

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

**AGENDA**

**JUNE 25, 2020**

**REGULAR MEETING OF THE PLANNING and DEVELOPMENT COMMISSION  
CITY OF LONG BEACH, MISSISSIPPI**

**5:30 O'CLOCK P.M.**

**LONG BEACH CITY HALL**

**MEETING ROOM**

**201 JEFF DAVIS AVENUE**

**I. CALL TO ORDER**

**II. ROLL CALL AND ESTABLISH QUORUM**

**III. PUBLIC HEARINGS**

1. Variance- 210 Oak Gardens Avenue- Tax Parcel 0612E-03-029.000- Submitted by DAP Properties, LLC.
2. Short-Term Rental- 108 West Azalea Drive- Tax Parcel 0712D-03-036.000- Submitted by Virginia G. Norton.

**IV. ANNOUNCEMENTS**

**V. APPROVE MINUTES**

1. June 11, 2020

**VI. UNFINISHED BUSINESS**

1. Discussion- Tree Ordinances 364, 490 and 491

**VII. NEW BUSINESS**

1. Tree Removal (1) Live Oak and (1) Magnolia- 120 East Azalea Drive- Tax Parcel 0711M-04-034.000- Submitted by Benita and Winston Mana-ay.
2. Planning Commission Approval- 19014 Pineville Road- Tax Parcel 0612C-01-006.000- Submitted by Rodney Bellegarde.
3. Certificate of Resubdivision- 413 North Seal Avenue- Tax Parcel 0611N-04-012.000 and 0611N-04-012.001- Submitted by Wayne S O'Neal on behalf of Harry J. Kaletsch.
4. Certificate of Resubdivision- 204 and 208 East Old Pass Road- Submitted by Michael and Judi David.

**VIII. DEVELOPMENT & RESEARCH**

**IX. ADJOURN**

**\*\*\*NOTES\*\*\***

\*\*All decisions made at this meeting are subject to a ten (10) day appeal for a Public Hearing and/or the Mayor and Board of Aldermen approval on July 7, 2020.

\*\*The agenda for the Planning Commission meeting closes at 12:00 O'Clock (noon), and/or in accordance with applicable ordinances, the Thursday prior to the meeting day.

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Commissioner Eddie Seal read the Opening Statement for the Planning and Development Commission.

\*\*\*\*\*

Be it remembered that two (2) Public Hearings were heard before the Long Beach Planning and Development Commission, Long Beach, Mississippi, and begun at 5:30 o'clock p.m., Thursday, the 25<sup>th</sup> day of June 2020, in said City, and the same being the time, date and place fixed for holding said Public Hearings.

There were present and in attendance on said Commission and at the Public Hearings the following named persons: Commission Chairman Frank Olaivar, Commissioners Shawn Barlow, Jeff Hansen, Eddie Seal, Larry Ward, Kevin McKenzie, Junior Husband, Marcia Kruse, City Consultant Bill Hessell and Deputy City Clerk Kini Gonsoulin.

Absent the Public Hearings were Commissioner Mark McMillan and Building Official Mike Gundlach.

There being a quorum present and sufficient to transact the business of the Public Hearings, the following proceedings were had and done.

\*\*\*\*\*

The first Public Hearing to consider a Variance for property located at 210 Oak Gardens Avenue, Tax Parcel 0612E-03-029.000, submitted by DAP Properties, LLC, as follows:

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CITY OF LONG BEACH  
201 Jeff Davis Avenue/ PO BOX 929  
Long Beach, MS 39560  
(228) 863-1554 office  
(228) 863-1558 fax

Office use only	
Date Received	5-24-20
Zoning	R-1
Agenda Date	6-25-20
Check Number	381

VARIANCE REQUEST

I. Tax Parcel Number(s): # 0612E-03-029.000

II. Address of Property Involved: 210 Oak Gardens Avenue

III. Statement clearly explaining the request being made. (Attach supplemental pages if necessary.)  
Requesting a Variance to place a detached carport 5' from South side property line and 5' from existing main house structure because of the small size of the lot.

**\*\*PLEASE COMPLETE THE FOLLOWING:**

A. Describe any special condition that justify the granting of this request and that are peculiar to the property and do not apply to other properties in the general area. What are the reasons for the request and why the applicant cannot meet the stated code requirement? The lot was pre-existing and smaller than usual.

B. Describe how the special condition discussed above is not the result of actions taken by the applicant. Show that the applicant did not cause the need for this request. Lot is pre-existing and house was prebuilt on property when we purchased it.

C. Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request necessary. State what hardship is caused if the applicant is required to meet code requirements? What is the result of this hardship? What would result if the Zoning Board denied this request? House was built on a small lot. Variance would allow for the building of a detached carport and improve the property.

D. Show that denial of this request will deprive the applicant of rights commonly enjoyed by other properties in the general area and that the granting of this variance request will make possible the reasonable use of land while not conferring any special privilege. Outline how the subject of the variance is common in the area and if the applicant were to be denied this variance a right would be taken away which is granted to other properties. State how the variance makes reasonable use of the existing land and why the same action cannot be done in a way that does not require a variance. Show that granting of this variance does not give the applicant any special privileges that the properties in the area would find desirable. There are existing houses in the area with similar detached carports that must have been granted variance set backs because they appear to be close to the property lines and existing structures.

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IV. REQUIRED ATTACHMENTS:

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon; and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.
- B. **Survey and Site Plan.** a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- C. **Recorded Warranty Deed.** A deed which includes a legal description of the specific piece of property involved in the request. If, several parcels are included in a request, individual parcel deeds AND a composite legal description of all parcels involved in the request must be provided.
- D. **Fee.** Attach a check in the amount of \$100.00. This check should be made payable to the City of Long Beach to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

**\*\*\*NOTE\*\*\* APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

V. OWNERSHIP AND CERTIFICATION:

**READ BEFORE EXECUTING,** Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application, the completed application with all necessary documents and payments must be returned to the Planning office not later than 21 days before the 2<sup>nd</sup> or 4<sup>th</sup> Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

**Ownership:** I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

DAP Properties, LLC  
Name of Rightful Owner (PRINT)

\_\_\_\_\_  
Name of Agent (PRINT)

2915 Quiet Oak Place  
Owner's Mailing Address

\_\_\_\_\_  
Agent's Mailing Address

Scrriever, La. 70395  
City State Zip

\_\_\_\_\_  
City State Zip

985-856-1801  
Phone

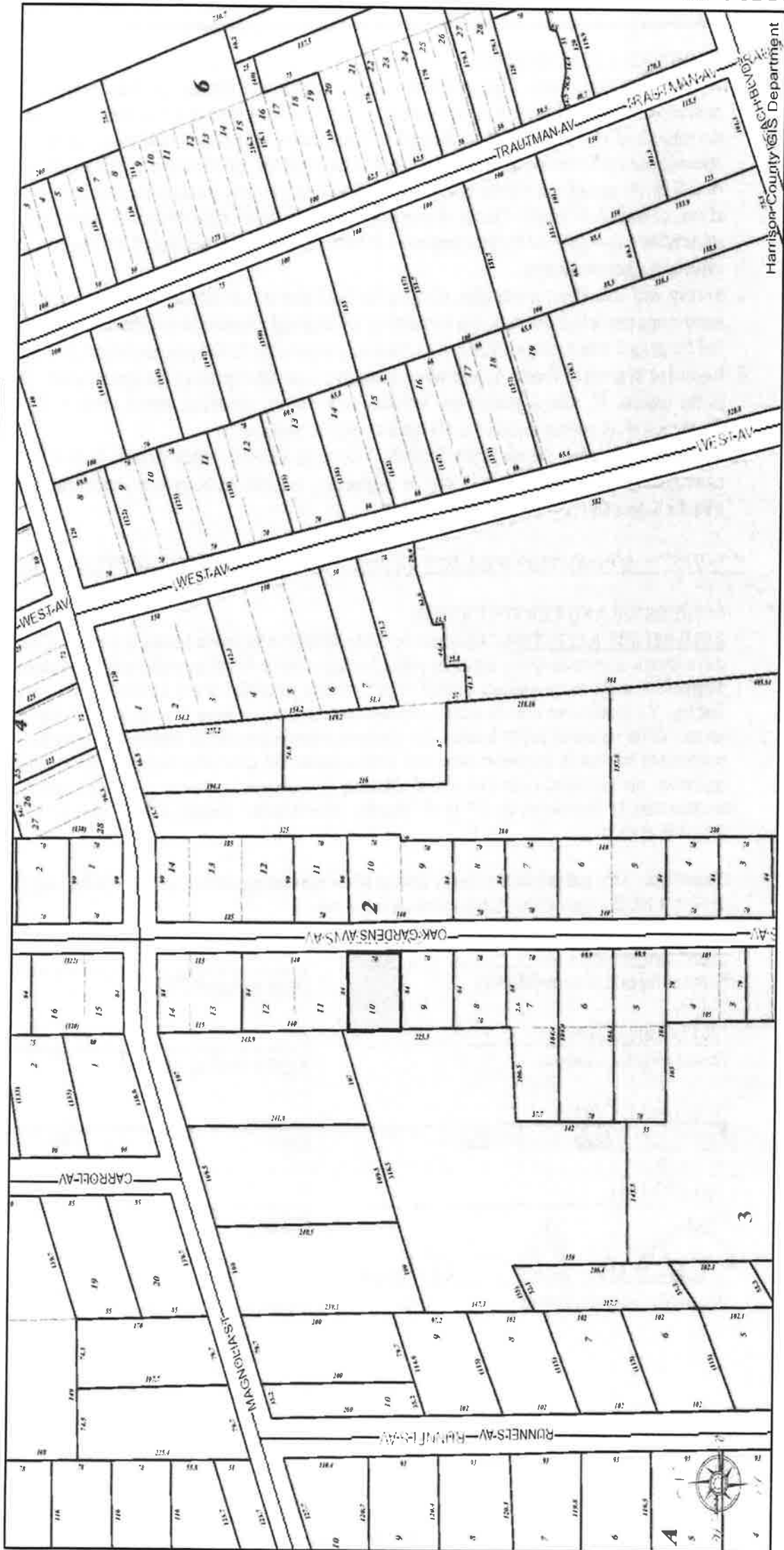
\_\_\_\_\_  
Phone

 6/1/2020  
Signature of Rightful Owner Date

\_\_\_\_\_  
Signature of Applicant Date

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210 Oak Gardens Avenue, 0612E-03-029.000



**HARRISON COUNTY, MISSISSIPPI**

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.

DATE: June 1, 2020



# MINUTES OF JUNE 25, 2020 REGULAR MEETING LONG BEACH PLANNING and DEVELOPMENT COMMISSION

COPY

Prepared by & return to:  
Schwarz, Orger & Jordan, PLLC  
12206 Highway 49  
Culport, MS, 39503  
228-832-8550  
Our File: 191252

Index as follows:  
Lot 10, Blk 1, Oak Gardens N/D  
Harrison County, 1<sup>st</sup> JD, MS

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

### WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned,

MAGNOLIA BREEZE PROPERTIES, LLC  
A Mississippi Limited Liability Company  
19015 SHAW ROAD  
SAUCIER, MS 39574  
(228) 413-7968

does hereby sell, convey and warrant unto

DAP PROPERTIES, L.L.C.  
A Louisiana Limited Liability Company  
2915 QUIET OAK PLACE  
SCHRIFVER, LA 70395  
(985) 856-1801

the following described land and property being located in the First Judicial District Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lot Ten (10), Block One (1), OAK GARDENS 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 16 at Page 11 hereof, reference to which is hereby made in aid of and as a part of this description.

The Grantor hereby covenants that the property described herein does not constitute as a part of the homestead, nor is it contiguous thereto.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances,

and leases of oil, gas and minerals by previous owners.

TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantee herein.

IN WITNESS WHEREOF, MAGNOLIA BREEZE PROPERTIES, LLC has caused this conveyance to be executed by its duly authorized officer, having first been duly authorized to do so, on this the 31st day of October, 2019,

MAGNOLIA BREEZE PROPERTIES, LLC

BY: *Ronald J. Price*  
RONALD J. PRICE, MANAGER

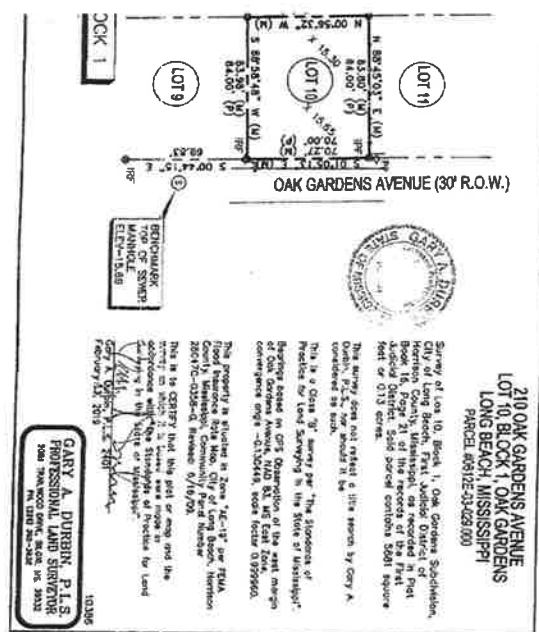
STATE OF MISSISSIPPI  
COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, RONALD J. PRICE, who acknowledge that he is the MANAGER of MAGNOLIA BREEZE PROPERTIES, LLC, a Mississippi Limited Liability Company, and as its act and deed, he signed, sealed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned after having been first duly authorized to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 31st day of October, 2019,

*Celeste Paige*  
NOTARY PUBLIC

My Commission Expires:



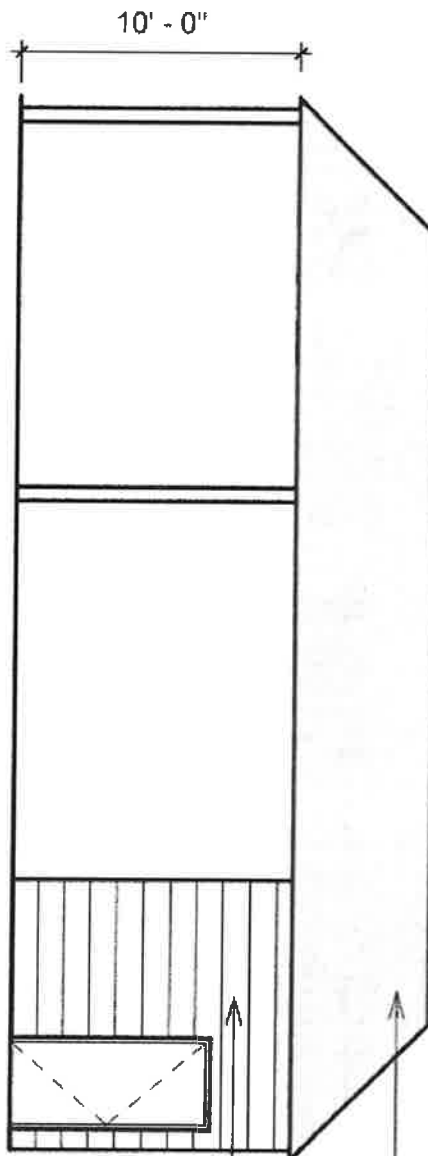
MINUTES OF JUNE 25, 2020  
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PROPOSED CARPORT  
DAP PROPERTIES, LLC  
210 OAK GARDENS AVE.

2

1/8" = 1'-0"

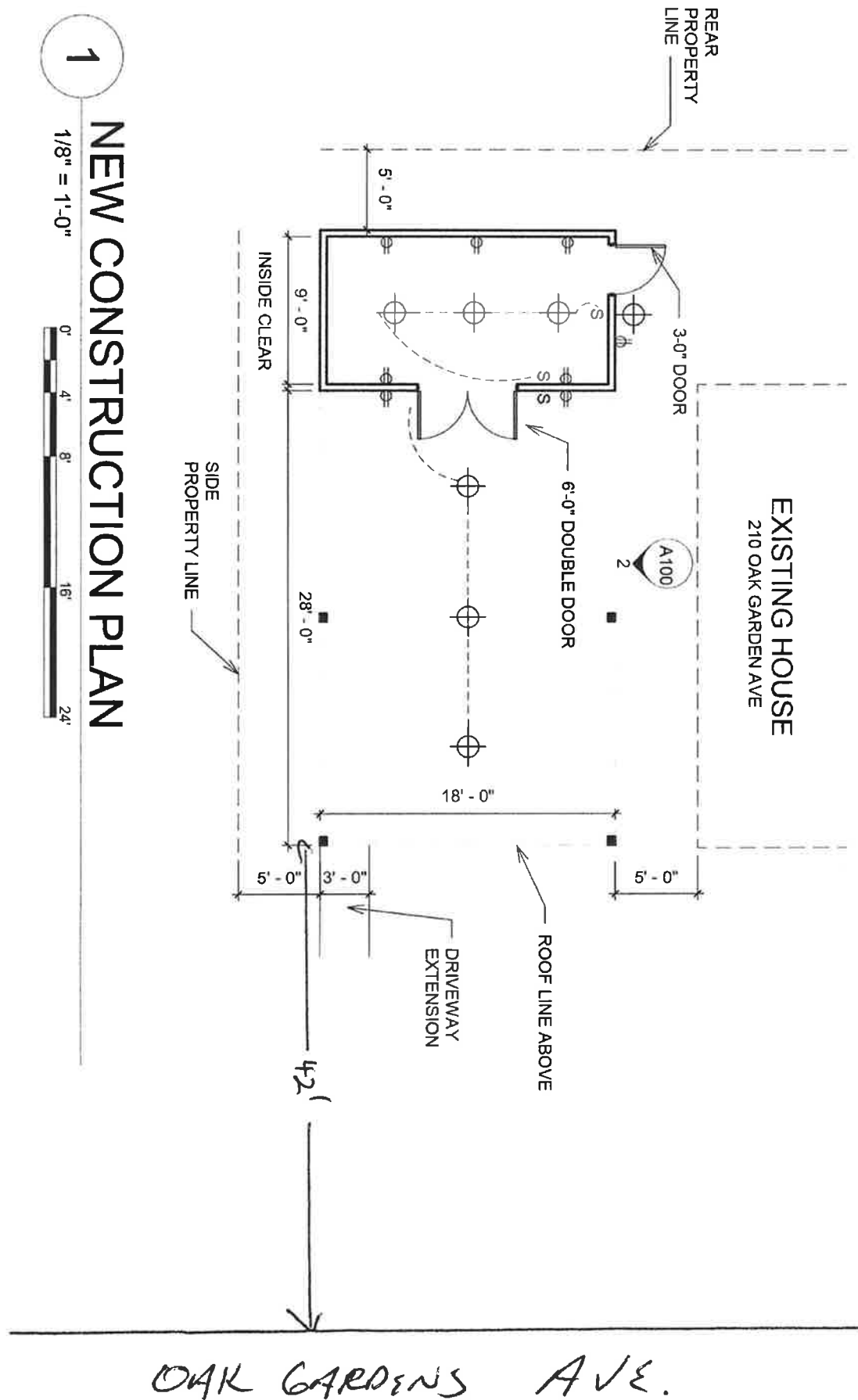
ELEVATION



HIP ROOF, FIBERGLASS  
SHINGLES  
PITCH: 4 ON 12, OR AS  
REQUIRED  
HARDIE BOARD  
SIDING

MINUTES OF JUNE 25, 2020  
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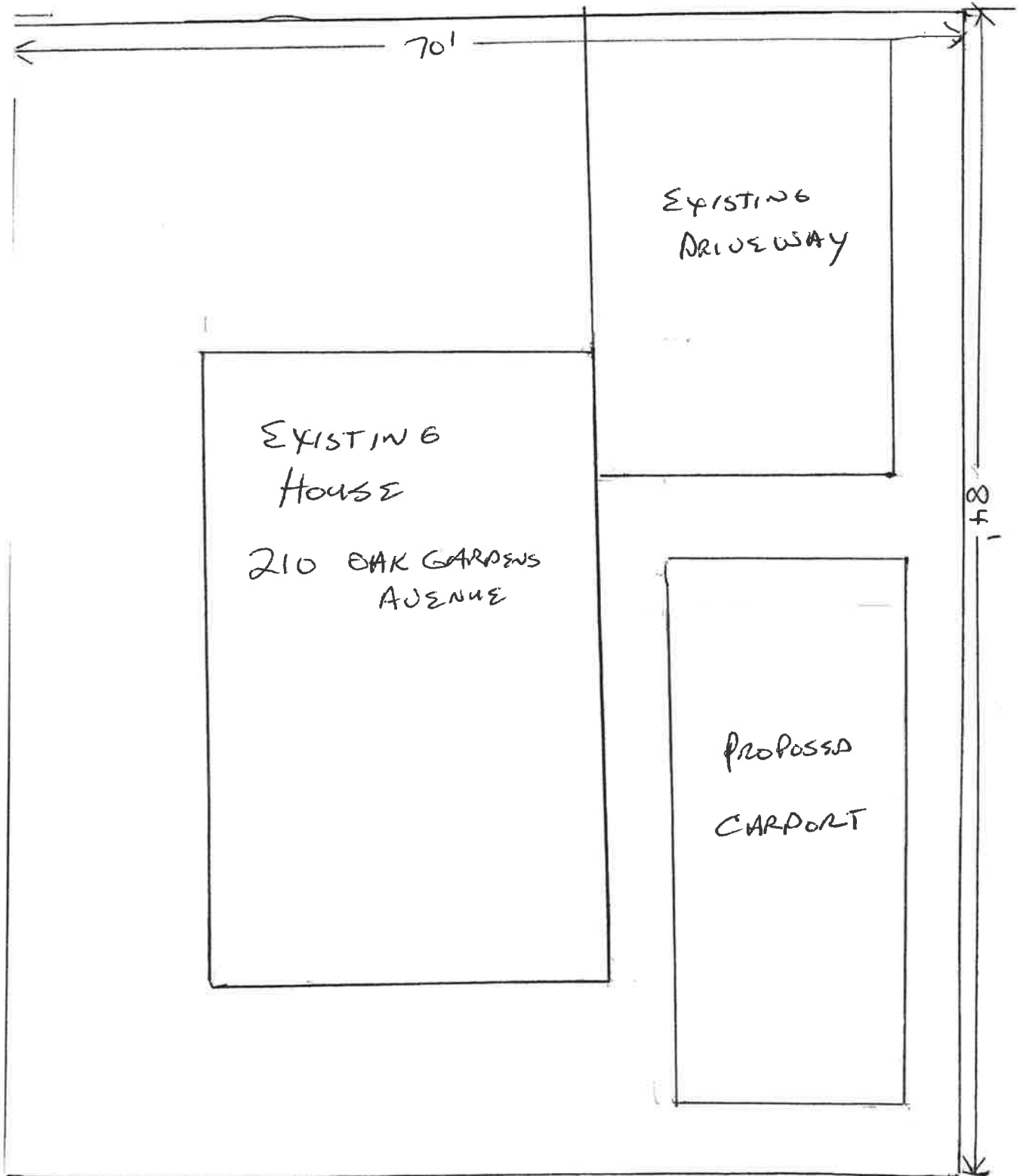
PROPOSED CARPORT  
DAP PROPERTIES, LLC  
210 OAK GARDENS AVE.





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OAK GARDENS AVENUE



The Clerk reported that thirteen (13) notices of Public Hearing were sent by regular mail to property owners within one hundred sixty feet (160') of the subject property. Notices were also posted on the bulletin boards at City Hall, the Building Official's Office and the Water Department, 201 Jeff Davis Avenue and at the Long Beach Public Library, 209 Jeff Davis Avenue; Said notice was ordered as part of these proceedings:

**MINUTES OF JUNE 25, 2020**  
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**LONG BEACH PLANNING and DEVELOPMENT COMMISSION**  
City of Long Beach



LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 598 of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a Variance.

DAP Properties, LLC, 2915 Quiet Oak Place, Scarsiever, LA, 70395, has filed an application for a Variance in accordance with the Comprehensive Long Beach Unified Land Ordinance. The applicant is requesting a 5' (five foot) side set back variance from the required 8' (eight foot) setback on residential lots and a 5' (five foot) variance from the required 10' (ten foot) from any other structure for the placement a detached carport. The address is 210 Oak Gardens Avenue, Tax Parcel Number is 0612E-03-029.000. The legal description is as follows:

LOT 10 BLK 1 OAK GARDENS

A Public Hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, June 25, 2020 at 5:30 p.m., in the Long Beach City Hall Meeting Room located at 201 Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed  
Chairman  
Planning Commission

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1554 • FAX 863-1558

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared before me, TINA M DAHL, known to me to be the Minutes Clerk of the City of Long Beach, Mississippi, Planning and Development Commission, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That she is the duly appointed and acting Minutes Clerk of the City of Long Beach, Mississippi, Planning and Development Commission;
2. That in such capacity, she is responsible for mailing Notices of Public Hearing for the purpose of notifying property owners within One Hundred Sixty Feet (160'), excluding public right of ways, of the subject property, when applications for zoning map changes, variances, appeals, etc., are filed, all as stipulated in The Zoning Ordinance Number 598 of the City of Long Beach; and other matters pertaining to such Public Hearings and the business of the Planning and Development Commission in and for the City of Long Beach;
3. That on June 2, 2020, she did cause to be mailed, Notice of Public Hearing, a copy of which is attached hereto, to 13 (thirteen) property owners within One Hundred Sixty Feet (160'), excluding public right of ways, of, Tax Parcel 0612E-03-029.000, notifying them that a Public Hearing will be held, June 25, 2020 to consider an application for a Variance.

Given under my hand this the 2nd day of June 2020.

STACEY DAHL, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 2nd day of June 2020.

NOTARY PUBLIC

-My Commission Expires-



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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

easy Peel Labels  
Use Avery® Template 5160®  
Whitesides, Samara  
801 Magnolia Street  
Long Beach, MS 39560

Feed Paper  
Bowes, Mary R -Trustee-  
801 Magnolia Street  
Long Beach, MS 39560

AVERY® 5160®  
Beau Clair Community Association  
548 West Beach Blvd  
Long Beach, MS 39560

Leonard, Tommy W and Angela M  
4090 Hwy 407  
French Camp, MS 39745

Pauli, James C. Mary K  
753 Saint James Park Avenue  
Monroe, MI 48161

Taylor, Laura and McNeil, Lori Lee ETAL  
803 Magnolia Street  
Long Beach, MS 39560

Pierce, Timothy L and Tina M  
805 Magnolia Street  
Long Beach, MS 39560

Klein, Peter J  
201 Oak Gardens Avenue  
Long Beach, MS 39560

Manning, Venita  
22287 Pineville Road  
Long Beach, MS 39560

Holliday, JW Jr and WF  
613 Old Savannah Drive  
Long Beach, MS 39560

Hayward, James L and Bailey, Mercedes  
A  
213 Oak Gardens Avenue  
Long Beach, MS 39560

Gant, Charles M  
1616 26<sup>th</sup> Avenue  
Gulfport, MS 39501

Harrity, Joseph and Virginia -Trustees-  
163 South Middleton Drive  
Calabash, NC 28467

The Clerk reported that she did cause to be published in the Gazebo Gazette, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, Legal Notice and Public Hearing, as evidenced by the Publisher's Proof of Publication as follows:

Proof of Publication



STATE OF MISSISSIPPI  
COUNTY OF HARRISON

PERSONALLY appeared before me the undersigned notary in and for said County and State, HUNTER DAWKINS, publisher of THE GAZEBO GAZETTE, a newspaper printed and published in Harrison County, who being duly sworn, deposes and says the publication of this notice hereunto attached has been made to the said publication \_\_\_\_\_ weeks in the following numbers and on the following dates of such paper:

- Vol. XV No. 13 dated 5 day of June, 2020
- 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\_\_
- Vol. \_\_\_ No. \_\_\_ dated \_\_\_ day of \_\_\_, 20\_\_

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

*[Signature]*  
Publisher

Sworn to and subscribed before me this 9 day of June A.D. 2020.

*[Signature]*  
Notary Public



**MINUTES OF JUNE 25, 2020**

**REGULAR MEETING**

**LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

After recognizing Mr. David Prevost of DAP Properties for clarification of his application, Commission Chairman Olaivar asked for anyone speaking in favor or opposition of the request and no one came forward.

Commissioner Hansen made motion, seconded by Commissioner Husband and unanimously carried to close the Public Hearing.

After considerable discussion, Commissioner McKenzie made motion, seconded by Commissioner Barlow and unanimously carried recommending the approval of the Setback Variance as submitted.

\*\*\*\*\*

The second Public Hearing to consider a Short-Term Rental request for property located at 108 West Azalea Drive, Tax Parcel 0712D-03-036.000, submitted by Virginia G. Norton, as follows:

**MINUTES OF JUNE 25, 2020  
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CITY OF LONG BEACH, MISSISSIPPI							
APPLICATION FOR SHORT-TERM RENTAL							
<b>PHYSICAL ADDRESS:</b> 201 JEFF DAVIS AVENUE LONG BEACH, MS 39560	<b>PHONE:</b> (228) 863-1554 <b>FAX:</b> (228) 863-1558	<b>MAILING ADDRESS:</b> POST OFFICE BOX 929 LONG BEACH, MS 39560					
<b>PROPERTY INFORMATION:</b> ADDRESS: <u>108 W. AZALEA DR.</u> Tax Parcel # <u>0712D-03-036.000</u> (Location of Short-Term Rental)							
<b>OWNER'S INFORMATION:</b> Property Owner's Name: <u>Virginia G. Norton</u> Property Owner's Address: <u>108 W. AZALEA DR., LB, MS 39560</u> Property Owner's Mailing Address, if different from above: <u>Same</u>							
Property Owner's Phone No: <u>903.244.6994</u> Email Address: <u>gingern23@gmail.com</u> Is there a homeowner's association for the neighborhood? <u>No</u> If so, please provide written statement of support of short term rental?							
<b>PROPERTY MANAGER INFORMATION:</b> Property Manager's Name: <u>Same as owner: Virginia G. Norton</u> Property Manager's Address: (Must be a local contact) <u>108 W. AZALEA DR., Long Beach, MS, 39560</u> City State Zip Property Manager's Phone No: <u>903.244.6994</u> Email Address: <u>gingern23@gmail.com</u>							
<b>PLEASE PROVIDE THE FOLLOWING:</b> <ul style="list-style-type: none"> <li>• Mississippi Sales Tax ID # <u>1037-8669</u></li> <li>• Recorded Warranty Deed</li> <li>• Parking Rules &amp; Plan</li> <li>• Trash Management Plan</li> <li>• Copy of Proposed Rental Agreement</li> <li>• Proof of Liability Insurance, which included short term rental coverage</li> </ul>							
<b>ADDITIONAL INFORMATION:</b> <ul style="list-style-type: none"> <li>• OWNERSHIP: Please provide a recorded warranty deed</li> <li>• FEES: \$200, nonrefundable application fee, plus mailing cost. \$100, yearly renewable fee. Checks should be made payable to the City of Long Beach.</li> <li>• LICENSE: A Privilege Tax License must be applied and paid for after approval (\$20/yearly fee).</li> <li>• INCOMPLETE APPLICATIONS will not be processed.</li> </ul>							
<p align="center"><b>AFFIDAVIT</b></p> I HEREBY CERTIFY THAT I HAVE READ THIS APPLICATION AND THAT ALL INFORMATION CONTAINED HEREIN TRUE AND CORRECT; I ACKNOWLEDGE RECEIPT OF AND AGREE TO COMPLY WITH THE RULES & REGULATIONS OF SHORT TERM RENTALS (Ord 622), ALL APPLICABLE CODES, ORDINANCES AND STATE LAWS. VIOLATION OF ANY CODES OR REGULATIONS SHALL RESULT IN THE SUSPENSION OR REVOCATION OF THE PERMIT.							
<u>Virginia G. Norton</u> PRINT NAME		<u>Virginia G. Norton</u> SIGNATURE					
		<u>5/29/20</u> DATE					
BELOW IS FOR OFFICE USE ONLY							
Maximum Occupancy: <u>4</u>	Maximum Vehicles allowed: <u>3</u>	Number of bedrooms: <u>1</u>	Number of people home can accommodate: <u>4</u>				
I AFFIRM THAT THE APPLICANT IS IN COMPLIANCE WITH ALL APPLICABLE ZONING REQUIREMENTS, BUILDING & FIRE CODES; AND THAT ALL APPLICABLE TAXES, FEES AND OTHER CHARGES HAVE BEEN PAID.							
Building Official Signature: <u>Mufza Selich</u>		Date: <u>6/2/2020</u>					
Fire Inspector Signature: <u>Jessy Deal</u>		Date: <u>6-2-2020</u>					
COMMENTS: _____							
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Date Received: <u>6-1-20</u></td> </tr> <tr> <td style="padding: 2px;">Agenda Date: <u>6-25-20</u></td> </tr> <tr> <td style="padding: 2px;">Amount Due/Paid: <u>200.00</u></td> </tr> <tr> <td style="padding: 2px;">Check #: <u>1428</u></td> </tr> </table>				Date Received: <u>6-1-20</u>	Agenda Date: <u>6-25-20</u>	Amount Due/Paid: <u>200.00</u>	Check #: <u>1428</u>
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Check #: <u>1428</u>							

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

PREPARED BY AND SENT TO: J. RILEY LAW FIRM  
SERVING AREA: P.O. BOX 550 GULFPORT, MS 39502 228-864-4511  
Fax: 1-228-839-2329

STATE OF MISSISSIPPI-  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

**WARRANTY DEED**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned **JAMES W. LAMY, LORRAINE RSTTIG, GAYLE L. TOBIAS AND LLOYD LAMY**, 16028 5th St., Pearllington, MS 39525, 228-493-9966, do hereby sell, convey and warrant unto **VIRGINIA G. MORTON**, 108 W. Azalea Drive, Long Beach, MS 39560, 903-244-6994, the following described land and property located and being situated in the First Judicial District of Harrison County, State of Mississippi and being more particularly described as follows, to-wit:

Lot 9, Chimney Cross Subdivision, City of Long Beach, 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 22 at Page 36.

THE ABOVE described property is no part of Grantors' homestead.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights of way, easements and the prior reservation of any oil, gas and other minerals.

WITNESS THE SIGNATURE of the above Grantors, this the 16<sup>th</sup> day of November, 2010:

*Gayle L. Tobias*  
Gayle L. Tobias

State of Mississippi

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 16<sup>th</sup> day of November, 2010, within my jurisdiction, the within named Gayle L. Tobias, who acknowledged that she executed and delivered the above and foregoing instrument.

*Carol Ann*  
NOTARY PUBLIC  
*Carol Ann*

MY COMMISSION EXPIRES:  
1/21/2012

**Parking Rules and Plan**

A maximum of 3 covered parking spaces will be provided plus 1 open space. Only off street parking is allowed.

**Trash Management**

A city garbage container and a city recycling container will be provided on the premises. They will be picked up on the regularly scheduled day, once a week, by the city trash contractor.

**Lease**

In addition to the lease generated by me, I will be abiding by the lease terms set forth by VRBO.

MINUTES OF JUNE 25, 2020  
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

RESIDENTIAL LEASE AGREEMENT

THIS LEASE (the "Lease") dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BETWEEN:

Virginia G. Norton  
(the "Landlord")

- AND -

\_\_\_\_\_  
(the "Tenant")

(individually the "Party" and collectively the "Parties")

IN CONSIDERATION OF the Landlord leasing certain premises to the Tenant and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, the Parties agree as follows:

Leased Property

1. The Landlord agrees to rent to the Tenant the basement suite, municipally described as #1st floor, 108 W. Azalea Dr., Long Beach, Mississippi 39560 (the "Property"), for use as residential premises only.
2. Subject to the provisions of this Lease, apart from the Tenant, no other persons will live in the Property without the prior written permission of the Landlord, except for: \_\_\_\_\_.
3. No guests of the Tenants may occupy the Property for longer than one week without the prior written consent of the Landlord.
4. No animals are allowed to be kept in or about the Property without the revocable written permission of the Landlord.
5. Subject to the provisions of this Lease, the Tenant is entitled to the exclusive use of the following parking on or about the Property: Covered parking for 3 vehicles; outside parking for 1 additional vehicle. Off street only.
6. The Tenant and members of Tenant's household will not smoke anywhere in the Property nor permit any guests or visitors to smoke in the Property.

Term

7. The term of the Lease is a periodic tenancy commencing at 12:00 noon on October 24, 2018 and continuing on a month-to-month basis until the Landlord or the Tenant terminates the tenancy.

Rent

8. Subject to the provisions of this Lease, the rent for the Property is \$ \_\_\_\_\_ per week (the "Rent").
9. The Tenant will pay the Rent weekly, on or before \_\_\_\_\_ of each and every week of the term of this Lease to the Landlord at #Directly to VRBO, \_\_\_\_\_, Mississippi \_\_\_\_\_ or at such other place as the Landlord may later designate by Directly to VRBO or AirB and B.

Security Deposit

10. On execution of this Lease, the Tenant will pay the Landlord a security deposit of \$ \_\_\_\_\_ (the "Security Deposit").
11. The Landlord will hold the Security Deposit at an interest bearing account solely devoted to security deposits at VRBO: Amount determined by length of stay, located at \_\_\_\_\_.

**MINUTES OF JUNE 25, 2020  
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12. The Landlord will return the Security Deposit at the end of this tenancy, less such deductions as provided in this Lease but no deduction will be made for damage due to reasonable wear and tear nor for any deduction prohibited by the applicable legislation of the State of Mississippi (the "Act").
13. During the term of this Lease or after its termination, the Landlord may charge the Tenant or make deductions from the Security Deposit for any or all of the following:
- a. repair of walls due to plugs, large nails or any unreasonable number of holes in the walls including the repainting of such damaged walls;
  - b. repainting required to repair the results of any other improper use or excessive damage by the Tenant;
  - c. unplugging toilets, sinks and drains;
  - d. replacing damaged or missing doors, windows, screens, mirrors or light fixtures;
  - e. repairing cuts, burns, or water damage to linoleum, rugs, and other areas;
  - f. any other repairs or cleaning due to any damage beyond normal wear and tear caused or permitted by the Tenant or by any person whom the Tenant is responsible for;
  - g. the cost of extermination where the Tenant or the Tenant's guests have brought or allowed insects into the Property or building;
  - h. repairs and replacement required where windows are left open which have caused plumbing to freeze, or rain or
  - i. any other purpose allowed under this Lease or the Act.

For the purpose of this clause, the Landlord may charge the Tenant for professional cleaning and repairs if the Tenant has not made alternate arrangements with the Landlord.

14. The Tenant may not use the Security Deposit as payment for the Rent.

#### Inspections

15. The Parties will complete, sign and date an inspection report at the beginning and at the end of this tenancy.

#### Tenant Improvements

16. The Tenant may NOT make improvements to the Property.

#### Utilities and Other Charges

17. The Landlord is responsible for the payment of the following utilities and other charges in relation to the Property: electricity, water/sewer, internet, cable, natural gas, garbage collection and alarm/security system.
18. The Tenant is responsible for the payment of the following utilities and other charges in relation to the Property: .

#### Insurance

19. The Tenant is hereby advised and understands that the personal property of the Tenant is not insured by the Landlord for either damage or loss, and the Landlord assumes no liability for any such loss.
20. The Tenant is not responsible for insuring the Landlord's contents and furnishings in or about the Property for either damage or loss, and the Tenant assumes no liability for any such loss.
21. The Tenant is not responsible for insuring the Property for either damage or loss to the structure, mechanical or improvements to the building of the Property, and the Tenant assumes no liability for any such loss.
22. The Tenant is not responsible for insuring the Property for liability insurance, and the Tenant assumes no liability for any such loss.

#### Attorney Fees

23. In the event that any action is filed in relation to this Lease, the unsuccessful Party in the action will pay to the successful

*Party, in addition to all the sums that either Party may be called on to pay, a reasonable sum for the successful Party's attorney fees.*

#### Governing Law

24. This Lease will be construed in accordance with and exclusively governed by the laws of the State of Mississippi.

#### Severability

25. If there is a conflict between any provision of this Lease and the Act, the Act will prevail and such provisions of the Lease will be amended or deleted as necessary in order to comply with the Act. Further, any provisions that are required by the Act are incorporated into this Lease.
26. The invalidity or unenforceability of any provisions of this Lease will not affect the validity or enforceability of any other provision of this Lease. Such other provisions remain in full force and effect.

#### Amendment of Lease

27. This Lease may only be amended or modified by a written document executed by the Parties.

#### Assignment and Subletting

28. The Tenant will not assign this Lease, or sublet or grant any concession or license to use the Property or any part of the Property. Any assignment, subletting, concession, or license, whether by operation of law or otherwise, will be void and will, at Landlord's option, terminate this Lease.

#### Additional Clause

29. Behavior, noise levels, etc. will be governed by the City of Long Beach, MS, ordinances.

#### Damage to Property

30. If the Property should be damaged other than by the Tenant's negligence or willful act or that of the Tenant's employee, family, agent, or visitor and the Landlord decides not to rebuild or repair the Property, the Landlord may end this Lease by giving appropriate notice.

#### Care and Use of Property

31. The Tenant will promptly notify the Landlord of any damage, or of any situation that may significantly interfere with the normal use of the Property or to any furnishings supplied by the Landlord.
32. The Tenant will not engage in any illegal trade or activity on or about the Property.
33. The Parties will comply with standards of health, sanitation, fire, housing and safety as required by law.
34. The Parties will use reasonable efforts to maintain the Property in such a condition as to prevent the accumulation of moisture and the growth of mold. The Tenant will promptly notify the Landlord in writing of any moisture accumulation that occurs or of any visible evidence of mold discovered by the Tenant. The Landlord will promptly respond to any such written notices from the Tenant.
35. If the Tenant is absent from the Property and the Property is unoccupied for a period of 4 consecutive days or longer, the Tenant will arrange for regular inspection by a competent person. The Landlord will be notified in advance as to the name, address and phone number of the person doing the inspections.
36. At the expiration of the term of this Lease, the Tenant will quit and surrender the Property in as good a state and condition as they were at the commencement of this Lease, reasonable use and wear and tear excepted.

#### Rules and Regulations

37. The Tenant will obey all rules and regulations of the Landlord regarding the Property.

#### Lead Warning



MINUTES OF JUNE 25, 2020  
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Lead Warning

- 38. Housing built before 1978 may contain lead based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Address for Notice

- 39. For any matter relating to this tenancy, the Tenant may be contacted at the Property or through the phone number below:
  - a. Name: \_\_\_\_\_
  - b. Phone: \_\_\_\_\_
- 40. For any matter relating to this tenancy, whether during or after this tenancy has been terminated, the Landlord's address for notice is:
  - a. Name: Virginia G. Norton.
  - b. Address: 108 W. Azalea Dr., Long Beach, Mississippi 39560.

The contact information for the Landlord is:

  - c. Phone: 903-244-6994.
  - d. Email address: gingern23@gmail.com.

General Provisions

- 41. All monetary amounts stated or referred to in this Lease are based in the United States dollar.
- 42. Any waiver by the Landlord of any failure by the Tenant to perform or observe the provisions of this Lease will not operate as a waiver of the Landlord's rights under this Lease in respect of any subsequent defaults, breaches or non-performance and will not defeat or affect in any way the Landlord's rights in respect of any subsequent default or breach.
- 43. This Lease will extend to and be binding upon and inure to the benefit of the respective heirs, executors, administrators, successors and assigns, as the case may be, of each Party. All covenants are to be construed as conditions of this Lease.
- 44. All sums payable by the Tenant to the Landlord pursuant to any provision of this Lease will be deemed to be additional rent and will be recovered by the Landlord as rental arrears.
- 45. Where there is more than one Tenant executing this Lease, all Tenants are jointly and severally liable for each other's acts, omissions and liabilities pursuant to this Lease.
- 46. Locks may not be added or changed without the prior written agreement of both Parties, or unless the changes are made in compliance with the Act.
- 47. The Tenant will be charged an additional amount of \$30.00 for each N.S.F. check or checks returned by the Tenant's financial institution.
- 48. Headings are inserted for the convenience of the Parties only and are not to be considered when interpreting this Lease. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.
- 49. This Lease may be executed in counterparts. Facsimile signatures are binding and are considered to be original signatures.
- 50. This Lease constitutes the entire agreement between the Parties.
- 51. During the last 30 days of this Lease, the Landlord or the Landlord's agents will have the privilege of displaying the usual 'For Sale' or 'For Rent' or 'Vacancy' signs on the Property.

52. \_\_\_\_\_ Time is of the essence in this Lease.  
IN WITNESS WHEREOF \_\_\_\_\_ and Virginia G. Norton have duly affixed their signatures on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Virginia G. Norton

\_\_\_\_\_  
(Tenant)

The Tenant acknowledges receiving a duplicate copy of this Lease signed by the Tenant and the Landlord on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Tenant)

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November 26, 2018

City of Long Beach Board of Aldermen

Re: Insurance for short-term rental


Attached you will find copies of insurance that is provided through VRBO and Air B&B for short-term rentals. I will be using that service. They include the price in their fees and it is insured through them and their insurance company.

I have Homeowner's insurance with USAA. Currently, they do not have short-term rental included in their policy, but in may states it has been approved already. Mississippi has been applied for and is expected to approve this bill in the near future. It will allow up to 3 rentals in each month to be covered in your homeowner's policy. I will still use the additional policy with VRBO.

Respectfully,

Virginia G. Norton

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**





USAA CASUALTY INSURANCE COMPANY PAGE 4  
MAIL-GENR-1  
 9800 Fredericksburg Road - San Antonio, Texas 78288  
 RENEWAL DECLARATIONS PAGE

Named Insured and Residence Premises Policy Number  
 VIRGINIA GALE NORTON CIC 03044 86 36 90A  
 108 W AZALEA DR  
 LONG BEACH, HARRISON, MS 39560-6304

Policy Period From: 08/08/20 To: 08/08/21  
 (12:01 AM standard time at location of the residence premises)

<b>SECTION I - COVERAGES AND AMOUNTS OF INSURANCE</b>	
COVERAGE A - DWELLING PROTECTION	\$366,000
COVERAGE B - OTHER STRUCTURES PROTECTION	\$36,600
COVERAGE C - PERSONAL PROPERTY PROTECTION	\$183,000
COVERAGE D - LOSS OF USE PROTECTION (UP TO 12 MONTHS)	\$73,200
<b>SECTION II - COVERAGES AND LIMITS OF LIABILITY</b>	
Personal Liability - Each Occurrence	\$300,000
Medical Payments to Others	\$5,000
<b>DEDUCTIBLES (Applies to SECTION I Coverages ONLY)</b>	
We cover only that part of the loss over the deductible stated.	
WIND AND HAIL	NOT COVERED
ALL OTHER PERILS	\$2,000
<b>POLICY PREMIUM for Section I and Section II Coverages Above</b>	<b>\$6,058.67</b>
<b>CREDITS AND DISCOUNTS</b> (included in policy premium above) <b>\$2,960.28 CR</b> <small>Details on the following page, if applicable.</small>	
<b>OTHER COVERAGES AND ENDORSEMENTS</b>	<b>\$5,839.44 CR</b>
<small>Forms and Endorsements are printed on the following page.</small>	
<b>STATE SURCHARGES AND TAXES</b> (Shown below if applicable)	
<b>TOTAL POLICY PREMIUM</b> <small>Including Credits, Discounts, Optional Coverages, Endorsements, State Surcharges and Taxes</small>	
<b>\$919.23</b>	
<b>PREMIUM DUE AT INCEPTION. THIS IS NOT A BILL. STATEMENT TO FOLLOW.</b>	

**FIRST MORTGAGEE:**  
 REGIONS BANK DBA REGIONS MORTGAGE LOAN NR 52888  
 ITS SUCCESSORS AND/OR ASSIGNS, ATIMA  
 PO BOX 163169  
 FORT WORTH, TX 76161-3169

In witness whereof, this policy is signed on 05/11/20  
  
 Deputy Secretary:   
 Deputy Secretary:   
 Manager:   
 President

REFER TO YOUR POLICY FOR OTHER COVERAGES, LIMITS AND EXCLUSIONS.  
 HO-D1 (07-08) ATTACH THIS DECLARATION TO PREVIOUS POLICY 87888-0708

The Clerk reported that sixteen (16) notices of Public Hearing were sent by regular mail to property owners within one hundred sixty feet (160') of the subject property. Notices were also posted on the bulletin boards at City Hall, the Building Official's Office and the Water Department, 201 Jeff Davis Avenue and at the Long Beach Public Library, 209 Jeff Davis Avenue; Said notice was ordered as part of these proceedings:

City of Long Beach



LEGAL NOTICE

PUBLIC HEARING

In accordance with the Comprehensive Long Beach Unified Land Ordinance 598, of the City of Long Beach, Mississippi (2013) as amended, and Ordinance 622, Short-Term Rentals, of the City of Long Beach, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **Short-Term Rental**.

Virginia G. Norton, 108 West Azalea Drive, Long Beach, MS, 39560, has filed an application for a Short-Term Rental in accordance with the Comprehensive Long Beach Unified Land Ordinance and Ordinance 622. The applicant is requesting to operate a Short-Term Rental. The subject property is 108 West Azalea Drive, the Tax Parcel Number is 0712D-03-036.000. The legal description is as follows:

LOT 42 AZALEA HOMES SUBD

A public hearing to consider the above request will be held in the City of Long Beach, Mississippi 39560, Thursday, June 25, 2020, at 5:30 p.m., in the Long Beach City Hall Meeting Room located at 201 Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed  
 Chairman  
 Planning Commission

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared before me, TINA M DAHL, known to me to be the Minutes Clerk of the City of Long Beach, Mississippi, Planning and Development Commission, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That she is the duly appointed and acting Minutes Clerk of the City of Long Beach, Mississippi, Planning and Development Commission;
2. That in such capacity, she is responsible for mailing Notices of Public Hearing for the purpose of notifying property owners within One Hundred Sixty Feet (160'), excluding public right of ways, of the subject property, when applications for zoning map changes, variances, appeals, etc., are filed, all as stipulated in The Zoning Ordinance Number 598 of the City of Long Beach; and other matters pertaining to such Public Hearings and the business of the Planning and Development Commission in and for the City of Long Beach;
3. That on June 2, 2020, she did cause to be mailed, Notice of Public Hearing, a copy of which is attached hereto, to 16 (sixteen) property owners within Two Hundred Feet (200'), excluding public right of ways, of, Tax Parcel 0712D-03-036.000, notifying them that a Public Hearing will be held, June 25, 2020 to consider an application for a Variance.

Given under my hand this the 2nd day of June 2020.

*Stacey Dahl*  
STACEY DAHL, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 2nd day of June 2020.

*Michelle B. McMATH*  
NOTARY PUBLIC

-My Commission Expires-



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**Use Avery® Template 5160®**  
Benoit, Evelyn B  
4227 Canal Street  
New Orleans, LA 70119

▲      ─────────      ▼      Bend along line to  
Feed Paper      expose Pop-Up Edge™

Hardill, Mollie L and Vosskohler, Heath  
114 West Azalea Drive  
Long Beach, MS 39560

**AVERY® 5160®**

Hayden, Jean Torres  
116 West Azalea Drive  
Long Beach, MS 39560

Tucker, Annie Grace -L/E-  
113 West Azalea Drive  
Long Beach, MS 39560

Barlow Builders, Inc  
PO Box 3296  
Gulfport, MS 39505

Kinser, Dick R and Mary H Revoc Trust  
112 Azalea Drive  
Long Beach, MS 39560

Basic, Maura  
114 East Azalea Drive  
Long Beach, MS 39560

White, Rachel Sarah and Ed Lyle  
113 East Azalea Drive  
Long Beach, MS 39560

Drumm, Rene and Stanley Stevenson  
111 East Azalea Drive  
Long Beach, MS 39560

Hudson, Kenny  
109 East Azalea Drive  
Long Beach, MS 39560

Lawson, Billy D and Christopher L Cirillo  
107 Azalea Drive  
Long Beach, MS 39560

Cantin, Patricia W  
13016 Cypress Gold Drive  
St. Amant, LA 70774

Bailey, Herbert B Estate  
c/o Barbara Bailey Young  
58 CR 299  
Oxford, MS 38655

Orange Grove Utilities, Inc  
110 South Wilson Blvd  
Gulfport, MS 39503

Benoit, Maurice G and Evelyn B  
PO Box 13727  
New Orleans, LA 70185

Corban, Magruder S and Margaret H  
822 East Beach Blvd  
Long Beach, MS 39560

The Clerk reported that she did cause to be published in the Gazebo Gazette, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, Legal Notice and Public Hearing, as evidenced by the Publisher's Proof of Publication as follows:

MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION  
Proof of Publication

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

PERSONALLY appeared before me the undersigned notary in and for said County and State, HUNTER DAWKINS, publisher of THE GAZEBO GAZETTE, a newspaper printed and published in Harrison County, who being duly sworn, deposes and says the publication of this notice hereunto attached has been made to the said publication \_\_\_\_\_ weeks in the following numbers and on the following dates of such paper:

Vol. XV No. 13 dated 5 day of June, 2020

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 period of more than twelve months prior to the first publication of said notice.

*Hunter Dawkins*  
Publisher

Sworn to and subscribed before me this 9 day of June, A.D. 2020.

*Elaine B. Bays*  
Notary Public



After recognizing Mrs. Virginia Norton for explanation of her application, Commission Chairman Olaivar asked for anyone speaking in favor or opposition of the request and no one came forward.

Commissioner Hansen made motion, seconded by Commissioner Seal and unanimously carried to close the Public Hearing.

After considerable discussion, Commissioner Hansen made motion, seconded by Commissioner Husband and unanimously carried recommending the approval of the Short-Term Rental as submitted.

\*\*\*\*\*

Be it remembered that a Regular Meeting before the Long Beach Planning and Development Commission, Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 25th day of June 2020, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said Regular Meeting.

There were present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Shawn Barlow, Jeff Hansen, Eddie Seal, Larry Ward, Kevin McKenzie, and Junior Husband, Marcia Kruse, City Consultant Bill Hessell and Deputy City Clerk Kini Gonsoulin.

MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Absent the Regular Meeting were Commissioner Mark McMillan and Building Official Mike Gundlach.

There being a quorum present and sufficient to transact the business of this regular meeting, the following proceedings were had and done.

\*\*\*\*\*

Commissioner Hansen made motion, seconded by Commissioner Seal and unanimously carried to approve the Regular Meeting minutes of June 11, 2020, as submitted.

\*\*\*\*\*

It came for discussion under Unfinished Business, Tree Ordinances 364, 490 and 491, as follows:

221

The Mayor and Board of Aldermen of the City of Long Beach, Mississippi, took up the matter of providing for the protection and removal of trees within said City. Whereupon Alderman Walker introduced in writing the following Ordinance

ORDINANCE 364

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING THE PLANTING AND REMOVAL OF STREET TREES AND TREES ON PRIVATE PROPERTY WITHIN SAID CITY, REQUIRING A PERMIT FOR THE REMOVAL OF CERTAIN TREES FROM PRIVATE PROPERTY, PROVIDING FOR THE PROTECTION OF TREES FROM ABUSE AND MUTILATION, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, AND FOR RELATED PURPOSES.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Short Title

This Ordinance shall be known, and may be cited, as "The Tree Preservation and Protection Ordinance of the City of Long Beach, Mississippi.

SECTION 2. Intent and Purpose

The intent and purpose of this Ordinance is, through the preservation and planting of trees and removal thereof, to: aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce storm water runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction or grading; provide a haven for birds which in turn assist in the control of insects; protect and increase property values; conserve and enhance the City's physical and aesthetic environment; and generally protect and enhance the quality of life and the general welfare of the City.

SECTION 3. Definitions

(a) In addition to any words and terms or phrases elsewhere defined herein, the following words, terms and phrases shall have the following meanings, unless some other meaning is plainly intended.

"Caliper" shall mean the diameter of any tree trunk six (6) inches above ground level.

"City" shall mean the City of Long Beach, Mississippi.

"Governing Body" shall mean the Mayor and Board of Aldermen of the City of Long Beach, Mississippi.

"Mayor" shall mean the Mayor of the City

"Building Official" shall mean the Building Official of the City.

"Person" shall mean an individual, partnership, corporation, society, trust or any unincorporated organization, association, or other combination of individuals whether legal or natural, and any agency, department or subdivision of the City.

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

222

"Planning Commission" shall mean the Planning Commission of the City.

"Public Works Department" shall mean the Public Works Department of the City.

"Removal" shall mean the ultimate destruction or removal of any shrub, or tree through cutting, land fill, drainage, poison, fire, explosion, damaging, or any other direct or indirect action resulting in the death of such shrub, shrubs, tree or trees.

"Street Tree" or "street shrub" shall mean any tree or shrub in a public place.

"Tree Worthy of Preservation" shall mean any tree which can reasonably be determined by the Planning Commission of the City to have a remaining life span equal to or greater than that of a proposed structure included in a site plan or subdivision plat, or any tree which is unique by reason of age, size, rarity or status as a landmark or species specimen, or other outstanding quality.

**SECTION 4. STREET TREES/STREET SHRUBS--JURISDICTION.**

(a) The Planning Commission, subject to the approval of the Governing Body of the City, shall have exclusive jurisdiction and supervision over all trees, shrubs and grassy areas planted or growing in public places. The Public Works Department of the City, with the direction of the Planning Commission, shall have the duty to plant, trim, spray, treat, preserve, remove trees, shrubs and grassy areas in public places to insure safety or preserve the symmetry and beauty of such public places.

(b) It shall be unlawful for any person to hinder, prevent, delay or interfere with the Planning Commission, the Public Works Department, or any agent or employee thereof, in the exercise of the powers and duties in the carrying out of the provisions hereof. This section shall not be construed to prohibit the pursuit of any legal or equitable remedy in a court of competent jurisdiction for the protection of personal or property rights by any property owner in the City of Long Beach, Mississippi.

(c) There is excluded from the provisions of this section, public places in the median of U. S. Highway 90 within jurisdiction of the Harrison County Park Commission.

(d) All actions of the Planning Commission and/or the Public Works Department in carrying out the provisions of this Section are subject to the prior approval of the Governing Body of the City which may provide for such actions, at its discretion, to be carried out by contract with private persons.

**SECTION 5. PERMIT REQUIRED FOR REMOVAL OF TREE FROM PRIVATE PROPERTY.**

(a) It shall be unlawful for any person to remove or cause or assist in the removal of any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without first having obtained a valid tree removal permit. For the purpose of this Section, a tree is any self-supporting Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown.

(b) Any person desiring a permit for removal of any Live Oak or Magnolia tree, as required by this Ordinance, shall submit a written application, together with a filing fee of \$10.00 for each tree proposed to be removed. The application, together with the filing fee, shall be submitted to the Zoning Enforcement Officer of the City, and shall include the following information:

- (1) Name and address of the applicant and status of legal entity.
- (2) Status of applicant with respect to the land upon which such tree or trees is or are located.
- (3) Written consent of the owner and mortgagee of the land if the applicant is not the owner.
- (4) Map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area.
- (5) Name and address of the person preparing any map, drawing or diagram submitted with the application.
- (6) Location of the property, including a street number and address and lot number as shown on the official assessor's map of the City.
- (7) A true copy of the deed or other muniment of title evidencing ownership of the subject property.
- (8) Location of all trees on the property and identification of size and species.
- (9) Designation of all diseased and/or damaged trees.
- (10) Designation of any trees endangering any roadway, pavement, or utility lines.
- (11) Any proposed grade changes that might adversely affect or endanger any trees on the site and specifications of how to maintain them.
- (12) Designation of trees to be removed and trees to be maintained.
- (13) Purpose of tree removal (construction, street or roadway, recreation area, patio, parking lot, diseased tree not worthy of preservation, etc.)
- (14) Location of existing and/or proposed structures.
- (15) A statement of the applicant that no person, not a party to the application, has any interest in the title in or to the property.

(c) The Zoning Enforcement Officer, in addition may require the applicant to furnish, and the applicant shall thereupon supply any of the following documentation:

- (1) A site plan specifying the methods to be used to preserve all remaining trees and their root system and the means of providing water and nutrients to their root systems.
- (2) A topographical survey of the land if development, construction, or subdivision will result in change in elevation, or if the land is more than one acre in area.
- (3) Plat or survey of the land drawn to scale by a registered, land surveyor or professional engineer.
- (4) Location of all existing and proposed utilities.
- (5) Grading and drainage requirements.
- (6) The extent, description and time frame which will be used by applicant and/or owner to replenish the flora occasioned by the removal of any Live Oak and/or Magnolia trees.
- (7) Location and description of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines, drawn to scale.

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**SECTION 6. PLANNING COMMISSION REVIEW OF PERMIT APPLICATION.**

The zoning Enforcement Officer shall refer the application for tree removal permit and supporting documents to the Planning Commission of the City for review and determination whether the permit should be granted or denied and appropriate recommendations to the Governing Body of the City for final action. In determining whether or not a Tree Removal Permit should be granted and making its recommendation to the Governing Body of the City, the Planning Commission shall consider the following:

- (a) The condition of the tree or trees proposed to be removed with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.
- (b) The necessity of removing the tree or trees in order to construct the proposed improvements or structures to allow reasonable economic use of the property.
- (c) The effect of removal on erosion, soil moisture retention, flow of surface waters and coordination with the drainage system plan of the City of Long Beach, Mississippi.
- (d) The number and density of trees in the area and the effect of tree removal on property values of the neighborhood and other existing vegetation.
- (e) Whether any tree proposed to be removed is worthy of preservation.
- (f) Impact upon the urban and natural environment, including:
  - (1) Whether tree removal would substantially alter the water table or affect the stability of ground and surface water.
  - (2) Whether tree removal would affect water quality and aquifer recharge by reducing the natural assimilation of nutrients, chemical pollutants, heavy metals and other substances from ground and surface waters during the movement of water towards an aquifer or natural stream.
  - (3) Whether tree removal would have an adverse impact upon existing biological and ecological systems.
  - (4) Whether tree removal would affect noise pollution by increasing source noise levels to such a degree that a public nuisance or violation of noise control would occur.
  - (5) Whether tree removal will affect air movement by significantly reducing the ability of existing vegetation to reduce wind velocities.
  - (6) Whether tree removal will affect air quality by significantly affecting the natural cleansing of the atmosphere by vegetation.
  - (7) Whether tree removal will affect wildlife habitat by significantly reducing the habitat available for wildlife existence and reproduction or causing the emigration of wildlife from adjacent or associated eco-systems.
- (g) The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.
- (h) The economic hardship that would be imposed upon the applicant were the permit denied.
- (i) The heightened desirability of preserving tree cover in densely developed or densely populated areas.

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- (j) The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.
- (k) Whether the continued presence of the tree or trees is likely to cause danger to a person or property.
- (l) Whether the topography of the area in which the tree or trees is located is of such a nature to be damaging or injurious to trees.
- (m) Whether the removal of the trees is for the purpose of thinning a heavily wooded area where some trees will remain.
- (n) These provisions shall not apply to:
  - (a) The removal of trees from commercial or horticultural properties such as farms, nurseries, or commercial forests. This exception shall not be interpreted to include lumber harvesting incidental to imminent development of the land.
  - (b) The removal of trees on public rights-of-ways conducted by or on behalf of a Federal, State, County, Municipal, or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-ways.
  - (c) The removal of a tree which has become or threatens to become a danger to human life or property.
- (o) In submitting its recommendations to the Governing Body of the City, the Planning Commission shall state its reasons for either a recommendation for granting or denying the application for the Tree Removal Permit.

**SECTION 7. FINAL APPROVAL OF GOVERNING BODY REQUIRED FOR TREE REMOVAL PERMIT.**

- (a) At its next regular meeting following the receipt the recommendations of the Planning Commission concerning an application for Tree Removal Permit, or at such meeting to which the same may be recessed or adjourned, the Mayor and Governing Body of the City shall take final action in granting or denying the application for Tree Removal Permit; the underlying facts and circumstances for granting or denying the application shall be spread upon the minutes of the Mayor and Governing Body. Any person feeling aggrieved at the findings and decisions of the Mayor and Governing Body of the City shall have the right to appeal by bill of exceptions to the Circuit Court in and for the First Judicial District of Harrison County, Mississippi, in the manner provided by Laws of the State of Mississippi.
- (b) As a condition of granting the Tree Removal Permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia Trees removed; trees to be of four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

**SECTION 8. REMOVAL OF TREE, PENALTIES.**

- (a) Any person removing any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without a valid Tree Removal Permit, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentenced to pay a fine not less than \$500.00 nor more than \$ 1000.00. The removal of each tree without having first secured a valid Tree Removal Permit shall constitute a separate offense and shall be punishable as such.

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(b) If any person shall remove any Live Oak or Magnolia tree from any property within the City of Long Beach, Mississippi, without first having obtained a valid Tree Removal Permit, and have any permit granted for the construction, remodeling or demolition of any building, improvement or structure on such property, or for the subdivision of such property, such person shall be in violation of the provisions of this Ordinance; and upon such finding of such violation of this Ordinance, the Governing Body of the City shall revoke such permit for construction, remodeling or demolition of any building, improvement or structure on such property or for the subdivision of this Ordinance shall not be granted any new permit for the construction, remodeling or demolition of any building, improvement or structure on such property or for the subdivision of such property for a period of not less than six (6) months nor more than nine (9) months from the date of such revocation of such permit. This penalty is in addition to the penalties set forth in sub-section a of this section above.

SECTION 9. HEADINGS, CATCH PHRASES.

The headings and catch phrases of each section of this ordinance or for easy reference and research and shall not be construed to affect the meaning of any of such sections.

SECTION 10. EMERGENCIES.

In the event of emergencies involving, but not limited to, hurricanes, windstorms, floods, fires or other civil disasters, the requirements of this Ordinance may be temporarily waived or suspended by proclamation of the Mayor of the City of Long Beach, Mississippi, filed with the City Clerk of said City.

SECTION 11. SEPARABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstance, shall be held invalid, or unconstitutional, by any court of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application; and so that end, the provisions of this ordinance, and each section, subsection, sentence, clause or phrase are hereby declared to be severable.

SECTION 12. EFFECTIVE DATE.

For good cause shown, and the public health and safety being the intent and purpose of this ordinance, and the immediate preservation of order and public welfare so requiring it, this Ordinance shall be in full force and effect from and after its adoption, the same nevertheless to be published and enrolled as required by law.

The above and foregoing Ordinance No. 364 having been introduced in writing, was first read and considered section by section and then as a whole. Alderman Walker moved the adoption of the ordinance and Alderman Lawless seconded the motion to the same and after discussion, the question being put to a roll call vote, the result as to each section and as to the whole of said ordinance was as follows:

Alderman Sal Giuffria voted Yea  
Alderman Miriam Graves voted Yea  
Alderman Mike Lawless voted Yea

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Alderman Donald Logan voted Yea  
Alderman Wayne O'Neal voted Absent and not voting  
Alderman Michael Rutledge voted Yea  
Alderman Fred Walker voted Yea

The motion having received the affirmative vote of a majority of the aldermen present, the Mayor declared the motion carried and said Ordinance No. 364 adopted and approved this 21st day of October, 1986.

APPROVED:

*Glenn W. Mitchell*  
Glenn W. Mitchell, Mayor

ATTEST:

*Jaritzza A. Pell*  
Jaritzza A. Pell, City Clerk

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CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Jaritzza A. Pell, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of Ordinance #364 adopted by the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting duly convened and held on the 21st day of October, 1986, as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 22<sup>nd</sup> day of October, 1986.

*Jaritzza A. Pell*  
Jaritzza A. Pell, City Clerk

(SEAL)



**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

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ORDINANCE NO. 490

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 364, ENTITLED, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING THE PLANTING AND REMOVAL OF STREET TREES AND TREES ON PRIVATE PROPERTY WITHIN SAID CITY, REQUIRING A PERMIT FOR THE REMOVAL OF CERTAIN TREES FROM PRIVATE PROPERTY, PROVIDING FOR THE PROTECTION OF TREES FROM ABUSE AND MUTILATION, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, AND FOR RELATED PURPOSES" TO INCREASE THE FILING FEE FOR APPLICATION TO REMOVE TREES AND TO MAKE SAME APPLICABLE FOR EACH PARCEL AND TO ESTABLISH PERMIT FEES FOR TREE REMOVAL, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi, (the "Municipality") having made due investigation therefore, do now find, determine, adjudicate and declare as follows:

That in order to more effectively fulfill the purpose and intent of the City's "Tree Ordinance", being Ordinance No. 364, and equitably assess the cost of application and enforcement of same, it is necessary to amend the permit application fee and establish permit fees for trees permitted to be removed pursuant to the said ordinance. Now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

**SECTION 1** Section 5 of Ordinance No. 364 of the City of Long Beach, Mississippi, entitled, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING THE PLANTING AND REMOVAL OF STREET TREES AND TREES ON PRIVATE PROPERTY WITHIN SAID CITY, REQUIRING A PERMIT FOR THE REMOVAL OF CERTAIN TREES FROM PRIVATE PROPERTY, PROVIDING FOR THE PROTECTION OF TREES FROM ABUSE AND MUTILATION, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, AND FOR RELATED PURPOSES" be and it is hereby amended to read as follows:

**SECTION 5 PERMIT REQUIRED FOR REMOVAL OF TREE FROM PRIVATE PROPERTY.**

(a) It shall be unlawful for any person to remove or cause or assist in the removal of any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without first having obtained a valid tree removal permit. For the purpose of this section, a tree is any self-supporting Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown.

(b) Any person desiring a permit for removal of any Live Oak or Magnolia tree, as required by this ordinance, shall submit a written application, together with a filing fee of \$25 per parcel of land to which such application pertains. The application, together with the filing fee, shall be submitted to the Zoning Enforcement Officer of the City, and shall include the following information:

(1) Name and address of the applicant and status of legal entity

(2) Status of applicant with respect to the land upon which such tree or trees is or are located

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(3) Written consent of the owner and mortgagee of the land if the applicant is not the owner

(4) Map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area

(5) Name and address of the person preparing any map, drawing or diagram submitted with the application

(6) Location of the property, including a street number and address and lot number as shown on the official assessor's map of the City

(7) A true copy of the deed or other muniment of title evidencing ownership of the subject property

(8) Location of all trees on the property and identification of size and species

(9) Designation of all disease and/or damaged trees

(10) Designation of any trees endangering any roadway, pavement, or utility line

(11) Any proposed grade changes that might adversely affect or endanger any trees on the site and specifications of how to maintain them

(12) Designation of trees to be removed and trees to be maintained

(13) Purpose of tree removal (construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc.)

(14) Location of existing and/or proposed structures

(15) A statement of the applicant that no person, not a party to the application, has any interest in the title in or to the property

(c) The Zoning Enforcement Officer, in addition may require the applicant to furnish, and the applicant shall thereupon supply any of the following documentation:

(1) A site plan specifying the methods to be used to preserve all remaining trees and their root system and the means of providing water and nutrients to their root systems

(2) A topographical survey of the land if development, construction, or subdivision will result in change in elevation, or if the land is more than one acre in area

(3) Plat or survey of the land drawn to scale by registered land surveyor or professional engineer

(4) Location of all existing and proposed utilities

(5) Grading and drainage requirements

(6) The extent, description and time frame which will be used by the applicant and/or owner to replenish the flora of occasioned by the removal of any Live Oak and/or Magnolia trees

(7) Location and description of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines, drawn to scale."

**SECTION 2** Section 7 of said Ordinance No. 364 of the City of Long Beach, Mississippi, be and it is hereby amended to read as follows:

**SECTION 7 FINAL APPROVAL OF GOVERNING BODY REQUIRED FOR TREE**

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MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

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REMOVAL PERMIT

(a) And its next regular meeting following the receipt of the recommendations of the Planning Commission concerning an application for Tree Removal Permit, or at such meeting to which the same may be recessed or adjourned, the Mayor and Governing Body of the City shall take final action in granting or denying the application for Tree Removal Permit. The underlying facts and circumstances for granting or denying the application shall be spread upon the minutes of the Mayor and Governing Body. Any person feeling aggrieved at the finding and decisions of the Mayor and Governing Body of the City shall have the right to appeal by bill of exceptions to the Circuit Court in and for the First Judicial District of Harrison County, Mississippi, in the manner provided by the Laws of the State of Mississippi.

(b) As a condition of granting the Tree Removal Permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

(c) Upon issuance of a Tree Removal Permit, the permit fees will be as follows:

\$45.00 per tree permitted to be removed"

SECTION 3. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance.

SECTION 4 Effective Date

This ordinance shall take effect and be and force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 490 was introduced in writing by Alderman Ponthieux who moved its adoption. Alderman Bennett seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Jimmy Levens	voted Nay
Alderman Jerry Rouse	voted Aye
Alderman Gary Ponthieux	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Billy Skellie	voted Nay
Alderman Allen D. Holder, Jr.	voted Nay
Alderman Joseph McNay	voted Aye

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The question having received the affirmative vote of a majority the Aldermen present and voting, the Mayor declared the motion carried in the said Ordinance adopted and approved this the 21st day of October, 2003.

APPROVED:

*Robert E. Bass, Jr.*  
ROBERT E. BASS, JR., MAYOR

ATTEST:

*Rebecca E. Schrupf*  
REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schrupf, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #490 of the City of Long Beach, Mississippi adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 21<sup>st</sup> day of October, 2003, as the same appears of record in Ordinance Book #6, pages 498-501, inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 22<sup>nd</sup> day of October, 2003.

(SEAL)

*Rebecca E. Schrupf*  
Rebecca E. Schrupf, City Clerk

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MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

ORDINANCE NO. 491

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 364, AS AMENDED, ENTITLED, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING THE PLANTING AND REMOVAL OF STREET TREES AND TREES ON PRIVATE PROPERTY WITHIN SAID CITY, REQUIRING A PERMIT FOR THE REMOVAL OF CERTAIN TREES FROM PRIVATE PROPERTY, PROVIDING FOR THE PROTECTION OF TREES FROM ABUSE AND MUTILATION, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, AND FOR RELATED PURPOSES" TO REDUCE PERMIT FEES FOR TREE REMOVAL WHERE REMOVAL IS REQUIRED BY DAMAGE CAUSED BY THE SUBJECT TREE OR TREES TO PERMANENT IMPROVEMENTS ON THE PARCEL OF LAND WHERE THE SUBJECT TREE IS SITUATED, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi, (the "Municipality") having made due investigation therefore, do now find, determine, adjudicate and declare as follows:

1. That in order to more effectively fulfill the purpose and intent of the City's "Tree Ordinance", being Ordinance No. 364, and equitably assess the cost of application and enforcement of same, particularly in those instances where removal of a tree or trees is necessitated by material damage caused by such tree or trees to permanent improvements or improvements on the parcel where such tree or trees are situated, it is necessary to amend the permit fees for trees permitted to be removed pursuant to the said ordinance. Now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1 Section 7 of said Ordinance No. 364 of the City of Long Beach, Mississippi, entitled, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING THE PLANTING AND REMOVAL OF STREET TREES AND TREES ON PRIVATE PROPERTY WITHIN SAID CITY, REQUIRING A PERMIT FOR THE REMOVAL OF CERTAIN TREES FROM PRIVATE PROPERTY, PROVIDING FOR THE PROTECTION OF TREES FROM ABUSE AND MUTILATION, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, AND FOR RELATED PURPOSES" as amended, be and it is hereby amended to read as follows:

SECTION 7 FINAL APPROVAL OF GOVERNING BODY REQUIRED FOR TREE REMOVAL PERMIT

(a) And its next regular meeting following the receipt of the recommendations of the Planning Commission concerning an application for Tree Removal Permit, or at such meeting to which the same may be recessed or adjourned, the Mayor and Governing Body of the City shall take final action in granting or denying the application for Tree Removal Permit. The underlying facts and circumstances for granting or denying the application shall be based upon the minutes of the Mayor and Governing Body. Any person feeling aggrieved at the finding and decision of the Mayor and Governing Body of the City shall have the right to appeal by bill of exceptions in the Circuit Court in and for the First Judicial District of Harrison County, Mississippi, in the manner provided by the laws of the State of Mississippi.

(b) As a condition of granting the Tree Removal Permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

(c) Upon issuance of a Tree Removal Permit, the permit fees will be as follows:

1) For Removal of a tree or trees where such removal of such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees are situated, a fee of \$ 1.00 per tree permitted to be removed;

2) For Removal of all other trees, a fee of \$45.00 per tree permitted to be removed"

SECTION 2 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance

SECTION 3 Effective Date

This ordinance shall take effect and be and force thirty (30) days after its adoption, publication and enrollment thereof as provided by law

The above and foregoing Ordinance No. 491 was introduced in writing by Alderman Rouse who moved its adoption. Alderman Ponthieux seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Jimmy Levens	voted	Aye
Alderman Jerry Rouse	voted	Aye
Alderman Gary Ponthieux	voted	Aye
Alderman Richard Bennett	voted	Aye
Alderman Billy Skellie	voted	Aye
Alderman Allen D. Holder, Jr.	voted	Aye
Alderman Joseph McNary	voted	Aye

The question having received the affirmative vote of all the Alderman present and voting, the Mayor declared the motion carried in the said Ordinance adopted and approved this the 17<sup>th</sup> day February, 2004

APPROVED:

  
ROBERT E. BASS, JR., MAYOR

ATTEST:

  
REBECCA E. SCHRUFF, CITY CLERK

**MINUTES OF JUNE 25, 2020**  
**REGULAR MEETING**  
**LONG BEACH PLANNING and DEVELOPMENT COMMISSION**  
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CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #491 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on March 17, 2004, as the same appears of record in Ordinance Book #6, Pages 502-504, inclusive, in my office at the City Hall in said City

Given under my hand and the official seal of my office this the 18<sup>th</sup> day of March, 2004.

(SEAL)

  
Rebecca E. Schruff, City Clerk

After considerable discussion, Commissioner Seal made motion seconded by Commissioner Hansen and unanimously carried to amend Ordinance 364, Section 5, Sub-section B, Item #8 to read: Location of all protected trees, to include substantial shade trees on the property and identification of size and species.

After further discussion, Commissioner Seal made motion seconded by Commissioner Hansen and unanimously carried to amend Ordinance 490, Section 5, Sub-section B, Item #8 to read: Location of all protected trees, to include substantial shade trees on the property and identification of size and species.

It was the consensus of the Commission to carry this item over to the next agenda for further discussion.

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It came on for discussion under New Business, a Tree Removal Application for property located at 120 East Azalea Drive, Tax Parcel 0711M-04-034.000, submitted by Benita and Winston Mana-ay, as follows:

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CITY OF LONG BEACH, MISSISSIPPI  
201 Jeff Davis Avenue  
P.O. Box 929  
Long Beach, MS 39560  
(228) 863-1554  
(228) 863-1558 fax

APPLICATION FOR TREE PERMIT

OFFICE USE ONLY  
Date Received 5-28-20  
Zoning R-1  
Agenda Date 6-25-20  
Check Number 198

(Initial on the line that you've read each)

PM Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your and the tree protection.

PM Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crowned.

PM Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

TODAY'S DATE: 5/22/2020

PROPERTY INFORMATION

TAX PARCEL # 5711m - 04-034.000

Address of Property Involved: 120 E. Azalea Dr., Long Beach, MS

Property owner name: Benita + Winston Man-a-y  
Are you the legal owner of the above property? Yes  No  If No, written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property.

Property owner address: 120 E. Azalea Dr., Long Beach, MS

Phone No. 253 222-9575

CONTRACTOR OR APPLICANT INFORMATION

Company Name: Southern Tree Surgery, LLC

Phone No. 802-992-8446 Fax: \_\_\_\_\_

Name \_\_\_\_\_

Address 708 Peach St, Ocean Springs, MS 39564

PERMIT INFORMATION

Permit for: Removal  Trimming \_\_\_\_\_ Pruning \_\_\_\_\_

What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc.:

The two trees are side by side and destroying the pavement. Cracks in the pavement are touching the house. The 3 trees (Sweet Gum, Magnolia + live Oak) all need to be cut. Their root systems are all intermingled.  
(use separate sheet if needed)  
Number of Trees: \_\_\_\_\_

1 Live Oak      1 Southern Magnolia

I hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owner's agent for the herein described work.

[Signature]      5/22/2020  
Signature      Date

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

(Initial on the line that you've read each)

PM TREE SITE PLAN: Please provide a map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area. Please include the following: 1) location of all trees on the property, their size and species 2) Designate which are disease/or damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.

PM PHOTOGRAPH: You must attach a photograph of the tree to be removed, the photo must show any damage the tree is causing.

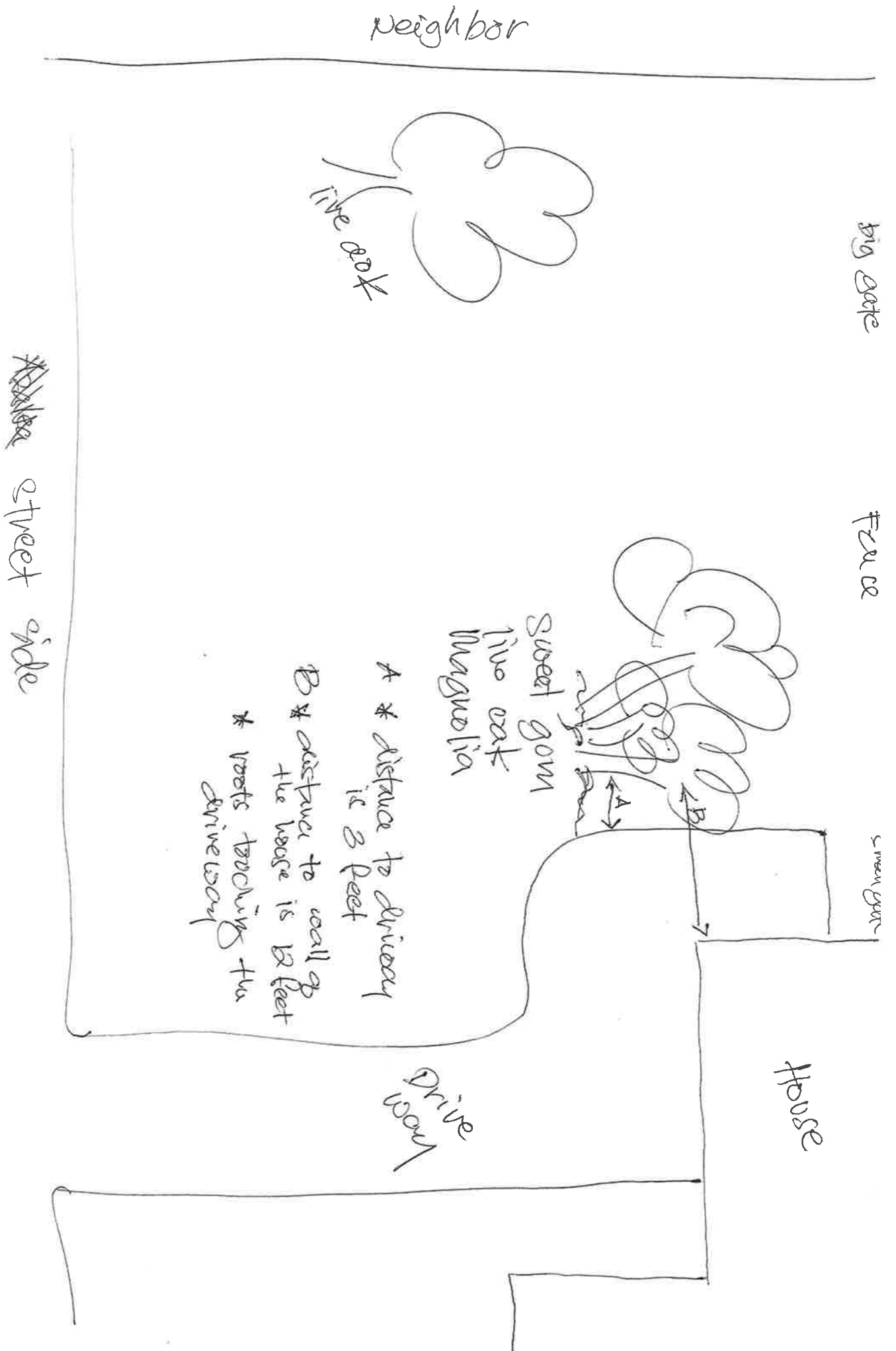
PM OWNERSHIP: Please provide a recorded warranty deed.

PM PERMIT FEES: Upon issuance of a Tree Removal Permit, the permit fee will be as follows: For removal of a tree or trees where such removal of such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees are situated a fee of \$1.00 per tree permitted to be removed. For removal of all other trees, a fee of \$45.00 per tree permitted to be removed. As per City of Long Beach Tree Ordinance (#364) any person removing any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without a valid tree removal permit, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentenced to pay a fine not less than \$500.00 nor more than \$1000.00. The removal of each tree without having first secured a valid tree removal permit shall constitute a separate offense and shall be punishable as such.

PM REPLANTING: As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

PM MEETING: You must attend the Planning Commission meeting, not attending may cause your permit for tree removal to be denied or withheld.

MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**





**351**

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



COPY

Prepared By and Return To:  
Schwarz, Ogler & Jordan, PLLC  
12206 Hwy 49  
Culport, MS 39503  
(228) 832-8550  
Our File #170192

Indexing Instructions:  
Lot 27, Azalea Homes S/D, Harrison  
County, 1<sup>st</sup> JD, MS

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

WARRANTY DEED

THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged,

LUIS M. ANGLERO, an unmarried man  
1 HERMANN MUSEUM CIRCLE DRIVE, APT #1118  
HOUSTON, TX 77004  
(985) 774-9684

does hereby grant, bargain, sell, convey and warrant, unto

BENITA S. MANA-AY and husband, WINSTON V. MANA-AY  
120 E. AZALEA DRIVE  
LONG BEACH, MS 39560  
(253) 222-9375

the following described property, together with the improvements, hereditaments and appurtenances thereunto situated and located in the County of Harrison, State of Mississippi, and more particularly described as follows, to-wit:

Lot Twenty-Seven (27), AZALEA HOMES 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 20 at Page 34 thereof, reference to which is hereby made in aid of and as a part of this description.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and any prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners of subject property.

Estimated county ad valorem taxes have been prorated between the parties as a part of the



MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

consideration for this conveyance. In the event the estimates upon which such proration is based prove to be inaccurate for any reason, the Grantee agrees to refund any excess, and the Grantor agrees to pay any deficiency, upon receipt of a copy of the tax statement for the current year and a computation of the true amount due, based on a 365 day year.

THIS CONVEYANCE is also subject to Zoning and/or other land use regulations promulgated by federal, state or local governments affecting the use or occupancy of the subject property.

WITNESS THE SIGNATURE of the Grantor on this the 10th day of March, 2017.

  
LUIS M. ANGLERO

STATE OF TEXAS  
COUNTY OF Harris

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, LUIS M. ANGLERO, who acknowledged that he signed, executed and delivered the above and foregoing instrument as a voluntary act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 10th day of March, 2017.

(SEAL)    
NOTARY PUBLIC

My Commission Expires:  
9-29-19

After considerable discussion, and upon a City of Long Beach Tree Board Member's recommendation in accordance with the City of Long Beach Tree Ordinance, Commissioner Barlow made motion, seconded by Commissioner Hansen and unanimously carried to approve the removal of the 1 Live Oak Tree and the 1 Magnolia Tree, as submitted.

\*\*\*\*\*

It came for discussion under New Business, Planning Commission Application for property located at 19014 Pineville Road, Tax Parcel 0612C-01-006.000, submitted by Rodney Bellegarde, as follows:

REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

CITY OF LONG BEACH, MISSISSIPPI

APPLICATION FOR CASE REVIEW

PHYSICAL ADDRESS: 201 JEFF DAVIS AVENUE LONG BEACH, MS 39560

PHONE: (228) 863-1554 FAX: (228) 863-1558

MAILING ADDRESS POST OFFICE BOX 929 LONG BEACH, MS 39560

I. TYPE OF CASE: [X] PLANNING COMMISSION APPROVAL [ ] DECISION OF THE BUILDING OFFICIAL IS ALLEGED TO BE IN ERROR [ ] INTERPRETATION OF THE ZONING ORDINANCE
II. Address of Property Involved: 19014 Pineville Rd 0612C-01-006.000 Tax Parcel Number

III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) Pave front section of property facing Pineville Rd for purposes of parking

- IV. REQUIRED ATTACHMENTS:
A. Interest and Ownership. The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.
B. Survey and/or Site Plan. A site plan showing the land area which would be affected, if required a general layout drawing of the development, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
C. Recorded Warranty Deed. A deed which includes a legal description of the specific piece of property involved in the request. If several parcels are included in a request, individual parcel deeds AND a composite legal description of all parcels involved in the request must be provided.
D. Fee. Attach a check in the amount of \$50.00. This check should be made payable to the City of Long Beach to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

\*\*\*NOTE\*\*\* APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.

V. OWNERSHIP AND CERTIFICATION:
READ BEFORE EXECUTING, Attendance by the applicant(s) at the public hearing (IF REQUIRED) and/or meeting is mandatory; however, the applicant may designate a representative to attend the public hearing and/or meeting on their behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing and/or meeting. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application. The completed application with all necessary documents and payments must be returned to the Planning office not later than 21 days before the 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

Ownership: I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

Rodney Bellegarde Name of Rightful Owner (PRINT)

Name of Agent (PRINT)

19014 Pineville Rd Owner's Mailing Address

Agent's Mailing Address

Long Beach, MS 39560 City State Zip

City State Zip

(504) 228-8383 Phone

Phone

belleretail2017@yahoo.com Email address

Email Address

Rodney Bellegarde 29-May-2020 Signature of Rightful Owner Date

Signature of Agent Date

OFFICE USE ONLY

Date Received 5-29-20 Zoning G2 Agenda Date 6-25-20 Check Number 5044

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION  
CITY OF LONG BEACH - APPLICATION FOR CASE REVIEW**

**IV.A Applicant**

**Name: Rodney Bellegarde**

**Address: 19014 Pineville Road, Long Beach MS 39560**

**IV.A Owner of Land area proposed to be changed**

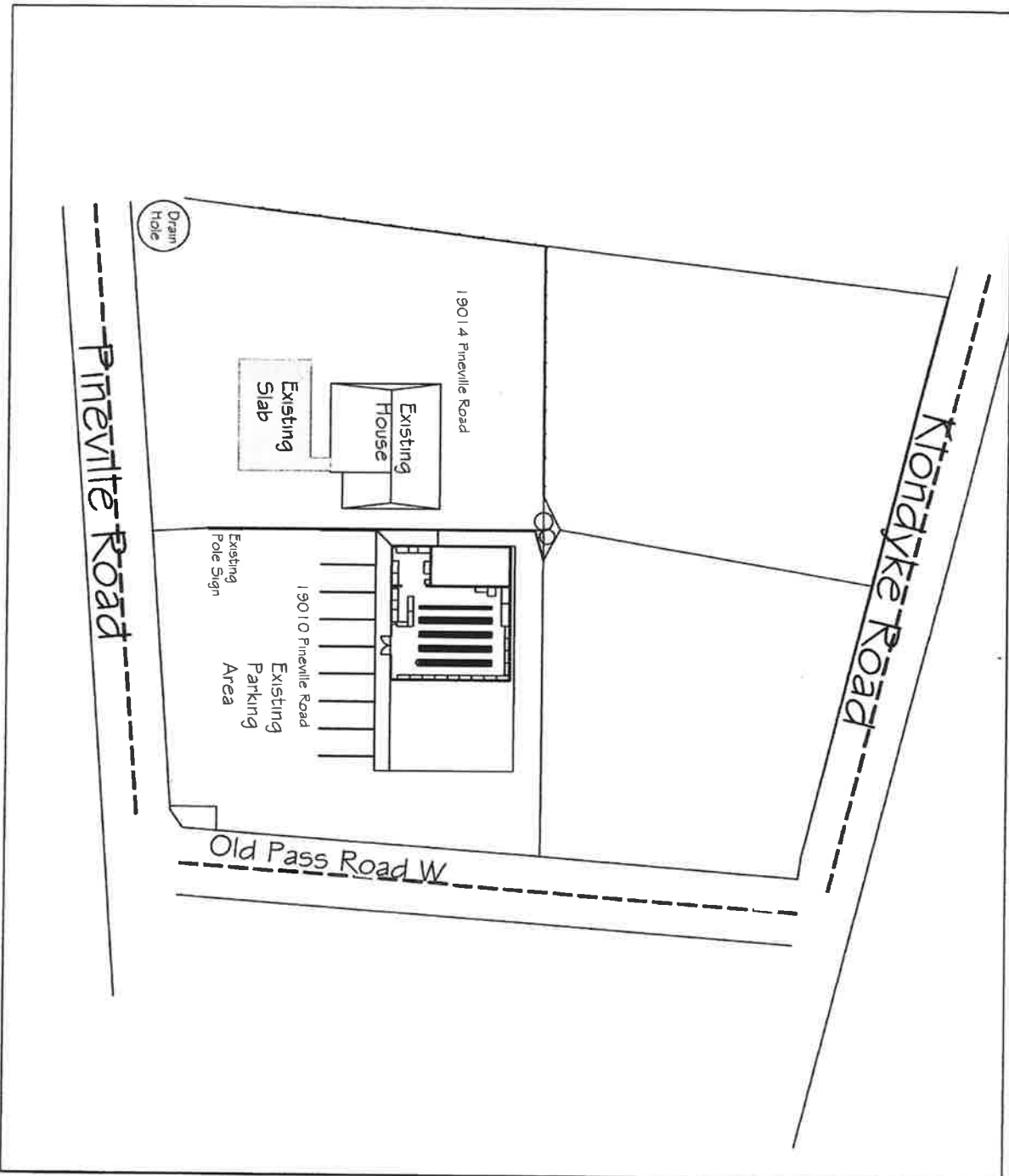
**Name: Rodney Bellegarde**

**Requested changes to property is to pave the front section of property facing Pineville Road for purposes of parking (per attached drawings provided in section IV.B)**

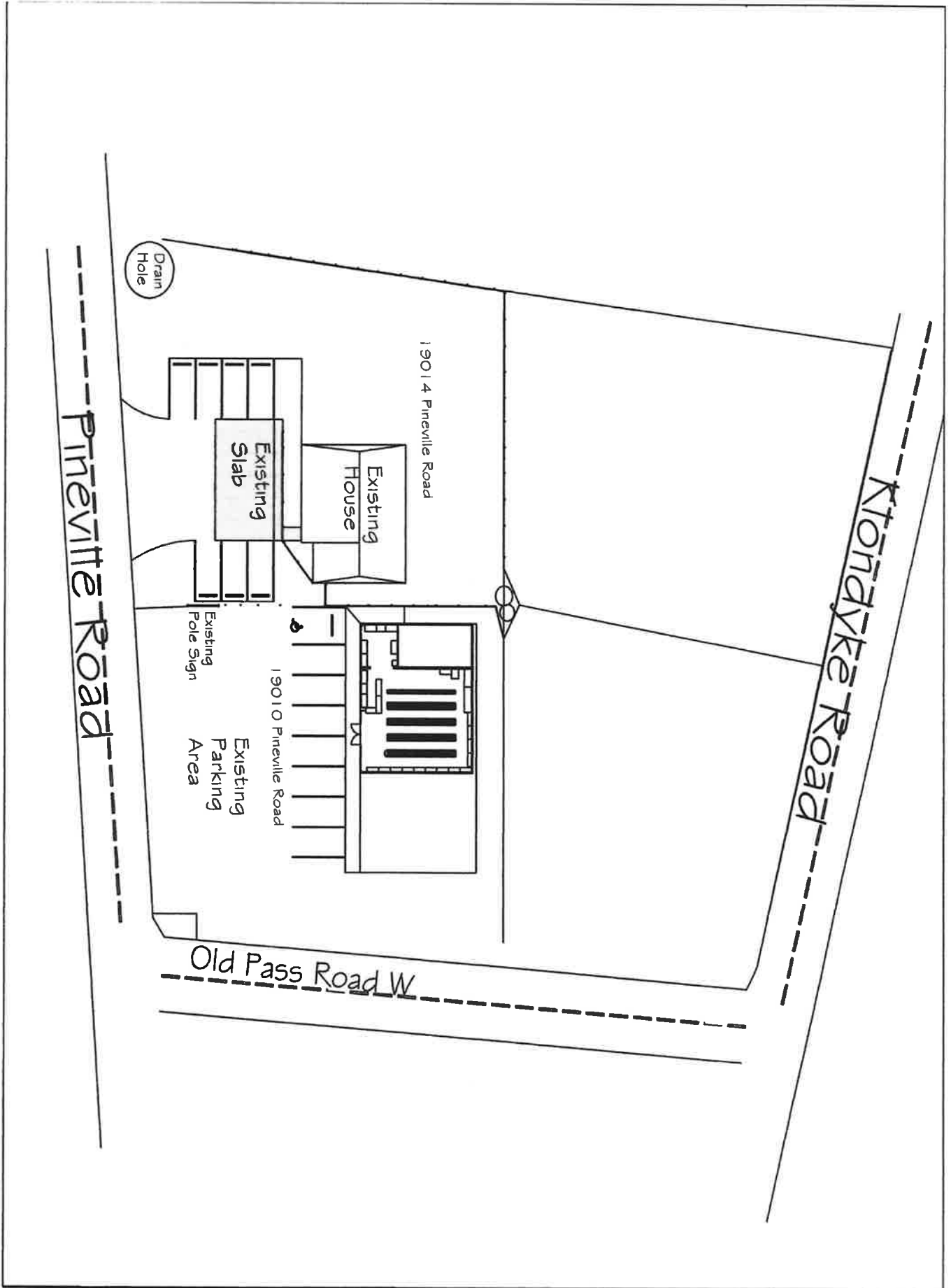
**IV.A Owners of Adjacent property:**

**19010 Pineville Road – James K Wetzel (228) 864-6400**

**19020 Pineville Road – HMS Brokerage Firm, Contact Kate Barton (228) 206-7920 ext102**



Belle Retail - Gold Nugget Package Store  
Existing Layout

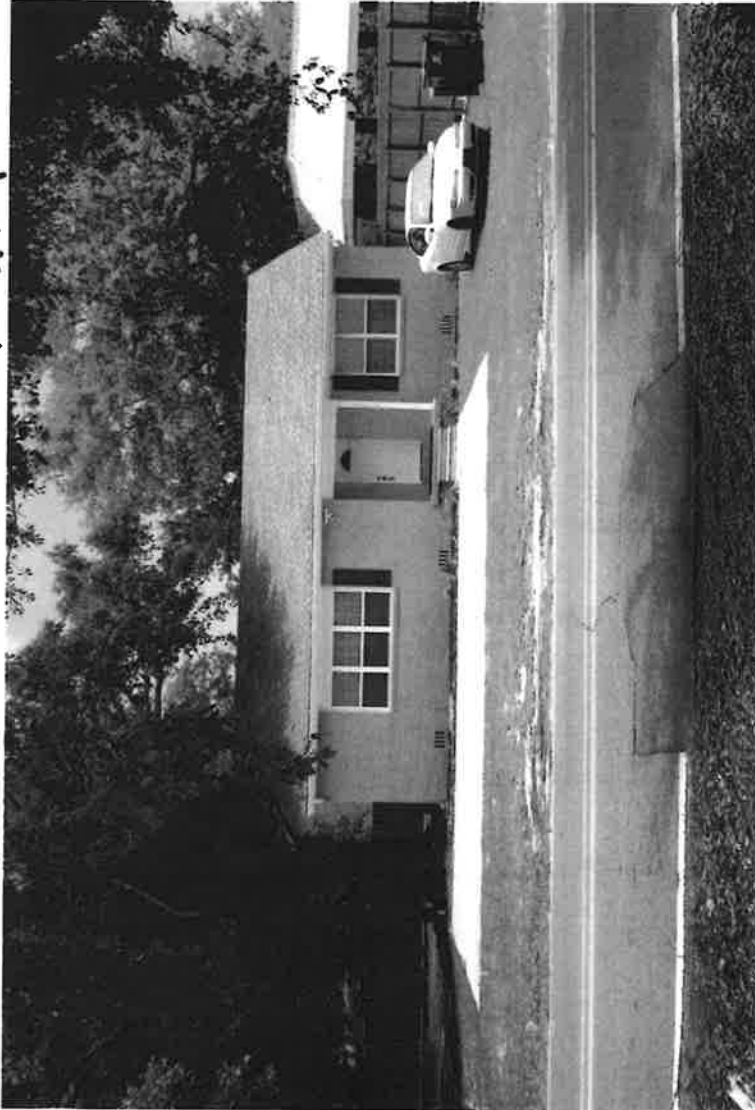


Belle Retail - Gold Nugget Package Store

Additional Parking Layout

MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

FRONT-1

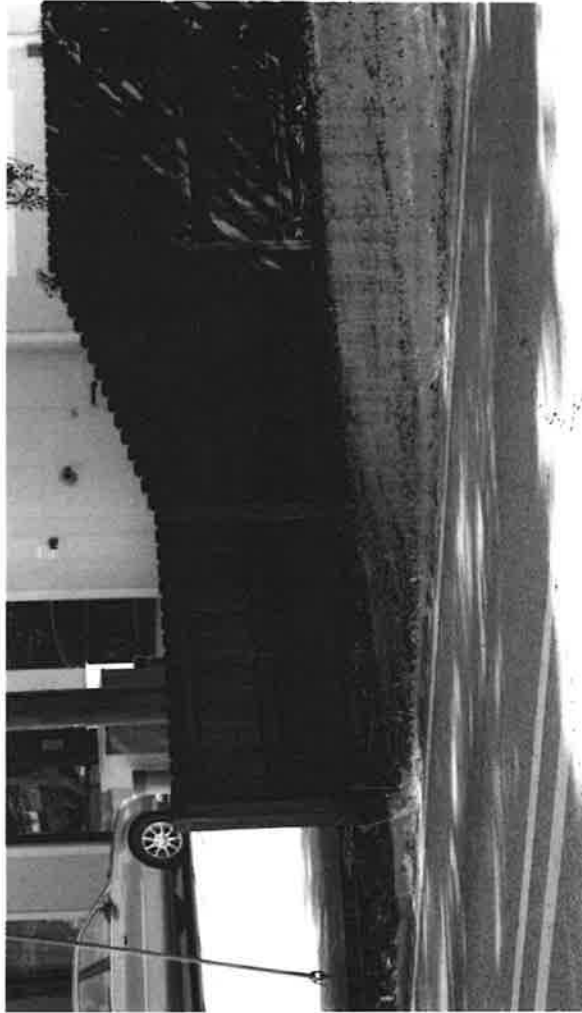


FRONT-2



MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

PROPERTY LEFT-1



PROPERTY LEFT-2



MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

PROPERTY RIGHT-1



PROPERTY RIGHT-2





MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

SOUTH  
CULVERT VIEW

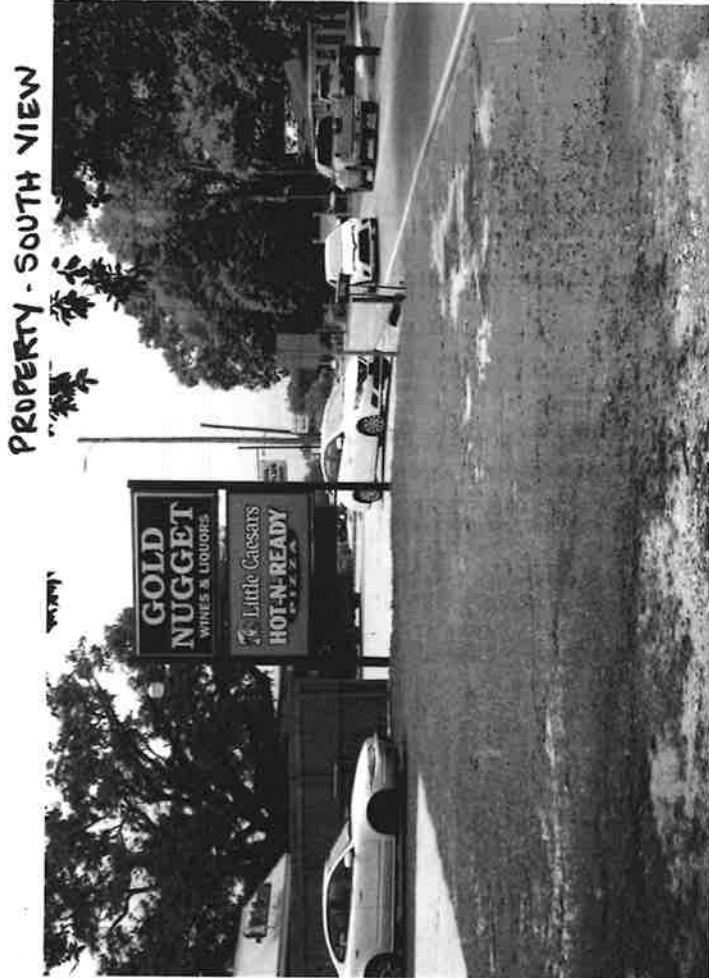


NORTH  
CULVERT VIEW





MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



1st Judicial District  
Instrument 2020 3456 D -J1  
Filed/Recorded 4/ 1/2020 12:20 N  
Total Fees \$ 26.00  
2 Pages Recorded

REVIEWED SCANNED

Prepared by:  
Julien K. Byrne III  
Attorney at Law  
311 East Second St.  
Pass Christian, MS 39571  
(228) 452-9408  
Mississippi Bar Number: 7654

Return to:  
Julien K. Byrne III  
Attorney at Law  
311 East Second St.  
Pass Christian, MS 39571  
(228) 452-9408

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

WARRANTY DEED

For and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, **TABATHA B. BARBER**, of 1130 "B" E. Old Pass Road, Long Beach, MS 39560, (228) 224-4669, does hereby sell, convey and warrant unto **RODNEY JEAN BELLEGARDE**, of 19014 Pineville Road, Long Beach, MS 39560, (504) 228-0383, the following described real property situated in Harrison County, First Judicial District, State of Mississippi, described as:

A parcel of land situated in Lot 2 of SEAL SUBDIVISION and in the NE 1/4 of the NE 1/4 of Section 14, Township 8 South, Range 12 West, in the First Judicial District of Harrison County, Mississippi, more particularly described as follows:

Commence on the East margin of Pineville Road at the point where it intersects with the North margin of Old Pass Road, and run thence Northwesterly along the East margin of Pineville Road a distance of 92 feet to the Place of Beginning; from said Place of Beginning run thence Northeasterly a distance of 109.2 feet to an iron pipe, run thence Northwesterly a distance of 93 feet; run thence in a Westerly direction a distance of 118.4 feet to the East margin of Pineville Road; run thence Southeasterly along the East margin of Pineville Road a distance of 108.2 feet to the Place of Beginning.

INDEX AS FOLLOWS: Part of Lot 2, SEAL SUBDIVISION

The above described property is conveyed subject to restrictions, reservations and easements of record.

REVIEWED

**361**

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent year taxes are specifically assumed by the Grantee.

The above described property forms no part of the homestead of the Grantor herein.

Witness the signature of the Grantor this 31st day of March, 2020.

  
TABATHA B. BARBER

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named TABATHA B. BARBER, who acknowledged that she executed the above and foregoing instrument on the day and in the year therein written.

Given under my hand and official seal of office this 31st day of March, 2020.

  
STEPHANIE R. GAI  
NOTARY PUBLIC  
My Commission Expires: 10/8/22

AFFIX SEAL



File No: 20-23898 BELLEGARDE

Page 2

After considerable discussion, Commissioner Hansen made motion, seconded by Commissioner Barlow and unanimously carried to approve the application as submitted.

\*\*\*\*\*

It came for discussion under New Business a Certificate of Resubdivision for property located at 413 North Seal Avenue, Tax Parcel 0611N-04-012.000 and 0611N-04-012.001, Submitted by Harry J. Kaletsch, as follows:

MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



CITY OF LONG BEACH  
PLANNING DEPARTMENT  
201 JEFF DAVIS AVENUE  
PO BOX 929  
LONG BEACH, MS 39560  
(228) 863-1554  
(228) 863-1558 FAX

Office use only  
Date Received 6-5-20  
Zoning R-1  
Agenda Date 6-25-20  
Check Number 4078

APPLICATION FOR CERTIFICATE OF RESUBDIVISION

TYPE OF CASE: CERTIFICATE OF RESUBDIVISION

ADVALOREM TAX PARCEL NUMBER(S): 0611N-04-012.000 / 0611N-04-012.001

I. GENERAL LOCATION OF PROPERTY INVOLVED: 413 N. Seal Ave

V. ADDRESS OF PROPERTY INVOLVED: 413 N. Seal Ave

GENERAL DESCRIPTION OF REQUEST: Resubdivision of Part of lot 17, Seals  
Into sub.

I. REQUIRED ATTACHMENTS:

- A. Resubdivision Survey and Certificate (see attached example) on no less than 11" X 17" paper.
- B. Cash or Check payable to the City of Long Beach in the amount of \$250.00
- C. Proof of ownership (copy of recorded warranty deed), if applicable proof of authority to act as agent for owner. on file

**\*\*\*NOTE\*\*\* APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

VII. OWNERSHIP AND CERTIFICATION:

**READ BEFORE EXECUTING**, the applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application, the completed application with all necessary documents and payments must be returned to the Planning office not later than fifteen (15) days before the 2<sup>nd</sup> or 4<sup>th</sup> Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

**Ownership:** I the undersigned due hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

Harry J. Kaletsch  
Name of Rightful Owner (PRINT)

413 N Seal Ave  
Owner's Mailing Address

Long Beach Ms 39560  
City State Zip

228-323-1843  
Phone

[Signature] 06-09-2020  
Signature of Rightful Owner Date

Wayne S. D'Neal  
Name of Agent (PRINT)

11070 Daurro Rd.  
Agent's Mailing Address

Gulfport Ms. 39503  
City State Zip

228-669-0056  
Phone

[Signature] June 5, 2020  
Signature of Applicant Date

**363**

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

~~Vol. 1050~~ **Page 469**

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and no/100 (\$10.00) Dollars, cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, we, JAMES E. MORAN and wife, BERTHA B. MORAN do hereby sell, convey and warrant unto HARRY JOSEPH KALETSCH and wife, MARISA MORAN KALETSCH as joint tenants with full right of survivorship, and not as tenants in common, the following described real property being situated and located in the First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit:

Beginning at the Northeast corner of Lot 17 of SEAL'S SUBDIVISION in Section 11, Township 9 South, Range 12 West, Harrison County, Mississippi, which point is on the West margin of Seal Avenue, and from said point of beginning run then West 162 feet to a point; thence run South 97 feet to a point; thence run East 163 feet to a point on the West margin of Seal Avenue; thence run along the said West margin of Seal Avenue North 87 feet to the Point of Beginning. Being a part of Lot 17, SEAL'S SUBDIVISION, Harrison County, First Judicial District, Long Beach, Mississippi.

This Conveyance is made subject to all restrictive covenants, easements, right of ways, and prior oil, gas and mineral reservations of record.

AD VALOREM TAXES for the current year and pro-rated as of the date of this deed, and are assumed by the Grantees herein.

This is part of the same property originally conveyed to the Grantors herein by that Warranty Deed recorded in Deed Book 746 at pages 27-29 in the Land Deed Records Office of the said County, District and State.

WITNESS OUR SIGNATURES, this the 3d day of September, 1986.

*James E. Moran*  
JAMES E. MORAN  
*Bertha B. Moran*  
BERTHA B. MORAN

~~Vol. 1050~~ **Page 470**

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

PERSONALLY came and appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named JAMES E. MORAN and wife, BERTHA B. MORAN, who after being first duly sworn by me, acknowledged that they each signed and delivered the above and foregoing Warranty Deed on the day and in the year therein mentioned.

GIVEN UNDER MY HAND and official seal of office, this the 3 day of September, 1986.

*Mary P. [Signature]*  
NOTARY PUBLIC



MY COMMISSION EXPIRES:

June 8, 1990

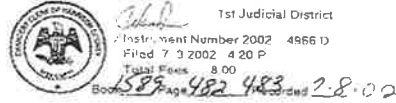
GRANTORS:  
James E. Moran and wife, Bertha B. Moran  
307 E. 2nd  
Long Beach, Ms. 39560

5915  
STATEMENT OF FEES  
First Page \$2.00  
Add. Page at \$1.00 10  
Abstracting/Section at \$1.00 10  
Marginal Entry at 50¢ 5  
Total Fees 27

STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT:  
I hereby certify that this instrument was received and filed for record at 10 o'clock and 21 minutes A M. on 3 day of September A.D. 19 86 and recorded September 8, 1986 in Records of Deeds Book 1050 Pages 469-470  
G. N. Greel, Chancery Clerk  
By [Signature] D.C.

MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

BOOK 1589 PAGE 482  
STATE OF MISSISSIPPI  
COUNTY OF HARRISON



CORRECTIVE QUIT CLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, JAMES E. MORAN AND BERTHA B. MORAN, do hereby sell, convey and quit claim unto MARISA MORAN KALETSCH AND HARRY JOSEPH KALETSCH, JR., 413 SEAL AVE, LONG BEACH MS 39560, (228) 255-9686 AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Beginning at the Northeast corner of Lot Seventeen (17) of SEAL'S SUBDIVISION, in Section 11, Township 8 South, Range 12 West, Harrison County, Mississippi, which point is on the West margin of Seal Avenue, and thence run West along the North margin of said Lot Seventeen (17), a distance of 162 feet to the POINT OF BEGINNING; thence run West a distance of 270.6 feet to a point; thence run South 31 degrees 23 minutes West a distance of 310.4 feet; thence run East a distance of 423.2 feet to an iron pipe; thence run Northeasterly and along a fence line a distance of 103.8 feet; thence run Easterly and along a fence line a distance of 162.6 feet to the West margin of Seal Avenue; thence run North and along the West margin of Seal Avenue a distance of 75.6 feet; thence run Westerly a distance of 162 feet; thence run North a distance of 87 feet to the POINT OF BEGINNING. Being a part of Lot Seventeen (17), SEAL'S SUBDIVISION, Harrison County, Mississippi.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners.

TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantees herein.

WITNESS OUR SIGNATURES, on this the 2 day of July, 2002.

James E. Moran  
JAMES E. MORAN

Bertha B. Moran  
BERTHA B. MORAN

BOOK 1589 PAGE 483

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, JAMES E. MORAN AND BERTHA B. MORAN, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act and deed of the Grantors on the day and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 2 day of July, 2002.

Cynthia D. Lewis  
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES MAY 31, 2008  
DONATED THROUGH STEGALL NOTARY SERVICE

PREPARED BY & RETURN TO:  
GULF TITLE COMPANY, INC.  
P.O. BOX 280  
GULFPORT MS 39502  
(228) 865-0011  
FILE#: 020597

REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

SURVEY DESCRIPTION

PARCELS OF LAND LOCATED IN THE SEAL SUBDIVISION LOT 17 IN THE CITY OF LONG BEACH HARRISON COUNTY MISSISSIPPI

**PARCEL 2**

COMMENCING AT AN IRON ROD ON THE WEST MARGIN OF SEAL AVENUE 264.31 FEET SOUTH OF THE NORTH EAST CORNER OF LOT 17 OF THE SEALS SUBDIVISION IN THE CITY OF LONG BEACH HARRISON COUNTY MISSISSIPPI  
 THENCE: N89°52'37"W FOR 173.71 FEET TO A STEEL FENCE POST  
 THENCE: N89°58'30"W FOR 411.89 FEET ALONG A FENCELINE TO A WOOD FENCE POST  
 THENCE: N30°37'45"E FOR 317.19 FEET ALONG A FENCELINE TO A WOOD FENCE POST  
 THENCE: S88°14'22"E FOR 238.75 FEET ALONG A FENCELINE TO AN IRON ROD  
 THENCE: S0°36'48"E FOR 107.52 FEET TO AN IRON ROD  
 THENCE: S89°27'13"E FOR 182.15 FEET TO AN IRON ROD AT THE WESTERLY MARGIN OF SEAL AVENUE  
 THENCE: S0°36'48"E FOR 53.03 FEET ALONG SAID MARGIN TO AN IRON ROD  
 THENCE: N89°57'06"W FOR 162.00 FEET TO A STEEL FENCE POST  
 THENCE: S5°47'32"W FOR 104.02 FEET TO THE POINT OF BEGINNING SAID PARCEL CONTAINS 2.3 ACRES MORE OR LESS.

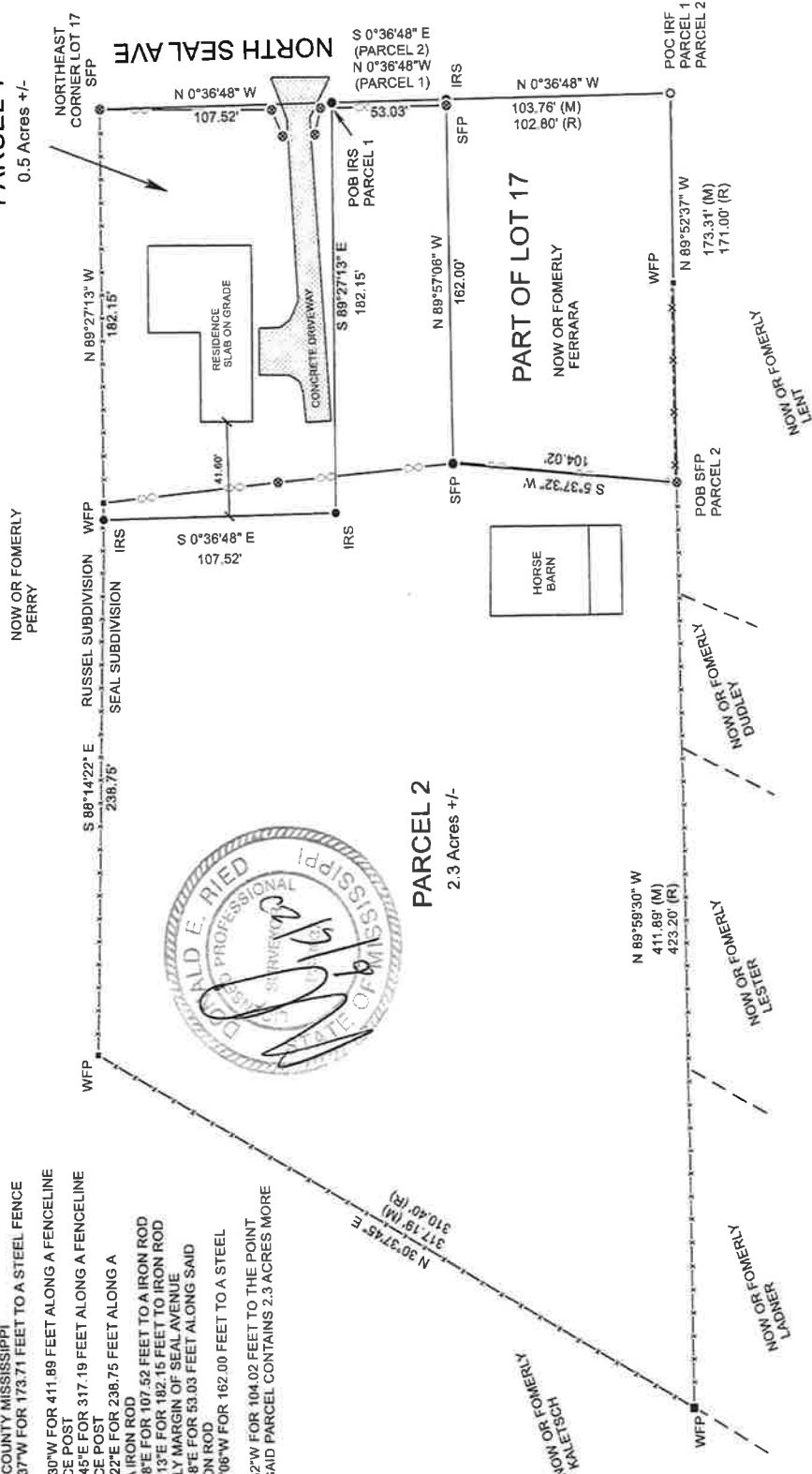


**PARCEL 2**  
2.3 Acres +/-

**PARCEL 1**  
0.5 Acres +/-

**PARCEL 1**

COMMENCING AT AN IRON ROD ON THE WEST MARGIN OF SEAL AVENUE 264.31 FEET SOUTH OF THE NORTH EAST CORNER OF LOT 17 OF THE SEALS SUBDIVISION IN THE CITY OF LONG BEACH HARRISON COUNTY MISSISSIPPI  
 THENCE: N0°36'48"W FOR 103.70 FEET ALONG THE WESTERLY MARGIN OF SEAL AVENUE TO AN IRON ROD TO AN IRON ROD  
 THE TRUE POINT OF BEGINNING  
 THENCE: N0°36'48"W FOR 107.52 FEET ALONG THE WESTERLY MARGIN OF SEAL AVENUE TO A STEEL FENCE POST  
 THENCE: N89°27'13"W FOR 182.15 FEET ALONG A FENCE LINE TO AN IRON ROD  
 THENCE: S0°36'48"E FOR 107.52 FEET TO AN IRON ROD  
 THENCE: S89°27'13"E FOR 182.15 FEET TO THE POINT OF BEGINNING SAID PARCEL CONTAINS 0.5 ACRES MORE OR LESS.



**LEGEND**

○	IRF = 1/2 IRON ROD FOUND
(M)	MEASURED RECORD
■	WFP WOOD FENCE POST
— — —	BARBWIRE FENCE
— — —	HURRICANE FENCE
⊙	SFP 3 1/2 IN DIAMETER STEEL FENCE POST

SURVEY IS VALID ONLY IF PLAT HAS ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR  
 NO ATTEMPT HAS BEEN MADE AS PART OF THIS BOUNDARY SURVEY TO OBTAIN SHOWING OF ALL ENCUMBRANCES, EASEMENTS, COVENANTS, OR OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE  
 IN CONSIDERATION OF A FEE PAID I DECLARE THAT THIS SURVEY WAS DONE BY ME OR UNDER MY IMMEDIATE SUPERVISION AND IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

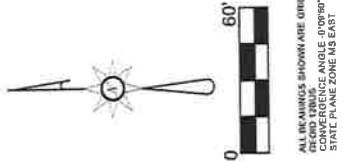
THIS IS BASED ON INFORMATION PROVIDED BY THE CLIENT. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT BEARCH EASEMENTS, COVENANTS, OWNERSHIP OF TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE  
 THIS SURVEY MEETS THE MISSISSIPPI MINIMUM STANDARDS FOR A CLASS B SURVEY

**REFERENCES**

1. DEED BOOK 1050 PAGE 469
2. DEED BOOK 1589 PAGE 482
3. DEED BOOK 2018 PAGE 6075
4. HANCOCK COUNTY TAX MAP 0611N

**RIED & ASSOCIATES LLC**  
 9526 RENESHEVAH TRAIL  
 PASSCHRISTIAN MS 39571  
 PHONE 228 205-4007

PARCELS OF LAND LOCATED IN THE SEAL SUBDIVISION LOT 17 IN THE CITY OF LONG BEACH HARRISON COUNTY MISSISSIPPI	
SCALE 60 FT/IN	SURVEY DATE 06/03/20
JOB 20-096	DRAWING DATE 06/04/20
DRAWN BY DER	CHECKED BY MLSR





LONG BEACH PLANNING and DEVELOPMENT COMMISSION

**CERTIFICATE OF RESUBDIVISION**

In accordance with Article 8 Section 3 of the Cord of Ordinance (Subdivision Regulations) of the city of Long Beach as amended.

It is hereby certified that the Long Beach Planning Commission Chairman the Long Beach Mayor and Board of Alderman have reviewed and approved the attached Final Plat

The following property has been changed from Harrison County ad velorem tax parcel number 0611N-04-012.000 has been enlarged and 0611N-04-012.001 has been reduced  
The subject properties are located adjacent to North Seal Avenue

**LEGAL DESCRIPTION OF LAND PRIOR TO SUBDIVISION  
PARCEL 0611N-04-012.000**

Part of Lot 17 in the Seals Subdivision in the City of Long Beach  
First Judicial District Harrison County Mississippi

Legal Description of the New Parcels Reads as follows

**Parcel 1**

Located in the Northeast Corner of Lot 17 being 107.50 feet by 182.15 feet of the Seals Subdivision in the City of Long Beach  
First Judicial District Harrison County Mississippi

**LEGAL DESCRIPTION OF LAND PRIOR TO SUBDIVISION  
0611N-04-012.001**

**Parcel 2**

Irregular shaped Lot Being part of Lot 17 in the Seals Subdivision in the City of Long Beach  
First Judicial District Harrison County Mississippi

SEALS SUBDIVISION  
IN THE FIRST JUDICIAL DISTRICT  
SECTION 11, TOWNSHIP 8 SOUTH RANGE 12 WEST  
HARRISON COUNTY MISSISSIPPI  
FOR JOEY KALETSCH

**RIED & ASSOCIATES LLC  
9526 BENEHEEWAH TRAIL  
PASS CHRISTIAN MS 39571  
PHONE 228 205-4007  
E-MAIL rledassoc@aol.com**



MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

CERTIFICATE OF RESUBDIVISION

CERTIFICATE OF OWNERSHIP

I herby certify that I Joey Kaletsch am the owner of the property described heron, which property is within the subdivision regulation of the city of Long Beach and that I freely adopt this plan of subdivision

*Joey Kaletsch*  
OWNER  
DATE 06-09-2020



NOTARY PUBLIC  
*Carrie E. Davis*

Subscribed and sworn before me, in my presence the 9<sup>th</sup> day of June 2020 a Notary Public in and for the County of Harrison State of Mississippi

CERTIFICATE OF SURVEY AND ACCURACY

I herby certify that this map drawn by me or drawn under my supervision from a actual survey made by me or a actual survey made under my supervision in accordance with all applicable codes and ordinances. Witness my signature registration number and seal this 6<sup>th</sup> day of June 2020

*Paul G. ...*  
Registered Land Surveyor



REG 3037  
Registration Number

Subscribed and sworn before me, in my presence the 20<sup>th</sup> day of June 2020 a Notary Public in and for the County of Harrison State of Mississippi

NOTARY PUBLIC  
SEAL

My Commission Expires

CERTIFICATE OF APPROVAL

I herby certify that the minor subdivision shown on this plat does not invlave the creation of new public streets, or any change in existing public streets, the extension of public water or sewer system or the installation of drainage improvements through one or more lots to serve one or more lots. The subdivision shown is in all respects in compliance with City ordinances of Long Beach and that therefore this plat has been approved by the administrator subject to being recorded in the Harrison County Courthouse within (60) days of the date shown below

ADMINISTRATOR DATE

PLANNING COMMISSION  
Approved by the city of Long Beach Planning Commission at the regular meeting of said commission held on the 20<sup>th</sup> day of June 2020

Planning Commission Chairman DATE

ACCEPTANCE  
Submitted to and approved by the city of Long Beach, Board of Alderman at the regular meeting of said Board of Alderman held on the 20<sup>th</sup> day of June 2020

ADOPT ATTEST  
MAYOR CITY CLERK

PLAT SHOWING RESUBDIVISION  
OF  
PARCELS # 0611N-04-012.000  
# 0611N-04-012.001  
PARTS OF LOT 17  
SEALS SUBDIVISION  
IN THE FIRST JUDICIAL DISTRICT  
HARRISON COUNTY MISSISSIPPI  
FOR JOEY KALETSCH

REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

161 Lameuse St., Suite 203  
Biloxi, MS 39530  
228-967-7137



**OVERSTREET  
& ASSOCIATES**  
CONSULTING ENGINEERS

630 Delmas Ave., Suite B  
Pascagoula, MS 39567  
228-967-7137

June 11, 2020

City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560

**RE: Certificate of Subdivision - Tax Parcel Nos. 0611N-04-012.000 & 0611N-04-012.001**

Ladies and Gentlemen:

We have received a Certificate of Subdivision for the referenced parcels which both have existing frontage on N. Seal Ave. The proposed subdivision simply realigns the property lines of the two parcels, creating no new lots and leaving both lots compliant to City ordinance requirements. The Certificate itself appears to contain all appropriate certifications.

Although no additional water or sewer services are anticipated at this lot, approval of the subdivision should be subject to the payment of any required tapping fees or special connection fees as determined by the City's Public Works department.

Sincerely,

David Ball, P.E.

DB:539

After considerable discussion, and recommendation made by the City Engineer, Commissioner Hansen made motion, seconded by Commissioner Seal and unanimously carried recommending approval of the resubdivision in accordance with the Subdivision Regulation, Article II. MINOR AND MAJOR SUBDIVISION GENERAL REGULATIONS.

\*\*\*\*\*

It came for discussion under New Business a Certificate of Resubdivision for property located at 204 and 208 East Old Pass Road, Tax Parcels 0611O-04-042.000 and 0611O-04-041.000, submitted by Michael and Judi David, as follows:

MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



CITY OF LONG BEACH  
PLANNING DEPARTMENT  
201 JEFF DAVIS AVENUE  
PO BOX 929  
LONG BEACH, MS 39560  
(228) 863-1554  
(228) 863-1558 FAX

Office use only  
Date Received 5-29-20  
Zoning R-1  
Agenda Date 6-25-20  
Check Number 60500

APPLICATION FOR CERTIFICATE OF RESUBDIVISION

- I. TYPE OF CASE: CERTIFICATE OF RESUBDIVISION
- II. ADVALOREM TAX PARCEL NUMBER(S): 06110-04-042.000 & 06110-04-041.000
- III. GENERAL LOCATION OF PROPERTY INVOLVED: North side of East Old Pass Rd just East of N. Burke Ave
- IV. ADDRESS OF PROPERTY INVOLVED: 204 + 208 East Old Pass Rd
- V. GENERAL DESCRIPTION OF REQUEST: Resubdivision of 2 parcels  
Into 1 parcel
- VI. REQUIRED ATTACHMENTS:
  - A. Resubdivision Survey and Certificate (see attached example) on no less than 11" X 17" paper.
  - B. Cash or Check payable to the City of Long Beach in the amount of \$250.00
  - C. Proof of ownership (copy of recorded warranty deed), if applicable proof of authority to act as agent for owner.

**\*\*\*NOTE\*\*\* APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

VII. OWNERSHIP AND CERTIFICATION:

**READ BEFORE EXECUTING**, the applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application, the completed application with all necessary documents and payments must be returned to the Planning office not later than fifteen (15) days before the 2<sup>nd</sup> or 4<sup>th</sup> Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

Ownership: I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

Michael & Judi David  
Name of Rightful Owner (PRINT)

\_\_\_\_\_  
Name of Agent (PRINT)

208 East Old Pass Rd  
Owner's Mailing Address

\_\_\_\_\_  
Agent's Mailing Address

Long Beach MS 39560  
City / State Zip

\_\_\_\_\_  
City State Zip

228 323 1548  
Phone

\_\_\_\_\_  
Phone

Michael David Judi David 5/27/20  
Signature of Rightful Owner Date

\_\_\_\_\_  
Signature of Applicant Date

371

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

EATON, COTTRELL, GALLOWAY, LANG AND STONE, P.A.  
ATTORNEYS AT LAW

2500 W. UNIVERSITY BLVD.  
SUITE 1000  
LONG BEACH, MISSISSIPPI 39560

JAMES R. EATON  
CHARLES R. GALLOWAY  
EATON & STONE, P.A.  
ROBERT J. LANG  
JAMES R. GALLOWAY  
CHARLES R. GALLOWAY  
JAMES R. GALLOWAY  
JAMES R. GALLOWAY  
JAMES R. GALLOWAY  
JAMES R. GALLOWAY

October 31, 1985

WALTER ADAMS  
JAMES R. GALLOWAY  
EATON & STONE, P.A.  
WALTER ADAMS  
JAMES R. GALLOWAY  
EATON & STONE, P.A.  
WALTER ADAMS  
JAMES R. GALLOWAY  
EATON & STONE, P.A.

Hancock Bank  
Long Beach Branch  
Jeff Davis Avenue  
Long Beach, MS 39560

Re: Property described in Exhibit "A" attached;  
Michael and Judi K. David

Gentlemen:

I have made a careful examination of the title to the above referenced property for a period of more than 31 years coming down to and including October 10, 1985, at 9:30 o'clock a.m. As a result of that examination, I am of the opinion that a good and merchantable title to the property is vested in Michael David and Judi K. David, as joint tenants with right of survivorship, subject to the following exceptions:

1. State, County and City ad valorem taxes for the year 1985 which are not yet due nor payable, but which constitute a lien against the property.
2. Easements, shortages, encroachments, overlaps, or other matters which would be revealed by a current and accurate survey.
3. Rights of any parties in possession.

Very truly yours,

EATON, COTTRELL, GALLOWAY,  
LANG AND STONE, P.A.

*Charles R. Galloway*  
Charles R. Galloway

CHRG:JAS

EXHIBIT "A"

PARCEL I

That certain lot of land described as beginning at the point of intersection of the North line of Old Pass Christian Road with the East line of the roadway (sometimes referred to as North Burke Avenue or Street) deeded to the Town of Long Beach, in Deed Book 297 at page 379, in the Town of Long Beach (which point is 1,126 feet, more or less North of the Center line of the right-of-way of the L&N Railroad), and from said point of beginning running thence Easterly along the North margin, being along a line which is approximately a distance of 350 feet more or less, to the East line of property of H.Y. Quarles Sr., being the point of beginning of the lot of land herein conveyed; running thence North 21 degrees 05 minutes West along the East line of said Quarles a distance of 300 feet; running thence Westery along a line which is parallel to the said North margin of Old Pass Christian Road, a distance of 70 feet; running thence South 21 degrees 05 minutes East a distance of 300 feet to the North margin of Old Pass Christian Road; running thence Easterly along the North margin of said Old Pass Christian Road a distance of 70 feet to the point of beginning;

Being a lot of land having a frontage of 70 feet on the North margin of Old Pass Christian Road and extending back Northerly therefrom between parallel lines a distance of 300 feet.

Being located in and a part of Lot 55 of the Henderson-Shipman-Hughes Partition of the claim of B. Pellerin, in Harrison County, Mississippi.

INDEXING:  
Part of Lot 55  
Henderson-Shipman-Hughes Survey

TITLE NOT EXAMINED

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

QUITCLAIM DEED

For and in consideration of Eighteen Thousand Dollars (\$18,000.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of same being hereby acknowledged, we, Larry Dale Edwards and Derek Christopher Edwards, do hereby grant, bargain, sell, convey, and quitclaim unto Michael David and Judi Kay Putnam David, as joint tenants with right of survivorship, our interest in the following described property situated in Long Beach, Harrison County, Mississippi, to-wit:

Beginning 140 feet Easterly of the intersection of the East margin of Burke Avenue and the North margin of East Old Pass Road; thence North 21 Degrees West a distance of 300 feet; thence run North 58 degrees East a distance of 125 feet; then South 21 degrees East a distance of 150 feet; thence run South 58 degrees West a distance of 60.63 feet; thence run South 21 degrees East a distance of 150 feet to the road; thence run Westery along the road 64.37 feet to the point of beginning, being part of Lot 55 Henderson-Shipman-Hughes Survey.

This conveyance is subject to any and all recorded restrictive easements, rights of way, covenants, and prior reservations of any oil, gas, minerals and other rights.

Witness our signatures, this the 14th day of April, 2014.

*Larry Dale Edwards*  
LARRY DALE EDWARDS

*Derek Christopher Edwards*  
DEREK CHRISTOPHER EDWARDS

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

INDEXING:  
Part of Lot 55  
Henderson-Shipman-Hughes Survey

TITLE NOT EXAMINED

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

QUITCLAIM DEED

For and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of same being hereby acknowledged, we, Larry Dale Edwards and Derek Christopher Edwards, do hereby grant, bargain, sell, convey, and quitclaim unto Michael David and Judi Kay Putnam David, as joint tenants with right of survivorship, our interest in the following described property situated in Long Beach, Harrison County, Mississippi, to-wit:

Beginning 140 feet Easterly of the intersection of the East margin of Burke Avenue and the North margin of East Old Pass Road; thence North 21 Degrees West a distance of 150 feet; thence run North 58 degrees East a distance of 64.37 feet; thence run South 21 degrees East a distance of 150 feet to the road; thence run Westerly along the road 64.37 feet to the point of beginning, being part of Lot 55 Henderson-Shipman-Hughes Survey.

This conveyance is subject to any and all recorded restrictive easements, rights of way, covenants, and prior reservations of any oil, gas, minerals and other rights.

Witness our signatures, this the \_\_\_\_14th\_\_ day of April, 2014.

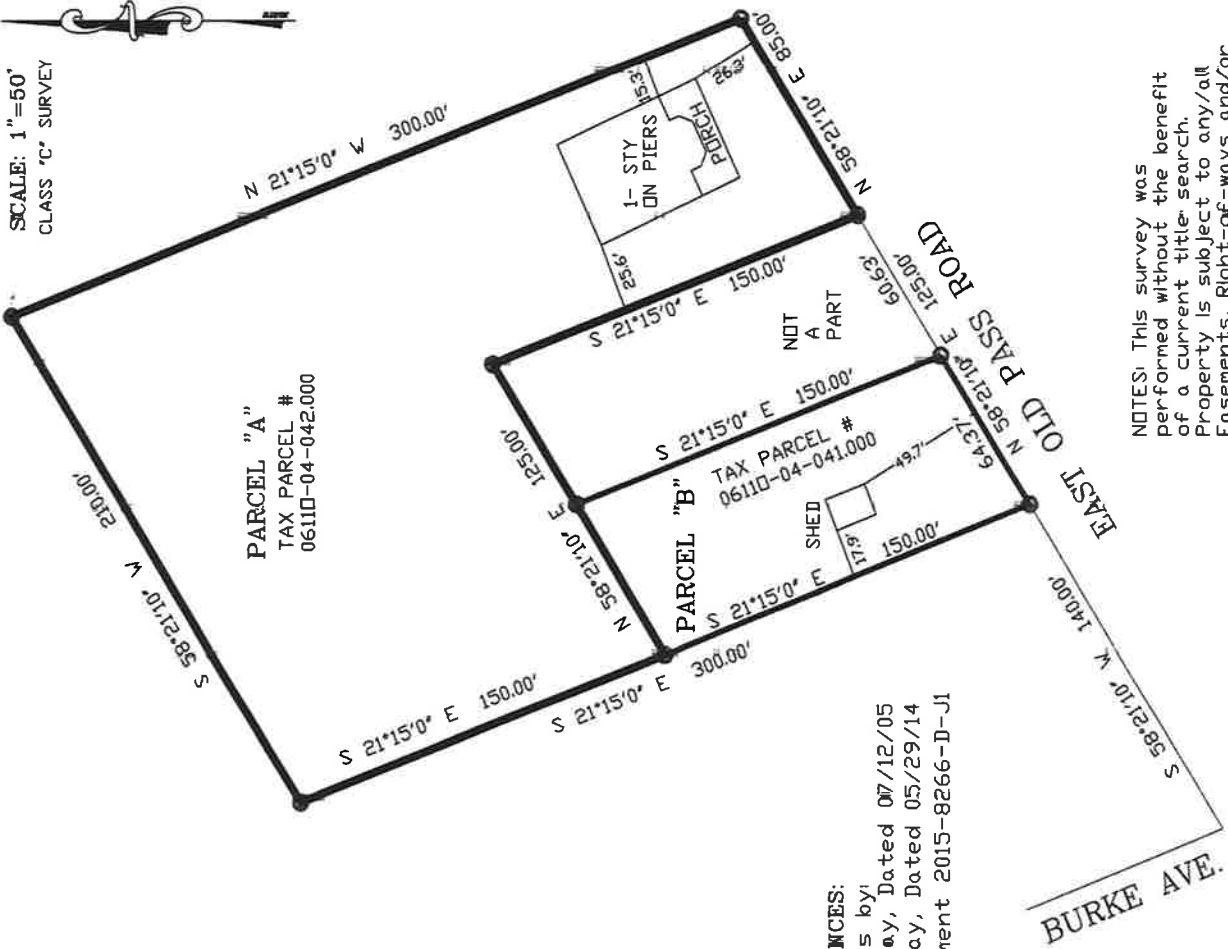
Larry Dale Edwards  
LARRY DALE EDWARDS

Derek Christopher Edwards  
DEREK CHRISTOPHER EDWARDS

MINUTES OF JUNE 25, 2020

REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION



NOTES: This survey was performed without the benefit of a current title search. Property is subject to any/all Easements, Right-of-ways and/or Restrictions on record. Base Bearing by Survey by Cassaday, Dated 07/12/05

REFERENCES:  
 Surveys by  
 Cassaday, Dated 07/12/05  
 Cassaday, Dated 05/29/14  
 Instrument 2015-8266-D-J1

SURVEY OF:

PARCEL "A"

A parcel of land situated and being located in a part of Lot 55 of the HENDERSON-SHIPMAN-HUGHES PARTITION of the B. Pellerin Claim, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows:  
 Commencing at the intersection of the easterly margin of Burke Avenue with the northerly margin of East Old Pass Road; thence run N58°21'10"E 140.0 feet, along the northerly margin of East Old Pass Road; thence run N21°15'00"W 150.00 feet to the POINT OF BEGINNING; thence continue N21°15'00"W 150.00 feet; thence run N58°21'10"E 210.00 feet; thence run S21°15'00"E 300.00 feet to the northerly margin of East Old Pass Road; thence run S58°21'10"W 85.00 feet along the northerly margin of East Old Pass Road; thence run N21°15'00"W 150.00 feet; thence run S58°21'10"W 125.00 feet to the Point of Beginning.

PARCEL "B" AS RECORDED

Beginning 140 feet Easterly of the intersection of the East margin of Burke Avenue and the north margin of East Old Pass Road; thence N21°00"W a distance of 150 feet; thence run N58°00"E a distance of 64.37 feet; thence run S21°00"E a distance of 150 feet to the Road; thence run Westerly along the road 64.37 feet to the Point of Beginning, being part of Lot 55 Henderson-Shipman-Hughes Survey.

CERTIFICATION

This is to CERTIFY that I have surveyed the property hereon described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief.

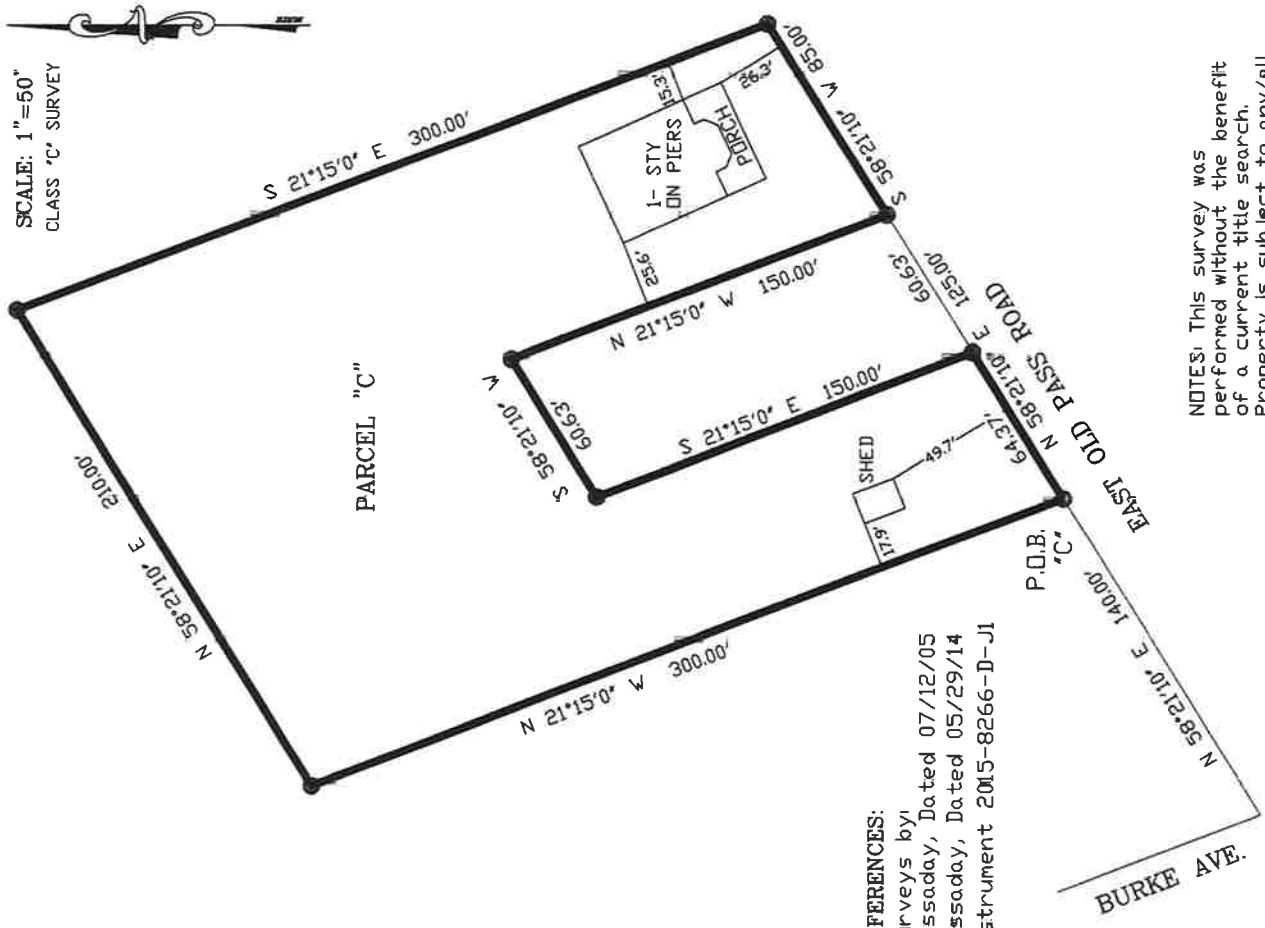
*Larry R. Smith*  
 Larry R. Smith P.L.S. # 02695 Dated: 02/26/2020



This property is located in Zone(s) "X", as published by the Federal Insurance Administration, Official Flood Hazard Map, Community Panel Number 28047C0357G, revised 06/16/2009

**LARRY SMITH**  
**LAND SURVEYING**  
 105 N. KERN DRIVE GULFPORT MS. 39503 PHONE: (228) 832-9643  
**BOUNDARY, TOPOGRAPHIC**  
**CONSTRUCTION LAYOUT**

**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**REFERENCES:**  
 Surveys by  
 Cassaday, Dated 07/12/05  
 Cassaday, Dated 05/29/14  
 Instrument 2015-82666-D-J1

**NOTES:** This survey was performed without the benefit of a current title search. Property is subject to any/all Easements, Right-of-ways and/or Restrictions on record. Base Bearing by Survey by Cassaday do /12/2005

**SURVEY OF:**

**PARCEL "A"**

A parcel of land situated and being located in a part of Lot 55 of the HENDERSON-SHIPMAN-HUGHES PARTITION of the B. Pellerin Claim, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows:

Commencing at the intersection of the southerly margin of Burke Avenue with the northerly margin of East Old Pass Road; thence run N88°21'10" E 140.00 feet, along the northerly margin of East Old Pass Road; thence run N21°15'00" W 300.00 feet to the POINT OF BEGINNING; thence run S21°15'00" E 300.00 feet to the northerly margin of East Old Pass Road; thence run N21°15'00" W 85.00 feet along the northerly margin of East Old Pass Road; thence run N21°15'00" W 150.00 feet along the northerly margin of East Old Pass Road; thence run S58°21'10" W 60.63 feet; thence run S21°15'00" E 150.00 feet to the northerly margin of East Old Pass Road; thence run S58°21'10" W along the north margin of East Old Pass Road a distance of 64.37 feet to the Point of Beginning.

**PARCEL "B" AS RECEIVED**

Beginning 40 feet easterly of the intersection of the southerly margin of Burke Avenue and the northerly margin of East Old Pass Road; thence run N21°15'00" W a distance of 100 feet; thence run S58°21'10" W a distance of 64.37 feet; thence run S58°21'10" W a distance of 100 feet to the POINT OF BEGINNING; thence run N21°15'00" W 300.00 feet to the northerly margin of East Old Pass Road; thence run S58°21'10" W 60.63 feet; thence run S21°15'00" E 150.00 feet to the northerly margin of East Old Pass Road; thence run S58°21'10" W along the north margin of East Old Pass Road a distance of 64.37 feet to the Point of Beginning.

**PARCEL "C"**

A parcel of land situated and being located in a part of Lot 55 of the HENDERSON-SHIPMAN-HUGHES PARTITION of the B. Pellerin Claim, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows:  
 Commencing at the intersection of the easterly margin of Burke Avenue with the northerly margin of East Old Pass Road; thence run N58°21'10" E 140.00 feet, along the northerly margin of East Old Pass Road; thence run N21°15'00" W 300.00 feet; thence run N58°21'10" E 210.00 feet; thence run S21°15'00" E 300.00 feet to the northerly margin of East Old Pass Road; thence run S21°15'00" W 85.00 feet along the northerly margin of East Old Pass Road; thence run N21°15'00" W 150.00 feet along the northerly margin of East Old Pass Road; thence run S58°21'10" W 60.63 feet; thence run S21°15'00" E 150.00 feet to the northerly margin of East Old Pass Road; thence run S58°21'10" W along the north margin of East Old Pass Road a distance of 64.37 feet to the Point of Beginning.

**CERTIFICATION**

This is to CERTIFY that I have surveyed the property hereon described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief:

*Larry R. Smith*  
 Larry R. Smith P.L.S.: # 02695 Dated: 02/26/2020



This property is located in Zone(s) "X", as published by the Federal Insurance Administration, Official Flood Hazard Map, Community Panel Number 28047C0557G, revised 06/16/2008

**LARRY SMITH LAND SURVEYING**  
 105 IN DRIVE GULFPORT MS. 39503 PHONE: (228) 832-9640

**BOUNDARY, TOPOGRAPHIC CONSTRUCTION LAYOUT**

MINUTES OF JUNE 25, 2020  
REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

CERTIFICATE OF RESUBDIVISION

In accordance with Article II, Section 3 of the Code of Ordinance (Subdivision Regulations) of the City of Long Beach as amended, it is hereby certified that the Long Beach Planning Commission Chairman and Long Beach Mayor and Board of Aldermen have reviewed and approved the attached Final Plat. The following property has been combined from Harrison County ad Valorem tax parcel number(s) 06110-04-042000 and 06110-04-041000 into one new Parcel as shown. The subject property is generally described as being located on the North margin of East Old Pass Road, 140 feet East of Burke Avenue.

LEGAL DESCRIPTIONS PRIOR TO RESUBDIVISION

PARCEL "A" Harrison County Tax Parcel # 06110-04-042000

A parcel of land situated and being located in a part of Lot 55 of the HENDERSON-SHIPMAN-HUGHES PARTITION of the B. Pellerin Claim, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows:  
Commencing at the intersection of the easterly margin of Burke Avenue with the northerly margin of East Old Pass Road; thence run N58°21'10"E 140.0 feet, along the northerly margin of East Old Pass Road; thence run N21°15'00"W 150.00 feet to the POINT OF BEGINNING; thence continue N21°15'00"W 150.00 feet; thence run N58°21'10"E 210.00 feet; thence run S21°15'00"E 300.00 feet to the northerly margin of East Old Pass Road; thence run S58°21'10"W 85.00 feet along the northerly margin of East Old Pass Road; thence run N21°15'00"W 150.00 feet; thence run S58°21'10"W 125.00 feet to the Point of Beginning.

PARCEL "B" Harrison County Tax Parcel # 06110-04-041000

Beginning 140 feet Easterly of the intersection of the East margin of Burke Avenue and the north margin of East Old Pass Road; thence N21°00"W a distance of 150 feet; thence run N58°00"E a distance of 64.37 feet; thence run S21°00"E a distance of 150 feet to the Road; thence run Westerly along the road 64.37 feet to the Point of Beginning, being part of Lot 55 Henderson-Shipman-Hughes Survey.

LEGAL DESCRIPTIONS - ONE NEW PARCEL

PARCEL "C"

A parcel of land situated and being located in a part of Lot 55 of the HENDERSON-SHIPMAN-HUGHES PARTITION of the B. Pellerin Claim, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows:  
Commencing at the intersection of the easterly margin of Burke Avenue with the northerly margin of East Old Pass Road; thence run N58°21'10"E 140.0 feet, along the northerly margin of East Old Pass Road; thence run N21°15'00"W 300.00 feet; thence run N58°21'10"E 210.00 feet; thence run S21°15'00"E 300.00 feet to the northerly margin of East Old Pass Road; thence run S58°21'10"W 85.00 feet along the northerly margin of East Old Pass Road; thence run N21°15'00"W 150.00 feet; thence run S58°21'10"W 150.00 feet to the North margin of East Old Pass Road; thence run S58°21'10"W along the north margin of East Old Pass Road a distance of 64.37 feet to the Point of Beginning.

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the Owner of the property described hereon, which property is within the subdivision jurisdiction of the City of Long Beach, and that I freely adopt this plan of Subdivision.

*Michael J. David*  
Michael J. David  
Date: 4/29/20

Subscribed and sworn to before me, in my presence this 29 day of April, 2020, a

Notary Public in and for the County of *Mississippi*, State of *Mississippi*

*David N. Peirce*  
NOTARY PUBLIC  
My Commission Expires: *Aug 14, 2020*

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the Owner of the property described hereon, which property is within the subdivision jurisdiction of the City of Long Beach, and that I freely adopt this plan of Subdivision.

*Judy R. David*  
Judy R. David  
Date: 4/29/20

Subscribed and sworn to before me, in my presence this 29 day of April, 2020, a

Notary Public in and for the County of *Mississippi*, State of *Mississippi*

*David N. Peirce*  
NOTARY PUBLIC  
My Commission Expires: *Aug 14, 2020*

CERTIFICATE OF SURVEY AND ACCURACY

I hereby certify that the map drawn by me or drawn under my supervision from actual survey made by me or actual survey made under my supervision and was prepared in accordance with all applicable codes and ordinances. Witness my original signature, registration number and seal this 29 day of April, 2020.

*Larry R. Smith*  
LARRY R. SMITH Ms. PLS #02695

CERTIFICATE OF APPROVAL

I hereby certify that the Minor Subdivision shown on this plat does not involve the creation of new public Streets, or any change in existing public Streets, the extension of public water or sewer system or the installation of drainage improvements through one or more lots to serve one or more lots. That the subdivision shown is in all respects in compliance with the City ordinances of Long Beach and that therefore this plat has been approved by the administrator subject to its being recorded in the Harrison County Courthouse within (60) days of the date below.

Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

PLANNING COMMISSION

Subject to and approved by the City of Long Beach Planning Commission at the regularly scheduled meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Planning Commission Chairman

APPROVAL: Submitted to and accepted by the City of Long Beach, Board of Aldermen, at the regular meeting of said Board of Aldermen held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
ATTEST:

City Clerk: \_\_\_\_\_ Mayor: \_\_\_\_\_



**MINUTES OF JUNE 25, 2020  
REGULAR MEETING  
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

161 Lameuse St., Suite 203  
Biloxi, MS 39530  
228-967-7137



**OVERSTREET  
& ASSOCIATES**  
CONSULTING ENGINEERS

630 Delmas Ave., Suite B  
Pascagoula, MS 39567  
228-967-7137

June 11, 2020

City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560

**RE: Certificate of Subdivision - Tax Parcel Nos. 06110-04-042.00 & 06110-04-041.000**

Ladies and Gentlemen:

We have received a Certificate of Subdivision for the referenced parcels which have existing frontage on E. Old Pass Rd., just east of N. Burke Ave. The proposed subdivision simply combines them into a single parcel. The Certificate itself appears to contain all appropriate certifications.

Although no additional water or sewer services are anticipated at this lot, approval of the subdivision should be subject to the payment of any required tapping fees or special connection fees as determined by the City's Public Works department.

Sincerely,

David Ball, P.E.

DB:539

### **Tina Dahl**

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**From:** Joe Culpepper <joculpepper@cableone.net>  
**Sent:** Tuesday, June 2, 2020 8:06 AM  
**To:** 'Tina Dahl'; 'David Ball'  
**Cc:** jan@cityoflongbeachms.com  
**Subject:** RE: Certificate of Resubdivision, 204 & 208 East Old Pass Road

I see no need for a special tap as for the request is to join two parcels into one.

Joe Culpepper P.E.



404 Kohler Street Long Beach, MS 39560  
P.O. Box 591 Long Beach, MS 39560  
228-863-0440 – Fax 228-865-7844

After considerable discussion, and recommendation made by the City Engineer, Commissioner Seal made motion, seconded by Commissioner Hansen recommending approval of the resubdivision in accordance with the Subdivision Regulation, Article II.

REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION  
MINOR AND MAJOR SUBDIVISION GENERAL REGULATIONS, and the question

being put to a roll call vote by the Chairman, the results are as follows:

Commissioner Shawn Barlow	voted	Aye
Commissioner Jeff Hansen	voted	Aye
Commissioner Eddie Seal	voted	Aye
Commissioner Larry Ward	voted	Nay
Commissioner Kevin McKenzie	voted	Aye
Commissioner Junior Husband	voted	Aye
Commissioner Marcia Kruse	voted	Aye

The question having received the Affirmative vote of a majority of the Commissioners present and voting, the Chairman declared the motion carried.

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There being no further business to come before the Planning and Development Commission at this time, Commissioner Seal made motion, seconded by Commissioner Husband and unanimously carried to adjourn the meeting until the next regular scheduled meeting in due course.

APPROVED:

\_\_\_\_\_  
Commission Chairman Frank Olaivar

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Kini A. Gonsoulin, Deputy City Clerk