

**MINUTES OF OCTOBER 11, 2012
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Be it remembered that a regular meeting of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 6:00 o'clock p.m., Thursday, the 11th day of October 2012, 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 meeting.

There was present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Tony Vancourt, Jim Heinzl, Ron Robertson, Tonda Yandell, Planning Commission Advisor Bill Hessell and Minutes Clerk Veronica Howard.

Commissioners George Casey and Randy Fischer were absent the meeting.

* * * * *

Noted for the record the resignation of Commissioner Gretchen Loftus, Ward 3.

* * * * *

The meeting was called to order, there being a quorum present and sufficient to transact the business of this meeting, the following proceedings were had and done.

Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried to approve the following as submitted:

- September 27, 2012 regular meeting minutes;
- September 27, 2012 Work Session minutes;
- October 1, 2012 Work Session minutes;
- October 2, 2012 work session minutes;
- October 3, 2012 work session minutes; and
- October 4, 2012 work session minutes;

* * * * *

It came for consideration under Unfinished Business the Long Beach Unified Development Ordinance and Zoning Map.

Work Session was scheduled for Monday, October 22, 2012; 5:30p.m.; City Hall Meeting Room; 201 Jeff Davis Avenue for the purpose of discussing the Long Beach Unified Development Ordinance and the Long Beach Zoning Map.

* * * * *

It came for consideration under New Business a tree removal request for a Live Oak Tree at 718 South Forest Avenue submitted by Ivy Jenkins-Prudhomme as follows:

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LONG BEACH PLANNING COMMISSION**



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

****WHAT TYPE OF TREE ARE YOU REQUESTING TO BE REMOVED?** Live Oak
i.e. Live Oak, Magnolia, etc.

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.

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.

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.

APPLICANT INFORMATION:

1. Last Name: W Jenkins - First: WJ Middle: Jean
2. Address: 718 Prudhomme S. Forest Ave.
3. City: Long Beach State: MS Phone: 547-1442
718 South Forest Ave 05110-03-043.000
Project Address (where the trees to be removed are) Tax Parcel Number

4. 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. Please provide a recorded warranty deed.
5. 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. Causing damage to roof, foundation, driveway, trees cause water to gather against residence (plumbing)

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.

** 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.

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 owners agent for the herein described work.

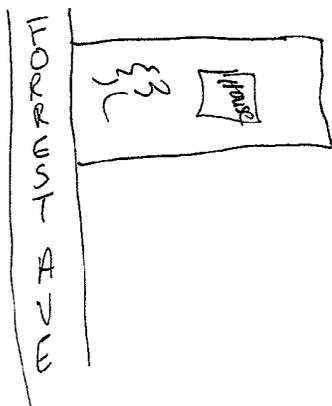
Signature DJ Jenkins Date 9.27.12

OVER →

**MINUTES OF OCTOBER 11, 2012
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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.



CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:

No objection

Dyann Lentz *Dyann Lentz*
Robert Morrison *R Morrison*

PRINTED NAME AND SIGNATURE OF TREE BOARD MEMBER

DATE

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Additional Parcel Information

Parcel #: 05110-03-043.000 PPIN: 41341

Owner: PRUDHOMME IVY JEAN & GREGORY

Location and Mailing Information

Physical Address: 718 FOREST AVE

Mailing Address: 718 S FOREST AVE

State: MS City: LONG BEACH Zip: 39560

Section: 10 Township: 08 Range: 12

Parcel Area Measurements

Deed Acreage:

Structure Sq. Ft.: 1518

Adjusted Sq. Ft.:

2nd Floor Sq. Ft.:

Structure Year Built.: 1968

Assessment Values

Land: 28750

Improved: 87475

Total: 116225

Assessed: 11623

Misc. Information

Judicial District: 1

Subdivision: PECAN PARK UNIT 1

Tax District:

Assessment Information

Homestead Code: 4

Exemption Code: 0

THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY. HARRISON COUNTY ASSUMES NO LEGAL RESPONSIBILITIES FOR THE INFORMATION CONTAINED ON THIS MAP.

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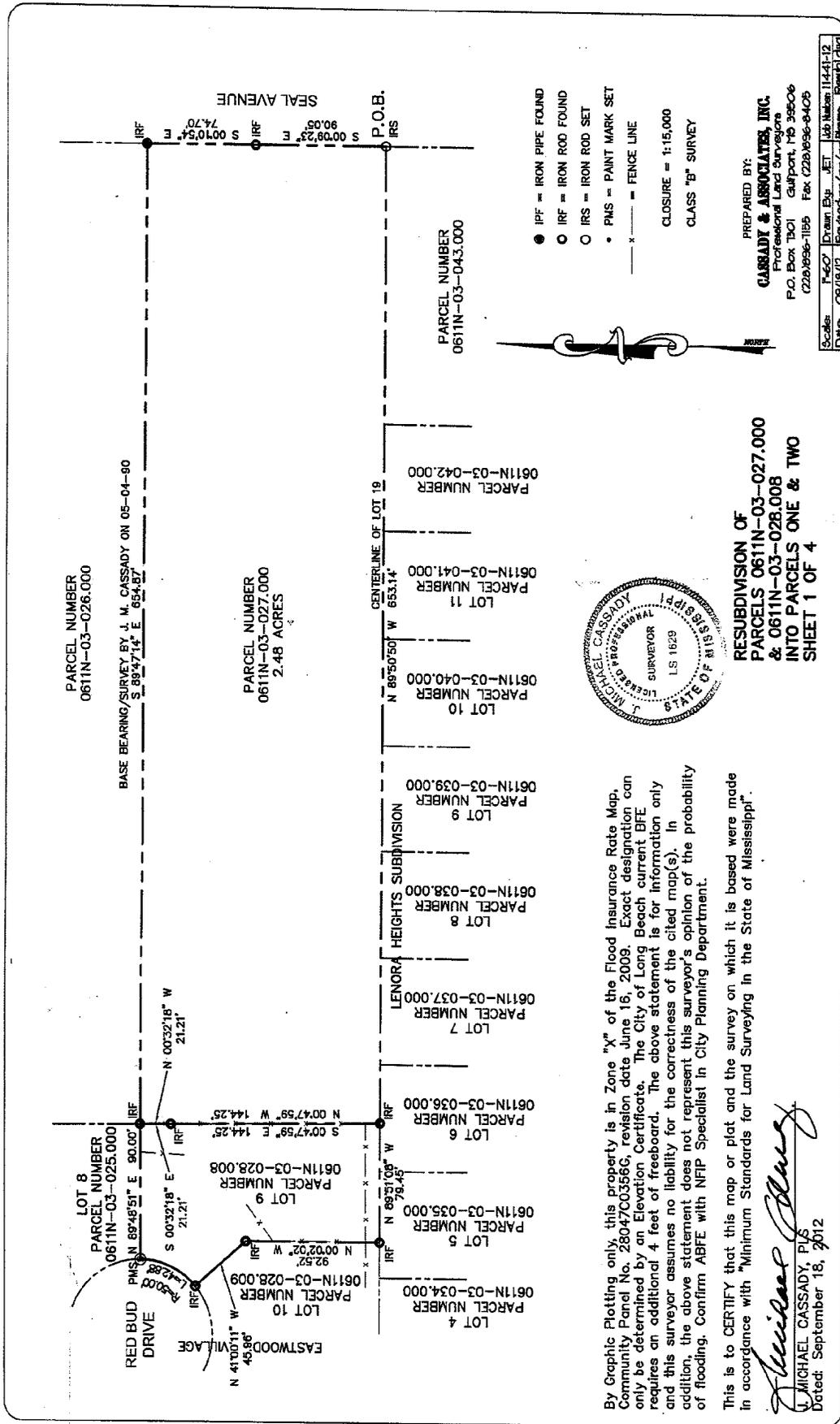
Commissioner Heinzl, Certified Arborist, stated he observed the trees (3) and he's in agreeance that the co-dominant, tree on the left side of the three (3) trees should be removed.

Based upon the Long Beach Tree Board's recommendation and Commissioner's Heinzl statement, Commissioner Heinzl made motion, seconded by Commissioner Vancourt and unanimously carried recommending removal of the aforementioned one (1) tree.

It came for consideration a Certificate of Resubdivision for property at 340 Seal Avenue submitted by S & P Properties as follows:

	<p>CITY OF LONG BEACH PLANNING DEPARTMENT 645 KLONDYKE ROAD / PO BOX 929 LONG BEACH, MS 39560 (228) 863-1554</p>	<p style="text-align: right; margin: 0;">Office use only</p> <p>Date Received _____</p> <p>Zoning _____</p> <p>Agenda Date _____</p> <p>Check Number _____</p>
<u>APPLICATION FOR CASE REVIEW</u>		
<p>I. TYPE OF CASE: CERTIFICATE OF RESUBDIVISION</p>		
<p>II. ADVALOREM TAX PARCEL NUMBER(S): <u>0611N-03-027.000</u></p>		
<p>III. GENERAL LOCATION OF PROPERTY INVOLVED: <u>EAST BY SEAL AVENUE; WEST BY EASTWOOD VILLAGE SD; SOUTH BY LENDRA HEIGHTS SD</u></p>		
<p>IV. ADDRESS OF PROPERTY INVOLVED: <u>*340 SEAL AVENUE</u></p>		
<p>V. GENERAL DESCRIPTION OF REQUEST: Resubdivision of <u>AN EXISTING PARCEL</u> Into <u>TWO (2) PARCELS</u></p>		
<p>VI. REQUIRED ATTACHMENTS: A. Resubdivision Survey and Certificate (see attached example) 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.</p>		
<p>***NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.</p>		
<p>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 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.</p>		
<p>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.</p>		
<p><u>S & P PROPERTIES, INC.</u> Name of Rightful Owner (PRINT)</p>	<p>_____ Name of Agent (PRINT)</p>	
<p><u>19017 PINEVILLE ROAD</u> Owner's Mailing Address</p>	<p>_____ Agent's Mailing Address</p>	
<p><u>LONG BEACH, MS 39560</u> City State Zip</p>	<p>_____ City</p>	<p>_____ State</p>
<p><u>228-596-7046</u> Phone</p>	<p>_____ Phone</p>	
<p>_____ Signature of Rightful Owner</p>	<p>_____ Signature of Applicant</p>	<p>_____ Date</p>
<p><u>PAUL G. DAURO, PRESIDENT</u></p>		

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CERTIFICATE OF RESUBDIVISION

In accordance with Article II, Section 3 of the Code of Ordinances (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 subdivided from Harrison County of valorem tax parcel numbers 0611N-03-027.000 and 0611N-03-028.008 into two new parcels. The subject property is generally described as being located adjacent to Seal Avenue.

LEGAL DESCRIPTION OF LANDS PRIOR TO THIS RESUBDIVISION:

PARCEL NO. 0611N-03-027.000 (S & P PROPERTIES, INC.)

A parcel of land situated and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as:

Beginning at the Southeast corner of the North ½ of Lot 19 of SEAL'S SUBDIVISION in the Southwest ¼ of the Southeast ¼ of Section 11, Township 8 South, Range 12 West (being a point on the West margin of Seal Avenue), and from said Point of Beginning, running North 00 degrees 13 minutes 14 seconds West 164.75 feet along the West margin of Seal Avenue, thence run North 89 degrees 49 minutes 50 seconds East 187.00 feet to the East line of EASTWOOD VILLAGE, thence run South 00 degrees 47 minutes 59 seconds East 144.25 feet along the East line of EASTWOOD VILLAGE to the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION; thence run South 89 degrees 49 minutes 39 seconds East 653.14 feet along the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION to the West margin of Seal Avenue and the Point of Beginning. The area being about some 10.7 acres, as shown on Plat Book 330-531, Land Deed Records of Harrison County, Mississippi, First Judicial District. Said parcel contains 107,978 square feet or 2.48 acres.

PARCEL NO. 0611N-03-028.008 (MARCIA KRUSE)

Lot 9, EASTWOOD VILLAGE (Plat Book 36, Page 19), City of Long Beach, First Judicial District of Harrison County, Mississippi. Said parcel contains 14,149 square feet.

LEGAL DESCRIPTIONS OF THE (2) NEW PARCELS READ AS FOLLOWS:

LEGAL DESCRIPTION OF PARCEL ONE:

A parcel of land situated and being located in the North ½ of Lot 19, SEAL'S SUBDIVISION in the Southwest ¼ of the Southeast ¼ of Section 11, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the intersection of the centerline of said Lot 19 with the westerly margin of Seal Avenue; thence run from said point, North 89 degrees 50 minutes 50 seconds West 390.51 feet along the centerline of said Lot 19 and the north line of LENORA HEIGHTS SUBDIVISION to the Point of Beginning; thence continue North 89 degrees 50 minutes 50 seconds West 282.63 feet along the centerline of said Lot 19 and the north line of LENORA HEIGHTS SUBDIVISION to the Southeast corner of Lot 9, EASTWOOD VILLAGE (Plat Book 36, Page 19); thence run North 00 degrees 47 minutes 59 seconds East 187.00 feet to the East line of said Lot 19; thence run South 89 degrees 49 minutes 39 seconds East 187.00 feet to the West margin of Seal Avenue; thence run South 00 degrees 47 minutes 59 seconds East 284.33 feet; thence run South 00 degrees 10 minutes 04 seconds East 185.16 feet to the Point of Beginning.

AND ALSO:

Lot 9, EASTWOOD VILLAGE (Plat Book 36, Page 19), City of Long Beach, First Judicial District of Harrison County, Mississippi. Said parcel contains 57,709 square feet or 1.32 acres.

LEGAL DESCRIPTION OF PARCEL TWO:

A parcel of land situated and being located in the North ½ of Lot 19, SEAL'S SUBDIVISION in the Southwest ¼ of the Southeast ¼ of Section 11, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Beginning at the intersection of the centerline of said Lot 19 with the westerly margin of Seal Avenue; thence run from said Point of Beginning, North 89 degrees 50 minutes 50 seconds West 390.51 feet along the centerline of said Lot 19 and the north line of LENORA HEIGHTS SUBDIVISION; thence run North 00 degrees 04 minutes 04 seconds West 165.16 feet; thence run South 89 degrees 47 minutes 14 seconds East 390.52 feet to the westerly margin of Seal Avenue; thence run South 00 degrees 09 minutes 25 seconds East 90.05 seconds East 74.70 feet along the westerly margin of Seal Avenue; thence run South 00 degrees 09 minutes 25 seconds East 90.05 feet along the westerly margin of Seal Avenue to the Point of Beginning. Said parcel contains 6,148 square feet or 1.18 acres.

**RESUBDIVISION OF
PARCELS 0611N-03-027.000
& 0611N-03-028.008
INTO PARCELS ONE & TWO
SHEET 3 OF 4**

PREPARED BY:

CASADY & ASSOCIATES, INC.
Professional Land Surveyors

P.O. Box 1301 Gulfport, MS 39506
228/896-1155 Fax: 228/896-8406

Scale:	1"=50'	Drawn By:	JET	Job Number:	1441-12
Date:	09/19/12	Reviewed by:	---	Planner:	Randy C. Long

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CERTIFICATE OF OWNERSHIP:

I hereby certify that S & P Properties, Inc is owner of the property described hereon, which property is within the subdivision regulatory jurisdiction of the City of Long Beach, and that I freely adopt this plan of subdivision.

Paul G. Douro
Paul G. Douro, President
Subscribed and sworn to before me, in my presence this 03 day of October, 2012.
Date: Oct. 3, 2012

Conrad J. Duro
Conrad J. Duro, Notary Public
Notary Public
My Commission Expires: 03-15-2015

and for the



CERTIFICATE OF SURVEY AND ACCURACY:

I hereby certify that this 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 applicable codes and ordinances. Witness my original signature, registration number and seal this the 28th day of Sept, 2012.

Michael Cassady
Michael Cassady, Notary Public
Notary Public
Registration No. 16229

Subscribed and sworn to before me, in my presence this 28 day of Sept, 2012, a Notary Public in and for the County of Harrison, State of Mississippi.



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 systems, or the installation of drainage in the City 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 sixty (60) days of the date below.

Walter H. O.
Walter H. O., Administrator
Date: 10/03/2012

PLANNING COMMISSION:

Submitted to and approved by the City of Long Beach Planning Commission at the regularly scheduled meeting on the _____ day of _____, 2012.

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 _____, 2012.

ATTEST:

City Clerk

Prepared by:
City of Long Beach
Planning Commission
201 Jeff Davis Avenue
Long Beach, MS 39560
228-563-1554

Mayor

**RESUBDIVISION OF
PARCELS 0611N-03-027.000
& 0611N-03-028.008
INTO PARCELS ONE & TWO
SHEET 4 OF 4**

PREPARED BY:
CASSADY & ASSOCIATES, INC.
Professional Land Surveyors
P.O. Box 1901 Gulfport, MS 39506
(228) 936-1155 Fax (228) 936-6405

Scale: 1"=60' Drawn By: JET Job Number: 11441-12
Date: 09/18/12 Revised: —/—/— Name: Randy King

MINUTES OF OCTOBER 11, 2012
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SCANNED



J. Davis 1st Judicial District
Instrument 2011 2184 B -JT
Filed/Recorded 3/28/2011 11:05 A
Total Fees \$ 12.00
6 Pages Recorded

REVIEWED

PREPARED BY AND RETURN TO:

DAVIS & DAVIS, P.L.L.C.
Christopher A. Davis
Ms. Bar No. 9274
2550 Marshall Rd., Ste. 300
Biloxi, Ms 39531
(228) 275-9922
File No: 500-030

*Indep. Dist. Part of lot 19 Leas. S/O Sect. 11, T8S, R 12W
Harrison Co., 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 which is hereby acknowledged, the undersigned, We, **TINA COPELAND FOR EILEEN P. KANE**, pursuant to Rule 70 of the Mississippi Rules of Civil Procedure, AND **TINA COPELAND, 908 Beatrice Drive, Long Beach, MS 39560 (228)806-2317** as Grantors, do hereby sell, convey and warrant unto **S & P PROPERTIES, INCORPORATED, 20020 Pineville Rd., Long Beach, MS 39560 (228)596-7046**, as Grantee, the following described land and property, located and being situated in the First Judicial District of Harrison County, Mississippi, and more particularly described as follows, to wit:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

THIS CONVEYANCE IS SUBJECT to any and all recorded restrictive covenants, rights-of-way, easements and the prior reservations of all oil, gas, and other minerals.

2

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TAXES FOR THE CURRENT YEAR have been prorated as to this date on an estimated basis, and are hereby assumed by the Grantees herein.

WITNESS MY SIGNATURE, this the 4th day of March, 2011.

Tina Copeland
TINA COPELAND FOR EILEEN P.
KANE, pursuant to Rule 70 of the Mississippi
Rules of Civil Procedure.

Tina Copeland
TINA COPELAND

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid jurisdiction, the within named **TINA COPELAND FOR EILEEN P. KANE** pursuant to Rule 70 of the Mississippi Rules of Civil Procedure, who acknowledged to and before me that she signed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned, after first being duly authorized to due so.

GIVEN under my hand and official seal of office, this 4 day of March, 2011.

My Commission Expires: 8/19/2013
ID # 50003
ROWENA F. D'ANGELO
Commission Expires
Aug. 19, 2013
HARRISON COUNTY

Rowena D'Angelo
Notary Public

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid jurisdiction, the within named **TINA COPELAND**, who acknowledged to and before me that she signed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned.

GIVEN under my hand and official seal of office, this 4th day of March, 2011.

My Commission Expires: 8/19/2013
ID # 50003
ROWENA F. D'ANGELO
Commission Expires
Aug. 19, 2013
HARRISON COUNTY

Rowena D'Angelo
Notary Public

**MINUTES OF OCTOBER 11, 2012
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CONTRACT FOR THE SALE AND PURCHASE OF REAL ESTATE

The undersigned Seller agrees to sell to the undersigned Buyer who agrees to buy, the herein described property on the terms and conditions stated below.

1. DESCRIPTION: The West one acre of tax map number 0611N-03-027.000, City of Long Beach, Harrison County, Mississippi (to be determined by survey being prepared by Michael Cassidy, RLS)

2. PRICE: THE PURCHASE PRICE OF THE PROPERTY IS [REDACTED]

Payable as follows:

With a cash down payment of 2,000 \$ [REDACTED]

And balance payable as follows cash at closing \$ [REDACTED]

3. TAXES: Taxes for the current year are to be pro-rated as of closing date.

4. HAZARD INSURANCE: by purchaser at closing

5. TITLE: The Seller is to furnish Warranty Deed. Reasonable time shall be allowed for examination of title. Should examination of title reveal defects which can be cured, the Seller hereby obligates himself (themselves) to cure same as expeditiously as possible, and to execute and tender Warranty Deed in accordance with the terms thereof.

6. POSSESSION: Possession of said property is to be delivered at closing

7. DEPOSIT: Purchaser has deposited with seller, the sum of \$2,000.00 as earnest money, which shall be held in a non-interest bearing account. The same is to be applied to the cash down payment on closing of this transaction. If the title is not insurable as represented herein and cannot be cured or Seller is otherwise incapable of performing this contract, the earnest money is to be returned to the Purchaser. If title is found to be insurable as represented herein and the Purchaser is approved on any loan specified as a contingency in this contract, and if Purchaser fails to perform the terms of this contract, the Seller shall have the option of treating the said earnest money as liquidated damages for said breach; or, if he deems his actual damages to be in excess thereof, he may institute suit therefore in any court of competent jurisdiction, giving credit on said damages for said earnest money, specific performance being the essence of this contract.

8. OFFER: This offer is good and irrevocable until 15 Nov, 2012 at noon

9. TIME OF CLOSING: The sale is to be closed within 45 from the date of acceptance of this contract by Buyer and Seller, or as soon thereafter as said insurable title can be effective, as hereinabove provided.

10. SPECIAL PROVISIONS: Buyer and seller shall split closing costs 50-50.

If Buyer fails to perform this contract within the time provided through no fault of Seller, it is agreed that from the earnest money deposit, the survey fee of \$1,750.00 shall be forfeited to Seller and the balance of earnest money returned to Buyer.

It is agreed and understood that the sale is contingent upon The Citizens Bank agreeing to release this one-acre from an existing mortgage for a release fee of [REDACTED] to be paid by Seller.

This sale is contingent upon the City of Long Beach approving the creation of this one-acre lot.

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11. **ACCEPTANCE:** The Buyer hereby represents that he has personally inspected and examined the above mentioned premises and all improvements thereon and accepts the property in its as is and present condition. Neither party has relied upon any statement or representation not embodied in this contract made by the other party. The provisions of this contract shall apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto.

12. **DAMAGE BY FIRE, ETC.:** This contract is further conditioned upon delivery of the improvements in their present condition, and in the event of material damage by fire or otherwise, before closing, Purchaser may declare the contract void and shall be entitled to the return of his earnest money, or Purchaser may elect to complete the transaction in accordance with this contract, provided the property is restored by Seller at Seller's expense prior to closing of the sale. In the event of material damage by fire or otherwise before closing, the Seller may declare the contract void and return the earnest money.

13. **ATTORNEY'S FEES:** If it becomes necessary to insure the performance of the conditions of this contract to employ an attorney, then the defaulting parties agree to pay reasonable attorney fees and court costs therewith.

14. **STATEMENT:** Each undersigned party to this transaction acknowledges that he has read and understands this contract, and hereby acknowledges the receipt of a copy of this document. When herein used the singular includes the plural, and the masculine includes the feminine.

WITNESS OUR SIGNATURES this 17TH day of SEPT, 2012.

SELLERS

Paul G. Dauro
Signature

PAUL G. DAURO
Print Name

SS#

President S&P
Signature
Properties Inc.

Print Name
SS# 68-0565264

TAX ID#

Mailing Address:

19017 PINEVILLE RD.
LONG BEACH, MS. 39560
Telephone 228-596-7046

PURCHASERS

M.A. Kruse
Signature

M.A. KRUSE
Print Name

SS#

Signature

Print Name
SS#

Mailing Address:

19015 REDBUD DR
LONG BEACH, MS 39560
Telephone 228-313-8938

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A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS

520 33RD STREET
GULFPORT, MS 39507

TEL (228) 863-0667
FAX (228) 863-5232

October 11, 2012

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

RE: Certificate of Resubdivision – Tax Parcel No. 0611N-03-027.000

Ladies and Gentlemen:

We have received the referenced Certificate of Resubdivision and have reviewed it for compliance with the City's ordinances. Although the Certificate claims to be a subdivision of two existing parcels (one parcel on Seal Ave. and one parcel on Red Bud Dr.) into two newly shaped parcels, in actuality, it is a subdivision only of the parcel on Seal Avenue. The subdivision will create two parcels: Parcel One, a 1.00 acre lot, and Parcel Two, a 1.48 acre lot.

The parcels created by the subdivision will meet the City's minimum requirements, with one exception: Parcel One will have no frontage on an improved City street. It is my understanding that this subdivision is intended to create a parcel which can be sold to the owner of Lot 9 on Red Bud Drive, creating a larger parcel. However, by the strictest understanding of the City's ordinance, this subdivision does not conform.

The form of the Certificate appears to be in order and it appears to have all appropriate certifications. We take no exception to the subdivision, except for the creation of a lot with no frontage on an improved City street.

Sincerely,

David Ball, P.E.

DB:539

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After Review and discussion regarding the subdivision creating a lot that would have no street frontage; non-conforming to the City 's Subdivision Ordinance, as stated in the City Engineer's letter above, Commissioner Robertson made motion seconded by Commissioner Heinzl and unanimously carried recommending approval of the Certificate of Resubdivision contingent upon Parcel "A" and Parcel Number 0611N-03-028.008 being combined; therefore becoming one (1) lot.

It came for consideration Planning Commission Approval for a home occupation w/ the use of a vehicle or trailer, in accordance with Ordinance 562, Section 913.0 Vehicles and Trailers, at 313 Woodcrest Drive submitted by Michael Montalto as follows:

**MINUTES OF OCTOBER 11, 2012
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**



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

HOME OCCUPATION APPLICATION

Home Occupation is any occupation within a dwelling and clearly incidental thereto, carried on by a member of the family residing on the premises provided that no other person not a resident of premises is employed, that no stock in trade is kept or commodities sold, no mechanical equipment is used except such that is normally used for family, domestic or household purposes, and there is no exterior indication other than a sign permitted by the district regulations, that the building is being used for any purpose other than a dwelling.

***NOTE:** Please attach a copy of your recorded warranty deed or a copy of a valid lease; if such dwelling is being leased/rented a written letter from the landlord granting permission must be attached to this application.

Fee: Attach a check in the amount of \$80.00, this is the application fee for the Home Occupation, checks should be made payable to the City of Long Beach. Your privilege license will cost you \$20.00.

<p align="center">OWNER(S) INFORMATION:</p> <p><u>MONTALTO MICHAEL C.</u> Last Name First M.I.</p> <p><u>313 WOODCREST DR. Long Beach</u> Address Tax Parcel Number</p> <p>Phone: <u>(228) 343-4769</u></p>	<p align="center">BUSINESS INFORMATION:</p> <p>Business Name: <u>Gulf Coast Carpet Care, LLC</u></p> <p>Description/Type of Business: <u>Carpet, Tile, Grout Cleaning</u></p> <p>Social Security Number OR Mississippi Sales Tax I.D. Number <u>107-66-5574</u></p>
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*Is there a vehicle and/or trailer associated with this Home Occupation? Yes No, if yes, **approval must be granted by the Planning Commission** pursuant to Zoning Ordinance #344, Article IX, Section 912, as amended by Ordinance 562, Section 913.0 Vehicles and Trailers. Please attach a site plan detailing the property dimensions, abutting streets, all buildings, driveways, and proposed parking of all vehicles. The site plan will address where vehicles, equipment and supplies will be stored. The business shall be limited to one (1) work vehicle (no greater in capacity of size and weight than a one-ton pick-up truck) and one (1) trailer (no longer than twenty-four (24) feet.) a work trailer must be parked in the rear of property only and screened from view of adjacent neighbors. Storage of equipment or supplies must be kept within the confines of the work vehicle, trailer, or the principle structure. No repairs of equipment or vehicles for the business will be conducted on the property. The business must comply with all other zoning and building code requirements.

***NOTE* APPLICATION MUST INCLUDE ALL LISTED DOCUMENTS.**

READ BEFORE EXECUTING. Attendance by the applicant(s) at the meeting is mandatory; however, the applicant may designate a representative to attend the meeting 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 meeting. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the 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 seven (7) days before the 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

*I have read, understand and am willing to comply with Zoning Ordinance No. 344 Article IX, Section 912. HOME OCCUPATION, as amended by Ordinance 562 (attached).

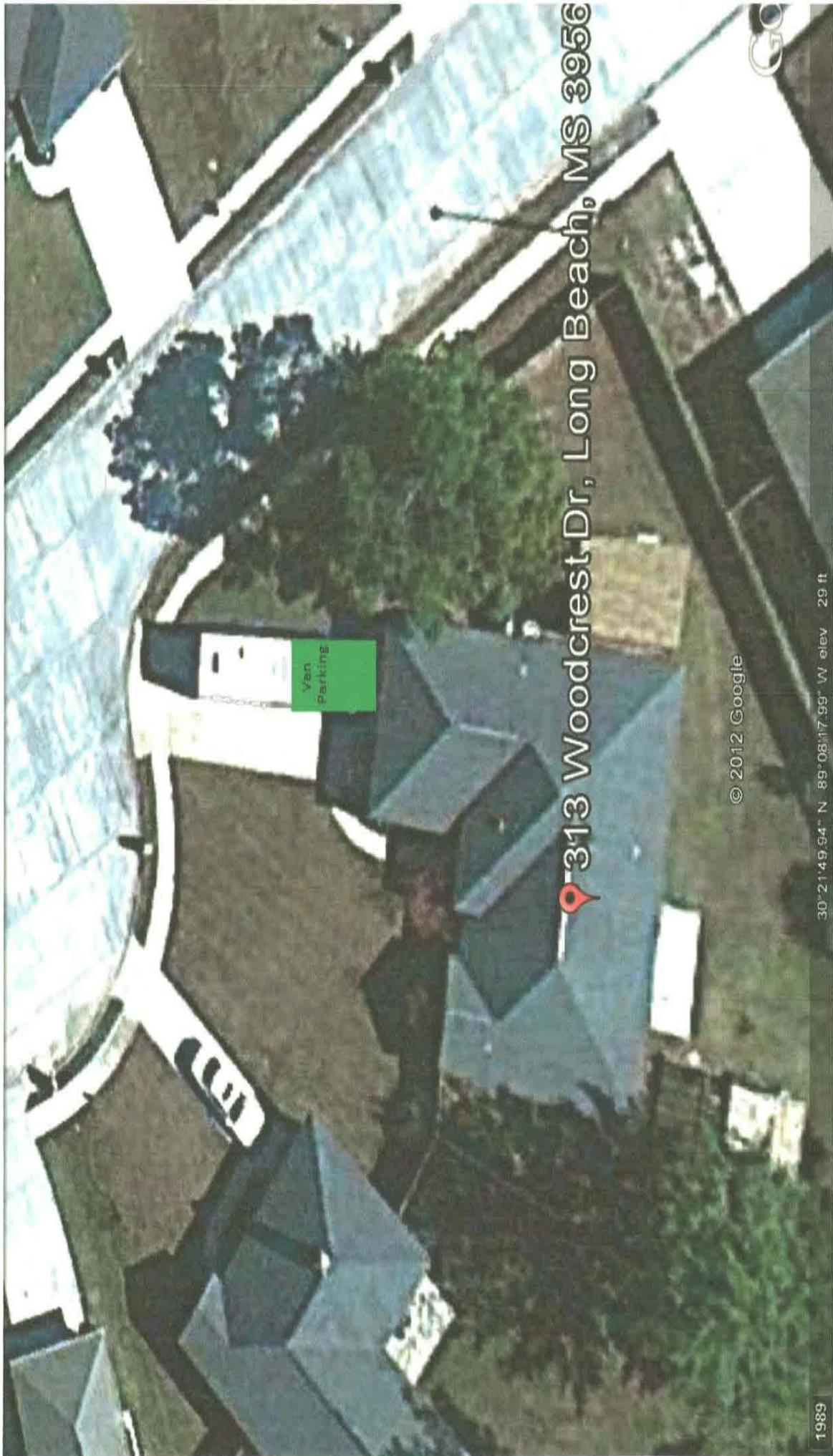
Michael Montalto
Signature

5-OCT-12
Date

OFFICE USE ONLY

Date Received: 10/5 Zoning: R-1 Agenda Date: 10/11 Check Number: 2551

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STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid this date, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, JUSTIN S. ABBOTT and STACIE M. ABBOTT, Grantor, do hereby sell, convey and warrant unto MICHAEL CLAYTON MONTALTO, Grantee, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

Lot Thirty (30), WOODCREST 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 41 at Page 17 thereof, reference to which is hereby made in aid of and as a part of this description.

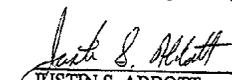
It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis and are assumed by the Grantee. When said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to pay on the basis of an actual proration.

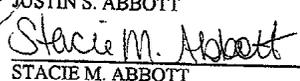
This conveyance is made expressly subject to any and all restrictive covenants, rights-of-way, easements, and mineral reservations and any other rights now of

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record which effect the above described property.

WITNESS OUR SIGNATURES, this the 21ST day of September, 2007.



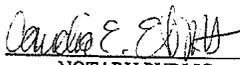
JUSTIN S. ABBOTT


STACIE M. ABBOTT

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public in and for the above named jurisdiction, the within named, JUSTIN S. ABBOTT and STACIE M. ABBOTT, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein stated.

Given under my hand and seal, this the 21st day of September, 2007.



NOTARY PUBLIC



My Commission Expires:

INDEX AS FOLLOWS:

GRANTOR ADDRESS:
313 WOODCREST DRIVE
LONG BEACH, MS 39560

GRANTEE ADDRESS:
313 WOODCREST DRIVE
LONG BEACH, MS 39560

PREPARED BY:
Law Offices of
LAURA F. PAULK, PLLC
16127 ORANGE GROVE ROAD
GULFPORT, MS 39503
228-331-1818
LFP FILE NO.: 0703192

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After review of the application Commissioner Yandell made motion seconded by Commissioner Heinzl and unanimously carried recommending approval of the Home Occupation.

There being no further business to come before the Planning Commission at this time Commissioner Yandell made motion seconded by Commissioner Robertson and unanimously carried to adjourn the meeting until the next regularly scheduled meeting in due course.

APPROVED:

Chairman, Frank Olaiivar

Date: _____

ATTEST:

Veronica Howard, Minutes Clerk