement Server.

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4.2 Uses Not Permitted. Except to the extent that applicable law prohibits or overrides these restrictions, or as provided herein, Licensee shall not:

a. Sell, rent, lease, sublicense, lend, assign, or time-share Products;
b. Permit persons other than Authorized Users to access or use the Licensed Products (or any part thereof);
c. Act as a service bureau or Commercial ASP;
d. Use Software, Data, or Documentation for a site or service and operate the site or service for profit or generate revenue through direct or indirect methods (e.g., advertising or by charging for access to the site or service);
e. Redistribute Software, Data, or Online Services to third parties, in whole or in part, including, but not limited to, extensions, components, or APIs;
f. Redistribute Authorization Codes;
g. Reverse engineer, decompile, or disassemble Products;
h. Make any attempt to circumvent the technological measure(s) that controls access to or use of Products;

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l. Unbundle or independently use the individual or component parts of Software or Online Services;
m. Incorporate any portion of the Software into a product or service that competes with the Software;
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o. Use, incorporate, modify, distribute, provide access to, or combine any computer code provided with the Software in a manner that would subject such code or any part of the Software to open source license terms, which includes any license terms that require computer code to be (i) disclosed in source code form to third parties, (ii) licensed to third parties for the purpose of making derivative works, or (iii) redistributable to third parties at no charge.

ARTICLE 5—TERM AND TERMINATION

5.1. This License Agreement is effective upon date and signature of Licensee below. The initial term of this License Agreement will begin upon the dates set forth in Addendum 1 and provided the fees are paid. This License agreement and its maintenance provisions may then be renewed annually by payment of the then current maintenance fees for the next annual maintenance period as set forth in Addendum 1.

5.2. Either party may terminate this License Agreement or any Product license for a material breach that is not cured within thirty (30) days of written notice to the breaching party, except that termination is immediate for a material breach that is impossible to cure.

5.3. Termination for Convenience: Either party may terminate this Agreement by giving the other party thirty (30) days' written notice prior to the end of the current Term Maintenance Period.

5.4. In the event that either funding from Licensee or other sources is withdrawn, reduced, or limited, or the authority of Licensee to perform any of its duties is withdrawn, reduced, or limited in any way after the Effective Date of this Agreement and prior to normal completion, the parties shall have the authority to exercise the Termination for Convenience option to terminate this Agreement in whole or in part. If a party to this Agreement chooses to terminate for convenience that party may do so by thirty (30) days' written notice to the other party.

5.5. Upon termination of the License and Maintenance Agreement, all Product licenses granted hereunder terminate as well. Upon termination of a License or the License and Maintenance Agreement, Licensee will (i) stop accessing and using affected Product(s); (ii) clear any client-side data cache derived from Online Services; and (iii) uninstall, remove, and destroy all copies of affected Product(s) in Licensee's possession or control, including any modified or merged portions thereof, in any form, and execute and deliver evidence of such actions to Azteca Systems.

5.6. If this Agreement is terminated for convenience, the Licensee is only liable for payment required by the terms of this Agreement for license, maintenance and support services rendered or products and software received and accepted prior to the effective date of termination.

5.7. If this Agreement is terminated under section 5.3 or 5.4 above, Licensee shall then return to Azteca Systems all of the Software, related modules, related updates, and any whole or partial copies, codes, modifications, and merged portions in any form. Azteca will then for no additional charge to Licensee and at Licensee's option either grant a license to the Licensee, for a period of one (1) year, which will allow Licensee to retain the ability to access records and data contained in the Software or allow Licensee to create digital copies of all files needed by the Licensee for the same period. If Licensee needs to retain access to records or data for a period longer than one (1) year, in order to transfer data to another system, Azteca will consider reasonable requests to extend beyond one (1) year.

5.8. The parties hereby agree that all provisions which operate to protect the intellectual rights of Azteca Systems

shall remain in force should breach or termination of any kind occur.

ARTICLE 6—LIMITED WARRANTIES AND DISCLAIMERS

6.1 Limited Warranties. Except as otherwise provided in this Article 6, Azteca Systems warrants for a period of ninety (90) days from the date Azteca Systems issues the Authorization Code enabling use of Software and that the unmodified Software will substantially conform to the published Documentation under normal use and service.

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6.5 Exclusive Remedy. Licensee's exclusive remedy and Azteca Systems' entire liability for breach of the limited warranties set forth in this Article 6 shall be limited, at Azteca Systems' sole discretion, to (i) replacement of any defective media; (ii) repair, correction, or a workaround for Software or Online Services subject to the Azteca Systems Maintenance Services and Support Addendum; or (iii) return of the license fees paid by Licensee for the current period, prorated for the current period, for Software or Online Services that do not meet Azteca Systems limited warranty, provided that Licensee uninstalls, removes, and destroys all copies of Software or Documentation; ceases using the Software or Online Services; and executes and delivers evidence of such actions to Azteca Systems.

6.6 If the performance of any obligation under this Agreement is prevented, restricted, or interfered with by reason of fire, flood, earthquake, explosion, or other casualty or accident; strikes or labor disputes; inability to procure delivery of parts, supplies, services, or power; war, threat of actual terrorist act, cyberattack, or other violence; any law order, proclamation, regulation, ordinance, or demand; or any condition whatsoever beyond the reasonable control of the affected party, the party so affected, upon giving prompt notice to the other party, will be provided a temporary extension for a period of time as may be reasonably necessary to allow for such delay, prevention interference, or restriction.

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7.1 Disclaimer of Certain Types of Liability. AZTECA SYSTEMS, ITS AUTHORIZED DISTRIBUTOR (IF ANY), AND ITS LICENSORS SHALL NOT BE LIABLE TO LICENSEE FOR COSTS OF PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES; LOST PROFITS, LOST SALES, OR BUSINESS EXPENDITURES;

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8.1 Azteca Systems shall defend, indemnify as described below, and hold Licensee harmless from and against any loss, liability, cost, or expense, including reasonable attorneys' fees, arising out any claims, actions, or demands by a third party legally alleging that Licensee's licensed use of Software or Online Services infringe a US patent, copyright, or trademark, provided:

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b. Licensee provides documents describing the allegations of infringement;
c. Azteca Systems has sole control of the defense of any action and negotiation related to the defense or settlement of any claim; and
d. Licensee reasonably cooperates in the defense of the claim at Azteca Systems' request and expense.

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8.3 Azteca Systems shall have no obligation to defend Licensee or to pay any resultant costs, damages, or attorneys' fees for any claims or demands alleging direct or contributory infringement to the extent arising out of (i) the combination or integration of Software or Online Services with a product, process, or system not supplied by Azteca Systems or specified by Azteca Systems in its Documentation; (ii) material alteration of Software or Online Services by anyone other than Azteca Systems or its subcontractors; or (iii) use of Software or Online Services after modifications have been provided by Azteca Systems for avoiding infringement or use after a return is ordered by Azteca Systems under Section 8.2.

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9.2 Export Control Regulations. Licensee expressly acknowledges and agrees that Licensee shall not export, re-export, import, transfer, or release Products, in whole or in part, to (i) any US embargoed country; (ii) any person on the US Treasury Department's list of Specially Designated Nationals; (iii) any person or entity on the US Commerce Department's Denied Persons List, Entity List, or Unverified List; or (iv) any person or entity or into any country where such export, re-export, or import violates any US, local, or other applicable import/export control laws or regulations including, but not limited to, the terms of any import/export license or license exemption and any amendments and supplemental additions to those import/export laws as they may occur from time to time.

9.3 Taxes and Fees, Shipping Charges. License fees quoted to Licensee are exclusive of any and all taxes or fees, including, but not limited to, sales tax, use tax, value-added tax (VAT), customs, duties, or tariffs, and shipping and handling charges.

9.4 No Implied Waivers. The failure of either party to enforce any provision of this License Agreement shall not be deemed a waiver of the provisions or of the right of such party thereafter to enforce that or any other provision.

9.5 Severability. The parties agree that if any provision of this License Agreement is held to be unenforceable for any reason, such provision shall be reformed only to the extent necessary to make the intent of the language enforceable.

9.6 Successor and Assigns. Licensee shall not assign, sublicense, or transfer Licensee's rights or delegate Licensee's obligations under this License Agreement without Azteca Systems' prior written consent, and any attempt to do so without consent shall be void. This License Agreement shall be binding on the respective successors and assigns of the parties to this License Agreement. Notwithstanding, a government contractor under contract to the government to deliver Products may assign this License Agreement and Products acquired for delivery to its government customer upon written notice to Azteca Systems, provided the government customer assents to the terms of this License Agreement.

9.7 Survival of Terms. The provisions of Articles 2, 5, 6, 7, 8, and 9 of this License Agreement, and the provisions of section 4.1 of Addendum 2, shall survive the expiration or termination of this License and Maintenance Agreement.

9.8 Equitable Relief. Licensee agrees that any breach of this License Agreement by Licensee may cause irreparable damage and that, in the event of such breach, in addition to any and all remedies at law, Azteca Systems shall have the right to seek an injunction, specific performance, or other equitable relief in any court of competent jurisdiction without the requirement of posting a bond or proving injury as a condition for relief.

9.9 US Government Licensee. The Products are commercial items, developed at private expense, provided to Licensee under this License Agreement. If Licensee is a US government entity or US government contractor, Azteca Systems licenses Products to Licensee in accordance with this License Agreement under FAR Subparts 12.211/12.212 or DFARS Subpart 227.7202. Azteca Systems Data and Online Services are licensed under the same subpart 227.7202 policy as commercial computer software for acquisitions made under DFARS. The commercial license rights in this License Agreement strictly govern Licensee's use, reproduction, or disclosure of Products. Azteca Systems Software source code is unpublished, and all rights to Products are reserved by Azteca Systems and its licensors. Licensee may transfer Software to any licensed government procuring agency facility to which computer(s) on which Software is installed are transferred. If any court, arbitrator, or board holds that Licensee has greater rights to any portion of Products under applicable public procurement law, such rights shall extend only to the portions affected.

9.10 Governing Law, Disputes, and Arbitration. This License Agreement shall be governed by and construed

in accordance with the laws of the State of Utah without reference to conflict of laws principles, except that US federal law shall govern in matters of intellectual property. Except as provided in Section 9.8, any dispute arising out of or relating to this License Agreement or the breach thereof shall be resolved in the following order:

- *Consultation and negotiation in good faith and a spirit of mutual cooperation;*
- Mediation, by a mutually acceptable mediator chosen by the parties, which cost is shared equally;
- If the matter cannot be settled through negotiation or mediation, then it shall be finally settled by arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules. Judgment on the award rendered by the arbitrator may be entered in a court of competent jurisdiction. If Licensee is a US government agency, this License Agreement is subject to the Contract Disputes Act of 1978, as amended (41 USC 601–613), in lieu of the arbitration provisions of this clause. This License Agreement shall not be governed by the United Nations Convention on Contracts for the International Sale of Goods, the application of which is expressly excluded.

9.11 Maintenance. Maintenance for qualifying Software consists of updates and other benefits, such as access to technical support, are provided during the Term of Use. Maintenance is specified as set forth in Addendum #2.

9.12 Feedback. Azteca Systems may freely use any feedback, suggestions, or requests for Product improvements that Licensee provides to Azteca Systems. Regardless of the source of any feedback or suggestions, any improvements to Cityworks Software or Products, and any related intellectual property, are owned by Azteca Systems.

9.13 Patents. Licensee may not seek, and may not permit any other user to seek, a patent or similar right worldwide that is based on or incorporates any Azteca Systems technology or services. This express prohibition on patenting shall not apply to Licensee's software and technology except to the extent that Azteca Systems technology or services, or any portion thereof, are a part of any claim or preferred embodiment in a patent application or a similar application.

9.14 Entire Agreement. This License Agreement, including its incorporated documents, addendums, and exhibits constitutes the sole and entire agreement of the parties as to the subject matter set forth herein and supersedes any previous license agreements, understandings, and arrangements between the parties relating to such subject matter. Additional or conflicting terms set forth in any purchase orders, invoices, or other standard form documents exchanged during the ordering process, other than product descriptions, quantities, pricing, and delivery instructions, are void and of no effect. Any modification(s) or amendment(s) to this License Agreement must be in writing and signed by each party or as otherwise provided in Addendum #1.

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be executed and made effective by their respective authorized representatives.

AZTECA SYSTEMS, LLC	**CITY OF GULFPORT, MS** – (LICENSEE)
By: _____	By: _____
Name: Brian L. Haslam	Name: _____
Title: President - CEO	Title: _____
Date: _____/_____/_____	Date: _____/_____/_____

ADDENDUM #1

PRODUCT LICENSING

1. **Licensed Software:**

Server AMS Custom Enterprise License Agreement (ELA), Includes Unlimited Quantities of the Identified Products: Office Tablet --Includes the following Add-ons: Storeroom Cityworks Analytics Citizen Engagement API CCTV Interface for PACP Local Government Templates (LGT) *Annual fee herein is based on 50,001 to 100,000 population range*

Additional Software Products & Licenses: Additional Software Products & licenses may be added to this License Agreement with either an acknowledgement of an official Cityworks quote signed by Licensee and additional fees, if necessary or applicable being paid, or receipt of Purchase Order from Licensee in response to an official Cityworks quote and additional fees, if applicable being paid.

2. **Notices & Licensee Information: Until or unless otherwise, modified, all notices relevant to this agreement shall be sent to the following address:**

Azteca Systems, LLC 11075 South State, Suite 24 Sandy, Utah 84070	**City of Gulfport** 1422 23rd Avenue Gulfport, MS 39501	
	Attn:	Ryan Merrill
	E-mail:	rmerrill@gulfport-ms.gov
	Phone:	228.868.5740

3. **Delivery Date/Effective Date of Software**

MM/DD/YYYY
02/01/2018 *(with additional software added on 03/01/2018)*

4. **Schedule of Payments and Fees under License and Maintenance Agreement**

Support Period	Date From/To (mm/dd/yyyy)	Amount
Period 1	**03/01/2018 – 01/31/2019**	**$ 2,750.00***
Period 2	**02/01/2019 – 01/31/2020**	**$31,437.00**

* Period 1 fees reflect additional software API added on 3/1/2018 and reflects the pro-rated for the software added. Initial license fees for Period 1 were paid previously. Period 2 reflects full amount for updated software renewal fees.

5. **Additional**

Updates to the above licensed software means a subsequent release of the program which Azteca generally makes available to its supported customers as part of the annual maintenance plan for which fees have been paid.

Occasionally, Azteca changes the name of its licensed software as part of its ongoing process to improve and increase the functionality of the software. In the event the software licensed or listed above changes in name, and/or improvements are made, Azteca will provide software with functionality that is similar to or with substantially the same or greater functionality of the originally licensed software, provided all current license fees have been paid.

Updates may not always include any release, option or future program that Azteca licenses separately. Updates are provided when available (as determined by Azteca). Azteca is under no obligation to develop any future programs or functionality. Any updates made available will be delivered to you, or made available to you for download. You shall be responsible for copying, downloading and installing the updates.

ADDENDUM #2

STANDARD MAINTENANCE AND SUPPORT

Standard Maintenance and Support Addendum provisions are between the Licensee and Azteca, Systems, LLC. Maintenance and Support are provided subject to the terms and conditions of the signed License Agreement and which is incorporated by reference.

1. **MAINTENANCE & SUPPORT**: Azteca Systems will provide maintenance and support services to Licensee for qualifying Products during the applicable Term for such Products provided the applicable license fees have been paid for the times and periods and amounts specified in Addendum #1. Maintenance and Support Services consist of the following benefits: Technical support, new version software, service packs, software upgrades, and software updates.

1.1. Azteca Systems will ensure upward compatibility for the Covered Software applications within a reasonable timeframe for minor Esri® ArcGIS and Cityworks supported database revisions. Azteca Systems will not ensure upward compatibility for Covered Software Applications when there are major Esri ArcGIS revisions (for example, from rev 10.x to rev 11.x), however Azteca Systems will make all reasonable efforts to provide upward compatibility.

1.2. Azteca Systems shall, without additional charge (except as allowed for in paragraph 3.4), during the term of this Agreement provide the following:

(a) Software Updates. Software Updates includes Upgrades and service packs which are a collection of files that enhance or correct the Covered Software and which will be available for Licensee to download during the Maintenance Term/Period. Updates and Upgrades may also include new versions;

(b) Provide Telephone Support, Email Support, Web Support, during normal business hours, 8 AM to 5 PM Mountain Time, Monday through Friday (excepting Holidays) and after hour emergency support line, and other benefits deemed appropriate by Azteca Systems (as set forth in Section 2 below); and

(c) Implement and maintain a means of secure, remote direct network access (VPN, Web-access, etc.) to the Licensee's systems in order to perform thorough remote diagnostics.

1.3 The following items, among others, however, are specifically excluded as support services under this section of this Maintenance and Support:

(a) Support for applying or installing upgrades and service packs;

(b) Assistance with questions related to third party software, computer hardware, networking, and other similar items that are not provided by Azteca;

(c) Assistance with computer operating system questions not directly pertinent to the Covered Software or Program Modifications;

(d) Licensee Data debugging and/or correcting;

(e) Services necessitated as a result of any cause other than authorized ordinary and proper use by the Licensee of the Covered Software, including but not limited to neglect, abuse, unauthorized modifications and/or unauthorized updates;

(f) Consulting regarding customizations created to function with the Covered Software unless the customization is identified and listed as Covered Software in Addendum 1;

(g) Assistance with applications which are not part of a standard life cycle, such as preview, beta, or candidate releases; and

(h) Questions such as configuration, implementation and walk-throughs.

1.4 Support Periods are renewable unless terminated as provided in Section 3 below. The Maintenance Services consists of software and documentation updates and access to technical support via telephone, email, web-based (www.MyCityworks.com) and after hours support as set forth in Section 1 of this Addendum.

1.5. Technical support provided pursuant these maintenance provisions shall be performed in a professional and workmanlike manner. Azteca Systems will use commercially reasonable efforts to provide corrections to a technical issue or provide a workaround, but Azteca Systems cannot guarantee that all technical issues can be fixed or resolved.

1.6. **Authorized Callers**. Licensee may designate a limited number of authorized callers per software product listed in Addendum 1. Licensee may replace Authorized Callers at any time by notifying Azteca Systems Support services. Authorized callers may be designated in this Addendum #2 or by email. Azteca may limit the total number of authorized callers as may be reasonably necessary and may request an updated list of authorized callers.

1.7. **Cityworks Online Support and Customer Portal**. Azteca has created a self-help support website center for Authorized Callers to submit technical issues, chat with technical specialists, track technical support incidents through the 'MyCityworks' portal, and view technical articles, updated product documentation, blogs, links to forums, and technology announcements. The support and care website can be found at http://www.mycityworks.com.

2. PROCEDURES FOR ACCESSING SUPPORT:

2.1. All problem categories from routine, non-critical and critical that occur during normal business hours shall procedurally occur as follows: 1) Licensee's system administration staff as first line of support, and then 2) Azteca Systems staff as the second line of support. Azteca Systems will make all reasonable efforts to acknowledge all requests for support during normal business hours within 4 hours.

2.2. Prior to calling Azteca Systems for support services, the Licensee will first attempt to isolate any problems that occur within the Licensee's System. The Licensee will try to reduce the problem down to a specific software or system component. If it is determined that the problem is The Cityworks Software component, Licensee will first try and resolve the problem without Azteca Systems' involvement. If Licensee cannot resolve the problem or isolate the problem, Licensee may contact Azteca Systems via telephone, chat, or self-service portal. In each case, Cityworks technical support will log the information and provide, an answer to the question, a resolution to the problem, or submit a verified bug to the development group. Any support request that is not quickly resolved will be assigned to a technical support representative. Phone calls and chat requests are accepted during normal business hours as outlined on the Contact Support page of MyCityworks.com. Voicemails and requests submitted via the self-service portal outside of the posted business hours will be responded to on a first come, first served basis the next business day.

2.3. For critical problems that occur outside of Azteca Systems' normal business hours (8 AM to 5 PM, Mountain Time) and cannot be isolated and resolved by the Licensee, Azteca Systems will provide an after-hours phone number or pager number that will forward the call to the currently assigned Azteca Systems support representative. Azteca Systems will make all reasonable efforts to acknowledge and respond to the request for support for critical problems that occur outside of normal business hours within 4 hours of receipt of the call from a designated and authorized Licensee representative. Critical problems are defined as problems that cause several users to be unable to perform their duties. For routine and non-critical problems Licensee will submit support requests during normal business hours as outline in 2.2 above.

2.4. After a Technical Support Incident is logged, Azteca Systems will use commercially reasonable efforts to provide corrections to a technical issue or provide a work around. While it is Azteca's goal to provide an acceptable solution to technical issues, Azteca cannot guarantee that all technical issues can be fixed or resolved.

2.5. Azteca will use all reasonable efforts to utilize remote support-type services. However, in the event Licensee and Azteca Systems agree it becomes necessary for Azteca Systems to be on-site to provide support for the Covered Software, the parties by mutual negotiation, shall develop a separate agreement that will govern the terms and conditions for any on-site work or services.

3. CHARGES/FEES

3.1. License, Maintenance and Support Services herein are included in the payment of annual fees as set forth in Addendum #1, and shall be paid by Licensee. The annual fee for each twelve (12) month period is set forth in Addendum #1, and shall be paid prior to the start for each License and Maintenance Period unless otherwise specified. The annual fee for successive Terms/Periods (twelve-month periods) commencing upon the anniversary of the first maintenance period, shall become due prior to the end of the preceding paid-up Maintenance Period.

3.2. Upon sixty (60) days written notice, the fee for the License and Maintenance Periods listed in Addendum 1 subsequent to year three (3) of the Maintenance Period, may be adjusted by Azteca Systems to reflect increases in costs of providing the services; provided, however, that the fee shall not increase by more than the CPI from the previous annual fee. Azteca Systems will notify Licensee of the new pricing no later than ninety (90) days prior to the annual renewal date of the year preceding the year for which such adjusted pricing applies.

3.3. **Maintenance Expiration.** Azteca Systems will send Licensee a notice of expiration approximately sixty (60) days before the Maintenance term expires. If Azteca Systems does not receive a purchase order prior to the expiration date, Azteca will send the notification to Licensee upon expiration of the Maintenance term. Azteca Systems will continue to provide technical support for an additional thirty (30) days, but Licensee will no longer receive Software updates released after the Maintenance term's expiration. If Licensee does not reinstate Maintenance within thirty (30) days of the expiration date, Licensee will no longer receive technical support. All other Maintenance benefits and Support services will end with the expiration of the Maintenance term.

3.4. **Reinstatement Fee for Lapsed Maintenance**. Azteca Systems will reinstate Maintenance if Licensee sends a purchase order or payment within thirty (30) days of the expiration date. If Licensee does not renew Maintenance within thirty (30) days of the expiration date but at a later date wants to reinstate Maintenance, Maintenance fees will include the Maintenance fees that Licensee would have paid since the expiration date.

4. MISCELLANEOUS

4.1. **Data Confidentiality Statement**: Azteca Systems will take reasonable measures to ensure that any Licensee data and/or confidential information provided to Azteca Systems is not inappropriately accessed or distributed to any third-party. Data provided to Azteca Systems by the Licensee may be loaded onto Azteca Systems servers or employee computers for the purpose of testing The Cityworks Software, database structure, or database values, and related Esri® software to resolve database or software performance issues, software enhancements and software defects. At no time will the data be distributed to individuals or organizations who are not Azteca Systems employees without first receiving written approval from Licensee. If requested by the Licensee, and once the testing has been completed, Azteca Systems will delete all data provided by the Licensee.

4.2. **No Implied Waivers**: No failure or delay by Azteca Systems or Licensee in enforcing any right or remedy under this Agreement shall be construed as a waiver of any future or other exercise of such right or remedy by Azteca Systems.

ADDENDUM #3

THIRD PARTY CONSULTANT/CONTRACTOR ACKNOWLEDGMENT

If Licensee engages any Third Party Contractor and desires to grant access to or permission to use the licensed software, the access may be granted subject to the following terms conditions and provisions:

1. Access and use of the Licensed Products by any third party is solely for Licensee's benefit;

2. The Third Party Contractor (or, if applicable, its employee) shall be considered, as applicable, the Authorized User for purposes of the applicable license type, and all use by such contractor shall be in accordance with the terms and conditions of the License and Maintenance Agreement;

3. Before accessing the Licensed Products, the Third Party Contractor agrees in writing that (a) the software shall be used solely in accordance with the terms of this Agreement and solely for Licensee's benefit and (b) said contractor shall be liable to Azteca Systems for any breach by it of this Agreement;

4. Licensee hereby agrees and acknowledges that Licensee will be liable for any and all actions or omissions of the Third Party Contractor with respect to the use of the Licensed Products, as if such actions or omissions were the Licensee's;

5. Upon expiration or termination of this License Agreement, the rights of usage to any Third Party Contractor shall immediately terminate;

6. Use of the Software by such Third Party Contractors on Licensee's behalf will be governed by the terms of this Agreement, and will require that Licensee purchase the appropriate license for each user utilized by such contractor;

7. Any breach of this Agreement by any Third Party Contractor(s) will be deemed to be a breach by Licensee;

8. Licensee will ensure that Third Party Contractor agrees to comply with and does comply with the terms of this Agreement on the same basis as the terms apply to Licensee; and

9. Any Third Party Contractor must sign a copy of this Addendum acknowledging that it has a copy of the License Agreement and agrees to the terms herein, further Licensee shall provide a signed copy of this Addendum for every Third Party contractor to which it has granted permission to access and/or use the licensed software;

The rights granted under Third-Party Contractor Addendum, do not modify the license or increase the number of licenses granted under this Agreement. Third-Party Contractor acknowledges acceptance by signing below, and providing a copy to Azteca Systems at contracts@cityworks.com.

_____
Third Party Contractor Name (Print)

By: _____
Authorized Signature
Date: _____

City of Gulfport
Finance & Administration Dept.
Purchasing Division
P.O. Box 1780
Gulfport, MS 39502
PH: 228.868.5705
Fax: 228.868.5704
TAX EXEMPT# 64-74-0087K
MS. CODE: 27-65-105

Purchase Order

Fiscal Year 2018 Page 1 of 1

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # 197141-00

Delivery must be made within doors of specified destination.

BILL TO

04
INFORMATION SYSTEMS
1422 23RD AVE, 2ND FLOOR
POC-ALLISON (228-868-5734)
GULFPORT MS 39501

VENDOR

AZTECA SYSTEMS INC
11075 S STATE ST SUITE 24
SANDY UT 84070

SHIP TO

INFORMATION SYSTEMS
1422 23RD AVE, 2ND FLOOR
POC-ALLISON (228-868-5734)
GULFPORT MS 39501

Vendor Phone Number	Vendor Fax Number	Requisition Number	Delivery Reference
801-617-8366	801-523-3734	214851	

PO Issue Date	Vendor Number	Date Required	Freight Method/Terms	Department/Location
02/05/2018	4171			INFORMATION TECHNOLOGY

Item#	Description/Part No.	Qty	UOM	Unit Price	Extended Price
	The above purchase order number must appear on all invoices, packages, and shipping papers.				
1	CW.SUBCEAPI.0001 CITIZEN ENGAGEMENT API MAINTENANCE ***010 -100-145-150-000-621700- $2,750.00***	1.0	EACH	$2,750.000	$2,750.00
	010 -100-145-150-000-621700- 2,750.00				

By Connie Dubenport MP
Authorized Signature

OFFICIAL COPY

PO Total $2,750.00

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Ronda Cole, Clerk of Council
City Council

Date: 02/28/2018

Subject: Request - from Allen Hyundai for a temporary use permit for an auto sale to be located at Prime Outlets between March 23 through March 30, 2018.

Recommendation:

To Whom It May Concern:

Allen Hyundai is requesting the opportunity to host a sale at Prime Outlets at 10000 Factory Shop BLVD Gulfport, MS 39503. The dates we are requesting are to setup on March 22nd, host our sale from March 23rd-March 30th and break down on March 31st. Our hours are for the event are 8am-8pm. Thank you for your assistance!

Scott C. Allen

Dealer/Owner

624 E Pass Rd
Gulfport, MS 39507
P: 228-539-5555
F: 228-831-2408
SAllen@AllenHyundai.com

Gulfport
MISSISSIPPI

TENT PERMITS

- Obtain building permit application — 1410 24th Ave.
  1. Fire Retardant Information — 228-868-5715
  2. Site Plan

- Planning & Zoning — 1410 24th Ave. 228-868-5710

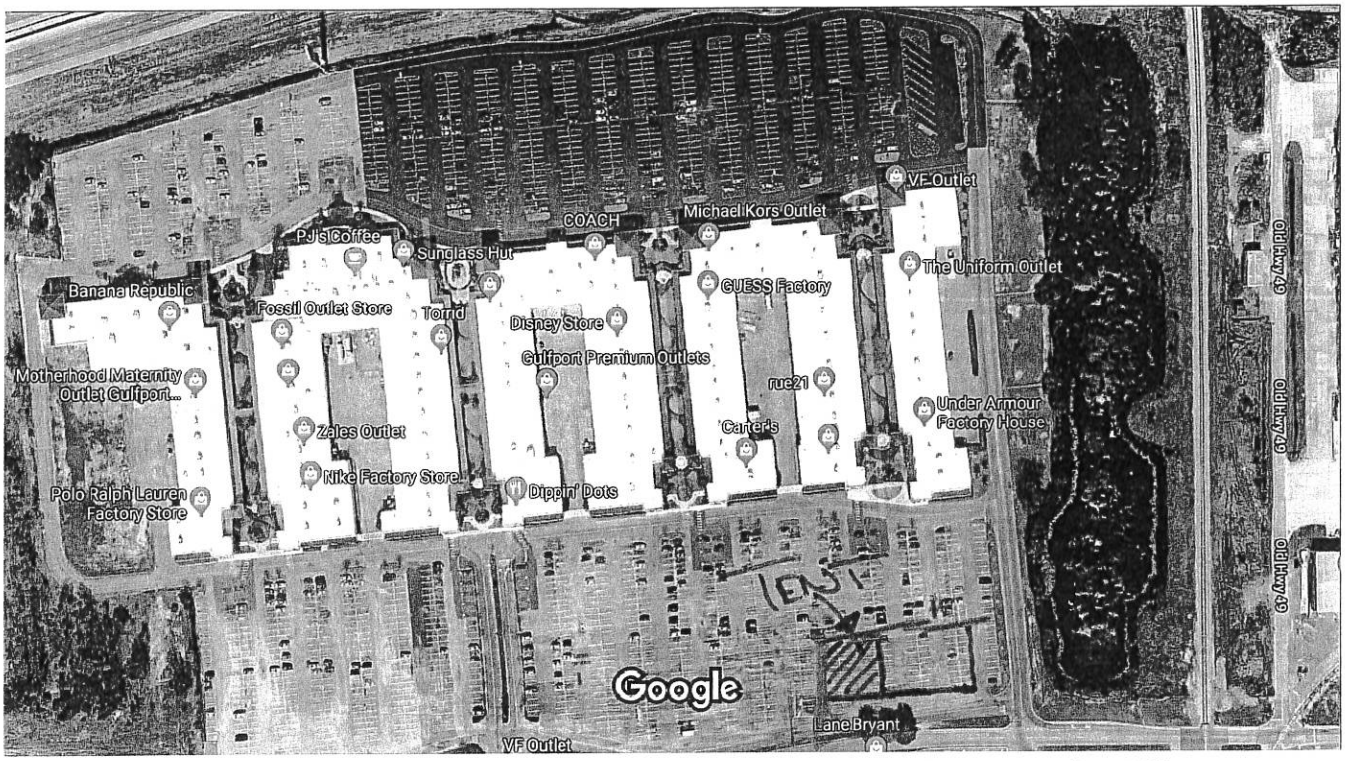
- Fire Department — 1515 23rd Ave. 228-868-5954

- Public Works — 4050 Hewes Ave.
  1. Traffic Ken Northington — 228-868-5740
  2. Engineering 2/27/18 — 228-868-5815

- Building Department — 1410 24th Ave.

  Bring in:
  1. Application
  2. Site Plan with Approved Signatures from Required Departments
  3. Fire Retardant Information
  4. Notarized Letter of Approval from Property Owner

Google Maps We will be take front left side parking!!



Imagery ©2018 Google, Map data ©2018 Google 100 ft

20" x 30" Tent from ABC Rental

100 Cars = 100 parking spots

Certificate of Flame Resistance

Registered Fabric or Concern Number

F-92001

ISSUED BY: Tent Renters Supply
5008 East Hanna Ave
Tampa, Florida 33610

Date treated or manufactured: February 2018

This is to certify that the materials described on the reverse side have been treated with a flame-retardant chemical or are inherently nonflammable.

FOR: ABC Rental Centers ADDRESS: 3000 Hewes Ave.

CITY: Gulfport, STATE: MS 39507

Certification is hereby made that: (Check "a" or "b")

☐ (a) The articles described on the reverse side of this Certificate have been treated with a flame-retardant chemical approved and registered by the State Fire Marshal and the application of said chemical was done in conformance with the laws of the State of California and the Rules and Regulations of the State Fire Marshal.

Name of chemical used: _____ Chemical Registration #: _____

Method of application: _____

☒ (b) The articles described on the reverse side are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use.

Trade Name of flame-resistant fabric or material used: Architent VT B/O GLS Registration #: F-92001

The Flame Retardant Process Used Will Not Be Removed By Washing
(will or will not)

Tent Renters Supply
Name of Applicator or Production Superintendent

By: Matthew R. Perra *Name* President *Title*

THIS REPRODUCIBLE ARTWORK IS FOR THE EXCLUSIVE USE OF STATE FIRE MARSHAL REGISTERED CONCERNS AND INDIVIDUALS FOR THE PRODUCTION OF REQUIRED FORMS

CONTROL NO.	41218
CUSTOMER ORDER NO.	41218
CUSTOMER INVOICE NO.	41218
YARDS OR QUANTITY	1 (See Size Type)
COLOR	SB white
SIZE/TYPE	(3)20' x 20' 1 piece Hip Roof Frame Top
DATE PROCESSED	February 2018

THIS REPRODUCIBLE ARTWORK IS FOR THE EXCLUSIVE USE OF STATE FIRE MARSHAL REGISTERED CONCERNS AND INDIVIDUALS FOR THE PRODUCTION OF REQUIRED FORMS

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Pam Winston, Grants
Police Department

Date: 02/21/2018

Subject: Budget Amendment #20 - to budget funds received from PropertyRoom.com for the Police Department.

Recommendation:

City of Gulfport

Budget Amendment Request

Fund Name	Police Forfeiture	Date	02/22/18
Department #	277	Budget Entry #	2018-20
Department Name	County/Local Shared		

	Original Budget	Prior Amendments	This Amendment	Revised Budget
Supplies	6,084	3,785	88	9,957
Capital Projects	148,403	-	-	148,403
Total	154,487	3,785	88	158,360

Police Revenue 275-493100 88

The Police Department is requesting a Budget Amendment to increase funds for a check issued from PropertyRoom.com (275-493100 and 277-610700)

Amendment # 2018-20

Gulfport Police Department

Memo

To: Mayor Billy Hewes

From: Chief Leonard Papania

Date: February 21, 2018

Re: **Budget Amendment**

The following check was issued to the City of Gulfport from Property Room.com and I request your permission to place these funds in the account below.

Check number (31665) amount of $87.70

.

Line Item	Decrease	Increase
Police Revenue 010-502500	87.70	
Forfeiture and Seizure County and Local Shared **Operating Supplies -- 277-*610700***		87.70
Total	-87.70	87.70

I appreciate your help. If you have any questions, please call.

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Pam Winston, Grants
Police Department

Date: 02/21/2018

Subject: Budget Amendment #21 - to budget funds received from PropertyRoom.com for the Police Department.

Recommendation:

City of Gulfport

Budget Amendment Request

Fund Name	General	Date	02/22/18
Department #	213	Budget Entry #	2018-21
Department Name	Police Operating		

	Original Budget	Prior Amendments	This Amendment	Revised Budget
Supplies	15,000	-	70	15,070
Total	15,000	-	70	15,070
Police Services Reimb 010-502500	70,000	65,250	70	135,320

The Police Department is requesting a Budget Amendment to increase funds for a check issued from PropertyRoom.com (010-502500 and 213-615200 Photography and Fingerprint)

Amendment # 2018-21

Gulfport Police Department

Memo

To: Mayor Billy Hewes

From: Chief Leonard Papania

Date: February 21, 2018

Re: **Budget Amendment**

The following check was issued to the City of Gulfport from Property Room.com and I request your permission to place these funds in the account below.

Check number (31529) amount of $69.84

.

Line Item	Decrease	Increase
Police Revenue 010-502500	-69.84	
Photo & Fingerprint 213-615200		69.84
Total	-69.84	69.84

I appreciate your help. If you have any questions, please call.

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Karen McCarty, Grants Management
Community Development

Date: 03/01/2018

Subject: Budget Amendment #22 - to increase MDA Katrina Supplemental CDBG Grant "Streetscape Improvements" R-103-202-02-KCR to include Streetscape Phase III and increase grant by $2,200,000.00. Remaining prior grant balance of $368,744.56 to be reallocated to Phase III for a total of $2,568,744.56.

Recommendation: Staff Recommends

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Margaret Murdock, Assistant Attorney
Legal

Date: 02/15/2018

Subject: Ratification - of executed Agreement with Academic Institutes at Gulfport High School and City of Gulfport Legal Department - to be made a part of the minutes.

Recommendation:

GULFPORT HIGH SCHOOL
ACADEMIC INSTITUTES

Academic Institutes at Gulfport High School
School-Business Agreement

Academic Institutes at Gulfport High School Responsibilities:

Be responsible for students' participation in workplace learning.
Discuss with the site coordinator the intent and purpose of the exploration as it relates to the student and the facility.
Observe students during explorations on a regularly scheduled basis.
Ensure that conditions are desirable and meet the requirements of the law and will not endanger the health, safety, or welfare of the student.
Develop and keep on file records, including affiliation agreements, individual observation plans, times of scheduled observations for the student and site locations.
Ensure that opportunities for exploration are open to all regardless of race, color, ancestry, religion, age, sex, or handicap. If student feels they have been discriminated against, they should call the Academic Institutes Advisor.

School Name: Academic Institutes at Gulfport High School
Program: LAW & PUBLIC SAFETY

This agreement will remain in full force and effect as long as assigned students are performing training activities.

School Representative Signature: Tracy H. Rau
Date: 02-14-18

Business Facility Responsibilities
The facility representative will:
Have a clear understanding of the program objectives;
Assist in developing an observation plan for each student, and keep a copy on file;
Provide the school with performance evaluation forms on students;
Assign students to observations which will provide experiences consistent with purposes of the program;
Instruct students regarding safety procedures, rules, regulations, and expectations of the site;
Hold harmless the school, its officers, agents, and employees from any damages or loss and from any claim for wages, benefits, or other compensation resulting from the acts or omissions of the site, its officers, agents, and employees with respect to the program; and
Ensure that opportunities for exploration are open to all students regardless of race, color, ancestry, religion, age, sex, or handicap.

Company Name: City Attorney's Office / City of Gulfport
Address: P.O. Box 1780. Gulfport. MS 39502

Site Representative/Employer Signature: _____
Date: 2/7/2018

The Gulfport School District does not discriminate on the basis of race, color, religion, national origin, sex, age, or disability in the provision of educational programs and services or employment opportunities and benefits.

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Margaret Murdock, Assistant Attorney
Economic Development

Date: 02/26/2018

Subject: Ratification - of recorded easement from 4201 Tulane Avenue, LLC - Fishbone Alley - to be made a part of the minutes.

Recommendation:

SCANNED

REVIEWED

1st Judicial District
Instrument 2018 512 D – J1
Filed/Recorded 1/25/2018 01:29 P
Total Fees $ 14.00
3 Pages Recorded

This Instrument prepared by and to be returned to:
Margaret Murdock, Esq.
City Attorney's Office
P.O. Box 1780
Gulfport, Mississippi 39502
(228) 868-5811

PERPETUAL STRUCTURE EASEMENT

FOR AND IN CONSIDERATION of the sum of ONE and NO/100 Dollars ($1.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned **Grantor,**

4201 TULANE AVENUE, L.L.C.
1025 Bienville Street
New Orleans, Louisiana 70112
(504) 336-2101

does hereby grant, convey, assign, and transfer unto **Grantee,**

CITY OF GULFPORT, MISSISSIPPI
A Mississippi Municipal Corporation
2309 15th Street
Gulfport, Mississippi 39501
Telephone (228) 868-5811

a perpetual structure easement for construction, installation, operation and maintenance of fixtures and hardware required for a municipal projection system (projector and screen) in, on, over, across, under and to the following described real property situated and being in the City of Gulfport, First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

See Exhibit "A" attached.

Grantor further grants unto the City of Gulfport and its employees and contractors a Right of Entry in, on over, across, under and to Grantor's remaining and adjacent property for the purpose of construction and maintenance of said fixtures and hardware. Any damage caused to Grantor's remaining and adjacent

property as a direct result of the City's use of the Right of Entry will be repaired, as reasonably possible, to pre-damage condition.

WITNESS MY SIGNATURE on this the 18th day of October, 2017.

Printed name: Vincent Marcello **Title:** Member

STATE OF LOUISIANA
Orleans **PARISH**

PERSONALLY CAME and appeared before me, the undersigned authority in and for the jurisdiction aforesaid on this the 18th day of October, 2017, Vincent Marcello, who is the Member of 4201 Tulane Avenue, L.L.C., and who acknowledged to me that he/she signed, executed and delivered the above and foregoing instrument in writing on the day and date therein mentioned as his/her free and voluntary act and deed, for and on behalf of said corporation, after first being duly authorized to do so.

NOTARY PUBLIC
Nanette Bordelon
65439

My Commission Expires:

upon death

(SEAL)

NANETTE R. BORDELON
NOTARY PUBLIC
#65439
ORLEANS PARISH, LA

RATIFIED AND APPROVED:
For and on behalf of lienholder, Whitney Bank

BY: Robert A. Williams
TITLE: Sr. Vice President

DATE: 12-7-17

INDEXING INSTRUCTIONS: **Lots 18, 19 and 20, Block 177**, Original Gulfport, City of Gulfport, First Judicial District, Harrison County, Mississippi

Exhibit "A"

Perpetual Structure Easement

The front wall adjacent to 27th Avenue (west side) and the rear wall adjacent to the alley (east side) of the structure located at **Lots 18, 19 and 20, Block 177**, Original Gulfport, as per the map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, at Plat Book 11 at Page 9 (Copy Book 4A at Page 368).

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Ronda Cole, Clerk of Council
City Council

Date: 02/28/2018

Subject:

Ratification - of acceptance from Department of Revenue approving ad valorem taxation exemption for Gulf Coast Shipyard Group, Inc. - to be made a part of the minutes.

Recommendation:

DEPARTMENT OF
REVENUE
STATE OF MISSISSIPPI

OFFICE OF PROPERTY TAX
EXEMPTIONS & PUBLIC UTILITIES BUREAU

October 9, 2017

Ms. Linda Elias
City Clerk
City of Gulfport
PO Box 1780
Gulfport, MS 39501

RE: Ad Valorem Taxation Exemption – Gulf Coast Shipyard Group, Inc.

Dear Ms. Elias:

In accordance with the authority conferred upon the MS Department of Revenue by Miss. Code Ann. Section 27-31-105, the Department hereby certifies that the above named enterprise is eligible for ad valorem tax exemption, and is in compliance with the provisions of the statute.

The exemption of the property is certified for a period of five years, from and after January 1, 2016, with a total true value of $1,240,670.

A final order is to be placed on the minutes declaring this property is exempt, the true value, and the dates when such exemption commences and expires.

According to Miss. Code Ann. Section 27-31-109, the clerk shall record the application and order approving the exemption and shall send a copy of the final order to the MS Department of Revenue.

Sincerely,

Paul J. Foreman

Paul J. Foreman, Director
Exemptions & Public Utilities Bureau

PJF: dm

cc: Mr. Scott Speights, Office of State Auditor
Mr. E.T. (Tal) Flurry, Tax Assessor Harrison County

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 6th day of September, 2016 the following Resolution:

A RESOLUTION BY THE GULFPORT CITY COUNCIL TO APPROVE PETITION BY GULF COAST SHIPYARD GROUP, INC. FOR A MUNICIPAL AD VALOREM TAX EXEMPTION, NOT TO INCLUDE SCHOOL DISTRICT TAXES FOR A PERIOD OF FIVE (5) YEARS FOR CAPITAL INVESTMENT AND TO AUTHORIZE THE EXEMPTION ON CERTAIN TANGIBLE PROPERTY PURSUANT TO MISS. CODE (1972) ANN., AS AMENDED, SEC. 27-31-101, ET. SEQ.

WHEREAS, Gulf Coast Shipyard Group, Inc., filed its Petition for exemption from municipal ad valorem taxes on certain tangible properties as part of its new additions to facilities and equipment related to its industrial enterprise located at 13085 Seaway Road in Gulfport, Mississippi; and a copy of its Petition is annexed hereto as **Exhibit "1"**; and

WHEREAS, its Petition provides a full itemized list of the tangible property proposed to be exempted, copy attached hereto as **Exhibit "1"** with the valuation of articles at true value applied for tax exemption and the real properties sought for tax exemption, as evaluated appear to comprise an addition of facilities and properties used in connection with the operation of said enterprise as provided for under Miss. Code (1972), Ann., as amended, §§ 27-31-105, et seq., and do not constitute a renovation or replacement of realty or personalty in whole or in part previously exempted; and the Harrison County Development Commission has verified the information presented, and has entered its Resolution recommending approval of an exemption in the amount of $1,240,670.00 (85% of their request) for five (5) years for Harrison County ad valorem taxes; and

WHEREAS, it appears to the Governing Authority of the City of Gulfport that the Petitioner, by the addition to its facilities and equipment shall serve to increase jobs and

industrialization in the City of Gulfport, and thereby promote the community and the municipality, and that it is in the best interest of the City of Gulfport that said ad valorem tax exemption on said real property and added facilities and equipment at the true value of $1,240,670.00 (85% of the request) as shown on Exhibit "1" for a period of five (5) years should be approved for tax exemption beginning on January 1, 2016, subject to final approval of eligibility by the State Tax Commission of the State of Mississippi.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters, facts, and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That the Petition for ad valorem tax exemption on real property and additions to the real property, facilities and equipment by Gulf Coast Shipyard Group, Inc., which is a bona fide new enterprise of public utility in the City of Gulfport for the tax year beginning on January 1, 2016, on the property described in the application and on Exhibit "1" hereto at a true value of $1,240,670.00 (85% of the request), for a period of five (5) years should be hereby approved, subject to final approval and certification of eligibility by the Mississippi State Tax Commission.

SECTION 3. That subject to said final approval of eligibility by the Mississippi State Tax Commission, Gulf Coast Shipyard, Inc. is hereby granted a tax exemption on municipal ad valorem taxes, not including school district taxes, for said property described in its petition and on Exhibit "1" hereto, at a true value of $1,240,670.00 (85% of the request) for a period of five

(5) years beginning on January 1, 2016, conditioned on the use of said property in the operations of its industrial enterprise during said five (5) year period of time.

SECTION 3. That this Resolution shall be spread upon the minutes of the Gulfport City Council, with a certified copy of this resolution to be provided to the State Tax Commission within thirty (30) days from date hereof, and subject to final approval of eligibility of Gulf Coast Shipyard Group, Inc. for tax exemption by the State Tax Commission that the clerk shall furnish one (1) certified copy hereof, together with a copy of the State Tax Commission certification and the final Resolution of the Council to the Tax Assessor of Harrison County for the purpose of obtaining the certificate of said Tax Assessor stating that the property as itemized in the Petition has been placed on the appropriate tax roll as "Non-Taxable", except for state and school district ad valorem taxes for the duration of the exemption period only.

SECTION 4. This Resolution shall be in full force and effect immediately upon its adoption and enactment according to law.

The above and foregoing Resolution was introduced by Councilmember Sharp, seconded by Councilmember Casey, and was adopted by the following roll call vote:

AYES	**NAYS**	**ABSENT**
Casey	**Flowers**	**None**
Dombrowski		
Holmes-Hines		
Walker		
Sharp		
Pucheu		

WHEREUPON, the President declared the motion carried and the Resolution adopted, this the 6th day of September, 2016.

(SEAL)

ATTEST:

Ronda S. Cole, Clerk of Council

ADOPTED:

F.B. "Rusty" Walker, IV, President

The above and foregoing Resolution submitted to and approved by the Mayor, this the 7th day of September, 2016.

APPROVED:

Billy Hewes, Mayor

APPLICATION TO THE CITY COUNCIL, CITY OF GULFPORT
HARRISON COUNTY, MISSISSIPPI
FOR EXEMPTION FROM
AD VALOREM TAXES

APPLICATION OF GULF COAST SHIPYARD GROUP, INC.
FOR EXEMPTION FROM
AD VALOREM TAXES FOR A PERIOD OF
10 YEARS AS AUTHORIZED BY
SECTION 27-31-105, et seq., OF THE
MISSISSIPPI CODE OF1972, AS AMENDED

TO THE HONORABLE MAYOR AND CITY COUNCIL, CITY OF GULFPORT MISSISSIPPI:

Comes now **Gulf Coast Shipyard Group, Inc.** (the "Applicant") and files this its Application in triplicate for exemption from ad valorem taxation, except school district taxes and the "mandated levies" described in Code Section 27-39-329 and respectfully represents unto the Honorable Mayor and City Council, City of Gulfport Mississippi as follows:

1. Applicants have negotiated in good faith with the City Council as to the ad valorem tax exemption authorized by Code Section 27-31-105 and related Code Sections.

2. Applicants, Gulf Coast Shipyard Group, Inc. is a Delaware Corporation and domiciled in the City of Gulfport, Harrison County, Mississippi at 13085 Seaway Road.

3. Applicant is now operating as a manufacturer of ocean-going and inland marine vessels, within the City of Gulfport, Mississippi, which industry is a bona fide new enterprise of "public utility" within the meaning of Section §27-31-101 et seq., and related Sections of the Mississippi Code of 1972, as amended, and is eligible for the exemption, namely Mississippi Code Annotated Section §27-31-101.

4. The Applicants are therefore eligible for the exemption granted by Code Section 27-31-105 as a manufacturing enterprise described in Code Section 27-31-101.

5. The exemption prayed for in this Application is with regard to additions to, expansions of, or replacements with respect to Applicant's said enterprise of "public utility" as enumerated in Code Section 27-31-101 et seq., and related Sections of the Mississippi Code of 1972, as amended, and is eligible for the exemption, namely Mississippi Code Annotated Section 27-31-105, which expansions, additions, and replacements will promote the industrialization of Mississippi, and will promote the development of Harrison County, and the City of Gulfport, Mississippi.

6. Applicants have expanded and upgraded its facilities with additions and replacements during 2015. This Application relates to the additions and replacements (as listed in "Exhibit A, A-1" hereto) acquired as a result of such additions, expansions and replacements.

7. Applicant's additions, expansions, and replacements, which are the subject of this Application, were completed within the meaning of the applicable statutes of the State of Mississippi on December 31, 2015. In accordance with the provisions of Code Section 27-31-105, the exemption hereby claimed should commence on the 1st day of January 2016.

8. The true value of all tangible personal property to be exempted is $1,459,611.59 and the true value for the Land acquisition is to be determined by the County Assessor's office and is shown in the itemized list attached hereto as "Exhibit A, A-1" and made a part hereof.

9. The exemption from ad valorem taxation, except school district taxes and the "mandated levies", on the tangible property described in "Exhibits A, A-1" should be granted for a ten (10) year period beginning on 1st day of January, 2016.

*PR*AYER

WHEREFORE, Applicants pray that this City Council, City of Gulfport, Mississippi, enter a finding that the Applicants have negotiated in good faith with the City Council as to the requested exemption; the Applicants have in fact undertaken an addition to, expansion of, or replacement with respect to an enterprise of "public utility"; and that the additions, expansions, and replacements were completed on December 31, 2015, and that the Applicant be granted an exemption, under Code Section 27-31-105, from ad valorem taxation, except school district ad valorem taxes and the "mandated levies" described in Code Section 27-39-329, as provided by law, for a ten-year period beginning on January 1, 2015, for the items of tangible property used in, or necessary to the operation of the Applicants expanded enterprise in the County of Harrison, City of Gulfport, Mississippi and

described in "Exhibit A, A-1" attached hereto; and that this City Council, City of Gulfport Mississippi, approve this Application by an Order of Resolution spread upon its minutes, declaring that such property is exempt from all ad valorem taxation, except school district ad valorem taxes and the "mandated levies", for a period of ten (10) years and forward this Application with copies and a certified transcript of such approval to the Mississippi Department of Revenue and that, upon approval of this Application by the Mississippi Department of Revenue and the issuance of its certificate of approval, the City Council, City of Gulfport Mississippi, will enter a Final Order on its minutes granting the prayed for exemption and notify the County Tax Assessor of such exemption and obtain a certificate of the County Tax Assessor verifying the status of said property as non-taxable on the appropriate tax rolls.

Respectfully submitted, this the 20th day of April 2016.

APPLICANT:

GULF COAST SHIPYARD GROUP, INC.

By: _____

CFO

Title

ATTEST: _____

GULF COAST SHIPYARD, INC.
13085 Seaway Road
Harrison County
Gulfport, Mississippi

EXHIBIT A

Real Property / Land and Buildings

	9.94 ACRES - SEE EXIBIT A-1 ATTACHED FOR LEGAL DESCRIPTION DEED 10/8/2015 - TRUE VALUE TO BE DETERMINED BY THE HARRISON COUNTY TAX OFFICE.	10/08/15		

Tangible Personal Property:

430	2006 GRANDALL MODEL 534D-9-45 FORKLIFT	07/09/15	40,125.00	
433	SCANNER - FUJITSU F16770 90PPM MFG # PA03576-B165-BSTK	07/21/15	2,751.31	
437	2008 GENIE GS2632	07/24/15	9,630.00	
438	2006 CAT TH580B TELEHANDLER	07/29/15	52,430.00	
439	2009 GENIE S125 BOOM LIFT	07/29/15	112,350.00	
440	POWEREDGE R320 PROCESS SERVER - DELL	08/01/15	4,230.09	
441	POWERVAULT TL2000 TAPE LIBRARY - DELL	08/01/15	9,711.23	
454	VIEWPOINT IMPLEMENTATION	12/31/15	292,236.96	
494	DELL LATITUDE 15 5000 SERIES LAPTOP	01/01/15	1,487.00	
506	CANON WAVE 650 MULTIFUNCTIONAL SYSTEM	04/01/15	33,005.22	
509	SHARP COPIER ID 1198	05/05/15	2,657.88	
510	HYUNDAI 2012 FORKLIFT MODEL 25L -7A	06/24/15	18,618.00	
511	2006 NEW HOLLAND BACKHOE LB75B	06/15/15	14,980.00	
				594,212.69
104	C235 PURCHASE (2) O.H. CRANES	06/30/15	89,260.50	
442	2011 GOLF CART (PURCHASED FROM HG)	08/01/15	3,103.00	
443	2011 GOLF CART	08/04/15	2,835.50	
444	CAMERA X-2 - MODEL HD PTZ IP H264 WITH 16GB RAM SERVER	08/20/15	12,485.83	
446	WELDER- POWER MAX 85 W/CPC PLASMA TORCH	09/15/15	3,552.50	
448	40' DRY VAN CONTAINER	11/23/15	2,434.25	
451	PORT OF GULFPORT - PHONE SYSTEM	08/01/15	4,461.28	
452	WELDER CD 100	12/03/15	3,727.80	
453	40' DRY VAN CONTAINER	12/29/15	2,434.25	
455	C250-001 BUILD 2 STORAGE CONTAINERS	12/31/15	17,426.80	
456	C245 DESIGN & BUILD FLUSHING RIG	12/31/15	81,271.91	
493	POSITECTOR 6000 FRS3 COATING THICKNESS GAUGE	01/02/15	1,618.92	
502	DUST COLLECTOR CYCLONE INDUSTIAL VACUUM 20,000 TYH901	04/30/15	80,252.67	
503	DEHUMIDIFIER ELECTIC DH 6500 DESSICANT STYLE	04/30/15	55,013.00	
504	HOPPER XP4 PLURAL COMPONENT SPRAY SYSTEM	04/30/15	30,033.85	
505	VACUUM, HURRICANE MODEL 500m	04/30/15	112,568.59	
508	ELECTRIC HYDRAULIC FLUSHING SYSTEM 2000 GPM @ 450 PSI TY J363	05/19/15	52,371.69	
514	RAZORLINE PHONE / PBX SYSTEM POLYCOM	06/12/15	30,546.56	
				585,398.90
	P&H FTRBILT TRACK MOUNTED DLB GIRDER GANTRY CRANE SN 30558	06/01/03	140,000.00	
	P&H FTRBILT TRACK MOUNTED DLB GIRDER GANTRY CRANE SN 30558	06/01/03	140,000.00	
				280,000.00
	TOTAL 2015 ADDITIONS:		**1,459,611.59**	**1,459,611.59**

GULF COAST SHIPYARD GROUP, INC.

EXHIBIT A-1
2015 Expansion

DESCRIPTION OF PREMISES:

A parcel of land situated and being located In a part of Lots 5 and 6 of Subdivision No. 2 of Bernard Bayou Industrial District located In the Southeast ¼ of Section 14 and the Northeast ¼ Of Section 23, Township 7 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the Northeast corner of Lot 4, Subdivision No. 1 of Bernard Bayou Industrial District, In the SW ¼ of Section 15, Township 7 South, Range 11 West, as shown in Record of Plats in Plat Book 25, Page 26; thence run N 89°49'00" E 1006.5 feet, thence N 89°49'14" E 3988 feet, thence N 89°24'38" E 534 feet, thence N 89°24'27" E 941.99 feet; thence run South 00 degrees 03 minutes 31 seconds East 137.43 feet; thence run South 07 degrees 14 minutes 38 Seconds East 160.46 feet; thence run South 01 degrees 18 minutes 23 seconds East 155.24 feet; Thence run South 10 degrees 40 minutes 40 seconds East 21.17 feet; thence run South 17 Degrees 47 minutes 05 seconds East 93.18 feet; thence run South 22 degrees 31 minutes 59 Seconds East 12.02 feet; thence run South 00 degrees 53 minutes 00 seconds East 318.90 feet; Thence run South 09 degrees 57 minutes 07 seconds West 294.60 feet; thence run North 75 Degrees 51 minutes 10 seconds West 414.49 feet to the Point of Beginning of the parcel herein Described; thence run from said Point of Beginning, South 89 degrees 46 minutes 24 seconds West 30.00 feet; thence run South 03 degrees 11 minutes 10 seconds East 560.18 feet; thence Run North 89 degrees 56 minutes 06 seconds West 2558.70 feet; thence run South 00 degrees 20 Minutes 58 seconds West 330.30 feet; thence run South 89 degrees 48 minutes 25 seconds West 229.79 feet; thence run South 64 degrees 06 minutes 45 seconds West 114.50 feet; thence run South 01 degrees 15 minutes 48 seconds East 141.66 feet; thence run South 26 degrees 49 Minutes 42 seconds East 170.78 feet; thence run South 00 degrees 11 minutes 00 seconds West 151.27 feet; thence run North 90 degrees 00 minutes 00 seconds East 972.56 feet; thence run North 00 degrees 11 minutes 00 seconds East 137.37 feet; thence run North 89 degrees 31 Minutes 00 seconds West 455.44 feet; thence run North 00 degrees 13 minutes 36 seconds West 1244.28 feet to the Point of Beginning. **Sold parcel contains 9.94 acres.**

There next came on for discussion the application of Gulf Coast Shipyard Group, Inc. for an ad valorem tax exemption pursuant to Mississippi Code Annotated Section 27-31-105, and after a general discussion of the subject Commissioner Levens offered the following Resolution for adoption:

RESOLUTION

A RESOLUTION OF THE HARRISON COUNTY DEVELOPMENT COMMISSION ACKNOWLEDGING THAT GULF COAST SHIPYARD GROUP, INC. HAS PROPERLY FULFILLED ALL REQUIREMENTS OF MISSISSIPPI CODE ANNOTATED SECTION 27-31-105 FOR AN AD VALOREM TAX EXEMPTION FOR CERTAIN CAPITAL INVESTMENTS MADE IN HARRISON COUNTY, AND MET THE REQUIREMENTS SET FORTH IN THE HARRISON COUNTY TAX ABATEMENT POLICY AND ADVISING THE HARRISON COUNTY BOARD OF SUPERVISORS AND THE CITY OF GULFPORT, AND RECOMMENDING APPROVAL OF A PERSONAL PROPERTY TAX EXEMPTION IN THE AMOUNT OF $1,240,670.00, WHICH REPRESENTS EIGHTY-FIVE (85%) PERCENT OF THEIR REQUEST, FOR A PERIOD OF FIVE (5) YEARS BEGINNING IN 2016.

BE IT RESOLVED by the Harrison County Development Commission that:

WHEREAS, at its regular meeting of May 24, 2016, the Commission considered the application of Gulf Coast Shipyard Group, Inc. for a ten (10) years ad valorem tax exemption of certain capital expansion and improvements constructed at its Gulfport, Mississippi location, pursuant to Mississippi Code Annotated Section 27-31-105, et seq., a copy of which application being attached hereto as Exhibit A; and

WHEREAS this Commission does find and adjudicate that the applicant has fully met all statutory requirements and fulfilled all obligations under law required of it to seek and be granted such an ad valorem tax exemption and met the requirements as shown in Exhibit "B" of the Harrison County Tax Abatement Policy; and

WHEREAS, the Harrison County Development Commission is the economic development authority charged by the Harrison County Board of Supervisors with making the initial determination of whether the applications for such tax exemptions qualify for approval under law, and for reporting such findings to the taxing authority for its consideration. Now, therefore,

BE IT RESOLVED, by this means the Harrison County Board of Supervisors and the City of Gulfport is hereby advised that such application for tax exemption, a copy of which application being

attached hereto, has been made in accordance with applicable law, meets all statutory requirements and obligations for approval, and may properly be considered by the Board and City Council for approval; it is further

RESOLVED, that the Harrison County Development Commission does recommend such approval be granted to the Applicant for personal property in the amount of $1,240,670.00, which represents eighty-five (85%) percent of their request, for a period of five (5) years beginning in 2016, upon such terms and conditions and for such term as allowed by law and deemed appropriate in the judgment of the Board of Supervisors,

On a roll call vote, the result was as follows:

Commissioner Johnny Atherton	Voted: Yea
Commissioner Sharon Bentz Mustard	Voted: Absent
Commissioner Frank Castiglia, Jr.	Voted: Yea
Commissioner Warren Conway	Voted: Absent
Commissioner Jennifer Burke	Voted: Yea
Commissioner Brian Gollott	Voted: Yea
Commissioner Sam LaRosa	Voted: Yea
Commissioner Cliff Kirkland	Voted: Yea
Commissioner Rip Daniels	Voted: Absent
Commissioner Mark Schloegel	Voted: Yea
Commissioner John B. Sneed	Voted: Yea

A majority of the Members present and having voted in the affirmative, the President declared the motion carried and the resolution adopted on the 24th day of May, 2016.

CERTITICATE

I, Michelle Walker, Recording Secretary of the Harrison County Development Commission, hereby certify that the attached Resolution dated 24th day of May, 2016, is a true and correct copy of such Resolution adopted on such date.

WITNESS MY SIGNATURE, this the 24th day of May, 2016.

Michelle Walker

Michelle Walker, Secretary

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Karen McCarty, Grants Management
Community Development

Date: 02/26/2018

Subject: Ratification - of Budget Modification #9 to the Grant Agreement between the City of Gulfport and Mississippi Development Authority, Contract #R-103-202-02-KCR, Streetscape Improvements.

Recommendation: City Administration recommends

Memorandum - *City of Gulfport...*

Community Development Department

To: **Mayor Billy Hewes**
John Kelly, Chief Administrative Officer
Council Members – Kenneth 'Truck' Casey, Sr., Ron Roland, Ella Holmes-Hines, R. B. 'Rusty' Walker, IV, Myles Sharp, Robert 'R. Lee' Flowers, Cara L. Pucheu

CC: **Linda Elias, Comptroller**
Leah Holland, Finance Manager

From: **Karen C. McCarty,**
Federal Programs Administrator Kcm

Date: **February 23, 2018**

Council Agenda March 6, 2018

Please place the following items on the March 6, 2018 Council Agenda;

Approval to Ratify Budget Modification #9 to the Grant Agreement between City of Gulfport and Mississippi Development Authority, Contract #R-103-202-02-KCR, "Streetscape Improvements".

The purpose of this grant modification for Streetscape Improvements is to increase the grant by $2,200,000.00 for Streetscape Phase III (15th Street South between 21st and 23rd Avenues. The remaining grant balances from prior phases, $368,744.56 will be utilized for a total grant of $2,568,744.56.

Modification requested by City Administration and approved by Mississippi Development Authority.

Budget amendment requested through accounting department.

STATE OF MISSISSIPPI
PHIL BRYANT, GOVERNOR
MISSISSIPPI DEVELOPMENT AUTHORITY
GLENN MCCULLOUGH, JR.
EXECUTIVE DIRECTOR

February 8, 2018

City of Gulfport
Attn: Karen McCarty
Post Office Box 1780
Gulfport, MS 39501

Re: R-103-202-02-KCR – Streetscape Phase III

Dear Mrs. McCarty:

Enclosed is a signed copy of the budget modification recently processed for the City of Gulfport project number R-102-202-02-KCR. The copies should be kept in the file with other information and documentation related to that grant.

Please review the attached August 07, 2017 letter concerning construction deadlines.

If you have any questions, or would like additional information please contact me at 601-359-3036.

Sincerely,

Nikki White
Program Manager
Community Revitalization

POST OFFICE BOX 849 · JACKSON, MISSISSIPPI 39205-0849
TELEPHONE (601) 359-3449 · FAX (601) 359-2832 · www.mississippi.org

MISSISSIPPI DEVELOPMENT AUTHORITY

MODIFICATION SIGNATURE SHEET

501 North West Street • Post Office Box 849

Jackson, Mississippi 39205

1. Recipient's Name, Address and Telephone No. City of Gulfport P. O. Box 1780 Gulfport, MS 39501 228-868-5700	2. Effective Date ~~1/1/15~~ 08/31/16
	3. Contract Number: R-103-202-02-KCR Grant Number: R-103-202-02-KCR
	4. Modification Number: ~~8~~ 9
	5. Grant Identifier: (Funding Source & Year) CDFA# 14.219 & 14.228
	6. Beginning & Ending Dates: through ~~3/18/11~~ 7/20/07 through 12/31/18
Streetscape	7. Page 1 of 3

8. As a result of this Modification, funds obligated are changed as follows:

	KCDBG	FEMA Funds	Other: CIAP/CITY
From	$ 7,893,717.48	$ -	$ 1,000.00 -
To	$ 10,093,717.48	$ -	$ 1,000.00 -
Increase of	$ 2,200,000.00		$ -
Decrease of	$ -		

9. The above recipient is hereby modified as follows: Extend the Grant period to December 31, 2018, increase grant by $2,200,000.00 for additional Phase III, 15th Street South to Hwy 90 between 20th Ave and 23rd Ave.

10. Except as hereby modified, all terms and conditions of the subcontract remain unchanged.

11. Approved for Agency: Jamie M. Miller 2/7/18 Signature Date Name: ~~Daron Wilson~~ Jamie Miller Title: ~~Chief Operating Officer~~ Deputy Director Governmental Affairs Disaster Recovery	12. Approved Receipient: 9/14/17 Signature Date Name: John Kelly Title: Chief Administrative Officer

RECEIVED
OCT 24 2017
DISASTER RECOVERY DIV.

Katrina Supplemental CDBG Program
Budget Summary

Applicant: City of Gulfport

Funding Year: 2010 Grant Year: _____ Contract: #R-103-202-02-KCR

Description	MDA	IDIS		Other Funding Sources			
Administration			Katrina CDBG	Insurance	FEMA	Other	Total
General Administration			228,187.50				228,187.50
Application Prep			10,000.00				10,000.00
Subtotal (A)			238,187.50			0.00	238,187.50

Description	MDA	IDIS		Other Funding Sources			
Public Facilities			KATRINA CDBG	FEMA	CIAP	CITY	Total
Architectural/Engineering			970,580.00				970,580.00
Contingency			236,371.00				236,371.00
Streetscape Improvements			8,648,578.98			1,000.00	8,649,578.98
Subtotal (B)			9,855,529.98	0.00	0.00	1,000.00	9,856,529.98
Grant Total (A + B)			10,093,717.48	0.00	0.00	1,000.00	10,094,717.48

Katrina CDBG Suppemental funds cannot be used for any activity or which funds have been made available by any Federal Agency including FEMA or the Army Corps of Engineers.

MDA DRD

BUDGET MODIFICATION WORKSHEET

Recipient: City of Gulfport Contract Number: R-103-202-02-KCR

Note: List CDBG Funds where changes are made.

Activity	Current Budget	Proposed Budget	Change (+/-)
Admin Fee	187,289.39	228,187.50	40,898.11
Application Preparation	10,000.00	10,000.00	0.00
Architectural/Engineer	707,384.63	970,580.00	263,195.37
Contingency	169,106.49	236,371.00	67,264.51
Streetscape Improvements	6,819,936.97	8,648,578.98	1,828,642.01
	Total	**Total**	**Total**
	7,893,717.48	**10,093,717.48**	**2,200,000.00**

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Nellie Henry, Urban Development Clerk
Code Enforcement

Date: 02/23/2018

Subject: Resolution - awarding bids for lot clean-ups and/or demolitions.

Recommendation:

Memorandum

To: Mayor Billy Hewes and Gulfport City Council

From: Greg Pietrangelo, Director
Department of Urban Development

Date: February 23, 2018

RE: Resolutions awarding bids for lot cleanups and/or demolition of certain property within the City of Gulfport and providing for assessment of cost to the said properties being presented to the City Council on the 6th day of March, 2018.

Please place the attached item on the Council agenda for March 6, 2018.

Subject: Code Enforcement Resolutions Awarding Bids for Lot Clean-ups and/or Demolitions.

The attached items have been routed through the following departments:

	Approve	Disapprove
Dept. of Urban Development	✕	

The items have been reviewed and approved by:

_____ Director of Urban Development

_____ CAO or Mayor _____

Memorandum - City of Gulfport

Department of Urban Development

Date: February 23, 2018

To: Mayor Billy Hewes
City Council Members

From: Code Enforcement

RE: Resolutions awarding bids for lot cleanups and/or demolition of certain property within the City of Gulfport and providing for assessment of cost to the said properties being described:

Awarding of Bids

WARD 1

Parcel 1: 0711L-02-129.000. Lots 1-2, Blk. 14, Central Beach awarded to Twin City Lawn Care for $1400.00 to board up and secure all openings. Remove all trash and miscellaneous debris from site located at 1226 Lewis Avenue. (Buckner Est.)

Parcel 2: 0711LG-02-049.000. Lots 8-9, Blk. 3, Quiet Shade Add. awarded to B & B Construction for $1250.00 to repair or remove inoperable vehicle(s). Remove all trash and miscellaneous debris from site located at 1611 Rhorer Avenue. (Jefferson & McIntosh)

WARD 2

Parcel 3: 0711I-02-004.000. Lot 3, Blk. 1, Hungerford Add. awarded to B & B Construction for $350.00 to remove all trash and miscellaneous debris and clutter from site located at 3404 12th Street. (Sherer)

WARD 3

Parcel 4: 0811C-03-038.000. Lots 10-11, Blk. 49, Original Gulfport awarded to B & B Construction for $450.00 to remove all trash and miscellaneous debris from site located at 2407 23rd Avenue. (Adair Asset Mgmt. LLC)

Parcel 5: 0810E-05-012.000. Lots 21-22, Blk. 375, North Gulfport awarded to Henderson Lawn Service LLC for $100.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located at 4212 Kentucky Avenue. (NGCLC)

Parcel 6: 0810E-02-095.002. Lots 27-28, Blk. 326, North Gulfport Subd. In SE 1/4 of SW 1/4 awarded to Melvins Lawn Service for $164.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located at 4310 Indiana Avenue. (NGCLC)

Parcel 7: 0810E-02-061.000. Lots 6-9 Inc., Blk. 326, North Gulfport awarded to B & B Construction for $250.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located on Ohio Avenue. (NGCLC)

Parcel 8: 0810E-02-033.000. Lots 15-16, Blk. 316, North Gulfport awarded to Twin City Lawn Care for $180.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located at 2805 Monroe Street. (Hagen)

Parcel 9: 0810E-02-017.000. Lots 23-27 Inc., Blk. 328, North Gulfport awarded to Twin City Lawn Care for $640.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located at 4412 East Railroad Avenue. (Walker)

Parcel 10: 0810D-02-032.000. Lots 28-32 Inc., Blk. 145, North Gulfport awarded to B & B Construction for $950.00 to repair or remove inoperable vehicle(s). Cut and clean grounds and remove all trash and miscellaneous debris from site located on Tyler Street. (Buckhalter Et

Al)

Parcel 11: 0810E-01-006.000. S 1/2 of Lots 17-18 & 20 & all Lot 21, Blk. 255, North Gulfport awarded to Collier Lawn Service for $300.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located at 4618 East Railroad Avenue. (NGCLC)

Parcel 12: 0810C-02-090.000. Lots 22-23, Blk. 193, North Gulfport awarded to B & B Construction for $375.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located at 8298 Louisiana Avenue. (Gulf South Eq. Inv. LLC)

Parcel 13: 0810C-01-017.000. Lots 25-32, Blk. 104, North Gulfport awarded to B & B Construction for $250.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located on Florida Avenue. (Oatis)

Parcel 14: 0810F-01-067.000. Lots 31-32, Blk. 249, North Gulfport awarded to Twin City Lawn Care for $346.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located at 2012 MLK Jr. Blvd. (Palmer)

Parcel 15: 0810D-02-007.000. Lots 12-14 Inc., Blk. 150, North Gulfport awarded to Twin City Lawn Care for $340.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located at 4915 West Railroad Avenue. (St of MS)

Total: $7039.00

There came on for consideration at a meeting of the Mayor and Members of the Council of the City of Gulfport, Mississippi, held on the **6th** day of **March, 2018,** the following Resolution:

A RESOLUTION AWARDING AND/OR REJECTING BIDS FOR LOT CLEANUP AND/OR DEMOLITION OF CERTAIN PROPERTY WITHIN THE CITY OF GULFPORT AND PROVIDING FOR THE ASSESSMENT OF COSTS TO THE SAID PROPERTIES

WHEREAS, at a prior meeting of the Gulfport City Council, certain and various properties located within the City of Gulfport were declared to be in such a state of uncleanliness as to be a menace to the public health, safety, and welfare of the community; and

WHEREAS, by prior action of this Council, the City of Gulfport was authorized to advertise for bids to perform the noted and required work on the identified properties; and

WHEREAS, having advertised for bids and having received bids, the following represent the lowest and best bids received (per parcel) for the work as described therein:

Parcel 1: 0711L-02-129.000. Lots 1-2, Blk. 14, Central Beach awarded to Twin City Lawn Care for $1400.00 to board up and secure all openings. Remove all trash and miscellaneous debris from site located at 1226 Lewis Avenue. (Buckner Est.)

Parcel 2: 0711LG-02-049.000. Lots 8-9, Blk. 3, Quiet Shade Add. awarded to B & B Construction for $1250.00 to repair or remove inoperable vehicle(s). Remove all trash and miscellaneous debris from site located at 1611 Rhorer Avenue. (Jefferson & McIntosh)

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Parcel 15: 0810D-02-007.000. Lots 12-14 Inc., Blk. 150, North Gulfport awarded to Twin City Lawn Care for $340.00 to cut and clean grounds and remove all trash and miscellaneous debris from site located at 4915 West Railroad Avenue. (St of MS)

WHEREAS, the Mayor and Members of the Council find and do so determine that pursuant to bids heretofore received for lot cleanup and/or demolition of certain property described above in the City of Gulfport, that the bid price noted above is the lowest and best price and should be accepted; and

WHEREAS, the Mayor and Members of the Council further find and do so determine that Notice to Proceed should be given to the listed property above, and that the actual costs of cleanup should be assessed against the property as provided by law including a $250.00 penalty.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters, facts and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That the individual bids for the cleanup of the certain properties described above within the City of Gulfport, should be accepted as the lowest and best bid/bid price.

SECTION 3. That Notice to Proceed should be immediately given to the lowest and best bidder as noted above and the completion of all work shall be accomplished within 30 calendar days. If extenuating circumstances occur, the company may request an extension of time in writing to complete the work.

SECTION 4. That the costs of lot cleanup, plus a $250.00 penalty, should be assessed as a lien against the said properties and shall be enrolled in the Office of the Circuit Clerk of the First Judicial of Harrison County, Mississippi, as other judgments are enrolled, as provided by law.

The above and foregoing Resolution, after having been first reduced to writing and read by the Clerk, was introduced by _____, seconded by _____, and was adopted by the following roll call vote:

YEAS: NAYS: ABSENT:

WHEREUPON, the President thereby declared the motion carried and the Resolution adopted this the _____ day of _____, 2018.

(SEAL)

ATTEST: ADOPTED:

_____ _____

CLERK OF THE COUNCIL PRESIDENT OF THE COUNCIL

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the _____ day of _____, 2018.

APPROVED:

_____

MAYOR

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Karen McCarty, Grants Management
Community Development

Date: 02/26/2018

Subject: Request - acceptance of Award for Funding from Mississippi Development Authority for the Hwy 49-18th St Drainage Improvements utilizing Katrina Supplemental Disaster CDBG in the amount of $1,364,672.44.

Recommendation:

Memorandum - *City of Gulfport...*

Community Development Department

To: **Mayor Billy Hewes**
John Kelly, Chief Administrative Officer
Council Members – Kenneth 'Truck' Casey, Sr., Ron Roland, Ella Holmes-Hines, R. B. 'Rusty' Walker, IV, Myles Sharp, Robert 'R. Lee' Flowers, Cara L. Pucheu

CC: **Linda Elias, Comptroller**

From: **Karen C. McCarty,**
Federal Programs Administrator ___

Date: **February 26, 2018**

Council Agenda March 6, 2018

Please place the following items on the March 6, 2018 Council Agenda;

Request approval to Accept the Notice of Award for funding from Mississippi Development Authority for the Hwy 49 and 18th Street Drainage Improvements in the amount of $1,364,672.44 utilizing Supplemental Katrina Community Development Block Grant funds.

Grant Agreements and Budgets for Pre-Development and Full-Development will be presented for approval as project progresses.

Application for funding requested by City Administration and approved by Mississippi Development Authority.

STATE OF MISSISSIPPI
PHIL BRYANT, GOVERNOR
MISSISSIPPI DEVELOPMENT AUTHORITY
GLENN MCCULLOUGH, JR.
EXECUTIVE DIRECTOR

February 22, 2018

The Honorable Billy Hewes
Mayor, City of Gulfport
2309 15th Street
Gulfport, MS 39502

Re: Highway 49 & 18th Street Drainage Improvements
Katrina CDBG Project: R-109-202-09-KCR

Dear Mayor Hewes:

The Mississippi Development Authority is pleased to inform you that your request for funds through the Community Development Block Grant (CDBG) Disaster Recovery Program in the amount of **$1,364,672.44** has been approved for the following:

Highway 49 & 18th Street Drainage Improvements

Through this application for funding, the City of Gulfport has demonstrated local commitment in addressing the recovery needs of Mississippi. I commend you for this initiative and for helping to improve the quality of life in your community.

Sincerely,

Jamie M. Miller

Jamie M. Miller
Deputy Director
Governmental Affairs

POST OFFICE BOX 849 · JACKSON, MISSISSIPPI 39205-0849
TELEPHONE (601) 359-3449 · FAX (601) 359-2832 · www.mississippi.org

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Mary Collins, Procurement Specialist
Purchasing

Date: 02/15/2018

Subject: Letter - regarding bid awarded by Purchasing for submersible transducers for lift stations repairs - Public Works Department - to be made a part of the minutes.

Recommendation:

Memorandum - City of Gulfport

Purchasing

To: The Honorable Mayor and City Council

From: Mary Collins, Procurement Specialist

Date: February 15, 2018

Re: **Public Works Department**

Replacement of Transducers at Lift Stations

I have reviewed the quotes received on the above referenced item and find **Keller America INC** to be the lowest and best bid for a total amount of $14,640.00.

I have issued Purchase Order # 197318 accordingly and respectfully request you to spread this across the minutes. Please see attached tabulation sheet for your review.

Thank you for your consideration.

Public Works Department

PO #197315

Replacement of Transducers

	QTY	KellerAmerica INC		Magnolia Pump & Equipment INC		Gulf States Engineering	
		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Submersible Pressure Transducer 50' Cord 4-20ma 35'WC	30	$ 484.00	$ 14,520.00	$ 675.00	$ 20,250.00	$ 910.63	$ 27,318.90
SHIPPING	1	$ 120.00	$ 120.00	$ 150.00	$ 150.00		
TOTAL			**$ 14,640.00**		**$ 20,400.00**		**$ 27,318.90**

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Connie Debenport, Manager
Purchasing

Date: 02/20/2018

Subject:

Letter of Recommendation - regarding bids received for Retaining Wall Fencing at Gulfport Sportsplex - to be made a part of the minutes.

Recommendation:

Memorandum - City of Gulfport

Purchasing

To: The Honorable Mayor and City Council

From: Connie Debenport, CPPB

Date: February 20, 2018

Re: Retaining Wall Fencing – Gulfport Sportsplex
Department of Leisure Services
Bid Received 01/25/2018

On January 25, 2018 we received three (3) bids for Retaining Wall Fencing at the Gulfport Sportsplex. See attached documentation from Kevin Mullen with BMA, recommending Southern Exterior Fence Co., of Perkinston, MS to be the lowest and best bid submitted for a total amount of $56,500.00. This includes a base bid amount of $50,000.00 and Alternate in the amount of $6,500.00.

I have attached a copy of the bids as well as a tabulation sheet for your review. Request permission to award bid and issue a Purchase Order to Southern Exterior Fence Co.

Thank you for your consideration.

BROWN, MITCHELL & ALEXANDER, INC.
CONSULTING ENGINEERS

401 Cowan Road, Suite A
Gulfport, MS 39507
228-864-7612

796 Vieux Marche, 2nd Floor
Biloxi, MS 39530
228-436-7612

3103 Pascagoula Street
Pascagoula, MS 39567
228-436-7612

www.bmaengineers.com

February 6, 2018

Ms. Connie Debenport
Gulfport Procurement Department
1410 24th Avenue - Hardy Building, 2nd Floor
Gulfport, MS 39501

RE: Expansion of the Gulfport Sportsplex – Fencing
Gulfport, Mississippi

Dear Ms. Debenport:

Bids were received on January 25, 2018 by the City of Gulfport Procurement Department for the above referenced project.

Southern Exterior Fence Co. of Perkinston, MS submitted the lowest bid of $56,500 (Total Base Bid + Total Alternate Bid). Therefore, subject to your attorney's review and the submission of the proper bonds and insurance by the Contractor, we hereby recommend award of the contract to Southern Exteriors Fence Co.

If you should have any questions or comments relative to this matter, please do not hesitate to contact us at (228) 864-7612.

Sincerely,

Kevin Mullen, P.E.
Project Engineer

CELEBRATING 50 YEARS

P:\3485 Expansion Gulfport SportsPlex\Fence\Recommendation Letter.docx

RETAINING WALL FENCING AT GULFPORT SPORTSPLEX

CONTRACTOR'S BID TABULATION
BIDS RECEIVED JANUARY 25, 2018 UNTIL 10:00 A.M., LOCAL TIME
BY THE CITY OF GULFPORT PROCUREMENT DEPARTMENT,
1410 24th AVENUE, GULFPORT, MS 39501

				Southern Exteriors Fence Co.		Calhoun Fence, Inc.		Delta Specialty Contractors, LLC	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	BASE BID	1	LS	$50,000.00	$50,000.00	$80,260.00	$80,260.00	$70,506.60	$70,506.60
2	ALTERNATE BID	1	LS	$6,500.00	$6,500.00	$11,683.00	$11,683.00	$25,000.00	$25,000.00
TOTAL BASE BID + ALTERNATE BID					**$56,500.00**		**$91,943.00**		**$95,506.60**

Memorandum - City of Gulfport

Purchasing

To: The Honorable Mayor and City Council

From: **Connie Debenport, CPPB**

Date: February 26, 2018

Re: **Sportsplex Expansion – Shade Structures**
Department of Leisure Services
NJPA Contract #022113-LTS

The Department of Leisure Services is requesting your approval to purchase five (5) each 15' x 30' x 10' shade structures from NJPA – National Joint Powers Alliance; a cooperative purchasing program – contract #022113-LTS.

The total cost for all 5 structures is $64,960.00 which is $12,992.00 per structure; this includes shipping and installation. The shade structures are to be placed at two of the six fields at the Gulfport Sportsplex.

The Sportsplex Manger has researched pricing up to and including obtaining verbal quotes to ensure reasonable pricing.

It is my recommendation that you approve this request. Thank you for your consideration.

NJPA AWARDED CONTRACT

NJPA VENDOR CONTRACT SUMMARY – Miracle Recreation Company

DATE April 23,2013	**RFP #** 022113
AWARDED CONTRACT NUMBER **022113-LTS**	**NJPA RFP TITLE & CATEGORY** Athletic and Recreational surfaces, Playground and equipment.
CONTRACT PERIOD April 23,2013-April 22,2017	**PRICING MODEL** Line item pricing
DESCRIPTION Comprehensive playground solution of products and services through local dealer and installer.	
VENDOR NAME AND ADDRESS Miracle Recreation Company 878 E. US Hwy 60 Monett, MO 65708	**VENDOR CONTACT** David Sheedy: David.Sheedy@playpower.com Mike Sutton: Mike.Sutton@playpower.com

NJPA CONTRACTS CONSIST OF THE FOLLOWING DOCUMENTS "Contract" as used herein shall mean cumulative documentation consisting of this RFP, fully executed Forms C,D,F & P from the Proposer's response and a fully executed form E "Acceptance and Award" with final terms and conditions. Form E will be executed on or after award and will provide final clarification of terms and conditions of the award. Request for Proposal (RFP) Bid Acceptance & Award	**RELATED CONTRACT DOCUMENTATION** Affidavit of Advertisement Bid Opening Witness Page Bid Evaluation Bid Comment & Review Board Minutes
DOCUMENTATION OF CONTRACT MAINTENANCE Contract Renewal 2016 Contract Renewal 2015 Contract Renewal 2014	**ADDITIONAL INFORMATION:**

NJPA INFORMATION

NJPA CONTACT Gordy Thompson	**TITLE** NJPA Contract Manager
PHONE 218-894-5489	**EMAIL** Gordy.thompson@njpacoop.org
ADDRESS 202 12th Street NE, P.O. Box 219, Staples, MN 56479	**WEBSITE** www.njpacoop.org

Miracle

Miracle Recreation Equip. Co.
878 E. US Hwy 60
Monett, MO 65708
1-800-325-8828

QUOTE: R0026170111
CUSTOMER: 3950A07

Prepared For:

Guss Wesson
City of Gulfport
1515 23rd Ave
Gulfport, MS 39502
(228) 697-4023 (phone)
(228) 868-5883 (fax)
glwesson@gulfport-ms.gov

Project Name & Location:

Prepared by:

Jefcoat Recreation and Construction

PO Box 6197
Pearl, MS 39288
(601) 414-3625 (phone)
crj@jefcoatrecreation.com

Ship To Address:

Gus (228) 868-5881
City of Gulfport
1515 23rd Ave
Gulfport, MS 39502
(228) 868-5881 (phone)

glwesson@gulfport-ms.gov

End User:

Gus (228) 868-5881
City of Gulfport/ Sportsplex
1515 23rd Ave

Gulfport, MS 39502(228)
868-5881 (phone)

glwesson@gulfport-ms.gov

Quote Number: R0026170111
Quote Date: 11/30/17
Valid For: 30 Days From Quote Date

PlayArea_Q1

Product line: Freestanding
Age group:

Components

Part Number	Description	Qty	Weight	Unit Price	Total
USA Canti 15X30	USA Canti 15X30	5	0.00	9,582.00	47,910.00
USA Stamped Dr	USA Stamped Dr	1	0.00	850.00	850.00

Totals:

Total Weight:	0.00 lbs
Equipment List:	$48,760.00
Discount Amount:	-$0.00
Equipment Price:	$48,760.00
Freight:	$1,200.00 Code: 5
Installation:	$15,000.00
Products by Other:	$0.00
SubTotal:	$64,960.00
Estimated Sales Tax*:	$0.00
Grand Total:	$64,960.00

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Kris Riemann, Director
Engineering

Date: 02/23/2018

Subject: Request - permission to advertise for bids for the Brickyard Bayou Phase 2B Drainage Improvements Project.

Recommendation:

Memorandum – City of Gulfport

To: Connie Debenport, Purchasing

CC: Mayor Billy Hewes

Dr. John Kelly, CAO

Linda Elias, Finance

Wayne Miller, P.E., Public Works

Karen McCarty, CDBG

From: Kris Riemann, P.E. RKR

Date: 2/21/18

Re: **Request Authority to Advertise for Bids**

- Brickyard Bayou Phase 2B Drainage Improvements

I request authority to advertise for bids for the referenced project, with bids to be received on April 12, 2018. Attached is a copy of the Advertisement for Bids.

The project includes clearing and snagging of a portion of the bayou west of 13th Avenue to Highway 49, creating a limestone maintenance road for future upkeep, and installing various sizes of pipe. Attached is the map identifying where Phase 2B is located. We have included alternates in this bid for the parcels that we have not acquired to date. Therefore at the time of awarding the contract, we can add or eliminate those parcels but stay in the timeline allowed by MDA.

The project construction is funded 100% by a Community Development Block Grant and the 2014 Bond Issue. I recommend this advertisement of the contract contingent on the approval of Mississippi Development Authority. The firm of Brown, Mitchell, and Alexander Inc. has completed the Engineering design and will oversee the inspection.

Please place this item on the March 6, 2018 Council Agenda.

Attachments:
1. Advertisement
2. Map of Project Area

CITY OF GULFPORT
BRICKYARD BAYOU RESTORATION PHASE 2B
GULFPORT, MISSISSIPPI

ADVERTISEMENT FOR BIDS

Sealed Bids for the construction of the Brickyard Bayou Restoration Phase 2B Project will be received by the City of Gulfport, at the office of the Procurement Department located at 1410 24th Avenue, Hardy Building, 2nd Floor, Gulfport, MS 39501 until 10:00 a.m. local time on April 12, 2018, at which time the Bids received will be publicly opened and read. The Project consist of clearing and snagging of Brickyard Bayou, along with replacing drainage culverts, the construction of maintenance roads, providing grassing, erosion control and other related work.

Bids will be received from a single prime Contractor. Bids shall be on a unit price basis, with additive alternate bid items as indicated in the Bid Form and bid award will be to the lowest and best bid submitted.

This Issuing Office for the Bidding Documents is Brown, Mitchell & Alexander, Inc., 401 Cowan Road, Suite A, Gulfport, MS 39507, (228) 864-7612. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Monday through Thursday (between the hours of 7:30 A.M. and 5:30 P.M.) and Friday (between the hours of 8:00 A.M. and Noon). Copies of the Bidding Documents may be obtained from the Issuing Office as described below.

Bidding documents are being made available via paper copy or pdf for a charge of $100.00 (hard copy) or $50.00 (CD). Plan holders are required to log-in or register for an account at www.bmaprojects.com to view and order Bidding Documents. All plan holders are required to have a valid email address for registration. The cost for the bidding documents is non-refundable and must be purchased through the website. For questions regarding website registration and online orders please contact Plan House Printing at (228) 248-0181.

"The City of Gulfport now offers Electronic Bidding. Official bid documents can be downloaded from Central Bidding at www.centralbidding.com. Electronic bids and/or reverse auction bids can be submitted at www.centralbidding.com. For any questions relating to the electronic bidding process, please call Central Bidding at 225-810-4814."

The date that the Bidding Documents are transmitted by the Issuing Office will be considered the prospective Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda, if any, obtained from sources other than the Issuing Office.

A pre-bid conference will be held at 10:00 a.m., local time on March 28, 2018 at Gulfport Engineering Department, 4050 Hewes Avenue, Gulfport, MS 39507. Attendance at the pre-bid conference is highly encouraged but is not mandatory.

Bid security shall be furnished in accordance with the Instruction to Bidders.

For bids exceeding $50,000.00, Bidder must indicate his Certificate of Responsibility Number on the outside of sealed proposal as required by Mississippi Law. Effective July 1, 2010; Per MS Code 31-3-21(3); any bid submitted by a nonresident contractor which does not include the nonresident contractor's current state law pertaining to such state's treatment of nonresident contractors, shall be rejected and not considered for award. If no such law exists in the non-resident contractor's state, then the non-resident contractor may provide a statement to that effect.

This project is funded fully or partially with Federal funds provided through Mississippi Development Authority, utilizing Supplemental Community Development Block Grant Funds from the Department of Housing and Urban Development; the successful bidder must comply with all applicable federal, state and

local requirements contained in the Contract Documents, including but not limited to Section 3, Davis-Bacon Federal Wage Regulations, E-Verify, etc., as identified in the bid proposal packet as "HUD Contract Provisions for Construction Contracts". All Women and Minority and Section 3 Contractors are encouraged to apply.

Section 3: This project is covered by the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) ("Section 3"). Section 3 requires that when employment or contracting opportunities are generated by HUD-funded projects, preference is given to low to very low-income persons and businesses residing in the community where the project is located. Section 3 businesses are encouraged to submit a bid as any responsive, responsible bidder that qualifies as a Section 3 Business Concern will be given a preference during evaluation. A bidder selected for this Project will be responsible for ensuring compliance with all Section 3 requirements including, but not limited to, the hiring and contracting decisions made on the Project.

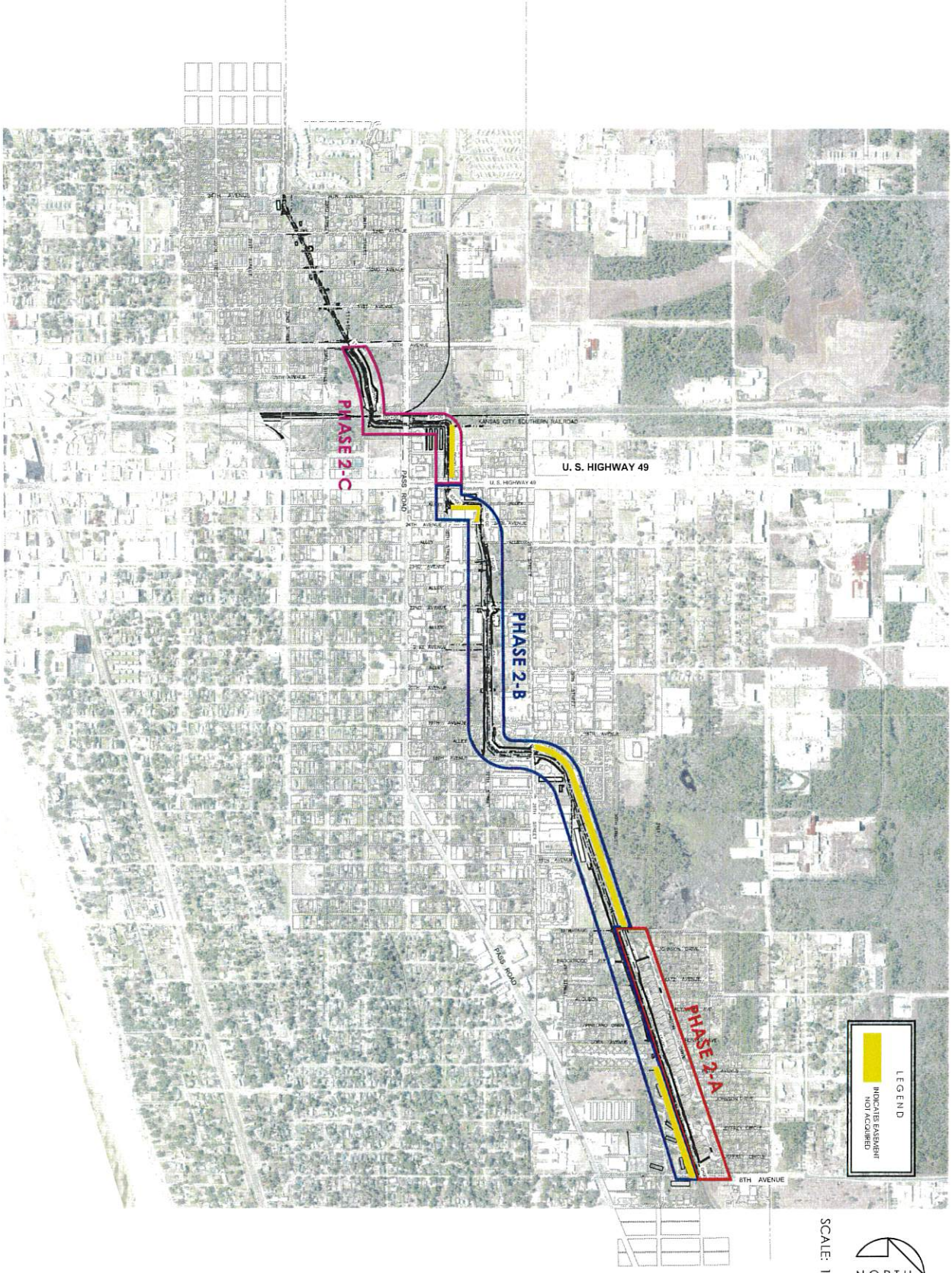
No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

The Owner reserves the right to waive any informalities or to reject any or all bids.

Published by order of the Gulfport City Council; this the 6th day of March, 2018.

Publish Dates:
March 13, 2018
March 20, 2018

THE PROFESSIONAL ENGINEERING SERVICES PROVIDED BY BROWN, MITCHELL & ALEXANDER, INC.,(BMA) ARE RELATIVE TO THESE FINAL DRAWINGS AS SHOWN. ANY MODIFICATIONS TO THE DRAWINGS & ASSOCIATED SPECIFICATIONS AS PREPARED BY BMA WITHOUT THE WRITTEN CONSENT OF BMA, SHALL RELIEVE BMA OF ANY & ALL LIABILITY AS A RESULT OF ANY SUCH MODIFICATIONS.



PHASE EXH.

SHEET

CAD DBA & GJM
ENG DATE 2/20/2018
DATE 10-20-2016
SCALE AS SHOWN
BMA-# 3383-06
FILE 3383-06 PH1B-SITE

BRICKYARD BAYOU RESTORATION
PHASE 2-A, 2-B, and 2-C

CITY OF GULFPORT, MISSISSIPPI

EASEMENTS NOT ACQUIRED
AS OF FEBRUARY 20, 2018

REV DATE BY

SEAL

BROWN, MITCHELL & ALEXANDER, INC.
CONSULTING ENGINEERS
401 Cowan Road, Suite A, Gulfport, MS 39507 (228)864-7612 Fax(228)864-7676

CELEBRATING 50 YEARS

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Karen McCarty, Grants Management
Community Development

Date: 03/01/2018

Subject: Public Notice - advertisement of 2017 Consolidated Annual Performance and Evaluation Report for CDBG and HOME Programs (March 12-26, 2018) and Notice of Public Hearing (March 21, 2018, 5:30 pm).

Recommendation:

PUBLISH ONE-TIME SUN HERALD
NON-LEGAL BLOCK STYLE
MARCH 12, 2018

NOTICE OF
AVAILABILITY OF DRAFT AND PUBLIC HEARING
CITY OF GULFPORT
2017 ANNUAL PERFORMANCE REPORT
CDBG AND HOME PROGRAMS

The 2017 Consolidated Annual Performance and Evaluation Report (CAPER) is available for review and citizen comment between March 12 - 26, 2018 at the Community Development Department, 1410 24th Avenue, Gulfport, MS 39501. The report covers the awards, expenditures and performance of Entitlement CDBG and HOME programs and projects for fiscal year ended December 31, 2017.

A public hearing is scheduled for Wednesday, March 21, 2018, 5:30 P.M. at Gulfport Community Development/Building and Code Department, 1st Floor Conference Room, located at 1410 24th Avenue, Gulfport, MS, 39501. A copy of this report is available on the City of Gulfport Website, www.gulfport-ms.gov.

The City encourages the participation of minorities, non-English speaking persons, the disabled, low to moderate-income persons, residents of public housing, and all others interested in community events. Those individuals requiring accessibility assistance are urged to notify the City at least three (3) days prior to the hearing so that special arrangements can be made. Questions or comments made to Community Development Dept. at communitydevelopment@gulfpor-ms.gov or call 228-868-5705, ext. 6545.

Repair of Damages to Piers Caused by Hurricane Nate
Gulfport, Mississippi

ADVERTISEMENT FOR BIDS

Sealed Bids for the Repair of Damages to Piers Caused by Hurricane Nate will be received by the City of Gulfport, at the office of the Procurement Department located at 1410 24th Avenue, Hardy Building, 2nd Floor, Gulfport, MS 39501 until 10:00 a.m., local time on April 18, 2018, at which time the Bids received will be publicly opened and read. The Project consist of the replacement of damaged or missing decking, stringers, headers and hardware.

Bids will be received from a single prime Contractor. Bids shall be on a unit price basis, with additive alternate bid items, if any, as indicated in the Bid Form. The Owner is not responsible for bids which are mailed to the wrong address or which arrive in the mail after the designated bid opening time. Bids may be delivered in person to the Procurement Office prior to the bid opening at the time, date and location listed above.

This Issuing Office for the Bidding Documents is Brown, Mitchell & Alexander, Inc., 401 Cowan Road, Suite A, Gulfport, MS 39507, (228) 864-7612. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Monday through Thursday (between the hours of 7:30 A.M. and 5:30 P.M.) and Friday (between the hours of 8:00 A.M. and Noon). Copies of the Bidding Documents may be obtained from the Issuing Office as described below.

Bidding documents are being made available via paper copy or pdf for a charge of $100 (hard copy) or $50 (CD). Plan holders are required to log-in or register for an account at www.bmaprojects.com to view and order Bidding Documents. All plan holders are required to have a valid email address for registration. The cost for the bidding documents is non-refundable and must be purchased through the website. For questions regarding website registration and online orders please contact Plan House Printing at (228) 248-0181.

"The City of Gulfport now offers Electronic Bidding. Official bid documents can be downloaded from Central Bidding at www.centralbidding.com. Electronic bids and/or reverse auction bids can be submitted at www.centralbidding.com. For any questions relating to the electronic bidding process, please call Central Bidding at 225-810-4814."

The date that the Bidding Documents are transmitted by the Issuing Office will be considered the prospective Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda, if any, obtained from sources other than the Issuing Office.

Bid security shall be furnished in accordance with the Instruction to Bidders.

For bids exceeding $50,000.00, Bidder must indicate his Certificate of Responsibility Number on the outside of sealed proposal as required by Mississippi Law. Effective July 1, 2010; Per MS Code 31-3-21(3); any bid submitted by a nonresident contractor which does not include the nonresident contractor's current state law pertaining to such state's treatment of nonresident contractors, shall be rejected and not considered for award. If no such law exists in the non-resident contractor's state, then the non-resident contractor may provide a statement to that effect.

No bidder may withdraw his bid within 90 days after the actual date of the opening thereof.

The Owner reserves the right to waive any informalities or to reject any or all bids.

Published by order of the Gulfport City Council; this the 6th day of March, 2018.

Publish Dates: March 16, 2018 & March 23, 2018

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Connie Debenport, Manager
Purchasing

Date: 02/26/2018

Subject:

Legal Notice - advertisement for bids for New Clubhouse at Bayou Vista Golf Course.

Recommendation:

New Clubhouse at Bayou Vista Golf Course
Gulfport, Mississippi

ADVERTISEMENT FOR BIDS

Sealed Bids for a New Clubhouse at Bayou Vista Golf Course will be received by the City of Gulfport, at the office of the Procurement Department located at 1410 24th Avenue, Hardy Building, 2nd Floor, Gulfport, MS 39501 until 10:00 a.m., local time on April 12, 2018, at which time the Bids received will be publicly opened and read. The Project consists of a new 2,428 SF "white box" clubhouse building with additional tenant improvements to be made by the tenant, Coast Golf LLC.

Bids will be received from a single prime Contractor with additive alternate bid items, if any, as indicated in the Bid Form.

This Issuing Office for the Bidding Documents is LPK Architects, P.A., 2208 18th St., Suite D, Gulfport, MS 39501, (228) 382-3122. Prospective Bidders may examine the Bidding Documents by appointment at the Issuing Office on Monday through Friday (between the hours of 8:30 A.M. and 4:30 P.M.). Copies of the Bidding Documents may be obtained from the Issuing Office as described below.

Bidding documents are being made available via paper copy or PDF for a charge of $150 (hard copy) or $75 (digital). Plan holders are required to log-in or register for an account at www.lpkplanroom.com to view and order Bidding Documents. All plan holders are required to have a valid email address for registration. The cost for the bidding documents is non-refundable and must be purchased through the website. For questions regarding website registration and online orders please contact Plan House Printing at (228) 248-0181.

"The City of Gulfport now offers Electronic Bidding. Official bid documents can be downloaded from Central Bidding at www.centralbidding.com. Electronic bids and/or reverse auction bids can be submitted at www.centralbidding.com. For any questions relating to the electronic bidding process, please call Central Bidding at 225-810-4814."

The date that the Bidding Documents are transmitted by the Issuing Office will be considered the prospective Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Architect will be responsible for full or partial sets of Bidding Documents, including Addenda, if any, obtained from sources other than the Issuing Office.

Bid security shall be furnished in accordance with the Instruction to Bidders.

For bids exceeding $50,000.00, Bidder must indicate his Certificate of Responsibility Number on the outside of sealed proposal as required by Mississippi Law. Effective July 1, 2010; Per MS Code 31-3-21(3); any bid submitted by a nonresident contractor which does not include the nonresident contractor's current state law pertaining to such state's treatment of nonresident contractors, shall be rejected and not considered for award. If no such law exists in the non-resident contractor's state, then the non-resident contractor may provide a statement to that effect.

No bidder may withdraw his bid within 90 days after the actual date of the opening thereof.

The Owner reserves the right to waive any informalities or to reject any or all bids.

Published by order of the Gulfport City Council; this the 6th day of March, 2018.

Publish Dates:
March 9, 2018
March 16, 2018