



**PLANNING COMMISSION MEETING AGENDA
CITY OF OCEAN SPRINGS
PLANNING COMMISSION
TUESDAY, JUNE 10, 2025 - 6:00 PM**

1. Call Meeting to Order

2. Approval of Minutes

- a. May 13, 2025

3. Old Business

- a. Public Hearing: 901 Bienville Blvd. northwest corner of Bienville Blvd. and Washington Ave.- Requesting the Vacation of Alley; abutting PIDN: 60119054.000, 60119056.000, 60119058.000, 60119046.000, 60119042.000, 60119048.000, 60119050.000 - Tom Davies
- b. Public Hearing: Spring Plaza Subdivision – 1515 Bienville Blvd – PIDN: 61265011.000 – Request approval for a Minor Subdivision of a 3-lot subdivision – Zoning: C-H Regional Commercial – Abe Karmel

4. New Business

- a. Public Hearing: North side of Bienville Blvd; between Lakeview Drive and MS Hwy 57 – PIDN: 61104005.000 – Request for a Conditional Use Permit (CUP) to build a mixed-use development for retail and residential use – Zoning: C-H Regional commercial - Sawgrass Development, LLC
- b. Public Hearing: 3419 Bienville Blvd - PIDN: 60127491.050 - Request approval of a Commercial Subdivision Final Plat - Zoning: C-H Regional Commercial District - KD Ocean Springs, LLC
- c. Public Hearing: 4005 Government St - PIDN: 60127030.040 - Request approval for a Minor Subdivision of a 2-lot subdivision - Zoning: R-1 Low Density Single Family - Roland Williams
- d. Public Hearing: Sells St; located between 132 Pine Drive and 140 Pine Drive – Requesting the Vacation of Right of Way – Zoning: R-1 Low Density Single Family - Jacklyn Wrigley & Erich Nichols
- e. Public Hearing: 1209 Robinson Street – PIDN: 60119434.000 – Request a zone change from R-D Two Family Residential to CMX-2 Community Commercial/Mixed Use – Zoning: R-D Two Family Residential - Lloyd Vincent Thurmon

- 5. General Public Comment**
- 6. Commissioner's Forum**
- 7. Adjourn**

The Minutes of the City of Ocean Springs
Planning Commission
Tuesday, May 13, 2025

1. Call Meeting to Order

A meeting of the City of Ocean Springs Planning Commission was called to order by Chairman Andy Phelan at 6:00 p.m. on Tuesday April 8, 2025. The members present were Matthew Hinton, Kevin O'Connell, Joey Conwill and Joeseeph McCormick and Marshall Johnson. Absent Nicholaus Geiser. Also present was Wade Morgan Planning Director, Planning Administrator Hannah Sullivan, and City Attorney Will Norman.

2. Approval of Minutes:

- a) April 8, 2025
- b) A motion was made by Matthew Hinton, seconded by Joey Conwill to accept the minutes from April 8, 2025 , as submitted. The motion carried unanimously.

3. Old Business:

- a) **DEFERRED: Public Hearing:** 901 Bienville Blvd. northwest corner of Bienville Blvd. and Washington Ave.- Requesting the Vacation of Alley; abutting PIDN: 60119054.000, 60119056.000, 60119058.000, 60119046.000, 60119042.000, 60119048.000, 60119050.000 - Tom Davies

Planning Director Wade Morgan explained that the city is conducting research on that alley and is not ready to proceed.

4. New Business:

- a) **Public Hearing:** Spring Plaza Subdivision – 1515 Bienville Blvd – PIDN: 61265011.000 – Request approval for a Minor Subdivision of a 3-lot subdivision – Zoning: C-H Regional Commercial – Abe Karmel

A motion was made by Matthew Hinton and seconded by Kevin O'Connell to open public hearing. The motion was carried unanimously. A motion was made by Kevin O'Connell and seconded by Joey Conwill to close public hearing.

A motion was made by Matthew Hinton and seconded by Joey Conwill to table the vacation of the alley until the access easement and the sewer line are agreeable by the city and both parties. This will be reviewed at the next planning commission May 13, 2025.

- a. **Public Hearing: 241 Lovers Lane – PIDN: 61465013.100– Katherine Vidrine – Approval of a Short-Term Rental Permit**

A motion was made by Kevin O'Connell and seconded by Joseph McCormick to open public hearing. The motion was carried unanimously. Tom Sematook, Ray wise, Paul Broussard, Renne Mitchel, Bil Yockey, Jenny Boskovich, Karen Stennis, George Thamer spoke against the short term rental permit. A motion was made by Matthew Hinton and Joseph McCormick to close public hearing. The motion carried unanimously. A motion was made by Kevin O'Connell and seconded by Joseph McCormick to recommend approval of the short term rental permit. The motion carried unanimously.

5. General Public Comment

6. Commissioners Forum –

Matthew Hinton discussed wanting to freeze any additional new permits from being issued and would like to discuss the short-term rental ordinance with the board and redraft the ordinance. It was suggested that we add an item for the next Planning Commission meeting to discuss ideas for the short-term rental ordinance before presenting it to the board.

7. Adjourn

A motion was made by Kevin O'Connel seconded by Joseph McCormick to adjourn the meeting. The motion carried unanimously.

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

PLANNING COMMISSION REPORT

PUBLIC MEETING DATES: June 10, 2025
April 8, 2025: First presented – Planning Commission
May 6, 2025: Appeal – Board of Aldermen – Sent back to PC

APPLICANT: Tom Davis (Manager)/Cardiff Development Partners

PROPERTY OWNERS: Angela Taylor (owns 4 abutting lots)
60119058.000, 60119056.000, 60119054.000 & 60119048.000
Sherry Owen (owns 1 abutting lot)
60119050.000

REQUESTED ACTION: Vacation of a City Right of Way (ROW)

DATE OF REQUEST: March 3, 2025

LOCATION: ROW that runs north from Bienville Blvd

PARCEL NUMBERS:
West of Alley – 60119058.000, 60119056.000, & 60119054.000
East of Alley – 60119048.000 & 60119050.000

DESCRIPTION OF REQUEST:
Vacate a City Right of Way that runs north from Beinville Blvd between the five (5) parcels. A convenience store is proposed for the property.

ADJACENT ZONING AND LAND USE:
Subject Property: C-H Regional Commercial/Commercial Mixed-Use District
Boat repair shop/An Active sanitary sewer is withing the ROW.
North: C-H Regional Commercial
South: C-H Regional Commercial
East: C-H Regional Commercial
West: C-H Regional Commercial



BIENVILLE BLVD



WASHINGTON AVE



FINDINGS:

- The ROW is an active sewer easement.
- On October 6, 2020, the Board of Aldermen approved the abandonment of an adjacent east-west running unnamed alley.
- Properties North, West, and East of the alley are zoned CH which does not have a minimum lot size but has a minimum lot width of 25 feet.
 - Each parcel closest to Bienville Blvd is approximately 133 feet (60119054.000) and 113 feet (60119050.000) wide with the alley in the middle.
 - If the alley is vacated and the properties are reconfigured the newly created parcel would be approximately 273 feet wide.
- Properties surrounding the alley include:
 - West: 60119058.000, 60119056.000, & 60119054.000
 - East: 60119048.000 & 60119050.000
 - North: 816 Church Ave & 1109 Washington Ave

- Affidavits approving the vacating of the alley have been signed by property owners of the five (5) parcels to the West and East of the alley and one (1) property owner from the North located at 816 Church Ave.
- New public notices were mailed out on May 23, 2025, and new signs were posted on the property.
- A title opinion was received from Sullivan Law Firm, PLLC on June 5, 2025.
 - The title opinion concluded that "Based on the records found and reviewed, the area encompassing the Alley and surrounding properties has not been formally platted as a subdivision."

CITY DEPARTMENT COMMENTS:

PROJECT MANAGER:

- The developer has to purchase all of the parcels that tie into the sewer main between the end of the sewer main and the north property line of parcel 60119048.000.
- The developer has to install a manhole within the easement where the purchased property meets the adjacent property (basically at the north parcel line of the parcels purchased).

GRANTS ADMINISTRATOR:

- This is the same ROW that has been brought up periodically for the last 15 years. The issue would be the existing utility lines – I believe it's a sewer main.

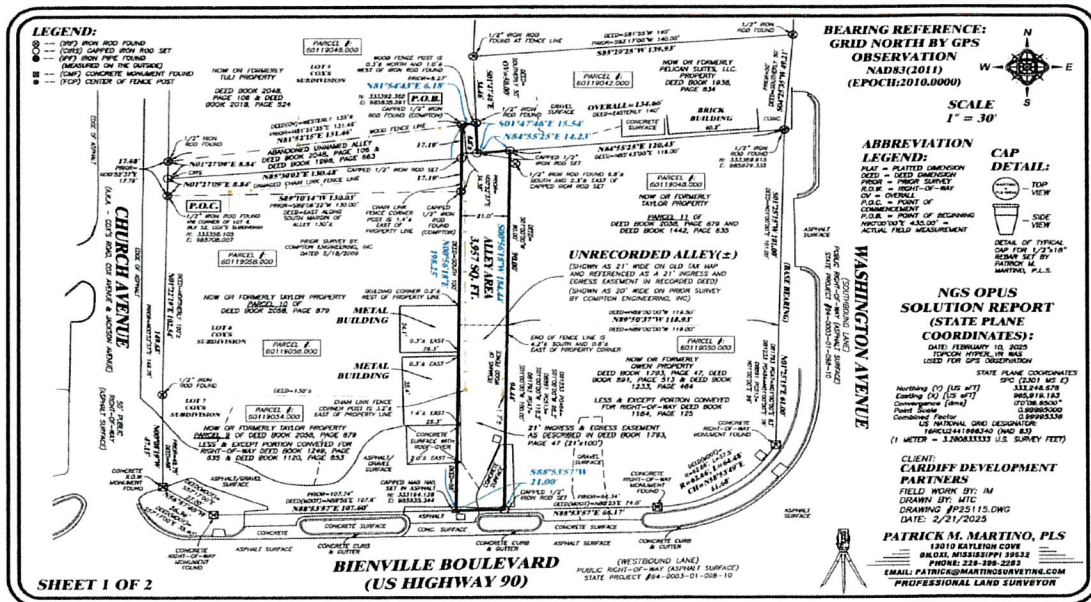
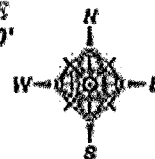




EXHIBIT NOTE:

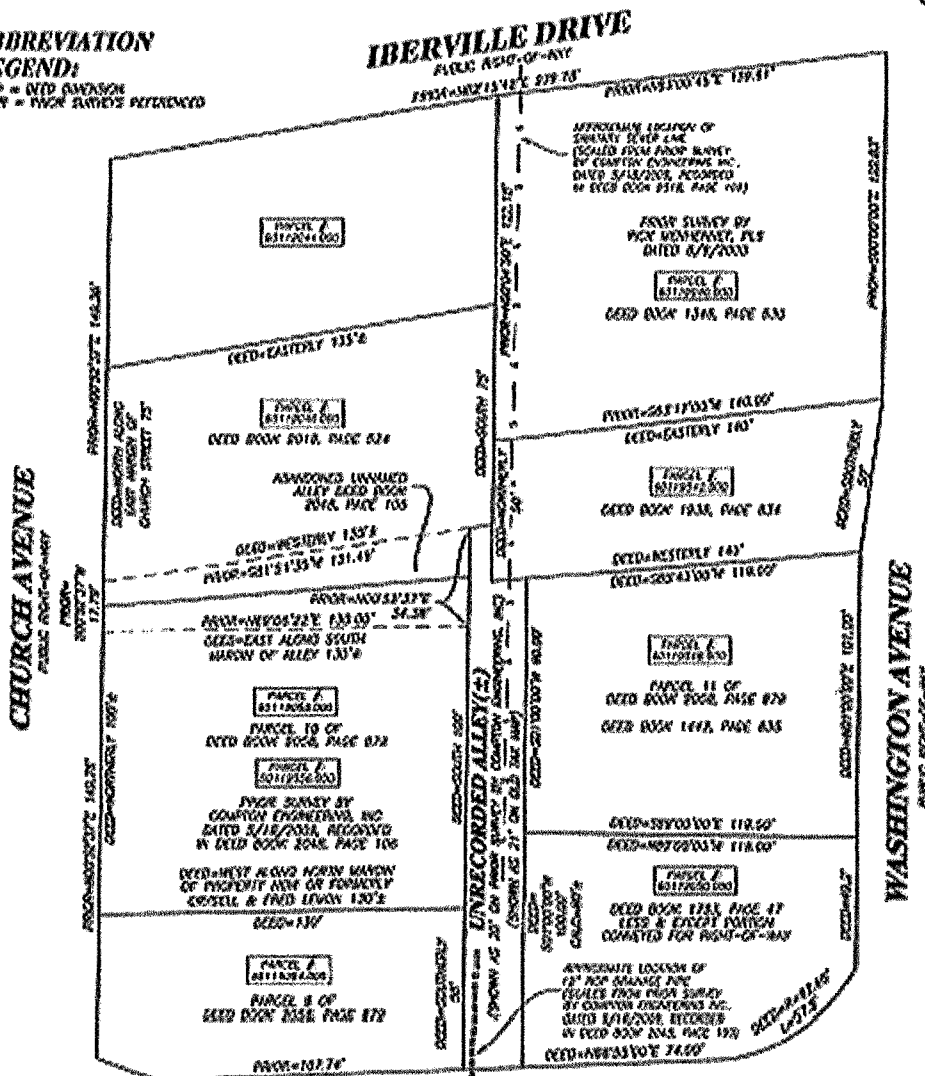
THIS IS AN EXHIBIT DRAWING FOR DISCUSSION PURPOSES ONLY AND DOES NOT REPRESENT ANY FORM OF WARRANTY SURVEY. INFORMATION SHOWN HEREON IS BASED ON DEEDS AND IS BASED ON A COMPARISON OF DEED INFORMATION, PRIOR SURVEYS AND TAX MAP. REMARKS & BOUNDARY SURVEY SHOULD NEED TO BE PERFORMED FOR ACTUAL TRUE BEARINGS AND DIMENSIONS.

SCALE
1" = 40'



ABBREVIATION LEGEND:

DEED = DEED REFERENCE
PAGE = PAGE SURVEY'S REFERENCE



CLIENT:
**CARDIFF
DEVELOPMENT
PARTNERS**
COMMIT DRAWN BY: NTC
DRAWING #P241437.CWG
DATE: 12/17/2024

**BIENVILLE BOULEVARD
(US HIGHWAY 90)**
PUBLIC RIGHT-OF-WAY

REFERENCE MATERIALS:

- 1.) JACKSON COUNTY TAX AND GIS MAPS.
- 2.) PRIOR SURVEY BY CORTON ENGINEERING, INC. DATED MAY 18, 2000.
- 3.) PRIOR SURVEY BY RSC MONROVET, PLS. DATED JUNE 9, 2000.
- 4.) DEED BOOK 1049, PAGE 332
- 5.) DEED BOOK 1253, PAGE 47
- 6.) DEED BOOK 1256, PAGE 824
- 7.) DEED BOOK 2018, PAGE 824
- 8.) DEED BOOK 2046, PAGE 106
- 9.) DEED BOOK 2055, PAGE 879
- 10.) DEED BOOK 1346, PAGE 633
- 11.) DEED BOOK 1418, PAGE 633
- 12.) DEED BOOK 1253, PAGE 188
- 13.) ALL INFORMATION AS SHOWN HEREON.

AN EXHIBIT DRAWING UTILIZING
DEED INFORMATION, PRIOR SURVEYS
AND TAX MAP DISTANCES TO SHOW
THE APPROXIMATE LOCATION OF AN
UNRECORDED ALLEY AND THE
SURROUNDING PARCELS. PARCELS
SITUATED IN SECTION 19, TOWNSHIP
7 SOUTH, RANGE 8 WEST, JACKSON
COUNTY, MISSISSIPPI



PATRICK M. MARTINO, PLS
13016 KAYLEIGH COYE
BILLOXT, MISSISSIPPI 39632
PHONE: 228-266-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR

PUBLIC FEEDBACK:

1. Daniel & Melissa Burton – March 20, 2025 – email attached
2. Daniel & Melissa Burton – April 4, 2025 – see attachment
3. David Wheeler – June 4, 2025 – see attachment
4. Clay Harrison – June 5, 2025 – see attachment
5. Tim Carlson – June 6, 2025 – see attachment
6. Angela Taylor Carroll – June 6, 2025 – see attachment

OTHER ATTACHMENTS:

1. Will Norman, City Attorney – June 6, 2025 – letter attached
2. Nicole Sullivan – June 5, 2025 – title opinion

POTENTIAL MOTIONS:

To recommend **approval** of the vacation of the unnamed right of way north from Bienville Blvd between parcels 60119058.000, 60119056.000, 60119054.000 & 60119048.000, 60119050.000.

– OR –

To recommend **denial** of the vacation of the right of way north from Bienville Blvd between parcels 60119058.000, 60119056.000, 60119054.000 & 60119048.000, 60119050.000.



2660 Townsgate Road, Suite 800
Westlake Village, CA 91361

805.496.6449

March 1, 2025

Mr. Wade Morgan
Interim Community Development and Planning Director
City of Ocean Springs
PO Box 1800
Ocean Springs, MS. 39566

Dear Mr. Morgan:

CDP Ocean Springs, LLC, a Mississippi limited liability company is under contract to purchase in two separate transactions with two separate owners the properties at the northwest corner of Bienville Boulevard and Washington Avenue. The specific parcels include APN 60119048.000, 60119050.000, 60119054.000, 60119056.000 and 60119058.000. The parcels are located on both sides of an unrecorded and unused alley that runs north from Bienville Boulevard.

For many years this significant parcel has remained undeveloped due to the ownership retained by different owners and the unrecorded alley dividing the property. We wish to acquire the properties and develop a use which will provide more jobs and greater tax revenue to the city. In order to do so, we are hereby requesting that the City of Ocean Springs vacate the unrecorded alley as shown on the exhibit attached to this letter. If you have any questions, please feel free to call me at 805 496 6449 or email me at tdavies@cardiffdp.com.

We will be forwarding via separate letter, affidavits in approval of this vacation by the abutting owners that have not yet been deeded a portion of the alley.

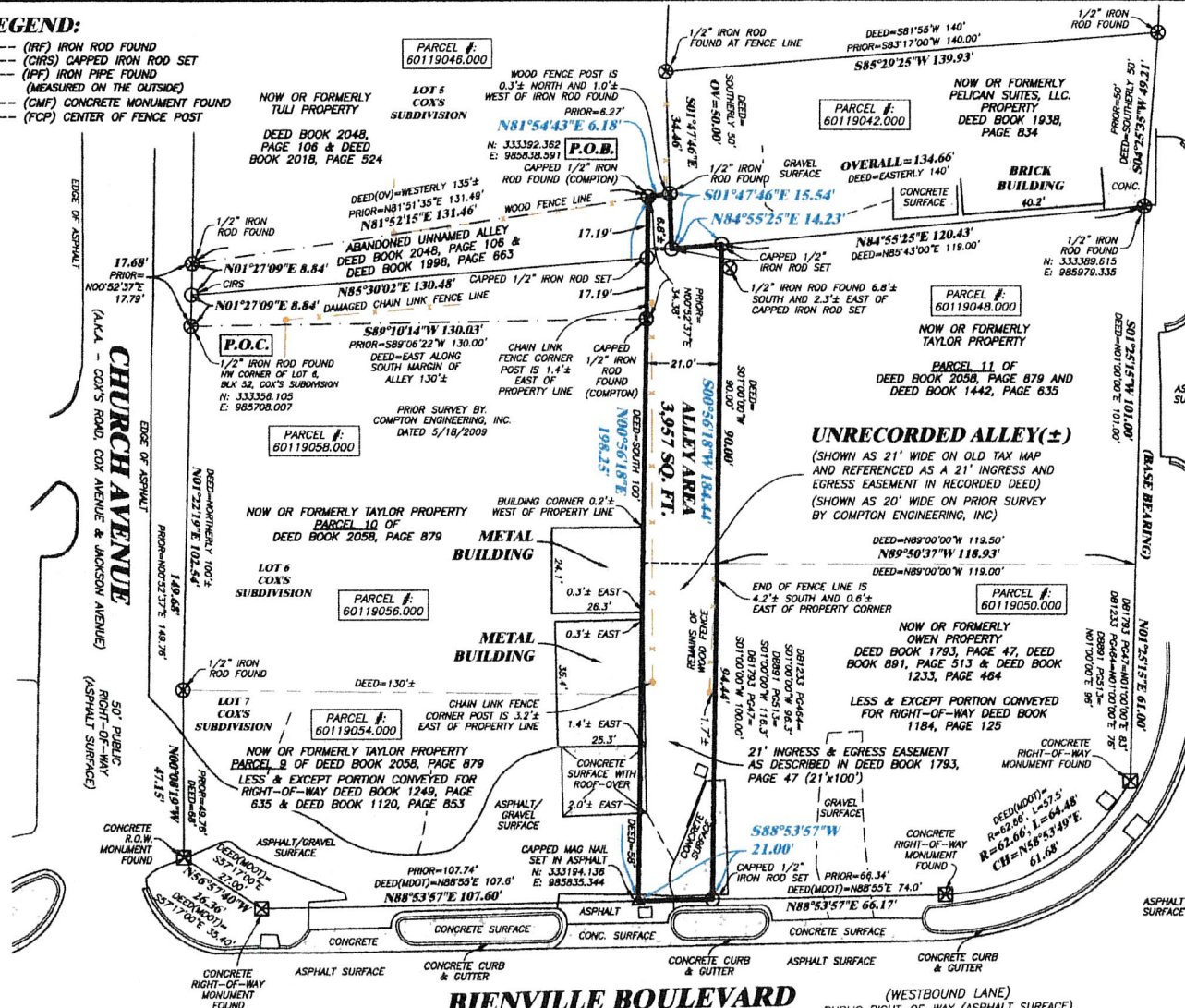
Very truly yours,

A handwritten signature in black ink, appearing to read "Tom", followed by a large, stylized oval flourish.

Tom Davies
Manager
CDP Ocean Springs, LLC

LEGEND:

- (IRF) IRON ROD FOUND
- (CIRS) CAPPED IRON ROD SET
- (IPF) IRON PIPE FOUND
- (CMF) CONCRETE MONUMENT FOUND
- (FCP) CENTER OF FENCE POST



SHEET 1 OF 2

BIENVILLE BOULEVARD
(US HIGHWAY 90)

**A SURVEY OF THE UNRECORDED ALLEY SITUATED
BETWEEN PARCELS #60119042.000, #60119048.000,
#60119050.000, #60119054.000, #60119056.000,
#60119058.000 & #60119046.000, CITY OF OCEAN
SPRINGS, JACKSON COUNTY, MISSISSIPPI**

UNRECORDED ALLEY

LEGAL DESCRIPTION: (AS PER SURVEY DIMENSIONS)

A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 8 WEST, CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI, AS SHOWN ON THE PLAT OF SURVEY PREPARED BY PATRICK M. MARTINO PLS, INC. DATED FEBRUARY 21, 2025 (SURVEY BASED ON THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM (EAST ZONE, NAD 83(2011)(EPOCH:2010.0000), GRID VALUES USING A SCALE FACTOR OF 0.99995000 AND A CONVERGENCE ANGLE OF 0°0'09.6500" DETERMINED SPECIFICALLY FOR THIS PROJECT USING GRID BEARINGS DERIVED FROM STATIC GPS OBSERVATIONS OF CONTROL POINTS OBTAINED BY AN OPUS SOLUTION, ALL LINES RELATIVE TO) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A 1/2" IRON ROD FOUND, SITUATED ALONG THE EAST MARGIN OF CHURCH AVENUE AT THE NORTHWEST CORNER OF LOT 6, BLOCK 52, COX'S SUBDIVISION, SAID IRON ROD ALSO BEING THE SOUTHWEST CORNER OF THE ABANDONED UNNAMED ALLEY, RECORDED IN DEED BOOK 2048, PAGE 106 AND DEED BOOK 1998, PAGE 663; THENCE ALONG SAID EAST MARGIN OF CHURCH AVENUE, N01°27'09"E 17.68 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID ABANDONED UNNAMED ALLEY; THENCE ALONG THE NORTH LINE OF SAID ABANDONED UNNAMED ALLEY, N81°52'15"E 131.46 FEET TO A CAPPED 1/2" IRON ROD FOUND (STAMPED: COMPTON) AT THE NORTHEAST CORNER OF SAID ABANDONED UNNAMED ALLEY, RECORDED IN DEED BOOK 2048, PAGE 106 AND DEED BOOK 1998, PAGE 663, SAID IRON ROD ALSO SITUATED ALONG THE SOUTH LINE OF PROPERTY NOW OR FORMERLY TULI, RECORDED IN DEED BOOK 2018, PAGE 524 AND IS THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH LINE OF TULI PROPERTY, N81°54'43"E 6.18 FEET TO A 1/2" IRON ROD FOUND, SITUATED ALONG THE WEST LINE OF PROPERTY NOW OR FORMERLY PELICAN SUITES, LLC, RECORDED IN DEED BOOK 1938, PAGE 834; THENCE ALONG SAID WEST LINE OF PELICAN SUITES, LLC, PROPERTY, S01°47'48"E 15.54 FEET TO A CAPPED 1/2" IRON ROD SET (STAMPED: MARTINO PLS 2838) AT THE SOUTHWEST CORNER OF SAID PELICAN SUITES, LLC, PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PELICAN SUITES, LLC, PROPERTY, N84°55'25"E 14.23 FEET TO A CAPPED 1/2" IRON ROD SET (STAMPED: MARTINO PLS 2838) AT THE NORTHWEST CORNER OF PROPERTY NOW OR FORMERLY TAYLOR, RECORDED AS PARCEL 11 OF DEED BOOK 2058, PAGE 879; THENCE ALONG THE WEST LINE OF SAID TAYLOR PROPERTY AND CONTINUE ALONG THE WEST LINE OF PROPERTY NOW OR FORMERLY OWEN, RECORDED IN DEED BOOK 1793, PAGE 47, LESS & EXCEPT PORTION CONVEYED FOR RIGHT-OF-WAY, S00°56'18"W 184.44 FEET TO A CAPPED 1/2" IRON ROD SET (STAMPED: MARTINO PLS 2838) AT THE SOUTHWEST CORNER OF SAID OWEN PROPERTY, SAID IRON ROD SET ALSO BEING SITUATED ALONG THE NORTH MARGIN OF BIENVILLE BOULEVARD (US HIGHWAY 90); THENCE ALONG SAID NORTH MARGIN OF BIENVILLE BOULEVARD (US HIGHWAY 90), S88°53'57"W 21.00 FEET TO A CAPPED MAG NAIL SET IN ASPHALT AT THE SOUTHEAST CORNER OF PROPERTY NOW OR FORMERLY TAYLOR, RECORDED AS PARCEL 9 OF DEED BOOK 2058, PAGE 879, LESS & EXCEPT PORTION CONVEYED FOR RIGHT-OF-WAY; THENCE ALONG THE EAST LINE OF SAID TAYLOR PROPERTY AND CONTINUE ALONG THE EAST LINE OF PROPERTY NOW OR FORMERLY TAYLOR, RECORDED AS PARCEL 10 OF DEED BOOK 2058, PAGE 879 AND ALSO THE EAST LINE OF THE ABANDONED UNNAMED ALLEY, RECORDED IN DEED BOOK 2048, PAGE 106 AND DEED BOOK 1998, PAGE 663, N00°56'18"E 198.25 FEET TO THE POINT OF BEGINNING, CONTAINING 3,957 SQUARE FEET.



SHEET 2 OF 2

GENERAL NOTES:

- 1.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ENVIRONMENTAL STUDY.
- 2.) THIS SURVEY IS SUBJECT TO ALL APPLICABLE ENVIRONMENTAL REGULATIONS, BUILDING RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS AND RIGHT-OF-WAY OF RECORD.
- 3.) THIS IS A CLASS "B" SURVEY ACCORDING TO THE STANDARDS SET FORTH IN THE CURRENT RULES AND REGULATIONS FOR SURVEYING WITHIN THE STATE OF MISSISSIPPI.
- 4.) RE-DIVISION OF THE PROPERTY IS SUBJECT TO CURRENT COUNTY SUBDIVISION AND ZONING REGULATIONS.

**NGS OPUS
SOLUTION REPORT
(STATE PLANE
COORDINATES):**

DATE: FEBRUARY 10, 2025
TOPCON HYPERLVR WAS
USED FOR GPS OBSERVATION

STATE PLANE COORDINATES
SPC (2301 MS E)

Northing (Y) [US MFT] 333,246.878
 Easting (X) [US MFT] 985,919.193
 Convergence [dms] 0°0'09.6500"
 Point Scale 0.99995000
 Combined Factor 0.99995338
 US NATIONAL GRID DESIGNATOR:
 16RCU2441666340 (NAD 83)
 (1 METER = 3.280833333 U.S. SURVEY FEET)

BOUNDARY NOTE:

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

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Patrick M. Martino

PATRICK M. MARTINO

2/17/2025

DATE OF FIELD SURVEY



**REFERENCE
MATERIALS:**

- 1.) JACKSON COUNTY TAX AND GIS MAPS.
- 2.) PRIOR SURVEY BY COMPTON ENGINEERING, INC. DATED MAY 18, 2008.
- 3.) PRIOR SURVEY BY RICK MENHENDIETT, PLS, DATED JUNE 9, 2000.
- 4.) DEED BOOK 1049, PAGE 552
- 5.) DEED BOOK 1120, PAGE 849
- 6.) DEED BOOK 1184, PAGE 125
- 7.) DEED BOOK 891, PAGE 513
- 8.) DEED BOOK 1120, PAGE 853
- 9.) DEED BOOK 1228, PAGE 102
- 10.) DEED BOOK 1911, PAGE 336
- 11.) DEED BOOK 1988, PAGE 663
- 12.) DEED BOOK 2067, PAGE 106
- 13.) DEED BOOK 1793, PAGE 47
- 14.) DEED BOOK 1938, PAGE 834
- 15.) DEED BOOK 2018, PAGE 524
- 16.) DEED BOOK 2048, PAGE 106
- 17.) DEED BOOK 2058, PAGE 879
- 18.) DEED BOOK 1346, PAGE 530
- 19.) DEED BOOK 1442, PAGE 635
- 20.) DEED BOOK 1233, PAGE 464
- 21.) DEED BOOK 1249, PAGE 638
- 22.) MISSISSIPPI DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLANS, STATE PROJECT NO. 84-0003-01-098-10.
- 23.) COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH A DATE OF OCTOBER 29, 2024 AT 8:00 A.M. COMMITMENT NUMBER: 24-5581.
- 24.) COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH A DATE OF OCTOBER 29, 2024 AT 8:00 A.M. COMMITMENT NUMBER: 24-5581.001.
- 25.) CITY OF OCEAN SPRINGS WATER PLAN, PROVIDED BY CLIENT.
- 26.) ALL INFORMATION AS SHOWN HEREON.

TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH A DATE OF 10/29/2024, COMMITMENT NUMBERS: 24-5581 & 24-5581.001

NO FLOOD ZONE DETERMINATION WAS PERFORMED AS A PART OF THIS SURVEY. AN ACCURATE DETERMINATION CAN BE MADE BY ORDERING A FEMA ELEVATION CERTIFICATE.

CLIENT: **CARDIFF DEVELOPMENT PARTNERS**

SURVEY CLASS "B"
SCALE: N/A

BEARINGS SHOWN HEREON ARE DERIVED BY:
GRID NORTH BY GPS OBSERVATION

PARCEL: BIENVILLE BOULEVARD
 ADDRESS: OCEAN SPRINGS, MS 39564
 SECTION 19, TOWNSHIP 7 SOUTH, RANGE 8 WEST
 PARCEL NUMBER: "AS SHOWN ON SURVEY"
 CREW CHIEF: IM DRAWN BY: MTC
 DATE: 2/21/2025 JOB#: P25115
 REVISED: CRD#: P241437



PATRICK M. MARTINO, PLS
 13010 KAYLEIGH COVE
 BILOXI, MISSISSIPPI 39532
 PHONE: 228-396-2283
 EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR

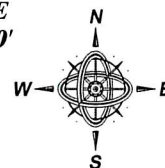


EXHIBIT NOTE:

THIS IS AN EXHIBIT DRAWING FOR DISCUSSION PURPOSES ONLY AND DOES NOT REPRESENT ANY FORM OF BOUNDARY SURVEY. INFORMATION SHOWN HEREON IS MORE OR LESS AND IS BASED ON A COMBINATION OF DEED INFORMATION, PRIOR SURVEYS AND TAX MAP DIMENSIONS. A BOUNDARY SURVEY WOULD NEED TO BE PERFORMED FOR ACTUAL/TRUE BEARINGS AND DIMENSIONS.

SCALE

1" = 40'



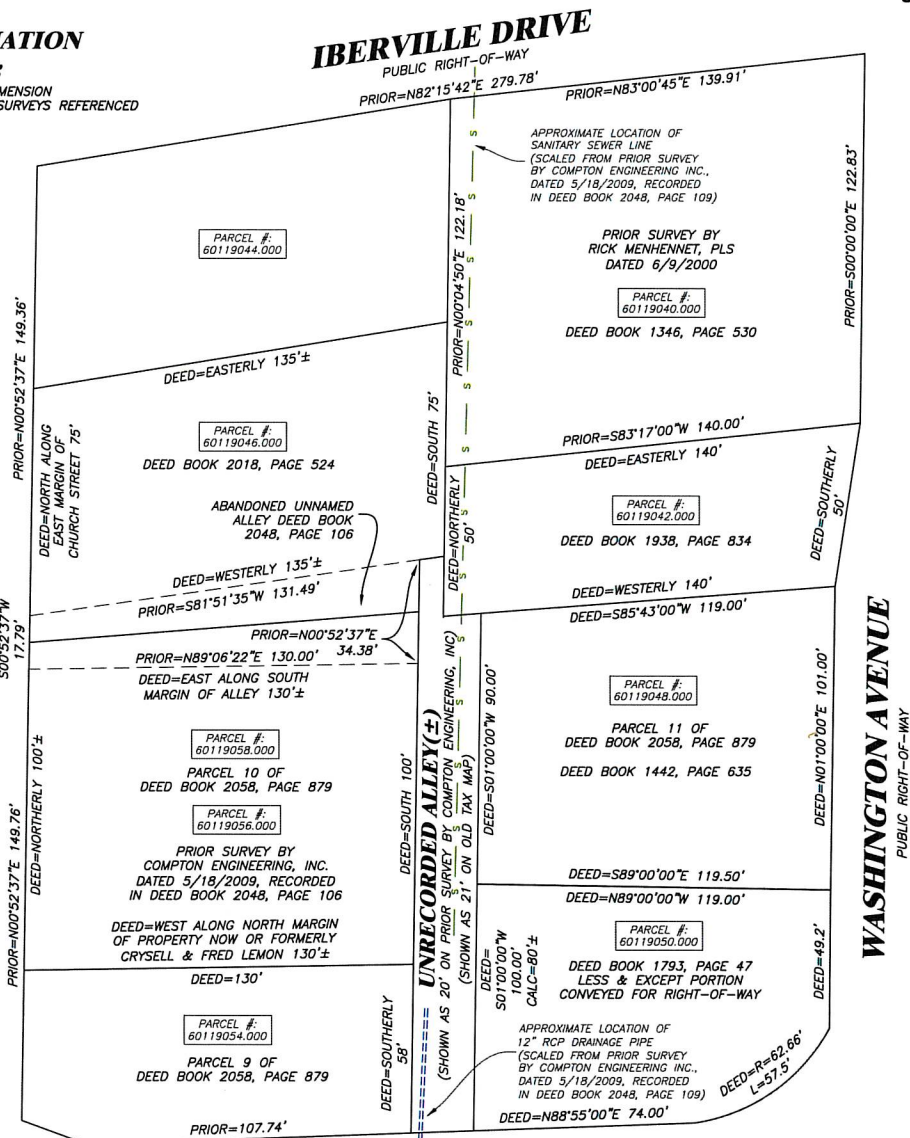
ABBREVIATION

LEGEND:

DEED = DEED DIMENSION

PRIOR = PRIOR SURVEYS REFERENCED

CHURCH AVENUE
PUBLIC RIGHT-OF-WAY



CLIENT:

**CARDIFF
DEVELOPMENT
PARTNERS**

EXHIBIT DRAWN BY: MTC
DRAWING #P241437.DWG
DATE: 12/17/2024

**BIENVILLE BOULEVARD
(US HIGHWAY 90)**

PUBLIC RIGHT-OF-WAY

REFERENCE MATERIALS:

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- 4.) DEED BOOK 1049, PAGE 552
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**AN EXHIBIT DRAWING UTILIZING
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AND TAX MAP DISTANCES TO SHOW
THE APPROXIMATE LOCATION OF AN
UNRECORDED ALLEY AND THE
SURROUNDING PARCELS. PARCELS
SITUATED IN SECTION 19, TOWNSHIP
7 SOUTH, RANGE 8 WEST, JACKSON
COUNTY, MISSISSIPPI**



PATRICK M. MARTINO, PLS

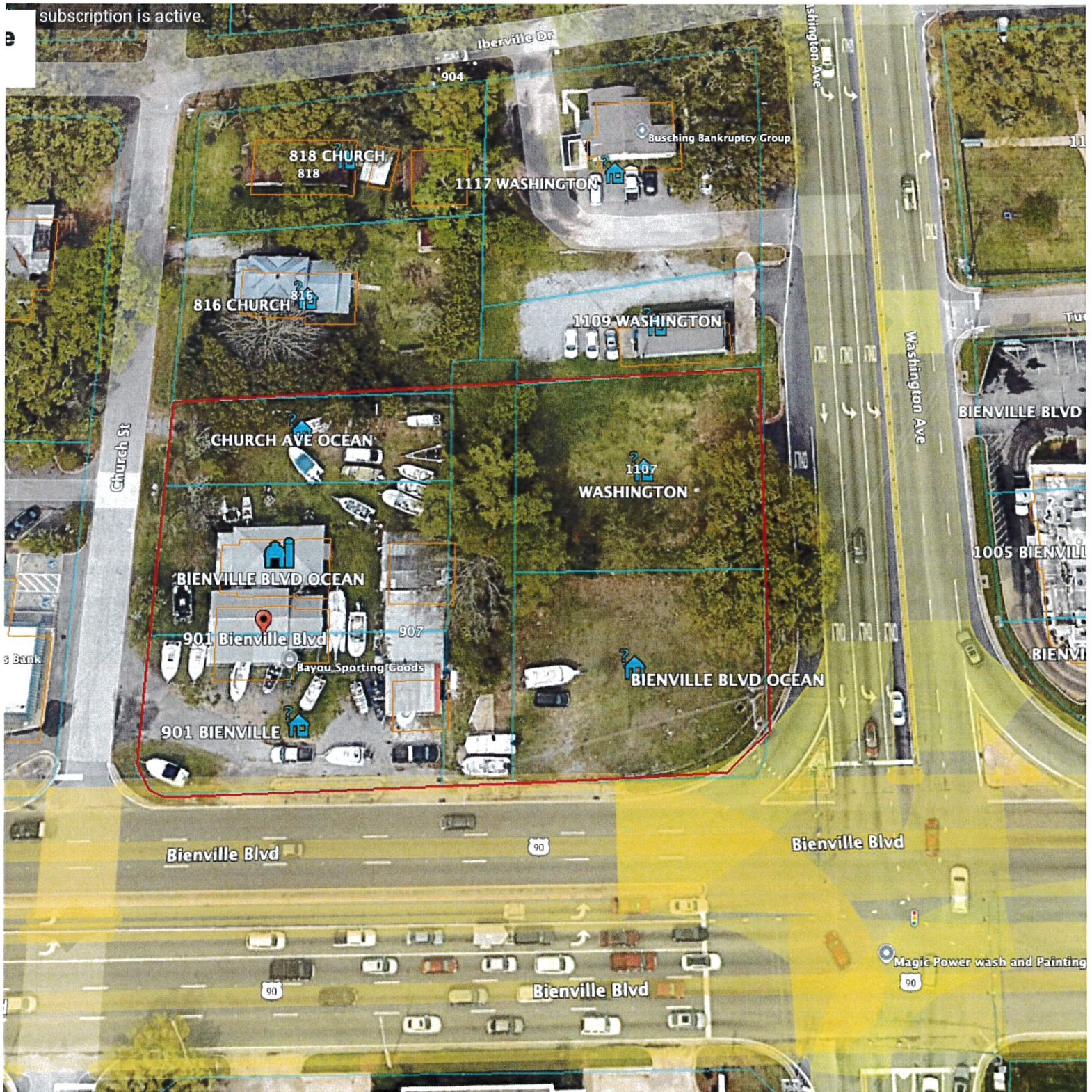
13010 KAYLEIGH COVE

BILOXI, MISSISSIPPI 39532

PHONE: 228-396-2283

EMAIL: PATRICK@MARTINOSURVEYING.COM

PROFESSIONAL LAND SURVEYOR



This notice is being mailed to you as an owner of adjacent property to the project described below. Copies are sent via standard mail at the cost of the applicant of this project.

City of Ocean Springs Community Development
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the City of Ocean Springs Planning Commission will hold a public hearing in the regular meeting place of the Board of Aldermen located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

Tuesday, June 10, 2025 @ 6:00 p.m.

Regarding the following:

- Tom Davies – North West corner of Bienville Blvd and Washington Ave – PIDN: 60119048.000, 60119050.000, 60119054.000, 60119056.000, and 60119058.000 – Request to vacate the alley that runs North from Bienville Blvd. This property is zoned C-H Regional Commercial.

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to wmorgan@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Wade Morgan,
City of Ocean Springs
Community Development Director

7

**A RESOLUTION TO DETERMINE THE DESCRIBED PORTION OF AN
UNNAMED ALLEY ABANDONED**

WHEREAS, on June 16th, 2009, there was presented to the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi, a petition by Elwin R. Friar, Jr., Naomi Friar Garvey, Fred L. Lemon, John T. Munro, Munro Limited Partnership, W. P. Kennedy, and Janet B. Kennedy requesting the City to find and determine an unused and unnamed alley adjacent to their property abandoned which is located off of Church Street, north of Bienville Blvd; and

WHEREAS, said petition was approved by the then Board of Aldermen, but the original documents were not filed with Jackson County Land Records; and

WHEREAS, Jackson County Land Records requires that original documents be filed with their offices; and

WHEREAS, Janet Kennedy Rhodes is not in possession of the original, so she now petitions the Mayor and Board to honor the prior approval in order for her to file an original resolution with Jackson County Land Records;

WHEREAS, the portion of the alley running North and South contains an active City sewer line; and

WHEREAS, the portion of the alley running East and West does not contain any city utilities and it is that portion which is to be considered abandoned; and

WHEREAS, no property owner will be denied reasonable and convenient access to the general street system of the City by abandoning the portion of the alley herein involved; and

WHEREAS, the described portion of the unnamed alley has not been used by the public for over 50 years; and

WHEREAS, the City has not maintained the area as a public way for over 20 years; and

WHEREAS, the City does not need the alley to access its water and sewer facilities in that area; and

WHEREAS, there has been a complete, continuous and unexplained non-use of the alley by the general public for a period exceeding ten years; and

WHEREAS, the City cannot ascertain when or if the alley was formally dedicated to the city,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi as follows:



202023981 9 PGS

OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE: \$30.00
#202023981 BK:1998 PG:663-671
11/03/2020 09:55:50 AM 9 PGS
JGARULO,DC Ropt#24636

SECTION ONE: The findings, conclusions and statements of fact contained in the foregoing preamble are hereby adopted, ratified and incorporated herein.

SECTION TWO: That the unnamed alley as specifically described in attached property description and consistent with the attached survey be deemed abandoned based on the above in that there has been a complete, continuous and unexplained non-use of the alley by the general public exceeding ten years. Title should revert to the adjoining landowners, who take, consistent with the recognized rule of conveyance, to the centerline of the alley.

SECTION THREE: That the City shall retain the mineral rights, if any, and the right of ingress and egress to remove the same.

SECTION FOUR: That this Resolution be forwarded to the abutting property owners.

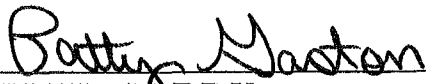
The above Resolution, having been first reduced to writing, the vote was as follows:

Alderman Gill	<u>Aye</u>
Alderman Authement	<u>Aye</u>
Alderman Bellman	<u>Aye</u>
Alderman Papania	<u>Aye</u>
Alderman Blackman	<u>Aye</u>
Alderman Impey	<u>Aye</u>
Alderman Cox	<u>Aye</u>

SO RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean Springs, Mississippi, on this the 6th day of October, 2020.



MAYOR



CITY CLERK

EXHIBIT "A"

Beginning at a point on the East margin of Church Street (formerly referred to as Cox Avenue) which point is 75 feet, more or less, South of the South margin of Iberville Avenue; from said point of beginning running thence Easterly a distance of 135 feet, more or less, to Church Street, thence North along the East margin of Church Street a distance of 75 feet to teh Point of Beginning. Being bounded North and East by property now or formerly of Friar, South by a lane and West by Church Street. Being situated in Section 19, Township 7 South, Range 8 West, Jackson County, Mississippi, and being the same property as first described parcel in teh Deed to Merrill F. Scharr, Trustee recorded in Book 217, Page 231 of the Deed Records of Jackson County, Mississippi. The said parcel being sometimes referred to as Lot Five (5), Block Fifty-Two (52), according to the Cox map of the Township of Ocean Springs.



P.O. Box 1800
Ocean Springs, MS
39566-1800

1018 Porter Avenue
Ocean Springs, MS 39564

PH 228.875.4236
FX 228.875.7249

Shea Dobson
Mayor

Bobby Cox
Alderman at Large

John Gill
Alderman Ward 1

Rickey Authement
Alderman Ward 2

Joseph Bellman, Jr.
Alderman Ward 3

Ken Papania
Alderman Ward 4

Robert Blackman
Alderman Ward 5

Michael (Mike) Impoy, II
Alderman Ward 6

City Clerk
228.875.4236

Police Chief
228.875.2211

Fire Chief
228.872.4407

Public Works
228.875.3955

**Community
Development and
Planning**
228.875.4415

**Human Resources
and Risk Management**
228.872.3338

**Parks and
Leisure Services**
228.875.8665



City of Ocean Springs

Memorandum

To: Jackson County Land Records

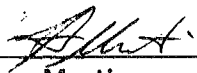
From: Carolyn Martin, Planning & Grants Administrator

Date: October 22, 2020

Re: Abandon portion of an unnamed alley adjacent to Church Street

The City of Ocean Springs Board of Aldermen (BOA) considered the above referenced item at their recess meeting on Tuesday, October 6, 2020.

Legal index – Unnamed alley Section 19, Township 7 South, Range 8 West



Carolyn Martin
Planning & Grants Administrator

Documentation related to this request is attached.

REGULAR MEETING OF OCTOBER 6, 2020

Be it remembered that the Mayor and Board of Aldermen of the City of Ocean Springs met in a Regular Meeting at the City Hall in the City of Ocean Springs at 6:00 p.m. on October 6, 2020. The Mayor presiding, Aldermen Gill, Authement, Bellman, Cox, Papania, Blackman and Impey were present. Also present were City Attorney Nicole Sullivan, City Clerk Patty Gaston, Deputy City Clerk Vicky Hupe, Fire Chief Derek McCoy, Police Chief Mark Dunston, Planning & Grants Administrator Carolyn Martin, Building Official Darrell Stringfellow, Public Works Assistant Director Candice Hooks, Parks & Recreation Director Stephen Glorioso, Human Resources & Risk Management Director Mindy McDowell and Executive Assistant to the Mayor & Board Meggan Brown.

The Mayor called the meeting to order.

NEW BUSINESS

The Planning & Grants Administrator said in 2009 there was a resolution approved to determine a portion of an unnamed alley off Church Street, north of Bienville Boulevard, abandoned (Exhibit 8-b) but the 2009 documentation could not be found and needs to be redone. Motion was made by Alderman Blackman and seconded by Alderman Impey to adopt Resolution to determine a portion of an unnamed alley off Church Street, north of Bienville Boulevard, abandoned (Exhibit 8-b).

The motion carried with a roll call vote as follows:

Alderman Gill	Aye
Alderman Authement	Aye
Alderman Bellman	Aye
Alderman Cox	Aye
Alderman Papania	Aye
Alderman Blackman	Aye
Alderman Impey	Aye

CERTIFICATE

I, Vicky Hupe, duly qualified Deputy City Clerk for the City of Ocean Springs, Mississippi, do hereby certify that the attached is a true and correct copy of a motion adopted by the Mayor and Board of Aldermen at a Regular Meeting held on the 6th day of October 2020, appearing in Minute Book 102 of the Official Minutes. Witness my hand and the seal of the City, this is the 21st day of October, 2020.




Deputy City Clerk

* Item # 8b *

**REGULAR MEETING AGENDA
MAYOR AND BOARD OF ALDERMEN – CITY OF OCEAN SPRINGS
Tuesday, October 6, 2020 – 6:00 p.m. CITY HALL**

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. PUBLIC HEARING

- a) 306 Shearwater Drive.; Parcel Identification no. 60130610.025; Request Approval of Certificate of Appropriateness (COA) for new single-family dwelling with attached garage and golf cart garage; HPC recommends approval of COA (Exhibit 3-a)

4. PROCLAMATION

- a) Domestic Violence Awareness Month – Melissa Galatis (Exhibit 4-a)

5. PRESENTATIONS **Each Limited to 10 mins or less

- a) Residential speed limits and pedestrian safety - OSPREYS (Exhibit 5-a)
- b) State of The Friends of the Mary C. address and farewell – Elizabeth Feder-Hosey (Exhibit 5-b)
- c) Connection of water and sewer lines – MS Attorney General Opinion – Carl Kennedy (Exhibit 5-c)

6. AGENDA PUBLIC COMMENT ** *The Public is invited to address the Board for up to 3 minutes each for a maximum period of 30 minutes, ONLY regarding issues listed on this agenda. The Board will take all comments under advisement for potential action if warranted. Please identify yourself and agenda item, if no agenda item is stated you will be asked to hold your comment until General Public Comment at the end of the meeting.*

7. OLD BUSINESS

- a) Discuss MOU term ending between Blossman Family YMCA and City of Ocean Springs – Alderman Bellman
- b) Discuss beach lights – Alderman Authement

8. NEW BUSINESS

- a) Discuss Lighthouse Academy use of Taconi Gym during school hours – Alderman Authement (Exhibit 8-a)
- b) Adopt resolution to determine a portion of an unnamed alley off Church Street, north of Bienville Boulevard, abandoned (Exhibit 8-b)
- c) Discussion of Memorandum of Understanding (MOU) between the Walter Anderson Museum of Art, Inc. and the City of Ocean Springs for Mary C. Consulting Services (Exhibit 8-c)

9. CONSENT AGENDA * *All matters listed under Consent Agenda, are considered to be routine by the Board of Aldermen and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

Mayor:

- a) Authorize to extend the resolution proclaiming the existence of a local emergency enacted March 16, 2020 for Local Emergency regarding the COVID-19 outbreak (Exhibit 9-a)
- b) Approve Run/Walk permit application for 12th Annual 5-K R.A.C.E – Rotary Club of Ocean Springs; Saturday, October 24, 2020 from 5:00 p.m. to 9:00 p.m.; Mary C Building with some road closures and a rolling road block; no cost to the City, applicant pays associated event cost (Exhibit 9-b)
- c) Approve Run/Walk permit application for St. Alphonsus Catholic School 5k; Friday, October 30, 2020 from 5:00 p.m. to 9:00 p.m.; start/end at St. Alphonsus with a rolling road block; no cost to the City, applicant pays associated event cost (Exhibit 9-c)

City Clerk:

- d) Authorize to extend the resolution proclaiming the existence of a local emergency enacted March 11, 2019 for Front Beach Drive due to the incapacitation of street lights along Front Beach Drive; extend for 30 days (Exhibit 9-d)
- e) Ratify check to eSouth Technologies, LLC in the amount of \$4,000.00 for Camera installation equipment for Hwy 90 (Exhibit 9-e)
- f) Ratify check to Project NOLA in the amount of \$20,900.00 for 12 Camera hosting and 7 license plate recognition tech (Exhibit 9-f)
- g) Accept September 2020 Aged Receivable Report for utility billing (Exhibit 9-g)
- h) Approve Minutes: Recess Meeting September 14, 2020 (Exhibit 9-h)

Human Resources:

- i) Accept Minutes: Human Resources Committee Meeting September 21, 2020 (Exhibit 9-i)
- j) Human Resources Action Items (Exhibit 9-j):
 - a. Authorize removal of Police Analyst Mandy Phillips from probationary status to full time status effective immediately
 - b. Authorize removal of Fire Lieutenant Keith Guice from probationary status to full time state effective immediately
 - c. Accept resignation of Firefighter Shane Fountain, effective October 19, 2020; authorize to begin the process of filling the vacant position
 - d. Authorize employment of lateral transfer Daniel Chad Jay, Firefighter, Step 4, \$13.51 hourly rate; effective on or about October 31, 2020; one year probationary status, pending successful completion of all pre-employment requirements

Public Works:

- k) Authorize award of bid for fuel supply delivery to Eagle Energy for a period of one year (Exhibit 9-k)

Community Development & Planning:

- l) Adopt Resolution to accept donated property for a portion of 1001 Ocean Springs Road PID 60128650.000 and 60128320.100 for right of way from Zayed Realty, LLC (Exhibit 9-l)
- m) Accept Easement donation located at 700 Bienville Blvd. from HSC Ocean Springs 90 LLC (Exhibit 9-m)

Planning Commission:

- n) Approve request for Residential Short Term Rental (STR) permit – 405 Cleveland Avenue PID#60225380.000 (Exhibit 9-n)
- o) Approve request for Residential Short Term Rental (STR) permit – 284 McCool Street PID#61305165.000 (Exhibit 9-o)

Grants Administration:

- p) Authorize the Mayor to execute contract with Brown, Mitchell, & Alexander, Inc., for related engineering services - Tidelands Project: FY20-P412-02: East Beach Accessibility (Exhibit 9-p)

Building Department:

- q) Accept Code Enforcement Report through September 30, 2020 (Exhibit 9-q)
- r) Approve Tree Protection Department recommendations – Tree Applications through September 29, 2020 (Exhibit 9-r)
- s) Authorize demolition of structure at 601 Pine Hills Road (Exhibit 9-s)
- t) Authorize demolition of structure at 1820 Stuart Avenue (Exhibit 9-t)
- u) Authorize demolition of structure at 808 Handy Avenue (Exhibit 9-u)

10. DEPARTMENT REPORTS

Mayor:

City Clerk:

- a) Approve payment: Docket of Claims, all expenditures are appropriate and authorized by law, and spread summary on the Minutes (Exhibit 10-a)
- b) Accept Monthly Budget Report (Exhibit 10-b)
- c) Adopt Municipal Compliance Questionnaire and spread upon the minutes (Exhibit 10-c)
- d) Colonial Estates water line leak (Exhibit 10-d)
- e) Wesley United Methodist Church sewer credit (Exhibit 10-e)
- f) Resolution for refinance of 2019 Rosenbauer Firetruck (Exhibit 10-f)
- g) Resolution authorizing employment of professionals for the refinance of 2019 Rosenbauer Firetruck (Exhibit 10-g)

Police Department:

Fire Department:

Human Resources/Risk:

City Engineer:

Public Works:

Community Development & Planning:

Building Department:

Parks & Recreation:

- h) Discussion of forming a Tennis Committee to determine scope and budget for a Tennis Pro or Tennis Facility Manager/Marketer (Exhibit 10-h)

City Attorney:

11. GENERAL PUBLIC COMMENT: *The public is invited to address the Board for up to 3 minutes each for a maximum period of 30 minutes. The Board will take all comments under advisement to take potential action at a later date if warranted. Priority will be given to Ocean Springs residents and Business Owners.*

- Please identify yourself before speaking into the microphone.

12. ALDERMEN'S FORUM

- a) Discussion of employees topped out on pay scale – Alderman Blackman

13. EXECUTIVE SESSION

RECESS UNTIL 6:00 P.M. on Tuesday, October 20, 2020

TO: Board of Aldermen, Planning Commission
FROM: Will Norman, City Attorney
DATE: June 6, 2025
RE: City Street or Alley Vacation

This memorandum addresses the City's authority to vacate its public streets or alleys and the standards governing such action under Mississippi law.

1. The City may vacate its street or alley pursuant to Miss. Code Ann. § 21-37-7.

There is no statutory or case law requirement that mandates a landowner obtain signatures or join additional parties in order to petition the City to vacate a City right-of-way or other public property. In *Hopkins v. City of Mendenhall*, 116 So. 3d 166 (Miss. Ct. App. 2013), the court affirmed a street closure initiated solely by petition of First Baptist Church. The court cited Miss. Code Ann. § 21-37-7 and observed that municipalities may act on their own motion and that landowner petitions are not required unless a statute expressly says so. Similarly, in *Alpert v. City of Biloxi*, 228 So. 3d 965 (Miss. Ct. App. 2017), the City approved a right-of-way vacation upon application of Boyd Gaming Corporation—again demonstrating that private parties may initiate such proceedings without formal joinder of neighboring landowners.

Also, see the following excerpt from *Brinsmade v. City of Biloxi*, 70 So. 3d 1159 (Miss. Ct. App. 2011):

“Brinsmade is incorrect in his assertion that section 17-1-23(4) controls here. First, the subsection specifically refers to a landowner who wishes to vacate or alter a plat in a subdivision. Miss. Code Ann. § 17-1-23(4). The statute does not apply to a municipality's authority to vacate public easements. Further, Brinsmade is neither an owner of the property in question nor does his lot border the easement. The easement is in a neighboring subdivision.

The applicable statute regarding municipally owned easements is Mississippi Code Annotated section 21-17-1(2)(a) (Rev. 2007), which states, in part, that HN4[] if "any of the real property belonging to a municipality shall cease to be used for municipal purposes, the governing authority of the municipality may sell, convey[,] or lease the same on such terms as the municipal authority may elect." In addition, Mississippi Code Annotated section 21-37-7 (Rev. 2007) gives a municipality the power to close and vacate any street or alley, provided due compensation is made to the abutting landowners for any sustained damages. Neither of these statutes require written approval by persons directly affected by the vacation or by adjoining landowners.”

Miss. Code Ann. § 21-37-7. Closing streets.

The governing authorities of municipalities shall have the power to close and vacate any street or alley, or any portion thereof. No street or alley or any portion thereof shall be closed or vacated,

however, except upon due compensation being first made to the abutting landowners upon such street or alley for all damages sustained thereby.

2. Applicable Legal Standards

Vacation is a discretionary act—it is not mandatory. However, should the City move to vacate, Mississippi law requires two findings:

1. That the vacation is for the public good, and
2. That due compensation is made to abutting landowners for any damages, if any. See *Mill Creek Properties, LLC v. City of Columbia*, 944 So. 2d 67, 69–70 (Miss. Ct. App. 2006) and *Miss. Code Ann. § 21-37-7*.

The existence of incidental benefit to a private party does not invalidate a vacation, so long as the public purpose is established. However, a city may not close a road just to benefit a private party. *Laurel Improvement Co. v. Rowell*, 36 So. 543 (1904).

See also *Mill Creek Properties v. City of Columbia*, which states:

“Generally, a landowner on a partially closed road, whose land is on the opened portion, cannot claim damages if he still has reasonable access to the general system of roads. *Miss. State Highway Comm'n v. Vaughey*, 358 So. 2d 1307, 1309 (Miss. 1978). An exception to this rule is if the road closing leaves the landowner in a cul de sac. *Id.* at 1310 (citing *Miss. State Highway Comm'n v. Fleming*, 248 Miss. 187, 157 So. 2d 792 (1963)). He or she may collect damages. *Id.*”

....

“If a landowner is not abutting the closed portion of the road, he must prove special damages in order to recover. *Puyper v. Pure Oil Co.*, 215 Miss. 121, 134-35, 60 So.2d 569, 573 (1952). Appellants argue that the value of their commercial property has been specially damaged because of diverted traffic flow. Diverting traffic onto a new road is not special damages for which a landowner may recover. *Morris v. Miss. State Highway Comm'n*, 240 Miss. 783, 789, 129 So. 2d 367, 369 (1961). “Such changes are made in the exercise of the police power and do not constitute the taking or damaging of a property right.” *Id.*, 129 So. 2d at 369.”

The City has full authority under Mississippi law to vacate its streets or alleys upon a finding of public good and after considering any damages to abutting landowners. No joinder of other landowners or signatures is required for the City to consider such a request. Any action taken remains discretionary and should be evaluated under the standards outlined above.

SULLIVAN LAW FIRM, PLLC

101 Rouselle Place, Suite B, Ocean Springs, MS 39564
Telephone: (228) 334-5122
Fax (228) 334-5126

June 5, 2025
Via PDF Email Only

City of Ocean Springs, Mississippi
Mayor and Board of Aldermen
1018 Porter Avenue
Ocean Springs, MS 39564

RE: *Alley located North side of Bienville Blvd in 19-7-8, Jackson Co., MS*

Dear Sirs:

Pursuant to your request, I have made an examination of the records of Jackson County, Mississippi, which affect the title to the following described property:

SEE SURVEY FOR IDENTIFYING PURPOSES WITH INCLUDED LEGAL
DESCRIPTION ATTACHED HERETO.

Upon a review of the records found and based on the totality of the circumstances surrounding those records, I find as follows:

- The Alley described hereinabove was dedicated for public use sometime around 1877 as evidenced by a conveyance from George Cox on 11/14/1877 for a parcel adjacent to the north which refers to "a narrow street or alley way left for the use of the public."
- We cannot ascertain when or if the alley was formally dedicated to the City; however, the property is not shown on the tax rolls of Jackson County, Mississippi.

- As per the City of Ocean Springs Resolution dated June 16, 2009, (regarding the alley running East/West) the alley running North and South contains an active City sewer line which is intended for public use.
- There has been a complete, continuous and unexplained non-use of the alley by the general public for a period exceeding ten years and the City has not maintained the alley for over 20 years with the exception of the underground sewer pipe(s).
- Based on the records found and reviewed, the area encompassing the Alley and surrounding properties has not been formally platted as a subdivision.

Based upon a review of the records found, the totality of the circumstances and inferences drawn from the public records, we find that title to the subject property is vested in the **City of Ocean Springs** for use of the public for utilities, etc.; subject to the following:

1. Any law, ordinance or governmental regulation restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land including applicable zoning ordinances, rules and regulations enforced by the Jackson County Planning Commission and any other governmental body. Also subject to any limitation of use of subject property due to wetlands classification, rules and regulations pertaining thereto.
2. Rights of the parties in possession, deficiency in quantity of land, boundary line disputes, unrecorded servitudes or easements, roadways, any matters not of record, including lack of access, which would be disclosed by an accurate, current survey or an inspection of the premises, and easements or other uses of subject property, not visible from the surface.
3. Minerals and mineral rights of every kind and character, including, but not limited to, all oil, gas, sand and gravel in, on and under the subject property, are specifically not covered by this Certificate of Title.
4. Any riparian and/or littoral rights or any title or rights asserted by anyone including, but not limited to, persons, corporations, governments, or other entities to tidelands or lands comprising the shores or bottoms of navigable rivers, lakes, bays, gulf, or lands beyond the line on the harbor or bulkhead lines as established or changed by the United States Government, or water rights, if any, including, but not limited to all laws, rules, and regulations promulgated or to be promulgated by the United States Government or the State of Mississippi, including the Provisions of the Coastal Wetlands Protection Law of the State of Mississippi.
5. Any liability or loss due to environmental contamination caused by toxic or hazardous materials on or within the subject property arising from the past use of said property, if any, or due to violation of any environmental protection law of any governmental body.

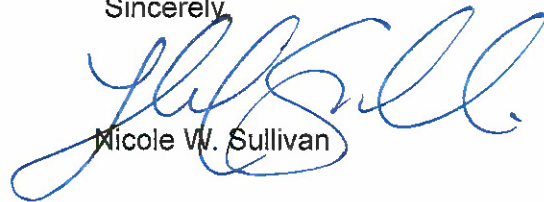
6. The accuracy of the records in the office of the Chancery Clerk of Jackson County, Mississippi.

7. Any and all matters of the survey showing the subject property as an "Unrecorded Alley" on the Survey performed by Patrick M. Martino, PLS dated February 21, 2025, which is attached hereto. The Survey was not relied upon in any way and is only being used for identification purposes.

This Report represents a LIMITED report of matters of record in the Office of the Chancery Clerk of Jackson County, Mississippi, for the LIMITED period of time specified above. This is a report of documents of record, after a reasonable search thereof, and shall not constitute a title policy nor a commitment or binder. No representation is made regarding the legal effect of any instrument reflected herein. That the Company's liability under the Report for an error or omission is, as stated, LIMITED; and that if Customer desires that the Company assume additional liability, a policy of title insurance, binder, commitment, or guarantee should be requested. The total aggregate liability of the company, its employees, agents and subcontractors shall not exceed the consideration paid for this report.

EXAMINATION CERTIFIED TO: June 3, 2025 at 8:00 a.m.

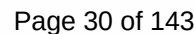
Sincerely,



Nicole W. Sullivan

Enclosure: Legal Description / Survey

CC: Will Norman, City Attorney
Wade Morgan, Planning
Hannah Sullivan, Planning



A SURVEY OF THE UNRECORDED ALLEY SITUATED BETWEEN PARCELS #60119042.000, #60119048.000, #60119050.000, #60119054.000, #60119056.000, #60119058.000 & #60119046.000, CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI

UNRECORDED ALLEY

LEGAL DESCRIPTION: (AS PER SURVEY DIMENSIONS)

A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 7 SOUTH, RANGE 8 WEST, CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI, AS SHOWN ON THE PLAT OF SURVEY PREPARED BY PATRICK M. MARTINO, P.L.S., INC. DATED FEBRUARY 21, 2025 (SURVEY BASED ON THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM (EAST ZONE, NAD 83/2011)(EPOCH=2010.0000)), GRID VALUES USING A SCALE FACTOR OF 0.99994000 AND A CONVERGENCE ANGLE OF 0.00065000° DETERMINED SPECIFICALLY FOR THIS PROJECT USING GRID BEARINGS DERIVED FROM STATIC GPS OBSERVATIONS OF CONTROL POINTS OBTAINED BY AN OPUS SOLUTION, ALL LINES RELATIVE TO) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD FOUND, SITUATED ALONG THE EAST MARGIN OF CHURCH AVENUE AT THE NORTHWEST CORNER OF LOT 5, BLOCK 52, COY'S SUBDIVISION, SAID IRON ROD ALSO BEING THE SOUTHWEST CORNER OF THE ABANDONED UNNAMED ALLEY, RECORDED IN DEED BOOK 2048, PAGE 108 AND DEED BOOK 1998, PAGE 683; THENCE ALONG SAID EAST MARGIN OF CHURCH AVENUE, N01°27'09"E 17.88 FEET TO A 1/2" IRON ROD FOUND AT THE UNNAMED ALLEY, N01°32'15"E 131.46 FEET TO A CAPPED 1/2" IRON ROD FOUND (STAMPED: COMPTON) AT THE NORTHEAST CORNER OF SAID ABANDONED UNNAMED ALLEY, RECORDED IN DEED BOOK 2048, PAGE 108 AND DEED BOOK 1998, PAGE 683; SAID IRON ROD ALSO SITUATED ALONG THE SOUTH LINE OF PROPERTY NOW OR FORMERLY TULL PROPERTY, N81°54'43"E 6.18 FEET TO A 1/2" IRON ROD FOUND, SITUATED ALONG SAID SOUTH LINE OF PROPERTY NOW OR FORMERLY PELICAN SUITES, LLC, RECORDED IN DEED BOOK 1938, PAGE 834; THENCE ALONG SAID WEST LINE OF PELICAN SUITES, LLC, PROPERTY, S01°47'46"E 15.54 FEET TO A CAPPED 1/2" IRON ROD SET (STAMPED: MARTINO PLS 2838) AT THE SOUTHWEST CORNER OF SAID PELICAN SUITES, LLC, PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PELICAN SUITES, LLC, PROPERTY, N84°55'25"E 14.23 FEET TO A CAPPED 1/2" IRON ROD SET (STAMPED: MARTINO PLS 2838) AT THE NORTHWEST CORNER OF PROPERTY NOW OR FORMERLY TAYLOR, RECORDED AS PARCEL 11 OF DEED BOOK 2058, PAGE 879; THENCE ALONG THE WEST LINE OF SAID TAYLOR PROPERTY AND CONTINUE ALONG THE WEST LINE OF PROPERTY NOW OR FORMERLY OWEN, RECORDED IN DEED BOOK 1793, PAGE 47, LESS & EXCEPT PORTION CONVEYED FOR RIGHT-OF-WAY, S00°56'18"W 184.44 FEET TO A CAPPED 1/2" IRON ROD SET (STAMPED: MARTINO PLS 2838) AT THE SOUTHWEST CORNER OF SAID OWEN PROPERTY; THENCE ALONG SAID IRON ROD SET ALSO BEING SITUATED ALONG THE NORTH MARGIN OF BIENALLE BOULEVARD (US HIGHWAY 90), S89°53'57"W 21.00 FEET TO A CAPPED MAG NAIL SET IN ASPHALT AT THE SOUTHEAST CORNER OF PROPERTY NOW OR FORMERLY TAYLOR, RECORDED AS PARCEL 9 OF DEED BOOK 2058, PAGE 879, LESS & EXCEPT PORTION CONVEYED FOR RIGHT-OF-WAY; THENCE ALONG THE EAST LINE OF SAID TAYLOR PROPERTY AND CONTINUE ALONG THE EAST LINE OF PROPERTY NOW OR FORMERLY TAYLOR, RECORDED AS PARCEL 10 OF DEED BOOK 2058, PAGE 879 AND ALSO THE EAST LINE OF THE ABANDONED UNNAMED ALLEY, RECORDED IN DEED BOOK 2048, PAGE 108 AND DEED BOOK 1998, PAGE 683, N00°56'18"E 198.25 FEET TO THE POINT OF BEGINNING, CONTAINING 3,957 SQUARE FEET.



GENERAL NOTES:

- 1.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ENVIRONMENTAL STUDY.
- 2.) THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, ORDINANCES, AND RULES, AND THE EFFECTS OF ANY FUTURE AND FURTHER SURVEY, MAP, RECORD, RESTRICTIVE COVENANTS AND RIGHT-OF-WAY OF RECORD.
- 3.) THIS IS A CLASS "B" SURVEY ACCORDING TO THE STANDARDS SET FORTH IN THE CURRENT RULES AND REGULATIONS FOR SURVEYING WITHIN THE STATE OF MISSISSIPPI.
- 4.) ANY ENCUMBRANCE ON THIS PROPERTY IS SUBJECT TO CURRENT COUNTY SUBDIVISION AND ZONING REGULATIONS.

SHEET 2 OF 2

REFERENCE MATERIALS:

- 1.) JACKSON COUNTY TAX AND GIS MAPS.
- 2.) JACKSON COUNTY GIS DATA.
- 3.) PROPR. SURVEY BY RICK MCNEHNEY, P.L.S., DATED JUNE 8, 2000.
- 4.) DEED BOOK 1049, PAGE 552
- 5.) DEED BOOK 1120, PAGE 648
- 6.) DEED BOOK 1186, PAGE 129
- 7.) DEED BOOK 891, PAGE 313
- 8.) DEED BOOK 1120, PAGE 683
- 9.) DEED BOOK 1228, PAGE 102
- 10.) DEED BOOK 1811, PAGE 330
- 11.) DEED BOOK 1987, PAGE 108
- 12.) DEED BOOK 1987, PAGE 108
- 13.) DEED BOOK 1987, PAGE 108
- 14.) DEED BOOK 1938, PAGE 834
- 15.) DEED BOOK 2018, PAGE 524
- 16.) DEED BOOK 2048, PAGE 108
- 17.) DEED BOOK 2058, PAGE 879
- 18.) DEED BOOK 1546, PAGE 530
- 19.) DEED BOOK 1442, PAGE 635
- 20.) DEED BOOK 1233, PAGE 464
- 21.) DEED BOOK 1233, PAGE 464
- 22.) MISSISSIPPI DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLANS, STATE PROJECT NO. 84-0003-01-008-10.
- 23.) COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE ASSURANCE COMPANY WITH DATE OF OCTOBER 28, 2024 AT 8:00 A.M. COMMITMENT NUMBER: 24-5851.
- 24.) COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE ASSURANCE COMPANY WITH A DATE OF OCTOBER 28, 2024 AT 8:00 A.M. COMMITMENT NUMBER: 24-581001.
- 25.) CITY OF OCEAN SPRINGS WATER PLAN, PROVIDED BY CLIENT.
- 26.) ALL INFORMATION AS SHOWN HEREON.



THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Patrick M. Martino
PATRICK M. MARTINO
DATE OF FIELD SURVEY 2/17/2025

NGS OPUS SOLUTION REPORT (STATE PLANE COORDINATES):

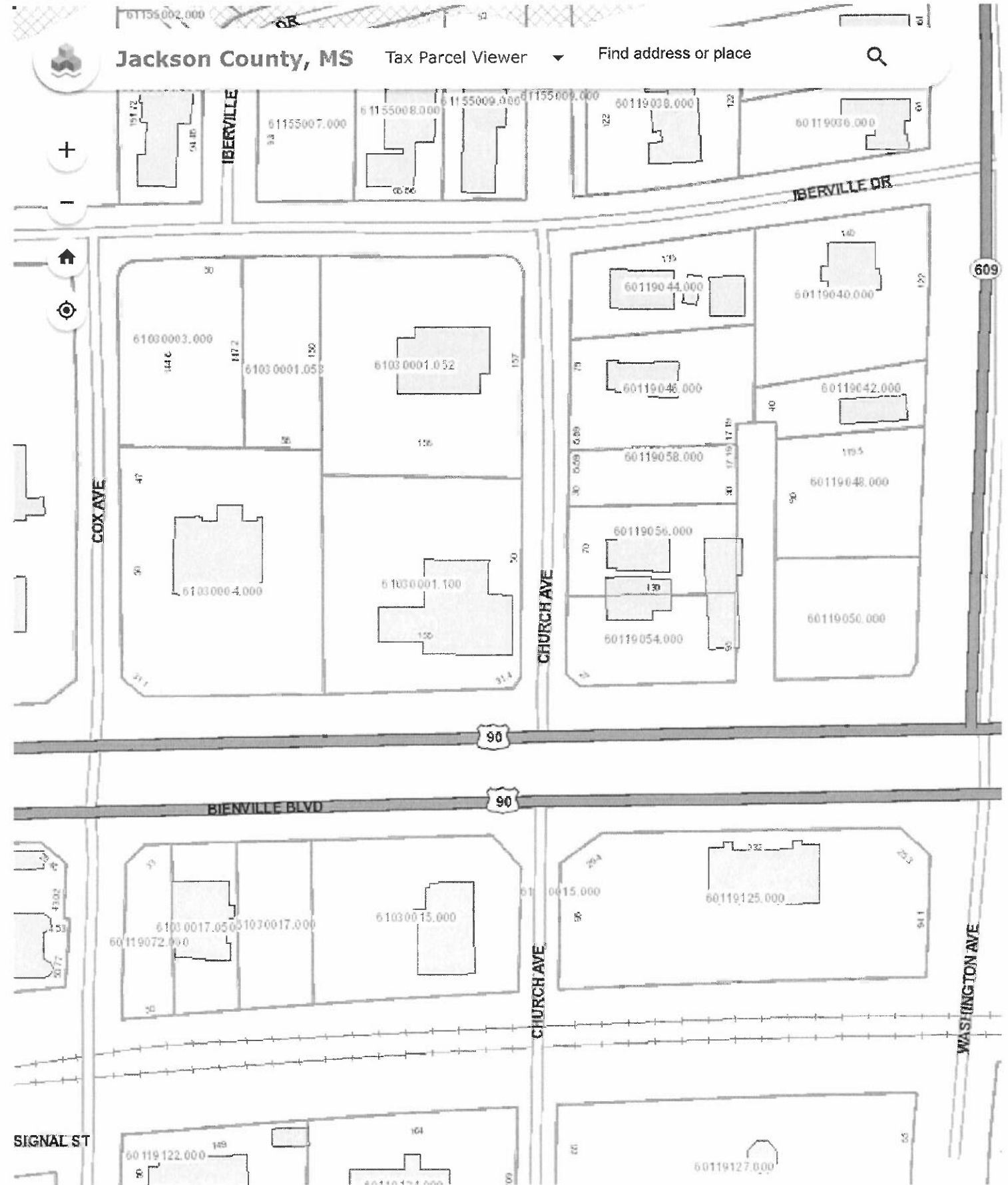
DATE: FEBRUARY 10, 2025
TOPCON HYPER-100 WMS
USED FOR GPS OBSERVATION

STATE PLANE COORDINATES
SPC (2301 AS E)
333,246,678
Northing (N) [US MFT]
333,246,678
Easting (E) [US MFT]
333,246,678
Convergence
0.00065000°
Datum
NAD 83/2011
Combined Factor
0.99994000
US NATIONAL GRID DESIGNATOR
18RCL244+1866340 (NAD 83)
(1 METER = 3.280833333 U.S. SURVEY FEET)

BOUNDARY NOTE:

BOUNDARY SURVEYS ARE BASED UPON THE RECORDED SUBDIVISION PLAT IN CASES OF REGULAR SUBDIVISIONS. BOUNDARY SURVEYS OF PROPERTIES NOT A PART OF A REGULAR SUBDIVISION ARE BASED UPON TITLE INFORMATION PROVIDED BY THE PARTY REQUESTING THE SURVEY. BOUNDARY SURVEY PLATS REFLECT INFORMATION DISCOVERED BY THE SURVEYOR. THE NORMAL COURSE OF WORK AND DOES NOT NECESSARILY SHOW THE EXISTENCE OF ANY ENCUMBRANCES, EASEMENTS, SERVITUDES, OR OTHER LOCAL ENCUMBRANCES. ANY EXISTING ENCUMBRANCES WILL BE DISCOVERED BY THE SURVEYOR. CONSULT A TITLE ATTORNEY IF YOU WISH TO DISCOVER ALL THE LEGAL ENCUMBRANCES ATTACHED TO ANY PROPERTY.

TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE ASSURANCE COMPANY WITH A DATE OF 10/28/2024. COMMITMENT NUMBER: 24-581001		NO LONGER THE EXTENTATION WAS PROVIDED AS A PART OF THIS SURVEY. AN ACCURATE INFORMATION CAN BE MADE BY ORDERING A FIRM ELEMENT CERTIFICATE.	
CLIENT: CARDIFF DEVELOPMENT	SURVEY CLASS: "B"	BEARINGS SHOWN HEREON ARE DERIVED BY: 800 NORTH BY GPS OBSERVATION	
PARTNERS: PATRICK M. MARTINO 1930 KAYLEIGH COVE BILOXI, MISSISSIPPI 39532 PHONE: 225-396-2283 EMAIL: PATRICK@MARTINOSURVEYING.COM PROFESSIONAL LAND SURVEYOR		DATE: 2/17/2025 JOB: P21147	



986,591.328 333,712.739 Feet

100ft

Planner

From: Carolyn Martin
Sent: Monday, March 10, 2025 11:23 AM
To: Monica Dickinson; Planner; Nicholas Gant; Sarah Harris
Cc: PW admin
Subject: RE: alley vacate - murphy gas station

This is the same ROW that has been brought up periodically for the last 15 years. The issue would be to existing utility lines – I believe it's a sewer main. Also, the parcels adjacent would have to agree in writing – including the one to the north that fronts Washington. This is not a new issue so someone in PW should be up to date on this discussion. Let me know if there are any other concerns.

Carolyn A. Martin

Grants Administrator



City of Ocean Springs

1018 Porter Avenue / Ocean Springs, MS 39564

Ph: 228-230-1969

This electronic mail message, including all files or attachments, is intended exclusively for the individual or entity to which it is addressed and may contain legally privileged and confidential information. The authorized recipient of this information is prohibited from disclosing this information to any other party unless permitted or required by law or regulation. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you are not the intended recipient, please contact the sender by reply e-mail and delete the original email from your system.

From: Monica Dickinson <mdickinson@oceansprings-ms.gov>
Sent: Monday, March 10, 2025 11:18 AM
To: Planner <Planner@oceansprings-ms.gov>; Nicholas Gant <ngant@oceansprings-ms.gov>; Sarah Harris <SHarris@oceansprings-ms.gov>
Cc: PW admin <pwadmin@oceansprings-ms.gov>; Carolyn Martin <cmartin@oceansprings-ms.gov>
Subject: Re: alley vacate - murphy gas station

Currently this is a sewer easement. We will send out Sewer Supervisor out to look before giving a final response.

Adding Carolyn Martin to this email. She may have more information.

Monica Dickinson
City of Ocean Springs
Public Works Administrator

From: Planner <Planner@oceansprings-ms.gov>
Sent: Monday, March 10, 2025 10:35:33 AM
To: Nicholas Gant <ngant@oceansprings-ms.gov>; Monica Dickinson <mdickinson@oceansprings-ms.gov>; Sarah Harris <SHarris@oceansprings-ms.gov>
Cc: PW admin <pwadmin@oceansprings-ms.gov>
Subject: alley vacate - murphy gas station

Planner

From: Sarah Harris
Sent: Monday, March 10, 2025 12:45 PM
To: Planner; Nicholas Gant; Monica Dickinson
Cc: PW admin; Carolyn Martin
Subject: RE: alley vacate - murphy gas station

This easement has been discussed to vacant under the following agreements:

1. The developer has to purchase all of the parcels that tie into the sewer main between the end of the sewer main and the north property line of parcel 60119048.000
2. The developer has to install a manhole within the easement where the purchased property meets the adjacent property (basically at the north parcel line of the parcels purchased)

Ultimately, the parcels they purchase sewer services will be abandoned and the developments sewer will be tied into the new manhole.

Sarah Harris

Project Manager

Email: sharris@oceansprings-ms.gov

City of Ocean Springs

1018 Porter Avenue / Ocean Springs, MS 39564

Ph: 228-230-1869 (Office)

Ph: 228-282-3896 (Cell)



From: Planner <Planner@oceansprings-ms.gov>

Sent: Monday, March 10, 2025 10:36 AM

To: Nicholas Gant <ngant@oceansprings-ms.gov>; Monica Dickinson <mdickinson@oceansprings-ms.gov>; Sarah Harris <SHarris@oceansprings-ms.gov>

Cc: PW admin <pwadmin@oceansprings-ms.gov>

Subject: alley vacate - murphy gas station

Good morning,

We got a request for an alley vacate. Wade wanted me to send the information to y'all and get any feedback about they are proposing that would be great.

I have attached documents to this email.

Thank you!

Elizabeth Dill

Planner

From: Monica Dickinson
Sent: Monday, March 10, 2025 11:18 AM
To: Planner; Nicholas Gant; Sarah Harris
Cc: PW admin; Carolyn Martin
Subject: Re: alley vacate - murphy gas station
Attachments: APPLICATION LETTER.pdf; SITE PLANS.pdf

Currently this is a sewer easement. We will send out Sewer Supervisor out to look before giving a final response.

Adding Carolyn Martin to this email. She may have more information.

Monica Dickinson
City of Ocean Springs
Public Works Administrator

From: Planner <Planner@oceansprings-ms.gov>
Sent: Monday, March 10, 2025 10:35:33 AM
To: Nicholas Gant <ngant@oceansprings-ms.gov>; Monica Dickinson <mdickinson@oceansprings-ms.gov>; Sarah Harris <SHarris@oceansprings-ms.gov>
Cc: PW admin <pwadmin@oceansprings-ms.gov>
Subject: alley vacate - murphy gas station

Good morning,

We got a request for an alley vacate. Wade wanted me to send the information to y'all and get any feedback about they are proposing that would be great.

I have attached documents to this email.

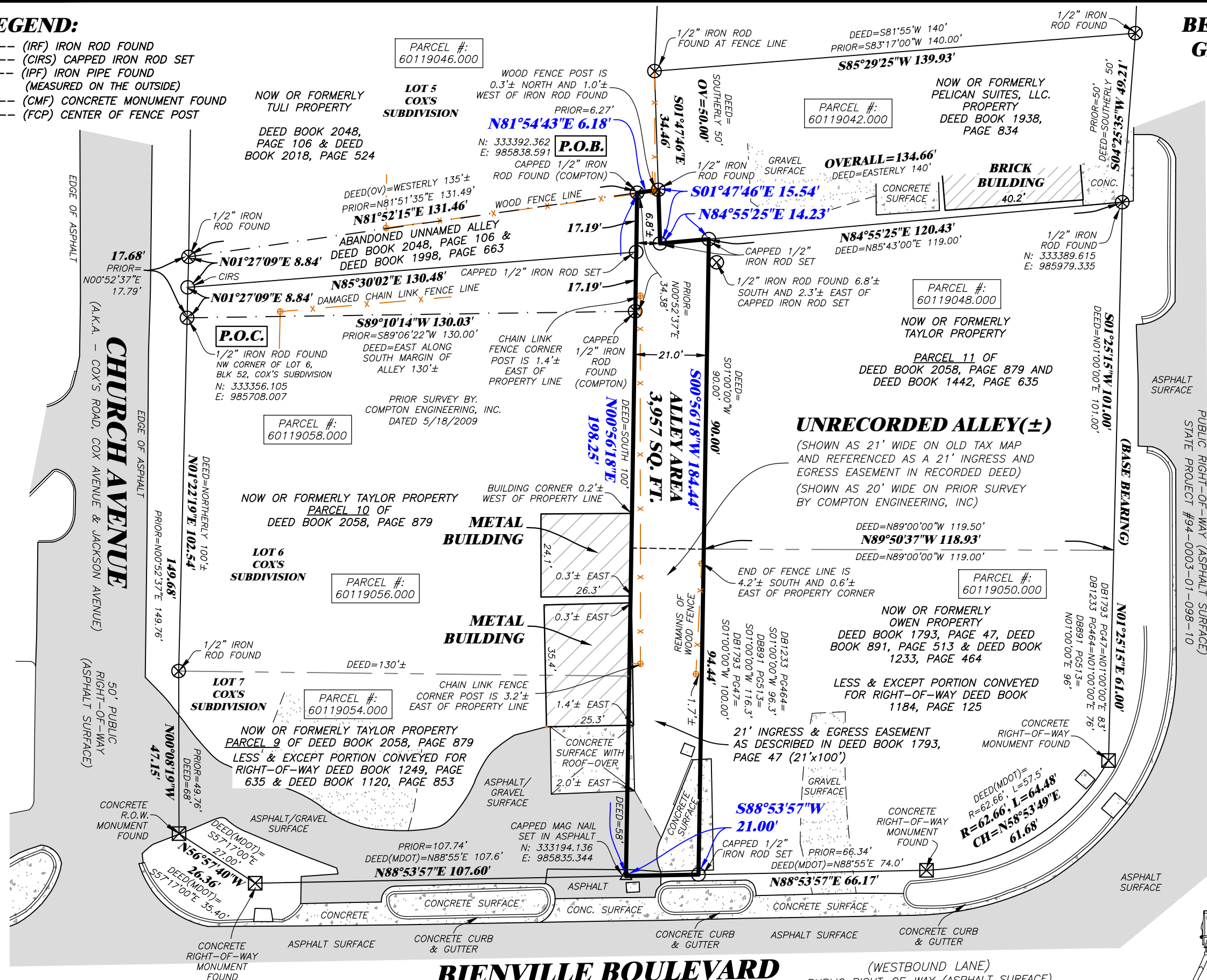
Thank you!

Elizabeth Dill

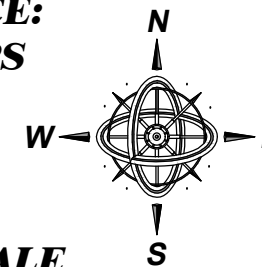
City of Ocean Springs
Planning Dept.
PO Box 1800
Ocean Springs, MS 39566
Phone: (228) 875-4415
Email: Planner@oceansprings-ms.gov

LEGEND:

- ⊗ -- (IRF) IRON ROD FOUND
- -- (CIRS) CAPPED IRON ROD SET
- -- (IPF) IRON PIPE FOUND (MEASURED ON THE OUTSIDE)
- ⊠ -- (CMF) CONCRETE MONUMENT FOUND
- ⊕ -- (FCP) CENTER OF FENCE POST



BEARING REFERENCE:
GRID NORTH BY GPS
OBSERVATION
NAD83(2011)
(EPOCH:2010.0000)



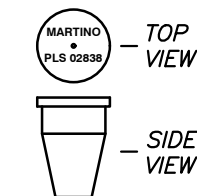
SCALE
1" = 30'

ABBREVIATION

LEGEND:

PLAT = PLATTED DIMENSION
DEED = DEED DIMENSION
PRIOR = PRIOR SURVEY
R.O.W. = RIGHT-OF-WAY
OV = OVERALL
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
N90°00'00"E 435.00' = ACTUAL FIELD MEASUREMENT

CAP DETAIL:



DETAIL OF TYPICAL
CAP FOR 1/2"x18"
REBAR SET BY
PATRICK M.
MARTINO, P.L.S.

NGS OPUS SOLUTION REPORT (STATE PLANE COORDINATES):

DATE: FEBRUARY 10, 2025
TOPCON HYPER_VR WAS
USED FOR GPS OBSERVATION

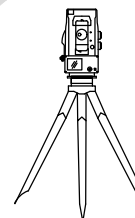
STATE PLANE COORDINATES
SPC (2301 MS E)

Northing (Y) [US sFT]	333,246.676
Easting (X) [US sFT]	985,919.193
Convergence [dms]	0°0'09.6500"
Point Scale	0.99995000
Combined Factor	0.99995336
US NATIONAL GRID DESIGNATOR: 16RCU2441666340 (NAD 83)	
(1 METER = 3.280833333 U.S. SURVEY FEET)	

CLIENT: **CARDIFF DEVELOPMENT PARTNERS**

FIELD WORK BY: IM
DRAWN BY: MTC
DRAWING #P25115.DWG
DATE: 2/21/2025

PATRICK M. MARTINO, PLS
13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR



A SURVEY OF THE UNRECORDED ALLEY SITUATED BETWEEN PARCELS #60119042.000, #60119048.000, #60119050.000, #60119054.000, #60119056.000, #60119058.000 & #60119046.000, CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI

UNRECORDED ALLEY

LEGAL DESCRIPTION: (AS PER SURVEY DIMENSIONS)

A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 8 WEST, CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI, AS SHOWN ON THE PLAT OF SURVEY PREPARED BY PATRICK M. MARTINO PLS, INC. DATED FEBRUARY 21, 2025 (SURVEY BASED ON THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM (EAST ZONE, NAD_83(2011)(EPOCH:2010.0000), GRID VALUES USING A SCALE FACTOR OF 0.99995000 AND A CONVERGENCE ANGLE OF 0°0'09.6500" DETERMINED SPECIFICALLY FOR THIS PROJECT USING GRID BEARINGS DERIVED FROM STATIC GPS OBSERVATIONS OF CONTROL POINTS OBTAINED BY AN OPUS SOLUTION, ALL LINES RELATIVE TO) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A 1/2" IRON ROD FOUND, SITUATED ALONG THE EAST MARGIN OF CHURCH AVENUE AT THE NORTHWEST CORNER OF LOT 6, BLOCK 52, COX'S SUBDIVISION, SAID IRON ROD ALSO BEING THE SOUTHWEST CORNER OF THE ABANDONED UNNAMED ALLEY, RECORDED IN DEED BOOK 2048, PAGE 106 AND DEED BOOK 1998, PAGE 663; THENCE ALONG SAID EAST MARGIN OF CHURCH AVENUE, N01°27'09"E 17.68 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID ABANDONED UNNAMED ALLEY; THENCE ALONG THE NORTH LINE OF SAID ABANDONED UNNAMED ALLEY, N81°52'15"E 131.46 FEET TO A CAPPED 1/2" IRON ROD FOUND (STAMPED: COMPTON) AT THE NORTHEAST CORNER OF SAID ABANDONED UNNAMED ALLEY, RECORDED IN DEED BOOK 2048, PAGE 106 AND DEED BOOK 1998, PAGE 663, SAID IRON ROD ALSO SITUATED ALONG THE SOUTH LINE OF PROPERTY NOW OR FORMERLY TULI, RECORDED IN DEED BOOK 2018, PAGE 524 AND IS THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH LINE OF TULI PROPERTY, N81°54'43"E 6.18 FEET TO A 1/2" IRON ROD FOUND, SITUATED ALONG THE WEST LINE OF PROPERTY NOW OR FORMERLY PELICAN SUITES, LLC, RECORDED IN DEED BOOK 1938, PAGE 834; THENCE ALONG SAID WEST LINE OF PELICAN SUITES, LLC. PROPERTY, S01°47'46"E 15.54 FEET TO A CAPPED 1/2" IRON ROD SET (STAMPED: MARTINO PLS 2838) AT THE SOUTHWEST CORNER OF SAID PELICAN SUITES, LLC. PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PELICAN SUITES, LLC. PROPERTY, N84°55'25"E 14.23 FEET TO A CAPPED 1/2" IRON ROD SET (STAMPED: MARTINO PLS 2838) AT THE NORTHWEST CORNER OF PROPERTY NOW OR FORMERLY TAYLOR, RECORDED AS PARCEL 11 OF DEED BOOK 2058, PAGE 879; THENCE ALONG THE WEST LINE OF SAID TAYLOR PROPERTY AND CONTINUE ALONG THE WEST LINE OF PROPERTY NOW OR FORMERLY OWEN, RECORDED IN DEED BOOK 1793, PAGE 47, LESS & EXCEPT PORTION CONVEYED FOR RIGHT-OF-WAY, S00°56'18"W 184.44 FEET TO A CAPPED 1/2" IRON ROD SET (STAMPED: MARTINO PLS 2838) AT THE SOUTHWEST CORNER OF SAID OWEN PROPERTY, SAID IRON ROD SET ALSO BEING SITUATED ALONG THE NORTH MARGIN OF BIENVILLE BOULEVARD (US HIGHWAY 90); THENCE ALONG SAID NORTH MARGIN OF BIENVILLE BOULEVARD (US HIGHWAY 90), S88°53'57"W 21.00 FEET TO A CAPPED MAG NAIL SET IN ASPHALT AT THE SOUTHEAST CORNER OF PROPERTY NOW OR FORMERLY TAYLOR, RECORDED AS PARCEL 9 OF DEED BOOK 2058, PAGE 879, LESS & EXCEPT PORTION CONVEYED FOR RIGHT-OF-WAY; THENCE ALONG THE EAST LINE OF SAID TAYLOR PROPERTY AND CONTINUE ALONG THE EAST LINE OF PROPERTY NOW OR FORMERLY TAYLOR, RECORDED AS PARCEL 10 OF DEED BOOK 2058, PAGE 879 AND ALSO THE EAST LINE OF THE ABANDONED UNNAMED ALLEY, RECORDED IN DEED BOOK 2048, PAGE 106 AND DEED BOOK 1998, PAGE 663, N00°56'18"E 198.25 FEET TO THE POINT OF BEGINNING. CONTAINING 3,957 SQUARE FEET.

GENERAL NOTES:

- 1.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ENVIRONMENTAL STUDY.
- 2.) THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, BUILDING RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS AND RIGHT-OF-WAY OF RECORD.
- 3.) THIS IS A CLASS "B" SURVEY ACCORDING TO THE STANDARDS SET FORTH IN THE CURRENT RULES AND REGULATIONS FOR SURVEYING WITHIN THE STATE OF MISSISSIPPI.
- 4.) RE-DIVISION OF THE PROPERTY IS SUBJECT TO CURRENT COUNTY SUBDIVISION AND ZONING REGULATIONS.

NGS OPUS SOLUTION REPORT (STATE PLANE COORDINATES):

DATE: FEBRUARY 10, 2025
TOPCON HYPER_VR WAS USED FOR GPS OBSERVATION

STATE PLANE COORDINATES	
SPC (2301 MS E)	
Northing (Y) [US sFT]	333,246.676
Easting (X) [US sFT]	985,919.193
Convergence [dms]	0°0'09.6500"
Point Scale	0.99995000
Combined Factor	0.99995336
US NATIONAL GRID DESIGNATOR:	
16RCU2441666340 (NAD 83)	
(1 METER = 3.280833333 U.S. SURVEY FEET)	

BOUNDARY NOTE:

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

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Patrick M. Martino

PATRICK M. MARTINO

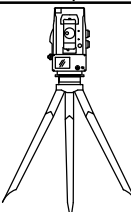
2/17/2025

DATE OF FIELD SURVEY

REFERENCE MATERIALS:

- 1.) JACKSON COUNTY TAX AND GIS MAPS.
- 2.) PRIOR SURVEY BY COMPTON ENGINEERING, INC. DATED MAY 18, 2009.
- 3.) PRIOR SURVEY BY RICK MENHENNETT, PLS, DATED JUNE 9, 2000.
- 4.) DEED BOOK 1049, PAGE 552
- 5.) DEED BOOK 1120, PAGE 849
- 6.) DEED BOOK 1184, PAGE 125
- 7.) DEED BOOK 891, PAGE 513
- 8.) DEED BOOK 1120, PAGE 853
- 9.) DEED BOOK 1229, PAGE 102
- 10.) DEED BOOK 1911, PAGE 336
- 11.) DEED BOOK 1998, PAGE 663
- 12.) DEED BOOK 2067, PAGE 106
- 13.) DEED BOOK 1793, PAGE 47
- 14.) DEED BOOK 1938, PAGE 834
- 15.) DEED BOOK 2018, PAGE 524
- 16.) DEED BOOK 2048, PAGE 106
- 17.) DEED BOOK 2058, PAGE 879
- 18.) DEED BOOK 1346, PAGE 530
- 19.) DEED BOOK 1442, PAGE 635
- 20.) DEED BOOK 1233, PAGE 464
- 21.) DEED BOOK 1249, PAGE 638
- 22.) MISSISSIPPI DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLANS. STATE PROJECT NO. 94-0003-01-098-10.
- 23.) COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH A DATE OF OCTOBER 29, 2024 AT 8:00 A.M. COMMITMENT NUMBER: 24-5561.
- 24.) COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH A DATE OF OCTOBER 29, 2024 AT 8:00 A.M. COMMITMENT NUMBER: 24-5561.001.
- 25.) CITY OF OCEAN SPRINGS WATER PLAN, PROVIDED BY CLIENT.
- 26.) ALL INFORMATION AS SHOWN HEREON.



TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH A DATE OF 10/29/2024, COMMITMENT NUMBERS: 24-5561 & 24-5561.001		NO FLOOD ZONE DETERMINATION WAS PERFORMED AS A PART OF THIS SURVEY. AN ACCURATE DETERMINATION CAN BE MADE BY ORDERING A FEMA ELEVATION CERTIFICATE.	
CLIENT: CARDIFF DEVELOPMENT PARTNERS		SURVEY CLASS "B"	BEARINGS SHOWN HEREON ARE DERIVED BY: GRID NORTH BY GPS OBSERVATION
PARCEL: BIENVILLE BOULEVARD ADDRESS: OCEAN SPRINGS, MS 39564		SCALE: N/A	 PATRICK M. MARTINO, PLS 13010 KAYLEIGH COVE BILOXI, MISSISSIPPI 39532 PHONE: 228-396-2283 EMAIL: PATRICK@MARTINOSURVEYING.COM PROFESSIONAL LAND SURVEYOR
SECTION 19, TOWNSHIP 7 SOUTH, RANGE 8 WEST			
PARCEL NUMBER: "AS SHOWN ON SURVEY"			
CREW CHIEF: IM	DRAWN BY: MTC		
DATE: 2/21/2025	JOB#: P25115		
REVISED:	CRD#: P241437		

RESIDENTIAL
ZONE: C-H

**PROPOSED ACCESS EASEMENT
for benefit of
1019 Washington Ave**

RESIDENTIAL
ZONE: C-H

CPA FIRM
ZONE: C-H
1019 WASHINGTON AVE

ARCEL AREA

52,371± SQ. FT.
1.20± ACRES

SIONS BANK
ZONE: C-H

WASHINGTON AVE.

TRUCK ROUTE

CONCRETE MEDIAN

CHURCH AVE.

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±63'

±224'

RAISED CONCRETE MEDIAN

TRUCK ROUTE

BIENVILLE BLVD. (HWY. 90)



**SIGNALIZED
INTERSECTION**

WHEELER & WHEELER, PLLC

ATTORNEYS AT LAW

185 Main Street
Biloxi, MS 39530

DAVID A. WHEELER
david@wheelerattys.com

CANDACE C. WHEELER
candace@wheelerattys.com

P.O. Box 264
Biloxi, MS 39533

Ph. (228) 374-6720
Fax (228) 374-6721

March 3, 2025

Mr. Wade Morgan
Interim Community Development
and Planning Director
City of Ocean Springs
P.O. Box 1800
Ocean Springs, MS 39566

HAND DELIVERED

RE: *Vacation of unnamed alley*
Our Client: Cardiff Development Partners
Our File No.: 24-5561

Dear Mr. Morgan:

Enclosed please find affidavits executed by the owners of parcels abutting the unused, unnamed alley lying north of U.S. Highway 90 between Church Avenue and Washington Avenue.

By letter dated March 1, 2025 Tom Davies, Manager of Cardiff Development Partners sent you a copy of the survey performed by Patrick M. Martino, PLS of the alley. I have enclosed another copy along with a copy of the legal description of the alley to be vacated for your use.

I have also enclosed a copy of the Resolution passed by the City on October 6, 2020 concerning the partial vacating of the northern portion of this alley that ran in an east/west direction. This resolution was recorded in Deed Book 1998 at Pages 663-671. This resolution recited that the original request to vacate this alley was approved by the City on June 16, 2009 and recognized that the original documents vacating the alley were not filed in the land records and could not be located, therefore the 2020 Resolution was passed to rectify that omission. The 2020 Resolution also found that the alley had not been maintained by the City as a public way for over 20 years and had not been used by the public for over 50 years. A subsequent Resolution was passed on November 2, 2021 to provide a more detailed description of the portion of the alley that was vacated. This Resolution was recorded in Deed Book 2048 at Pages 106-111.

If you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,



David A. Wheeler

DAW/hc
Enclosures

cc: Cardiff Development Partners

December 20, 2024

Ms. Carter Thompson
Community Development Director
City of Ocean Springs, MS
1018 Porter Avenue
Ocean Springs, MS. 39564

Re: vacation of the alley adjacent to 901 Bienville Road

Dear Ms. Thompson:

We each own interests in the following properties in Ocean Springs. Collectively, we own 100% of the properties below:

<u>Address</u>	<u>Assessor Parcel Number</u>	<u>Location Comment</u>
No address	60119048.000	south of 1107 Washington
No address	60119058.000	immediately south of 816 Church
No address	60119056.000	immediately north of 901 Bienville
901 Bienville Blvd.	60119054.000	NEC Bienville & Church

An application has been or will be made to vacate the unrecorded alley identified on the attached exhibit. Our properties abut this alley, and we hereby approve the vacation of the alley.

Sincerely

Angela B. Taylor
Angela B. Taylor

Tyler Taylor
Tyler Taylor

Dustin Taylor
Dustin Taylor

Emma Taylor
Emma Taylor

Angela Carroll
Angela Carroll

Crystal R. Mason
Crystal Mason

Sheely Seymour
Sheely Seymour

Notary Public: Stephanie E. Morris

Commission expires:
06/01/2027



December 20, 2024

Ms. Carter Thompson
Community Development Director
City of Ocean Springs, MS
1018 Porter Avenue
Ocean Springs, MS 39564

Re: vacation of the alley adjacent to 901 Bienville Road

Dear Ms. Thompson:

I am the owner of the vacant parcel of land at the northwest corner of Bienville Boulevard and Washington Avenue. The property does not have an address and may be identified by the assessor's parcel number 60119050.000.

An application has been or will be made to vacate the unrecorded alley identified on the attached exhibit. My property abuts this alley and I hereby approve the vacation of the alley.

Sincerely



Sherry L. Owen

Acknowledgment of Individual

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for said county and state, on this 20th day of December, 2024, within my jurisdiction, the within named Sherry L. Owen, who acknowledged that she executed the above and foregoing instrument.

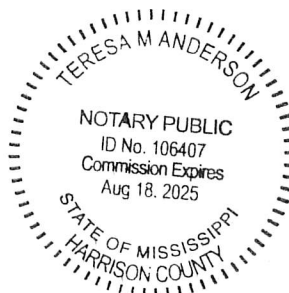


Notary Public

Printed Name: Teresa Anderson

My Commission Expires:

August 18, 2025



December 20, 2024

Ms. Carter Thompson
Community Development Director
City of Ocean Springs, MS
1018 Porter Avenue
Ocean Springs, MS. 39564

Re: vacation of the alley adjacent to 901 Bienville Road

Dear Ms. Thompson:

We are the owners of the house at 816 Church Avenue in Ocean Springs. The property has an assessor's parcel number of 60119046.000.

An application has been or will be made to vacate the unrecorded alley identified on the attached exhibit. Our property abuts this alley and we hereby approve the vacation of the alley.

Sincerely


Dr. Rajesh Tuli


Dr. Pam Tuli

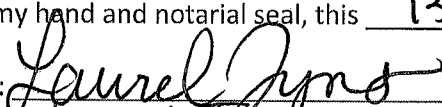
State of: Mississippi

County of: Jackson

The person(s) signing above does hereby certify that he or she is fully authorized and empowered to execute this instrument and to bind the undersigned hereto and does hereby in fact so execute this instrument.

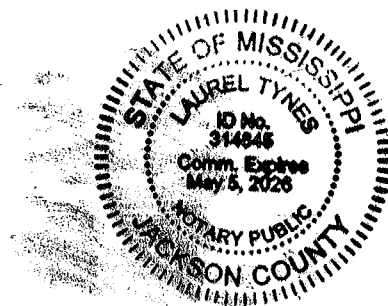
I, Laurel Tynes a Notary Public, do hereby certify that Dr. Rajesh Tuli and Dr. Pam Tuli, appeared before me this day in person and acknowledged that he/she signed said document.

Given under my hand and notarial seal, this 13 day of 01, 2025.

Notary Public: 

Printed Name: Laurel Tynes

My commission expires: May 5, 2028



WHEELER & WHEELER, PLLC

ATTORNEYS AT LAW

185 Main Street
Biloxi, MS 39530

DAVID A. WHEELER
david@wheelerattys.com

CANDACE C. WHEELER
candace@wheelerattys.com

P.O. Box 264
Biloxi, MS 39533

Ph. (228) 374-6720
Fax (228) 374-6721

June 4, 2025

Mr. Wade Morgan
Interim Community Development
and Planning Director
City of Ocean Springs
P.O. Box 1800
Ocean Springs, MS 39566

RE: *Vacation of unnamed alley running north from Bienville Blvd.*
Our Client: Cardiff Development Partners
Our File No.: 24-5561

Dear Mr. Morgan:

In connection with the upcoming hearing on the application of Tom Davies to vacate the unnamed alley, please accept the following to be included in the record in support of the application.

The alley in question is not part of an officially recognized or recorded plat or map of property in Ocean Springs. Although one parcel on the west side of the alley owned by the heirs of Fred Lemon contains a reference to Cox's Map of Ocean Springs, there is no such map that has been filed of record in the land deed records of Jackson County. Likewise one parcel on the east side of the alley owned by the heirs of Fred Lemon contains a reference to the Culmseig Map of the Town of Ocean Springs, but there is no such map that has been filed of record in the land deed records of Jackson County.

Each of these maps are informal maps that do meet the requirements of §17-1-23 or §21-19-63 Miss. Code Ann. (1972) for being accepted, approved and recorded in the county land records as official maps or plats. As a result, the provisions of §19-27-31 Miss. Code Ann. (1972) concerning a vacation of all or part of maps or plats does not apply since neither of these informal plats were approved by the governing body nor filed for record.

The authority to vacate this alley lies in §21-37-7 Miss. Code Ann. (1972) which authorizes a municipality to vacate an alley upon due compensation being first made to the abutting land owners upon such alley. In this case all adjoining land owners, with the exception of Pelican Suites, LLC, have provided their consent to the vacation of the alley. As can be seen in the attached survey by Patrick Martino, Pelican Suites, LLC adjoins a small portion of the alley on the northern end. This alley is not developed nor open, and provides no access to any land owner abutting the alley. At its southern end approximately one-half of the alley intersects a curb on Bienville Boulevard, effectively eliminating access to the alley.

Further proof of the City's authority to vacate this alley is the prior vacation of the east/west portion of the alley in 2009 that ran to Church Avenue, as reflected in the Resolution previously submitted to the

Page Two
June 4, 2025

Planning Commission. In this Resolution the City determined that the City had not maintained the area as a public way for over twenty years and that there was a complete, continuous and unexplained non-use of the alley by the general public for a period exceeding ten years. This prior vacation and the fact that the City installed a sewer line in this alley from Iberville Drive south across the property of others to the north of Pelican Suites, LLC as well as across the property of Pelican Suites, LLC and into the alley is evidence that the City recognizes this as an alley and that it has been unused by the public for over twenty years.

In an effort to resolve Pelican Suites, LLC's objection that vacating the alley would deny it access despite the fact that the alley is unopened, not maintained, and has trees growing in the alley rendering it unusable for access, the applicant has offered to grant Pelican Suites, LLC an easement across its property that would provide Pelican Suites, LLC access to Church Avenue, Washington Avenue and Bienville Boulevard as reflected on the site plan attached hereto. The Planning Commission can condition the vacation of the alley on the applicant granting the easement as shown to Pelican Suites, LLC, thus eliminating their concern over access and providing just compensation to Pelican Suites, LLC by giving it access that it did not have, at no cost to it.

If you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Wheeler". The signature is fluid and cursive, with a large initial "D" and a stylized "W".

David A. Wheeler

DAW/hc
Enclosures

cc: Cardiff Development Partners

Cardiff Realty Holdings, Inc
2660 Townsgate Road, Suite 800
Westlake Village, CA. 91361
805 496 6449

To: City of Ocean Springs, Planning Commission
From: Tom Davies, President of Cardiff Realty Holdings, Inc
RE: Applicant's response to Pelican Suites letter of April 3, 2025 regarding city alley vacation
Date: April 7, 2025

Relating to the proposed development of the northwest corner of Bienville Blvd. & Washington Avenue, we made application to the city on March 1, 2025 to vacate the north-south unrecorded city alley running north from Bienville Blvd. This matter is on the agenda for Planning Commission meeting on April 8, 2025.

The owner of property adjacent to our project at 1109 Washington Avenue, Pelican Suites LLC through its Managing Member Daniel Burton, has stated that he will be materially damaged if the city alley is vacated. It is important to note that Mr. Burton has never connected to that alley, this unrecorded city alley was never improved to allow access and the alley doesn't connect to an existing curb cut off Bienville Blvd. Further, it is our understanding that the city does not support improving this alley so that Mr. Burton could, in fact, even have access. That last fact would almost entirely negate his claim of material damage, as how could he access something that the city would not improve to allow it? Nevertheless, in the spirit to ensure Mr. Burton maintains the ability to have equivalent access after the alley vacation, we agree to provide a permanent access easement from his property through our project so that he may access either Bienville Blvd. or Church Street, expanding his access beyond that of the current city alley in question.

I believe the true reason for Mr. Burton's letter of April 3, 2025 is that he wants our company to purchase his property for \$500,000, which we do not need for our project and at a value significantly more than it is worth. He has proper access into his property off Washington Avenue, has never used the "alleys he references" since he purchased the property in 2019 and will not accept another means of access out of the rear of his property, which we previously proposed.

Nature of the Dispute - Property Valuation

In the fall of 2024, I called Mr. Burton about purchasing 1109 Washington Avenue. We were under contract to purchase all of the land south of his property from Washington Avenue to Church Street. At the time, we had a large tenant that wanted more land than the 1.1 acres of our current project site. When we spoke, we had a pleasant conversation and he stated that he rarely used the building, he was thinking of buying another CPA firm in Ocean Springs and would no longer need this building. He volunteered that his sale price would be \$450,000 but he had to speak to his wife.

I did not think the property was worth anything near \$450,000, but made a subsequent offer of that amount, to satisfy the request of a larger prospective tenant to accommodate their need for more land. Subsequent to that, the tenant decided not to pursue our project and our partners decided to focus on a smaller tenant that would not need Mr. Burton's land and we did not pursue it further.

On December 20, 2024, I sent letters to all of the owners abutting the alley including Mr. Burton. Please note that I did not order him to sign this as Mr. Burton characterizes in letter, but requested it. Subsequent to receiving the letter, Dan Burton and I had several telephone and email conversations. In

his email to me on December 21, 2024 he states that he would only sell his property for \$500,000 (see Exhibit A included herein).

At that time, I suggested that we could relocate the current unrecorded alley and provide Pelican Suites LLC with an easement access on the north side of our property. He refused this suggestion. We have done what we can to accommodate Mr. Burton, but there does not appear to be any other option acceptable to him other than a purchase of his property at a wildly inflated price of \$500,000.

The reasons that we do not want to have an unrecorded alley in the middle of the property are as follows:

1. No tenant would want to locate here under a long-term lease when an adjacent property owner could disturb their operations at any time without any rules governing the alley.
2. The alley would likely disrupt a proposed tenant's proposed improvements and overall site plan, likely making it unusable.
3. Although his 0.14-acre property is not likely to accommodate it, if Mr. Burton thinks his property will convert to a higher use with associated higher traffic, then it could cause stacking problems at the southern end of the unrecorded alley by Bienville Blvd., which again would interfere with the operations of a tenant.
4. The current unrecorded alley misaligns with the curb cut on Bienville with half of the driveway ending in a curb and half ending in the driveway access (see Exhibit B included herein). We believe the Mississippi Department of Transportation would never provide a new curb cut without an actual project.

Mr. Burton claims the alley vacation should be denied as "a usable alley is required to maintain legal safety standards of access ways." However, how can the current unrecorded city alley be usable if the city does not improve it and there is no viable curb cut on Bienville Blvd to connect to? The easement we will grant provides that other means of access he desires.

We note that the Ocean Springs Uniform Development Code (UDC) states:

2.44.5 Approval Criteria. The Planning Director shall recommend to the Planning Commission such terms and conditions as are reasonable to protect public health, safety, and welfare. The Planning Commission shall not approve a petition for vacation if: A: It will materially injure the rights of any non-consenting property owner or any public rights in public improvements, unless expressly agreed to by the agency with jurisdiction over the improvements; or B: The plat vacation would cause block lengths to exceed the maximum established herein.

Clearly, the above indicates that the UDC contemplates there may, in fact, be non-consenting owners and a vacation could be approved if it did not materially injure the rights of that non-consenting owner.

Based on that knowledge and the fact that Mr. Burton never accessed it, we believed the alley vacation would not materially injure Mr. Burton's rights as a non-consenting owner, and we pursued the application. Given that it is highly unlikely the city would improve the alley to the degree that access could be possible from Mr. Burton's property and we will provide an easement and improved driveway that allows an easy connection, we believe that not only are we mitigating any damages, but we are substantially improving his ability to gain additional access to his property.

Property Statistics

The property at 1109 Washington Ave, parcel 60119042.000, has a building of approximately 800 sq. ft. on a land parcel of approximately 6,098 sq. ft. It was purchased by Pelican Suites, LLC in June, 2019 for

\$205,000 (see Exhibit C included herein). Dan Burton is the manager of the LLC and he has indicated that he and his wife are members. The property covers approximately 13% of the lot on which it is situated and has a driveway entrance of approximately 25.5' in width at the property line on Washington Avenue.

I have been in retail property development for over 40 years and have been involved in the development of over 2.0 million square feet of retail and healthcare buildings. The standard entrance for a retail property for two-way traffic is 25' and can sometimes be widened to 30' for high volume shopping centers or where semi trucks need access. The statement that the entrance on Washington Avenue is too small for two-way traffic is not at all consistent with industry standards. The standard parking space in most cities has an 8 ½ foot width with the actual car width less than that. He states that the width of the drive way is less than 20 feet wide. There is more than adequate room for two-way traffic on the driveway for his building.

The building on his property is 800 square feet and only uses 13% of the lot area. In retail the normal amount of an area that a building can cover ranges up to 25%. Again, this property has ample area for ingress/egress and turn around movements. Given the very small size of this property, it is highly unlikely, if not impossible, it could be redeveloped for a use that would require a larger driveway width. If his property was combined with the one to the north for a development on both, they could petition at that time for a larger curb cut on Washington Blvd. with Mississippi Dept of Transportation and, in that instance, they would have additional access off Iberville Drive.

Vacation Requires Consent MS Code 17-1-23

The statute he quotes relates to portions of land platted or mapped with an official map or plat. The area where the land is located is not part of a formally platted plot of land. At various times in past description there are references to the Culmsieg Map of Ocean Springs or the Cox Map, but neither of these were official plats filed in the Chancery Clerk's records. As a result, we do not believe that statute applies in this instance.

Vacation Petition Meets Approval Criteria

Mr. Burton has a 25.5' wide driveway entrance to his property at the property line. It is a small bldg. of 800 sq. ft with plenty of area in the back for cars to turn around and for parking. As stated above, this parcel has enough width for two-way traffic. These facts support that the property, and its owners, will not be harmed. Further, we will improve his access by providing an access easement at the northern end of our property connecting to Church Street that allows for access to Bienville Blvd. and Iberville Drive.

Vacation Does Not Create Traffic Hazards

An aerial photo of his property (see Exhibit D included herein) shows Mr. Burton has plenty of space to the rear for turn around and parking area. There is no reason at all that any vehicle would have to back onto Washington Avenue.

Vacation Does Not Create Material Safety Concerns

We intend to utilize an entrance to our property at the current access point at the northeast corner of our project along Washington Avenue. If there is a fire on the adjacent premises at Mr. Burton's property, the fire trucks will be more able to service his building from that access point which will be under 40' away.

Prior Access limitations imposed by the city

The square footage of Mr. Burton's property is 6,098 sq. ft. Even if Mr. Burton wanted to increase the coverage ratio of the land to 25%, he might be able to increase the building size to possibly as much as 1,500 sq. ft., which is likely not economical as there would not be enough value added to justify the building costs. Any increase above that would most likely not be practical based on the size limitations of

the site, circulation and city codes. Site geometry has a lot to do with the amount of building that can cover a site. This property is rather narrow at 50' and deep, which is not favorable to maximize the buildable area of the property.

Alley Not Previously Approved

The current owners of the property at 901 Bienville Blvd. (part of our project) nor the owners of the property occupied by Bayou Marine, are aware of any attempt by Mr. Burton to contact them regarding access. Furthermore, this property was for sale for well over a year. If Mr. Burton wanted to gain access, he could have purchased the property or, at minimum, contacted them.

Conclusion

Mr. Burton had, from the time he purchased his property in 2019 until the date of this writing, a full five years and nine months to contact the owners of the properties or the owner of the Bayou Marine to inquire about the unrecorded alley, and did not do so. His interest in the unrecorded city alley only came to light after we made an offer for his property and pursued our project. By granting an access easement, we are more than mitigating any potential damage by providing a viable access point that does not currently exist.

The properties that are a part of our development have remained undeveloped for many years due to divided ownerships and the unrecorded city alley. Most development companies do not want to pursue the complexity of bringing, in this case, three parties together. To date, this property has not been developed due to this complexity of an assemblage that we are willing to take on. We have been told by city staff that alleys like this are problematic for the city and they would not contemplate improving this alley at taxpayer expense. This corner has been an eyesore for years and now we have the ability to improve it, creating jobs and expanding the tax base for the city. Our project and our offer to provide an easement improves Mr. Burton's access. It is time this project is approved with a condition for us to provide an access easement at the north end of the property for the benefit of the property at 1109 Washington Avenue. The Planning Commission can make this a condition of approval as we next proceed with our application for the alley vacation at the Board of Aldermen meeting on April 15, 2025.

Sincerely,

Cardiff Realty Holdings, Inc.



Tom Davies
President

EXHIBIT A

From: "dan@burtoncpafirm.com" <dan@burtoncpafirm.com>
Date: Saturday, December 21, 2024 at 2:33 PM
To: Tom Davies <tdavies@cardiffdp.com>, "dburton@burtoncpafirm.com" <dburton@burtoncpafirm.com>
Cc: 'Melissa Burton' <melissa@burtoncpafirm.com>
Subject: RE: Your property

Tom,

Thank you for your correspondence and I will try to best explain our situation. We don't currently use the access from the rear mainly because the property that you have in escrow has been for sale for such a long period of time and we haven't raised any issue with the situation because we didn't want to inflame the long time property owner. I believe in their mind that they firmly believe that they owe the ally which is not accurate. The main issue that we have is access. Our property as it sits is very restrictive and we have a very narrow entry path to Washington Ave. In fact, over the years the state has had to take frontage from our property to make way for a turn lane onto Hwy 90.

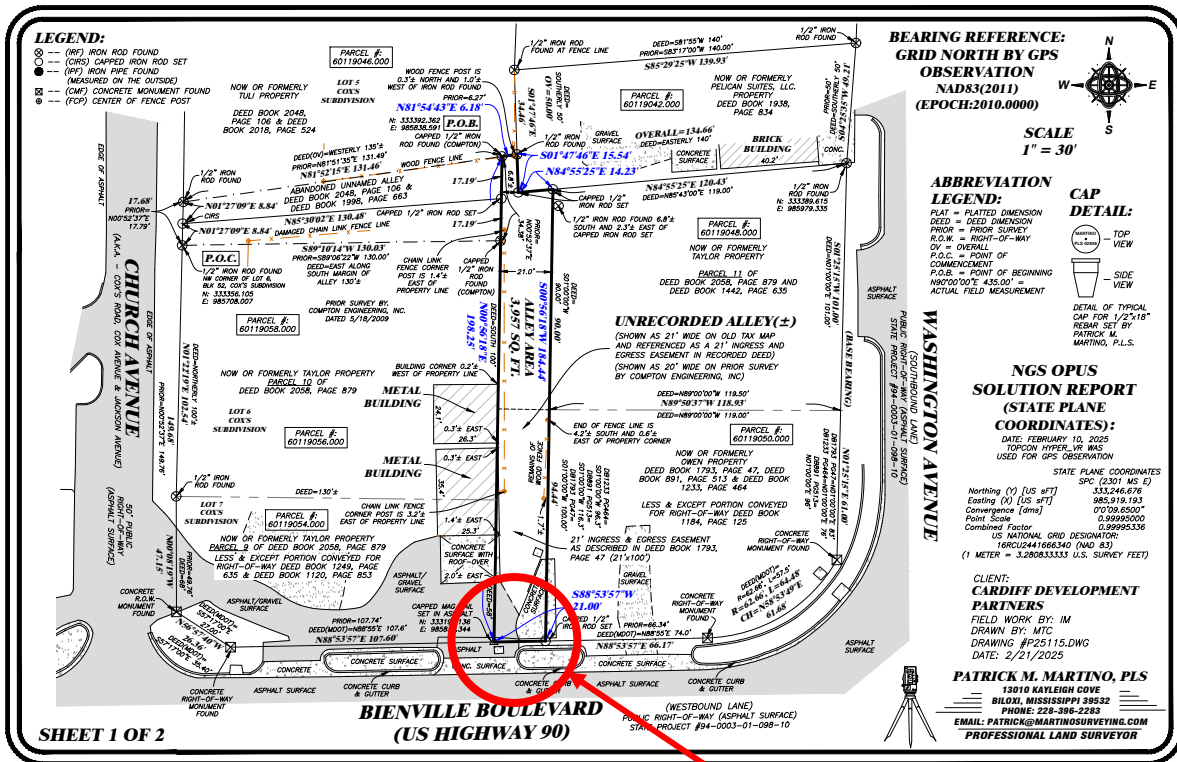
So, we don't anticipate signing over or agreeing to abandoning the existing ally as long as we own the property. At some point in the future, we may be forced to ask the city to facilitate us having access to this ally so that we can have traffic exit out onto Hwy 90. As I indicated in our telephone call, we are of the opinion that you should acquire out parcel for \$ 500k and then go to the City and ask for abandonment of the ally. It is my understanding that if you are the surviving property owner when the ally is abandoned that you would in essence become the owner of the ally which would greatly enhance the economics and connectivity of your five parcels.

We are not really interested in obtaining a deeded access to the ally as we can see potential issues down the road as cars may start using this access as a means to u turn from Hwy 90 onto Washington Ave. We already have a very narrow lot size and having large amounts of two way traffic could become problematic. We really believe that the best path forward would be for you to acquire our parcel and increase your footprint for your development. Obviously, you will have to calculate the economics as compared to your associated risk.

Alternatively, not sure if you would want to entertain assigning your contract if in fact you aren't going forward with your project or would want to consider some sort of joint venture that would allow us to contribute our property for an ownership stake in the larger scale project. Just some thoughts to consider but just signing over our access to the ally at this time would be a non-starter for us due to the above mentioned concerns. Hope you and your family have a nice Christmas holiday and let me know if any of these options make sense to you.

Daniel Burton
Certified Public Accountant
Burton CPA Firm, PA
PO Box 7605
Gulfport, MS 39506-7605
Telephone: 228-897-1287
Fax: 228-897-1406

EXHIBIT B



Existing City Alley does not have a viable curb cut on Bienville Blvd. to allow access

EXHIBIT C

345883	1109 Washington Ave, Ocean Springs, MS 39564				Agent Copy
	Comm/Industrial Closed				

	Name	Office	Primary	Office	E-mail
Listing Member:	Wilson W Kahlmus	LO: Busch Realty Group, LLC 20950		228-324-1715	
Selling Member:	Amanda Hendry D'Angelo	SO: Coastal Realty Group 21438	228-234-2121	228-280-8026	amanda@coastalrealtygroup.com



List Price	\$289,900	Sub-Type:	Improved Commercial for Sale
List Date:	03/25/2019	Days On Market:	75
Listing Type:		CDOM:	75
Apex H/C SqFt:	800 (Realist)	Parcel #:	6-01-19-042.000
List Price Sqft:	\$362.38	Lot Dimensions:	.14 acres
Year Built:	1940 (Realist)	Subdivision:	Non-Subdivision
Lot Dimensions:	.14 acres	County:	Jackson
		Zoning:	
		N or S of CSX RR:	North
		N or S of I-10:	South
		Comm. to Other Broker:	3%
		Sub Agency:	No

Legal: COM SW INTERS WASHINGTON AVE & IBERVILLE ST S 122' FOR POB CONTS 50' SWLY 140' N 50' NELY 140' TO POB DB 1736-887 (215 M)

Pending Date: 06/07/2019
Closing Date: 06/21/2019
Closing Price: \$205,000

Sold Price Sqft: 256.25
How Sold: Cash
Seller Concessions: 500

Annual Expenses:
Annual Flood Insurance:
Annual Gross Income:
Annual Net Income:

Flood Insurance Required?: No
Owner Name: K & S Group LLC
Owner/Agent: No

3rd Party/Bank Owned:
Potential Short Sale: No
Short Sale Info:

Agent Remarks:

Public Remarks: High visibility from both Washington Avenue & Highway 90. Zoned C3 with ample parking and upgrades throughout. High traffic count/ location provide great opportunity/ advantage for new or relocating businesses.

Parking: On Site Parking
Exterior:
Heating Fuel: Electric
Acc. Transportation: City Street; Interstate 1 Mile or Less
Possible Uses: Other
Topography:
Foundation: Slab/Light Duty
Heat System: Cent/Elec Furnace
Square Footage: Ofc. Bldg Up to 2500
Expenses Include:
Sale Options:
Location:
Flooring:

Cooling System: Central Electric
Approx Age Code: Older 25+ Years
Walls:
Water: City Water
Restrictions:
Documents on File:
Miscellaneous:
Levels:
Sewer: City Sewer
Sale Includes: Building and Land; Lease Option
Showing: Call LA for Appt.
Possession:
Acceptable Financing:

Commission to Other Broker: 3%
Is Sub Agency Being Offered: No
Commission to Sub Agent:
Commission Remarks:
Co-op A/B:
Agency A/B:

Appraised SqFt:
Appraiser Name:
Closing Price: \$205,000
How Sold: Cash

Pending Continue to Show:
Seller Concessions: 500
Closed Price/Apx H/C SqFt: 256.25
Cancel Date:
Closing Date: 06/21/2019

Fallthrough Date:
Pending Date: 06/07/2019
Status Change Date: 06/24/2019
Withdrawal Date:

Information is deemed to be reliable, but is not guaranteed. © 2021 MLS and FBS. Prepared by Tim Carlson on Thursday, April 29, 2021 2:21 PM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.

EXHIBIT D



Planner

From: dan@burtoncpafirm.com
Sent: Thursday, March 20, 2025 5:03 PM
To: Wade Morgan; Planner; Hannah Sullivan
Cc: melissa@burtoncpafirm.com
Subject: Alley vacation agenda item - Tom Davies

Wade, Elizabeth and Hannah,

Both me and my wife, Melissa Burton, would like to thank you for meeting with us a few weeks ago as it relates to the proposed attempt to vacate the recorded alley on Bienville Blvd. Our property is located at 1109 Washington Ave which consists of a commercial office building and lot that approximates 50 x 140 feet. We were approached by Mr Davies in December 2024 and he provided us with a letter that he asked us to sign that was to be used to secure all of the property owners approval for his request for vacation. We expressed our concerns to Mr Davies and indicated that we would not be signing his letter as we believe that this alley is critical for public safety as well as future development of our commercial site.

We are not in agreement with Mr Davies vacation request and will provide additional information before April 3rd to Elizabeth so that it can be provided to Commissioners at the public hearing on Tuesday, April 8th. Thanking you in advance for your consideration in this matter.

Daniel Burton
Certified Public Accountant
Burton CPA Firm, PA
PO Box 7605
Gulfport, MS 39506-7605
Telephone: 228-897-1287
Fax: 228-897-1406

Pelican Suites, LLC

P.O. BOX 7605
GULFPORT, MS 39506-7605
(228) 897-1287

To: City of Ocean Springs Planning Commission
From: Daniel Burton, Managing Member, Pelican Suites, LLC
Melissa Burton, Member, Pelican Suites, LLC
Re: Tom Davies – Request to Vacate Alley
Date: April 3, 2025

REQUEST PRESENTED

Should the Planning Commission recommend to the Board of Alderman to approve Mr. Tom Davies' request to vacate the alley that runs north from Bienville Blvd., east of parcels 60119054.000, 60119056.000, 60119058.000, west of parcels 60119048.000, 60119050.000, and south of parcels 60119042.000, 60119046.000?¹

BRIEF ANSWER

No. All adjacent property owners do not consent to vacating the alley, the vacation would materially injure the rights of non-consenting property owners, and a usable alley is required to maintain legal safety standards of access ways.

BACKGROUND

1109 Washington Ave - Parcel 60119042.000 - Pelican Suites, LLC

Pelican Suites, LLC purchased the property at 1109 Washington Ave from K&S Group, LLC on June 21, 2019, and it is leased to Burton CPA Firm, PA as a satellite branch office of the CPA practice. While the physical footprint at this location is relatively small and access is problematic, the CPA firm has been able to serve many long-time Ocean Springs clients and friends who have known the Burton family since the 1950s. At the time of purchase, the parcel had access to two separate platted alleys, one running east-west from the west side of the property to Church St and one running north-south from the south side of the property to Bienville Blvd.² This property and the surrounding parcels are zoned C-H Regional Commercial.

East-West Alley - South of Parcel 60119046.000 and North of Parcel 60119058.000

On June 16, 2009, adjacent property owners of the alley that runs east-west from the west side of 1109 Washington Ave to Church St requested that the city abandon the alley and allocate the alley property to the adjacent property owners. While the then Board of Alderman approved the request, the documents were not filed with Jackson

¹ Attachment A: ArcGIS Web Map of Alley & Surrounding Parcels

² Attachment B: Site Plan, Page 20 of Appraisal dated September 26, 2019

Land Records, and the originals were lost.³ Additionally, the then-owner of 1109 Washington Ave, Mr. Preston Lewis, was not included as a consenting party, despite having a significant interest in the alley.

By 2020, all adjacent parcels had changed ownership except the parcel owned on the north side of the alley then owned by Janet K. Rhodes, f/k/a Janet B Kennedy. Each new property owner may not have been aware of the previous decision to vacate the east-west alley as it was not recorded when each property changed hands.

On October 6, 2020, Ms. Rhodes petitioned the City to honor the prior approval without proper notice provided to the new adjacent property owners. Nevertheless, the petition was improperly approved and recorded in Jackson County Land Records on November 3, 2020. In addition, the petition called for the improperly approved Resolution to be forwarded to the abutting property owners, but this notice never occurred either.

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Pelican Suites, LLC was unaware of this alley vacation until April 2, 2025, when it was discovered in research for this memorandum.

Mr. Tom Davies Development Plans

After Mr. Dan Burton of Pelican Suites, LLC had been contacted repeatedly by mutual contacts, at the direction of a real estate broker, to inquire of Pelican Suites, LLC's interest in selling the Washington Ave property, Mr. Tom Davies contacted Mr. Burton on October 28, 2024. He inquired as to interest in selling the property. After indicating that there was no interest, Mr. Davies insisted on being provided a number for purposes of syndicating a real estate development. Mr. Davies expressed that the number given was too high, and Mr. Burton explained that the amount given reflected the lack of motivation to sell.

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³ A Resolution to Determine the Described Portion of an Unnamed Alley Abandoned, filed November 3, 2020, Book 1998 Pg 663-671

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⁵ Attachment C: Letter from Mr. Davies, undated but delivered via email on December 20, 2024, with attached ungrammatical letter

Unhappy with Mr. Burton's position, Mr. Davies has attempted to circumvent the property rights of Pelican Suites, LLC by making this current request of the Planning Commission to vacate the alley. His efforts are despite his being fully aware of the public safety requirements for this alley access.

DISCUSSION

Vacation Requires Consent

In Mississippi, a map or plat can be vacated/ altered by petition of the governing municipality **only after** parties that will be adversely affected are notified and agree in writing to the vacation/ alteration.⁶ MS Code §17-1-23 (4) explains that failure to gain approval from the parties shall prohibit the governing authority from altering or vacating the map or plat, or any part thereof.

This state's law is clear. This request to vacate the alley can only be filed after Mr. Davies has obtained written consent to such a vacation. As Pelican Suites, LLC has not consented in writing, or otherwise, to the vacation of the alley, Mr. Davies' request is exceptionally premature and should be immediately dismissed.

Alley is Required as a Service Drive

In addressing the standards for streets and alleys:

Alleys shall be dedicated along the rear of all commercial and industrial lots, unless, in the opinion of the Planning Commission, such alleys are unnecessary... UDC §5.2.1.I.⁷

All the abutting parcels to this alley are zoned C-H Regional Commercial, and only one parcel is used as a non-commercial lot. As such, all the abutting parcels must have an alley dedicated at the rear of the lots according to City code, unless the Planning Commission deems such alleys unnecessary. Because the alley is legally required, Mr. Davies' request should be denied.

Vacation Petition Fails Approval Criteria Due to Material Injury to Property Owner's Rights

In addressing the approval criteria for eliminating a plat, in whole or in part:

The Planning Commission shall not approve a petition for vacation if it will materially injure the rights of any non-consenting property owner... UDC §2.44.5.A.⁸

Pelican Suites, LLC's parcel has only one access point on Washington Ave and a driveway that narrows to less than 20 feet. This makes the existing main driveway only usable as a one-way drive. The alley provides an additional and wider access way to the property, allowing for more fluid traffic flow. The alley also provides a needed service

⁶ MS Code §17-1-23 (4)

⁷ City of Ocean Springs, Unified Development Code §5.2.1.I (Approved March 26, 2019, Updated December 3, 2024)

⁸ City of Ocean Springs, Unified Development Code §2.44.5.A (Approved March 26, 2019, Updated December 3, 2024)

drive to the commercial property as the only other access is on the heavily trafficked Washington Avenue/Hwy 609. Further, having the secondary access insulates the property owners from future additional encroachments along the major street/highway that may be forthcoming from the Mississippi Department of Transportation (MDOT).

Because of the limited access issues, Pelican Suites, LLC is severely limited in what type of business can operate on the parcel now. Vacating the alley would be the final blow in restricting the property's potential, resulting in material injuries to property value and lost opportunity. Pelican Suites, LLC should be afforded equal rights to the parcel as all other property owners and should not be forced to suffer from impaired access that limits business operations. Because permanently vacating the alley would materially injure Pelican Suites, LLC's rights, Mr. Davies' request should be denied.

Vacation Creates Traffic Hazards

In addressing the reduction of traffic hazards at access ways for off-street automobile parking and storage:

Access ways shall be designed and constructed so that vehicles will not back into public streets or alleys, except for single-family and duplex structures. The location and number of access ways shall be so arranged that they will reduce the possibility of traffic hazards as much as possible.
UDC §4.7.5.D.⁹

Pelican Suites, LLC's only current access point is so narrow that it can only be used as a one-way drive. This situation can and does create dangerous traffic hazards. If one automobile is entering the property at the same time another is exiting, one is forced to back up, or the entering automobile must completely stop on Washington Ave/Hwy 609, blocking traffic flow.

Even without the potential for a one-way jam in the sole access way, entering and exiting the parcel alone is a dangerous situation. Pelican Suites, LLC's property is a 50-foot wide parcel that fronts on one of the busiest and most congested intersections in south Mississippi. While the speed limit on Washington Ave, southbound over the Fort Bayou Bridge, is posted at 35 mph, the actual speed at which cars approach the intersection of Washington Ave and Bienville Blvd is much higher.

To complicate matters, MDOT created a right turn lane for traffic to proceed west on Bienville Blvd to Biloxi, which begins directly from Pelican Suites, LLC's parcel. When customers are almost stopping to make the right turn into the parcel's only access way, following drivers believe the right turn signal is for the intersection and do not slow down for the earlier turn.

It has become abundantly clear that with the continuing development of the downtown area, the City must honor the additional access way of the alley. This access way will allow patrons and employees to exit onto Bienville Blvd with the benefit of a traffic

⁹ City of Ocean Springs, Unified Development Code §4.7.5.D (Approved March 26, 2019, Updated December 3, 2024)

signal light creating pauses in traffic flow. The congestion trend in this area will likely never decrease, and access to and from this parcel will continue to become more hazardous to the general public. As the alley is required to reduce the current traffic hazards, Mr. Davies' request should be denied.

Vacation Creates Material Safety Concerns

The City of Ocean Springs adopted the 2018 Edition of the International Fire Code for regulating and governing the safeguarding of life and property from many harms, including from conditions hazardous to life or property in the occupancy of buildings and premises. OSCO §9-1.¹⁰

In addressing additional fire apparatus access roads for fire service:

The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. IFC §503.1.2.¹¹

As has been previously detailed, there is significant potential for the impairment of the single access road of Washington Ave/Hwy 609 by vehicle congestion. Additionally, the only access to the property is from the southbound flow, and barricades prevent the crossing of Washington Ave/Hwy 609 by any northbound flow. These access-limiting factors would require a fire code official to ensure the existence and functionality of the alley.

It is understood that the City of Ocean Springs is in a transitional phase in selecting a new Fire Chief. It is anticipated that upon permanent Fire Chief approval and installation by the City, Pelican Suites, LLC will make a formal request to the Fire Chief relating to the alley as an additional fire apparatus access road. The protection and safety of the general public, as well as any occupants and visitors of the parcel, would be best served by Fire Services and Emergency Medical Services having this secondary access. Because the alley is necessary due to the potential impairment of the Washington Ave/Hwy 609 access road, Mr. Davies' request should be denied.

Prior Access Limitations Imposed by the City

During the due diligence period of Pelican Suites, LLC's purchase of 1109 Washington Ave, safe and adequate access were of immediate concern. However, in 2019, clear and defined documentation showed two alleys bordering the property, one with access to Church St and one with access to Bienville Blvd. These two dedicated access points showed great potential for the property. Without them, the property is almost land-locked because of the extreme congestion inhibiting the use of the Washington Ave/Hwy 609 access drive. Pelican Suites, LLC would not have purchased the property without the alleys.

¹⁰ Ocean Springs, MS, Code of Ordinances §9-1 (2018)

¹¹ International Fire Code §503.1.2 (2018)

As previously stated, Pelican Suites, LLC only became aware of the resolution abandoning the Church St alley while researching this memorandum. Even though Pelican Suites, LLC was an interested party to this abandonment, the City never provided notice and the impact on property rights was never addressed. It is acknowledged that a substantial live oak tree sits in the middle of the alley and that any attempt to remove such a tree would be met with contentious community opposition. From a practical standpoint, this alley was unlikely to be a practical access point. However, the improper alley abandonment effectively eliminated one of the only two options for safe and adequate future access. Because the alley in question is now the only option for an additional access point, Mr. Davies' request should be denied.

ALLEY NOT PREVIOUSLY ADDRESSED/PURSUED

While the existence of the two alleys was a determining factor in deciding to purchase the property at 1109 Washinton Ave, no efforts were immediately made to improve the functionality of the alleys. Since Pelican Suites, LLC purchased the property, the tenants of the parcels on either side of the current alley at issue, Bayou Marine, have effectively blocked access by parking boats and trailers in the alley. To satisfy any concerns over the legitimacy of the alley, land records were reviewed, and all pertinent deeds, from Munro Petroleum and Mr. Lemon to the current owners, include legal descriptions that clearly recognize the existence of the alley that runs north-south from Pelican Suites, LLC's property to Bienville Blvd.

Mr. Lemon's estate proceedings have been ongoing since his death on October 6, 2015, and his parcels abutting the alley have been listed for sale since Pelican Suites, LLC's purchase in 2019. Because of this unsettled status, Pelican Suites, LLC, delayed addressing the use of the alley to wait for the property to be sold. Now that there is a potential buyer for the property, the alley must be addressed and made usable and available to all appropriate property owners.

Pelican Suites, LLC respectfully requests that the Planning Commission fully recognize all property owners' rights in this matter and that the alley remain and be made functional and accessible to all appropriate property owners.

CONCLUSION

Pelican Suites, LLC is in opposition to the alley vacation as requested by Mr. Davies. After consideration of the above reasons, it is clear that Mr. Davies' request for the vacation of the alley should be dismissed/denied. Approval of Mr. Davies' vacation request would violate provisions of Mississippi state law, Ocean Springs city code, International Fire Code, and cause significant financial and non-financial damages to the property and property rights of Pelican Suites, LLC.

Attachment A



Subject Land
7,000 sq ft

IBERVILLE DR

Washington Ave

609

140'

50'

50'

140'

60119042.000

60119040.000

60119048.000

117.2

30

50

122

66.000

8.000

Attachment B



2660 Townsgate Road, Suite 800
Westlake Village, CA 91361

805.496.6449

Mr. Dan Burton
Pelican Suites LLC
PO Box 7605
Gulfport, MS. 39564

Re: Alley Vacation

Dear Dan:

We are currently under contract to purchase the following properties in Ocean Springs, MS.

<u>Address</u>	<u>Assessor Parcel Number</u>	<u>Location Comment</u>
No address	60119050.000	NWC Bienville & Washington
No address	60119048.000	immediately north of above
No address	60119058.000	immediately south of 816 Church
No address	60119056.000	immediately north of 901 Bienville
901 Bienville Blvd.	60119054.000	NEC Bienville & Church

Our intention is to develop a retail center here with one or two tenants.
I have also attached an aerial photo with the properties we are purchasing outlined in red.

During our investigation of this property, we thought the parcel in the middle of the properties was owned by the city. In subsequent title research we found out that it was an unrecorded alley. We would like to vacate the alley. The city requires that all properties abutting the alley be in approval of the vacation. I have attached an approval letter for you to sign and have notarized. We will pay for and arrange the notary for your convenience.

When it is vacated, each adjoining landowner will be vested with title to the portion of the alley adjacent to their property to the middle of the alley at no cost to you.

If you have any questions regarding the above, feel free to call me at 805 496 6449 or our attorney in Oceans Springs. His name is David Wheeler and he can be reached at 228 374 6720.

Please deliver the completed document to David Wheeler at his office address which is as follows:

David Wheeler
Wheeler & Wheeler PLLC
185 Main Street
Biloxi, MS. 39533

Very truly yours,

A handwritten signature in blue ink, appearing to read "Tom Davies", is written over a horizontal line.

Tom Davies

December 20, 2024

Ms. Carter Thompson
Community Development Director
City of Ocean Springs, MS
1018 Porter Avenue
Ocean Springs, MS. 39564

Re: vacation of the alley adjacent to 901 Bienville Road

Dear Ms. Thompson:

I am the manager of Pelican Suites LLC, which owns 1109 Washington Avenue and has an assessor's parcel number of 60119042.000.

An application has been or will be made to vacate the unrecorded alley identified on the attached exhibit. My property abuts this alley and I hereby approve the vacation of the alley.

Sincerely

Daniel Burton

Pelican Suites, LLC

P.O. BOX 7605
GULFPORT, MS 39506-7605
(228) 897-1287

To: City of Ocean Springs Board of Aldermen
From: Daniel Burton, Managing Member, Pelican Suites, LLC
Melissa Burton, Member, Pelican Suites, LLC
Re: Tom Davies – Request to Vacate Alley
Date: May 6, 2025

On behalf of Pelican Suites, LLC, the owner of the property located at 1109 Washington Avenue, Ocean Springs, MS, we submit the following objection to the proposed public hearing we understand is set for this evening, being an appeal of the Planning Commission's decision regarding a request to vacate the Right of Way at the Northwest Corner of Bienville Blvd., and Washington Avenue running north from Bienville Blvd, which was filed by Cardiff Development Partners.

Noticing requirements were not timely met in order for this matter to be considered by the Board of Aldermen.

The City claims to have mailed notice on 4/21/2025. This is simply not true. In actuality, Planning & Zoning mailed us on 4/22/2025 a notice for the 4/8/2025 Planning Commission meeting, not notice for this meeting. Upon receipt, we called to inquire as to why we had received notice of a prior hearing in which we had participated. We spoke with Hannah at Planning & Zoning on the afternoon of 4/29/2025. Hannah indicated that Elizabeth had made a mistake and sent us the wrong meeting notice. Elizabeth was supposed to send us notice of this meeting but sent the 4/8/2025 meeting instead. Elizabeth realized her mistake and subsequently prepared this BOA hearing notice. Hannah claims that the current notice was mailed to us on 4/26/2025, which was a Saturday, and is conveniently 10 days prior to this BOA hearing. However, we have yet to receive the correct BOA meeting notice from the city as required by the UDC. Therefore, proper notice was not given.

Will Norman provided us a link to the publication of notice on the City of Ocean Springs website. However, this document was not uploaded to the city's website until 4/30/2025, after we had advised Will that we had not received proper written notice. April 30th is too late for proper notice. Therefore, proper notice was not given.

Will provided a copy of his advertising order for BOA notice to be published in the newspaper. However, this is not proof of publication and we are not subscribers of the print newspaper. Therefore, proper notice was not given.

Will indicated on 4/30/2025 that signage containing notice has remained on the property. However, no signage of the BOA hearing has ever been placed on the

property. We have video evidence of no signage for the entire notice period. Therefore, proper notice was not given.

It is our opinion that the matter cannot proceed this evening without proper written notice being provided, and emailing the same to us last Wednesday does not constitute adequate notice of the hearing as it provides us only 4 business days to prepare. Because proper notice has not been given, this issue should be tabled by the Board of Aldermen until the City provides proper notice of a hearing.

This matter was only tabled at the planning commission meeting and is not subject to an appeal or review by the City Council.

This appeal is premature according to UDC Section 2.44.4. Decisions can be appealed, but decisions only include approval, conditional approval, or disapproval, not tabling. On 4/8/2025, the Planning Commission did not make a decision. The Planning Commission requested additional information from Public Works and for the property owners to discuss the developer's request. The Planning Commission tabled a decision based upon the need for additional information and vetting. As of today, the Planning Commission has not yet received the requested information and the property owners have not reached an agreement. Therefore, this appeal is improper as there has not been a Planning Commission decision to appeal to the Board of Aldermen.

Records submitted to this Board of Aldermen are incomplete and do not constitute the entire record on appeal.

The BOA appeal packet does not include our prior objection to the vacation request, nor the transcript of the Planning Commission hearing. These records are an essential part of the record to be considered by the Board of Aldermen. As such, we have attached our prior objection that was submitted for the 4/8/2025 Planning Commission hearing. The same does not appear to have been placed in the record before and we request it be made a part of the record in this matter. We request that the Planning Commission provide the BOA transcripts from the 4/8/2025 hearing.

Due to the lack of notice, a discussion of damages is premature at this time.

M.C.A. Section 21-37-7, states that **"No street or alley or any portion thereof shall be closed or vacated, however, except upon due compensation being first made to the abutting landowners upon such street or alley for all damages sustained thereby."** A copy of the statute is attached hereto.

Respectfully the determination of damages is one that the City Council cannot address in the current setting.

The Board of Aldermen lack subject matter jurisdiction to hear this matter.

In that the alley has been laid off, mapped and/or platted the Petitioner is required to comply with M.C.A. Section 19-27-31, which states as follows:

“If the owner of any land which shall have been laid off, mapped, or platted as a city, town or village, or addition thereto, or subdivision thereof, or other platted area, whether inside or outside a municipality, shall be desirous of altering or vacating such map or plat, or any part thereof, he may, under oath, petition the chancery court for relief in the premises, setting forth the particular circumstances of the case and giving an accurate description of the property, the map or plat of which is to be vacated, or altered, and the names of the persons to be adversely affected thereby, or directly interested therein. The parties so named shall be made defendants thereto, and publication of summons shall be made one time in a newspaper published, or having a general circulation, in the county where the land is situated, and which publication shall clearly state the objects and purposes of the petition.

At any time after the expiration of five days from said publication and the service of process upon the named defendants, the cause or proceeding shall be triable, and the court in term time or the chancellor in vacation may hear the petition and all objections from any person thereto, and may decree according to the merits of the case. However, where all adversely affected or directly interested persons join in said petition, the same may be finally heard and determined by the court or chancellor at any time. If the decree vacate, in whole or in part, or alter the map or plat, it shall be recorded as a deed, and a memorandum thereof noted on the record of the map or plat.”

A copy of said statute is attached hereto. There has been no attempt at compliance with said statute. We respectfully submit that the current matter cannot proceed before the City Council as the City lacks subject matter jurisdiction to hear the vacation which must be filed in Chancery Court pursuant to M.C.A. Section 19-27-31.

Lastly, we reserve the right to make further objections to the matter.

We request that this response and all attachments be made part of the record in this matter.

Pelican Suites, LLC by Daniel Burton, Member

This notice is being mailed to you as an owner of adjacent property to the project described below. Copies are sent via standard mail at the cost of the applicant of this project.

City of Ocean Springs Community Development
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the City of Ocean Springs Planning Commission will hold a public hearing in the regular meeting place of the Board of Aldermen located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

Tuesday, April 8, 2025 @ 6:00 p.m.

Regarding the following:

- Tom Davies – North West corner of Bienville Blvd and Washington Ave – PIDN: 60119048.000, 60119050.000, 60119054.000, 60119056.000, and 60119058.000 – Request to vacate the alley that runs North from Bienville Blvd. This property is zoned C-H Regional Commercial.

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to wmorgan@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Wade Morgan,
City of Ocean Springs
Community Development Director

City of Ocean Springs
PLANNING DEPARTMENT
1018 Porter Avenue
OCEAN SPRINGS, MS 39564
Return Service Requested

PELICAN SUITES LLC
P O BOX 7605
GULFPORT MS 39506

3950637605



395 PM 2
22 APR 2024



quadrant
FIRST-CLASS MAIL
\$000.69
04/22/2025 ZIP 39566
043M31221186

US POSTAGE

2.44.4 - Decision

The petition may be approved, conditionally approved, or disapproved by the Planning Commission. The appellate hearing body for the decision is the Board of Aldermen.

Pelican Suites, LLC

P.O. BOX 7605
GULFPORT, MS 39506-7605
(228) 897-1287

To: City of Ocean Springs Planning Commission
From: Daniel Burton, Managing Member, Pelican Suites, LLC
Melissa Burton, Member, Pelican Suites, LLC
Re: Tom Davies – Request to Vacate Alley
Date: April 3, 2025

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1109 Washington Ave - Parcel 60119042.000 - Pelican Suites, LLC

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DISCUSSION

Vacation Requires Consent

In Mississippi, a map or plat can be vacated/ altered by petition of the governing municipality **only after** parties that will be adversely affected are notified and agree in writing to the vacation/ alteration.⁶ MS Code §17-1-23 (4) explains that failure to gain approval from the parties shall prohibit the governing authority from altering or vacating the map or plat, or any part thereof.

This state's law is clear. This request to vacate the alley can only be filed after Mr. Davies has obtained written consent to such a vacation. As Pelican Suites, LLC has not consented in writing, or otherwise, to the vacation of the alley, Mr. Davies' request is exceptionally premature and should be immediately dismissed.

Alley is Required as a Service Drive

In addressing the standards for streets and alleys:

Alleys shall be dedicated along the rear of all commercial and industrial lots, unless, in the opinion of the Planning Commission, such alleys are unnecessary... UDC §5.2.1.I.⁷

All the abutting parcels to this alley are zoned C-H Regional Commercial, and only one parcel is used as a non-commercial lot. As such, all the abutting parcels must have an alley dedicated at the rear of the lots according to City code, unless the Planning Commission deems such alleys unnecessary. Because the alley is legally required, Mr. Davies' request should be denied.

Vacation Petition Fails Approval Criteria Due to Material Injury to Property Owner's Rights

In addressing the approval criteria for eliminating a plat, in whole or in part:

The Planning Commission shall not approve a petition for vacation if it will materially injure the rights of any non-consenting property owner... UDC §2.44.5.A.⁸

Pelican Suites, LLC's parcel has only one access point on Washington Ave and a driveway that narrows to less than 20 feet. This makes the existing main driveway only usable as a one-way drive. The alley provides an additional and wider access way to the property, allowing for more fluid traffic flow. The alley also provides a needed service

⁶ MS Code §17-1-23 (4)

⁷ City of Ocean Springs, Unified Development Code §5.2.1.I (Approved March 26, 2019, Updated December 3, 2024)

⁸ City of Ocean Springs, Unified Development Code §2.44.5.A (Approved March 26, 2019, Updated December 3, 2024)

drive to the commercial property as the only other access is on the heavily trafficked Washington Avenue/Hwy 609. Further, having the secondary access insulates the property owners from future additional encroachments along the major street/highway that may be forthcoming from the Mississippi Department of Transportation (MDOT).

Because of the limited access issues, Pelican Suites, LLC is severely limited in what type of business can operate on the parcel now. Vacating the alley would be the final blow in restricting the property's potential, resulting in material injuries to property value and lost opportunity. Pelican Suites, LLC should be afforded equal rights to the parcel as all other property owners and should not be forced to suffer from impaired access that limits business operations. Because permanently vacating the alley would materially injure Pelican Suites, LLC's rights, Mr. Davies' request should be denied.

Vacation Creates Traffic Hazards

In addressing the reduction of traffic hazards at access ways for off-street automobile parking and storage:

Access ways shall be designed and constructed so that vehicles will not back into public streets or alleys, except for single-family and duplex structures. The location and number of access ways shall be so arranged that they will reduce the possibility of traffic hazards as much as possible.
UDC §4.7.5.D.⁹

Pelican Suites, LLC's only current access point is so narrow that it can only be used as a one-way drive. This situation can and does create dangerous traffic hazards. If one automobile is entering the property at the same time another is exiting, one is forced to back up, or the entering automobile must completely stop on Washington Ave/Hwy 609, blocking traffic flow.

Even without the potential for a one-way jam in the sole access way, entering and exiting the parcel alone is a dangerous situation. Pelican Suites, LLC's property is a 50-foot wide parcel that fronts on one of the busiest and most congested intersections in south Mississippi. While the speed limit on Washington Ave, southbound over the Fort Bayou Bridge, is posted at 35 mph, the actual speed at which cars approach the intersection of Washington Ave and Bienville Blvd is much higher.

To complicate matters, MDOT created a right turn lane for traffic to proceed west on Bienville Blvd to Biloxi, which begins directly from Pelican Suites, LLC's parcel. When customers are almost stopping to make the right turn into the parcel's only access way, following drivers believe the right turn signal is for the intersection and do not slow down for the earlier turn.

It has become abundantly clear that with the continuing development of the downtown area, the City must honor the additional access way of the alley. This access way will allow patrons and employees to exit onto Bienville Blvd with the benefit of a traffic

⁹ City of Ocean Springs, Unified Development Code §4.7.5.D (Approved March 26, 2019, Updated December 3, 2024)

signal light creating pauses in traffic flow. The congestion trend in this area will likely never decrease, and access to and from this parcel will continue to become more hazardous to the general public. As the alley is required to reduce the current traffic hazards, Mr. Davies' request should be denied.

Vacation Creates Material Safety Concerns

The City of Ocean Springs adopted the 2018 Edition of the International Fire Code for regulating and governing the safeguarding of life and property from many harms, including from conditions hazardous to life or property in the occupancy of buildings and premises. OSCO §9-1.¹⁰

In addressing additional fire apparatus access roads for fire service:

The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. IFC §503.1.2.¹¹

As has been previously detailed, there is significant potential for the impairment of the single access road of Washington Ave/Hwy 609 by vehicle congestion. Additionally, the only access to the property is from the southbound flow, and barricades prevent the crossing of Washington Ave/Hwy 609 by any northbound flow. These access-limiting factors would require a fire code official to ensure the existence and functionality of the alley.

It is understood that the City of Ocean Springs is in a transitional phase in selecting a new Fire Chief. It is anticipated that upon permanent Fire Chief approval and installation by the City, Pelican Suites, LLC will make a formal request to the Fire Chief relating to the alley as an additional fire apparatus access road. The protection and safety of the general public, as well as any occupants and visitors of the parcel, would be best served by Fire Services and Emergency Medical Services having this secondary access. Because the alley is necessary due to the potential impairment of the Washington Ave/Hwy 609 access road, Mr. Davies' request should be denied.

Prior Access Limitations Imposed by the City

During the due diligence period of Pelican Suites, LLC's purchase of 1109 Washington Ave, safe and adequate access were of immediate concern. However, in 2019, clear and defined documentation showed two alleys bordering the property, one with access to Church St and one with access to Bienville Blvd. These two dedicated access points showed great potential for the property. Without them, the property is almost land-locked because of the extreme congestion inhibiting the use of the Washington Ave/Hwy 609 access drive. Pelican Suites, LLC would not have purchased the property without the alleys.

¹⁰ Ocean Springs, MS, Code of Ordinances §9-1 (2018)

¹¹ International Fire Code §503.1.2 (2018)

As previously stated, Pelican Suites, LLC only became aware of the resolution abandoning the Church St alley while researching this memorandum. Even though Pelican Suites, LLC was an interested party to this abandonment, the City never provided notice and the impact on property rights was never addressed. It is acknowledged that a substantial live oak tree sits in the middle of the alley and that any attempt to remove such a tree would be met with contentious community opposition. From a practical standpoint, this alley was unlikely to be a practical access point. However, the improper alley abandonment effectively eliminated one of the only two options for safe and adequate future access. Because the alley in question is now the only option for an additional access point, Mr. Davies' request should be denied.

ALLEY NOT PREVIOUSLY ADDRESSED/PURSUED

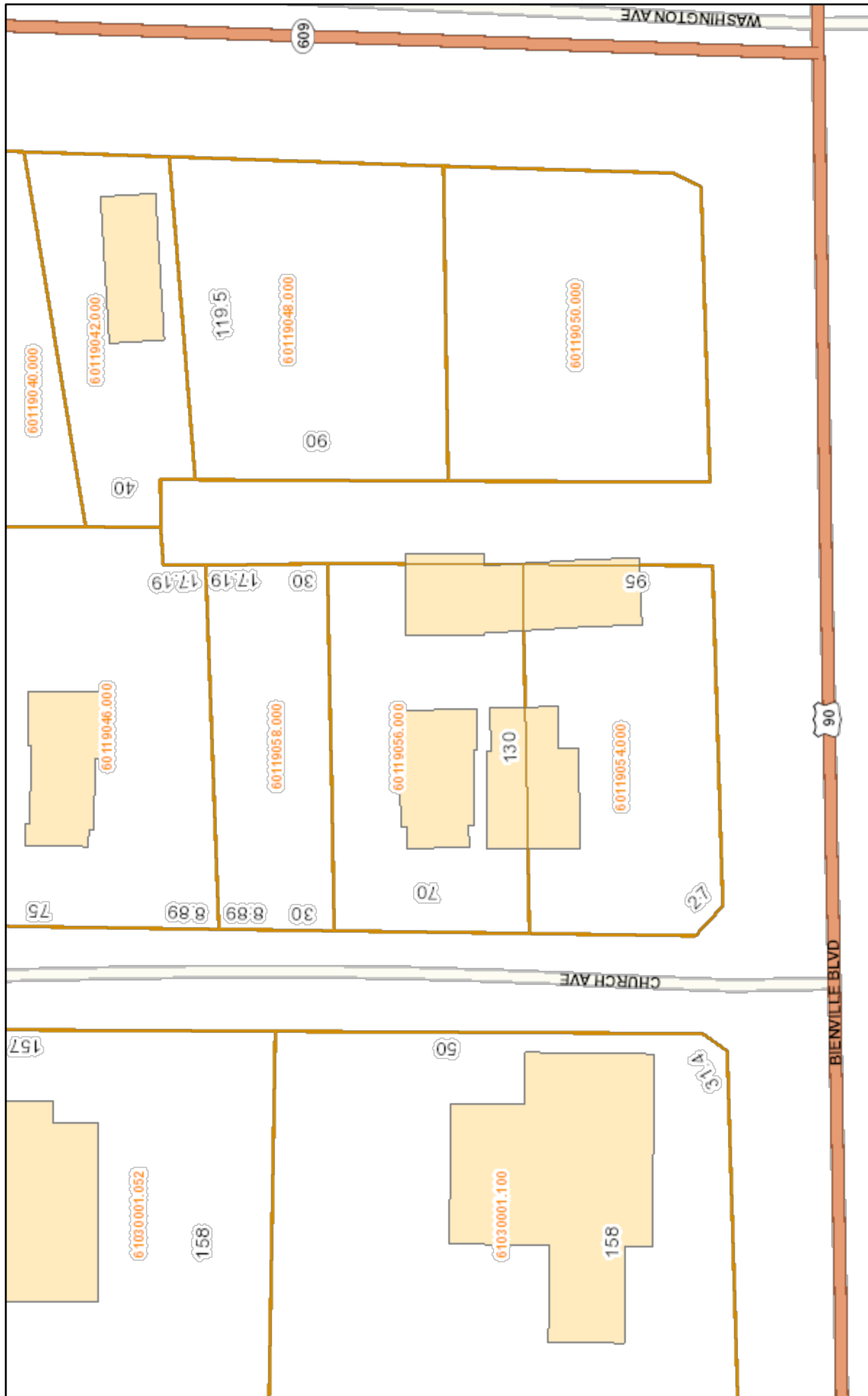
While the existence of the two alleys was a determining factor in deciding to purchase the property at 1109 Washinton Ave, no efforts were immediately made to improve the functionality of the alleys. Since Pelican Suites, LLC purchased the property, the tenants of the parcels on either side of the current alley at issue, Bayou Marine, have effectively blocked access by parking boats and trailers in the alley. To satisfy any concerns over the legitimacy of the alley, land records were reviewed, and all pertinent deeds, from Munro Petroleum and Mr. Lemon to the current owners, include legal descriptions that clearly recognize the existence of the alley that runs north-south from Pelican Suites, LLC's property to Bienville Blvd.

Mr. Lemon's estate proceedings have been ongoing since his death on October 6, 2015, and his parcels abutting the alley have been listed for sale since Pelican Suites, LLC's purchase in 2019. Because of this unsettled status, Pelican Suites, LLC, delayed addressing the use of the alley to wait for the property to be sold. Now that there is a potential buyer for the property, the alley must be addressed and made usable and available to all appropriate property owners.

Pelican Suites, LLC respectfully requests that the Planning Commission fully recognize all property owners' rights in this matter and that the alley remain and be made functional and accessible to all appropriate property owners.

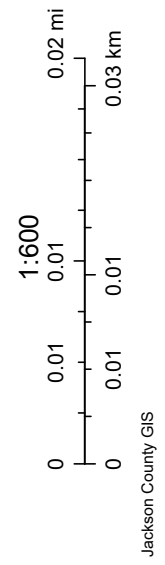
CONCLUSION

Pelican Suites, LLC is in opposition to the alley vacation as requested by Mr. Davies. After consideration of the above reasons, it is clear that Mr. Davies' request for the vacation of the alley should be dismissed/denied. Approval of Mr. Davies' vacation request would violate provisions of Mississippi state law, Ocean Springs city code, International Fire Code, and cause significant financial and non-financial damages to the property and property rights of Pelican Suites, LLC.

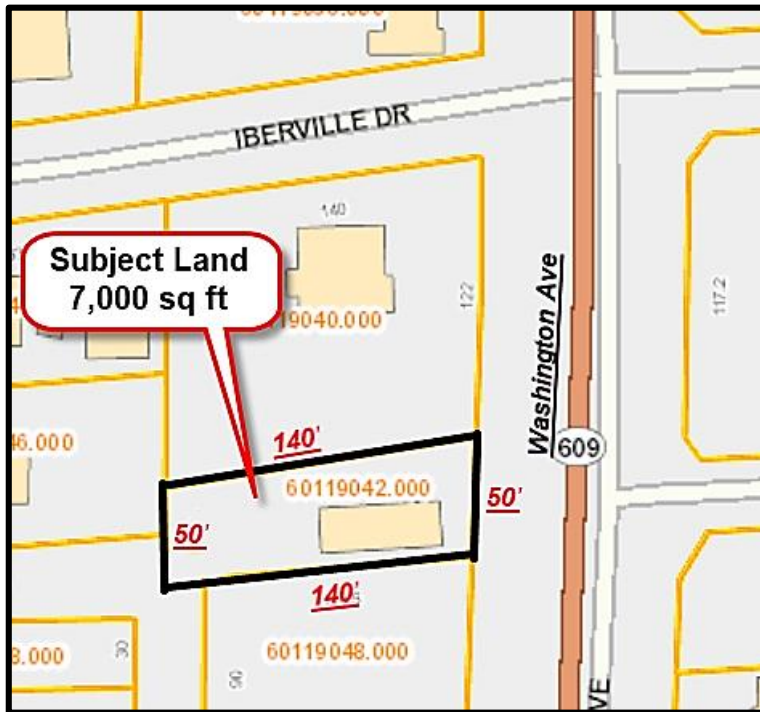


April 3, 2025

- Parcels
- PrimaryRoads
- Major
- CenterLines



SITE PLAN:



Allen Purvis and Associates, Inc. Real Estate Appraisers

Attachment B



2660 Townsgate Road, Suite 800
Westlake Village, CA 91361

805.496.6449

Mr. Dan Burton
Pelican Suites LLC
PO Box 7605
Gulfport, MS. 39564

Re: Alley Vacation

Dear Dan:

We are currently under contract to purchase the following properties in Ocean Springs, MS.

<u>Address</u>	<u>Assessor Parcel Number</u>	<u>Location Comment</u>
No address	60119050.000	NWC Bienville & Washington
No address	60119048.000	immediately north of above
No address	60119058.000	immediately south of 816 Church
No address	60119056.000	immediately north of 901 Bienville
901 Bienville Blvd.	60119054.000	NEC Bienville & Church

Our intention is to develop a retail center here with one or two tenants.
I have also attached an aerial photo with the properties we are purchasing outlined in red.

During our investigation of this property, we thought the parcel in the middle of the properties was owned by the city. In subsequent title research we found out that it was an unrecorded alley. We would like to vacate the alley. The city requires that all properties abutting the alley be in approval of the vacation. I have attached an approval letter for you to sign and have notarized. We will pay for and arrange the notary for your convenience.

When it is vacated, each adjoining landowner will be vested with title to the portion of the alley adjacent to their property to the middle of the alley at no cost to you.

If you have any questions regarding the above, feel free to call me at 805 496 6449 or our attorney in Oceans Springs. His name is David Wheeler and he can be reached at 228 374 6720.

Please deliver the completed document to David Wheeler at his office address which is as follows:

David Wheeler
Wheeler & Wheeler PLLC
185 Main Street
Biloxi, MS. 39533

Very truly yours,

A handwritten signature in blue ink, appearing to read "Tom Davies", is written over a horizontal line.

Tom Davies

December 20, 2024

Ms. Carter Thompson
Community Development Director
City of Ocean Springs, MS
1018 Porter Avenue
Ocean Springs, MS. 39564

Re: vacation of the alley adjacent to 901 Bienville Road

Dear Ms. Thompson:

I am the manager of Pelican Suites LLC, which owns 1109 Washington Avenue and has an assessor's parcel number of 60119042.000.

An application has been or will be made to vacate the unrecorded alley identified on the attached exhibit. My property abuts this alley and I hereby approve the vacation of the alley.

Sincerely

Daniel Burton

West's Annotated Mississippi Code

Title 21. Municipalities

Chapter 37. Streets, Parks and Other Public Property

Miss. Code Ann. § 21-37-7

§ 21-37-7. Streets and **alleys**, closing, vacating

[Currentness](#)

The governing authorities of municipalities shall have the power to close and vacate any street or **alley**, or any portion thereof. No street or **alley** or any portion thereof shall be closed or vacated, however, except upon due compensation being first made to the abutting landowners upon such street or **alley** for all damages sustained thereby.

Credits

Laws 1950, Ch. 491, § 127, eff. July 1, 1950.

Miss. Code Ann. § 21-37-7, MS ST § 21-37-7

The Statutes and Constitution are current with laws from the 2025 Regular Session effective through March 28, 2025. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

End of Document

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KeyCite Yellow Flag

Proposed Legislation

West's Annotated Mississippi Code
Title 19. Counties and County Officers
Chapter 27. Surveyors and Surveys

Miss. Code Ann. § **19-27-31**

§ **19-27-31**. Alteration and vacation

Currentness

If the owner of any land which shall have been laid off, mapped, or platted as a city, town or village, or addition thereto, or subdivision thereof, or other platted area, whether inside or outside a municipality, shall be desirous of altering or vacating such map or plat, or any part thereof, he may, under oath, petition the chancery court for relief in the premises, setting forth the particular circumstances of the case and giving an accurate description of the property, the map or plat of which is to be vacated, or altered, and the names of the persons to be adversely affected thereby, or directly interested therein. The parties so named shall be made defendants thereto, and publication of summons shall be made one time in a newspaper published, or having a general circulation, in the county where the land is situated, and which publication shall clearly state the objects and purposes of the petition.

At any time after the expiration of five days from said publication and the service of process upon the named defendants, the cause or proceeding shall be triable, and the court in term time or the chancellor in vacation may hear the petition and all objections from any person thereto, and may decree according to the merits of the case. However, where all adversely affected or directly interested persons join in said petition, the same may be finally heard and determined by the court or chancellor at any time. If the decree vacate, in whole or in part, or alter the map or plat, it shall be recorded as a deed, and a memorandum thereof noted on the record of the map or plat.

Credits

Laws 1946, Ch. 169, § 1, eff. from and after passage (approved January 29, 1946).

Miss. Code Ann. § **19-27-31**, MS ST § **19-27-31**

The Statutes and Constitution are current with laws from the 2025 Regular Session effective through March 28, 2025. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

End of Document

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Clay Harrison
7313 Belle Fontaine Drive
Ocean Springs, MS 39564

Via Email

June 5, 2025

City of Ocean Springs
Attn: Planning Commission
1018 Porter Avenue
Ocean Springs, MS 39564

Re: Planning Commission hearing on June 10, 2025
Application for Vacation of Alley
901 Bienville Blvd., Ocean Springs

Dear Planning Commission,

For many years, we have seen the northwest corner of Bienville and Washington sit mostly vacant. I've always wondered why a property at the busiest intersection in the city is undeveloped. For some time, there has been a boatyard on a portion of the property which isn't the best visual for this prominent corner.

I saw that there is a recent application to vacate a city alley between some of the land parcels at this corner for a development project. One could never tell there was a city alley there as nothing is improved for access. I can't imagine the alley property is of any use and it should be vacated to allow a development project to move ahead. I've seen outdated, unused alleys like this cause increased costs and liability problems in other cities, and this shouldn't occur in Ocean Springs when we have a viable solution in front of us that can be approved.

I understand all of the property owners adjacent to the alley have provided their consent to vacate the alley, except for one who is making claims that he needs the alley for additional access even though he has a driveway along Washington. However, there is no current access along this alley parcel, and I understand the city has no intention of ever improving it to allow for access. I certainly don't support spending city funds to improve an alley that appears to be surplus land and has no real purpose.

I support the application to vacate the alley so this property can be developed and made into something productive. Having vacant corners, especially a very prominent one, like this is not a good image for the city. I'm hopeful the Planning Commission will use common sense and approve this application at the hearing on June 10th.

Sincerely,

Clay Harrison

**Angela Taylor Carroll
901 Bienville Blvd.
Ocean Springs, MS 39564**

June 5, 2025

By Email

Planning Commission
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564

Re: June 10th Planning Commission hearing for the Application for Vacation of Alley
901 Bienville Blvd., Ocean Springs

Dear Planning Commission,

We are the owners of four small land parcels at 901 Bienville Blvd. near the corner of Washington Ave. We are in support of the application by Tom Davies and Cardiff Development Partners for the vacation of the alley that is between our properties. Our properties have been on the market for sale since 2018. Before we entered into a sale agreement with Cardiff Development Partners, no other developer has been able to put together a project here. Combined with the corner parcel owned by Sherry Owen and the alley, we have an opportunity to finally make this land productive for all, including the city, as it will generate more city revenue once completed.

The alley parcel has been used in part by the boatyard occupying a portion of our properties and by a gas station that was on Sherry Owen's corner property. The alley is of no current use other than a sewer line solely servicing these properties, which Tom Davies has offered to relocate back to the property line with a new manhole. It is also important to note that the other east-west portion of this alley was previously vacated a number of years ago.

I understand that all other adjacent property owners have consented to the application to vacate the alley except the owner just to the north at 1109 Washington Ave. That owner has stated he needs this alley for secondary access to his property. We have never heard from this property owner about these concerns until now. The alley is not usable for access at this time and the city states that have no intention of spending taxpayer money to improve it and that alleys are problematic. By vacating this alley, we have a chance to remove this liability for the city.

With the vacation of the alley, we will finally have the opportunity to sell our properties and see this corner properly developed. Right now, this corner is not the best representation for the city and the proposed project can change that. If this were not to proceed, we could sell the four lots individually to people who want to put food trucks there. However, I don't believe that would look good on such a prominent corner and there could be up to five access driveways along the adjacent streets. A professional approach to developing this property will produce the best outcome. One cohesive development will be more appealing, increase property values and create less traffic hazards by consolidating the lots and access points.

Tom Davies has offered to grant an access easement for the benefit of the adjacent property owner which will allow secondary access for his property at 1109 Washington Ave. Given that the existing unimproved alley does not provide any current access, this easement satisfies his concerns about having a secondary access point for their property. This access easement provides the owner of 1109 Washington Ave. with more than adequate compensation for the vacation of the alley.

We encourage the Planning Commission to approve the vacation of this alley at the meeting of June 10th.

Sincerely,

Angela Taylor



June 6, 2025

Via Email

City of Ocean Springs
Attn: Planning Commission
1018 Porter Avenue
Ocean Springs, MS 39564

Re: June 10th Planning Commission hearing for the Application for Vacation of Alley
901 Bienville Blvd., Ocean Springs

Dear Planning Commission,

We are the commercial real estate brokerage firm representing the owners of the four land parcels at 901 Bienville Blvd. near the corner of Washington Ave. These properties have been on the market for sale since 2018 although we have only represented the owners recently. Seven years on the market is a very long time for commercial properties such as this to have not sold, which is not the best representation for the city and the local commercial real estate market. Currently, Tom Davies and Cardiff Development Partners have the properties under contract as well as the corner parcel owned by Sherry Owen. They have a solution and a viable project that can allow these properties to sell and become productive.

In order to properly develop this, the city alley parcel that is situated between these properties needs to be vacated to assemble the entire corner. This will allow for one cohesive development that consolidates the access points and supports better traffic and pedestrian safety than would be the case if these are all sold or developed individually. If this were not to proceed, we have considered the sale of four individual properties and we could have uses like food trucks occupy them. However, that's not ideal, both visually and from a safety standpoint at the busiest and most prominent intersection in the city.

We have seen previously that surplus alleys such as this are ongoing liability and incur expenses for a city with no productive use. By vacating the alley, it is a "win-win" proposition for all involved. Hopefully, logic will prevail and this will be approved. This has already been delayed two months, and we hope to get this completed very soon. There is a saying in commercial real estate that "time kills all deals" and it's in no one's interest, including the city, to not move forward with this alley vacation and the development of these properties.

We are in support of the application by Tom Davies and Cardiff Development Partners for the vacation of the alley and encourage the Planning Commission to approve this at the meeting of June 10th without further delay.

Sincerely,

Tim Carlson
Principal

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

PLANNING COMMISSION REPORT

PUBLIC HEARING DATE: June 10, 2025
May 13, 2025: First presented

APPLICANT: Abe Karmel

PROPERTY OWNERS: BDA Spring Plaza, LLC
Sky Sylvester, LLC

REQUESTED ACTION: Minor Subdivision Sketch & Preliminary Plat Approval

DATE OF REQUEST: March 26, 2025

LOCATION: 1515 Bienville Blvd

PARCEL NUMBER: 61265011.000

DESCRIPTION OF REQUEST:

The applicant proposes to subdivide the existing building and parking lot into 3 lots.

ADJACENT ZONING AND LAND USE:

Subject Property: C-H Regional Commercial/Spring Plaza Shopping Center

North: R-1 Low Density Single Family

South: C-H Regional Commercial

East: C-H Regional Commercial

West: C-H Regional Commercial,
CMX-1 Neighborhood Commercial/Mixed Use,
& R-1 Low Density Single Family



FINDINGS:

- The applicants proposed to subdivide the existing building and lots to help with expense allocation related to the supermarket (Aldi).
- The property is currently zoned C-H Regional Commercial and does not have a required minimum lot area.
- The property is the Spring Plaza shopping center. The current tenants include (provided by applicant):
 - Goodyear
 - Petsense
 - Aldi
 - Stretch Zone
 - Hallmark
 - Pizza Hut
 - We're Better Than Blessed
 - The Lewelling Agency
 - Firehouse Subs
 - Marble Slab Creamery/Great American Cookie
- The current property is approximately 283,751 sq ft and one lot. The applicant proposes to subdivide the property into three lots. C-H zoning does not have a minimum lot area.
 - Lot one: 84,349 sq ft
 - Lot two: 110,987 sq ft
 - Lot three: 88,415 sq ft
- C-H zoning does have a minimum lot width of 25 ft. The current parcel and the three proposed parcels will meet this requirement.
- The current parcel meets all the requirements of C-H zoning setbacks.
 - Front: 5 ft
 - Side: 5 ft
 - Street Side: 10 ft
 - Rear: 10 ft
- If the parcel is subdivided all three parcels will not meet the side setbacks of 5 ft that the C-H zone requires.
 - Parcel one: East side will have a zero (0) side set back
 - Parcel two: Both sides will have a zero (0) side set back
 - Parcel three: West side will have a zero (0) side set back
- There is a 7 ft utility easement along the Northern and Eastern Property lines.
- A minor subdivision involves the creation of four (4) or fewer lots that:
 - 1) front on an existing improved street,
 - 2) do not involve the creation of a new street,
 - 3) do not involve the extension of municipal utilities, and
 - 4) do not involve the creation of public improvements.
- A shopping center already exists on property, along with parking lot and landscape.
 - The Spring Plaza Center is a major shopping center: A group of commercial establishments planned and designed with common parking or using a common

name, or both, and the total building square footage is greater than one hundred thousand (100,000) square feet.

- The shopping center currently has a shared parking lot and access drives. The applicant has provided proposed private covenants that establish parking, access and utility easements across the lots. These are private easements that can be changed by the lot owners. Staff recommends that the subdivision plat also designate the parking lot and drive aisles as common areas/easements.

PUBLIC FEEDBACK:

None received as of June 6, 2025.

POTENTIAL MOTIONS:

To recommend **approval** of Minor Sketch and Preliminary Plat to subdivide the existing building and parking lot into 3 lots located at 1515 Bienville Blvd.

– OR –

To recommend **denial** of Minor Sketch and Preliminary Plat to subdivide the existing building and parking lot into 3 lots located at 1515 Bienville Blvd.



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

APPLICATION: SUBDIVISION DEVELOPMENT

—Specific Requirements Outlined in Chapter 2 of the Unified Development Code—

SUBDIVISION TYPE: ☒ Minor (*4 lots or less*) ☐ Major (*more than 4 lots*)

Phase of Development: ☐ Sketch Plat ☐ Preliminary Plat ☐ Final Plat

Effective June 11, 2006, the following application fees apply:

	<u>Minor S/D</u>	<u>Major S/D</u>
Sketch Plat	\$ 250 + \$1	\$ 300 + \$1 + \$1
Preliminary Plat	\$ 250 + \$1 + \$ 50/lot	\$ 250 + \$1 + \$ 50/lot
Final Plat	\$ 250 + \$1 + \$ 50/lot	\$ 250 + \$1 + \$ 50/lot

\$1.00 fee per Ordinance 2022-17 following requirements of Section 25-60-5 MS Code Annotated.

Standard mail fee required for notification of property owners within 500' of applicant property. Exact fee to be determined by City, based on current postage rates.

Application Date: 3/26/25 (Applications are due by the 7th of each month.)

Name of Subdivision: <u>Spring Plaza Subdivision</u>
Address of Original Parcel(s): <u>1515 Bienville Boulevard, Ocean Springs, MS 39564</u>
Parcel ID(s): <u>61265011.00</u>

- | | | | |
|---------------------|------------------------------|-------|---------|
| 1. Applicant: | <u>Abe Karmel</u> | Phone | <u></u> |
| | Address | Email | <u></u> |
| 2. Local Agent: | <u>Tim Shelton</u> | Phone | <u></u> |
| | Address | Email | <u></u> |
| 3. Owner of Record: | <u>BDA Spring Plaza, LLC</u> | Phone | <u></u> |
| | Address | Email | <u></u> |
| 4. Engineer: | <u></u> | Phone | <u></u> |
| | Address | Email | <u></u> |
| 5. Land Surveyor: | <u>Heath Myers</u> | Phone | <u></u> |
| | Address | Email | <u></u> |
| 6. Attorney: | <u></u> | Phone | <u></u> |
| | Address | Email | <u></u> |

☐ **Attach Appropriate Checklist for Requested Phase of Review**

Property Information

1. Tax Map Designation: Section 19 Township: 7 South Range: 8 West
2. Proposed Subdivision Location: On the East side of Vermont Ave (street)
100' (distance in feet) North (relative direction) of U.S. Highway 90 (street)
3. List all contiguous holdings in the same ownership:
Section _____ Lot(s) _____
4. Zoning of Parcel(s): N/A 5. Total Acreage: 283,751 SQ. FEET +/-6.514 Acres
6. Smallest Lot Size: 84,349 SQ Feet +/-1.936 7. Proposed # of Lots: 3
9. Is the property located within a special district? (historic district, waterview preservation, or other designated overlay district, etc.) No
11. Does the property include any wetlands? If so, include professional wetland delineation. No
12. Has any lot included in this request been previously split or reconfigured, to your knowledge? No
13. Are there any easements or other legal restrictions on the property? If so, please explain.
7' Utility Easement along the Northern and Eastern Property Lines
14. Are there any existing structures on the property? If so, will they be kept or demolished? Kept

Proposed Subdivision Information

15. Is the subdivision infrastructure proposed to be: ☒ PUBLIC or ☐ PRIVATE?
16. Are any commercial or multi-use activities proposed? ☐ Yes ☒ No
If so, please describe: _____
17. Are any variances being requested for the proposed subdivision? If so, please explain.
No
18. Have there been any variances, exceptions, appeals or special uses granted for any properties in this request?
☐ Yes ☒ No If yes, please explain and state the date(s) of approval: _____
19. Is any open space or common area included in this subdivision? (Include any bus stops.) ☐ Yes ☒ No
If yes, please describe: _____
20. Is the subdivision ingress/egress onto a "major" road, as classified by the City? ☐ Yes ☐ No
21. **Complete where applicable:**
For Preliminary Plat: Date SKETCH PLAT was approved by Board of Aldermen: _____
For Final Plat: Date PRELIMINARY PLAT was approved by Board of Aldermen: _____
 - Were any changes made subsequent to preliminary plat approval? ☐ Yes ☒ No
If yes, please describe: _____
 - Does this final plat request include the entire area approved in the preliminary plat? ☐ Yes ☐ No

Notes and Next Steps for each phase are provided on the REQUIRED checklists.

Affidavit of Ownership

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) Avichai Medetsky, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: BDA Spring Plaza, LLC Parcel ID(s): 61265011.00

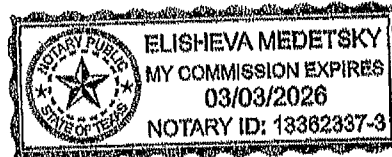
Date Property Acquired Date: 2/28/24 Book and Page of Each Conveyance: _____

Owner's Signature [Signature] Date: 4/24/2025

NOTE: If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.

STATE OF Texas

COUNTY OF Harris



I, Elisheva Medetsky, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

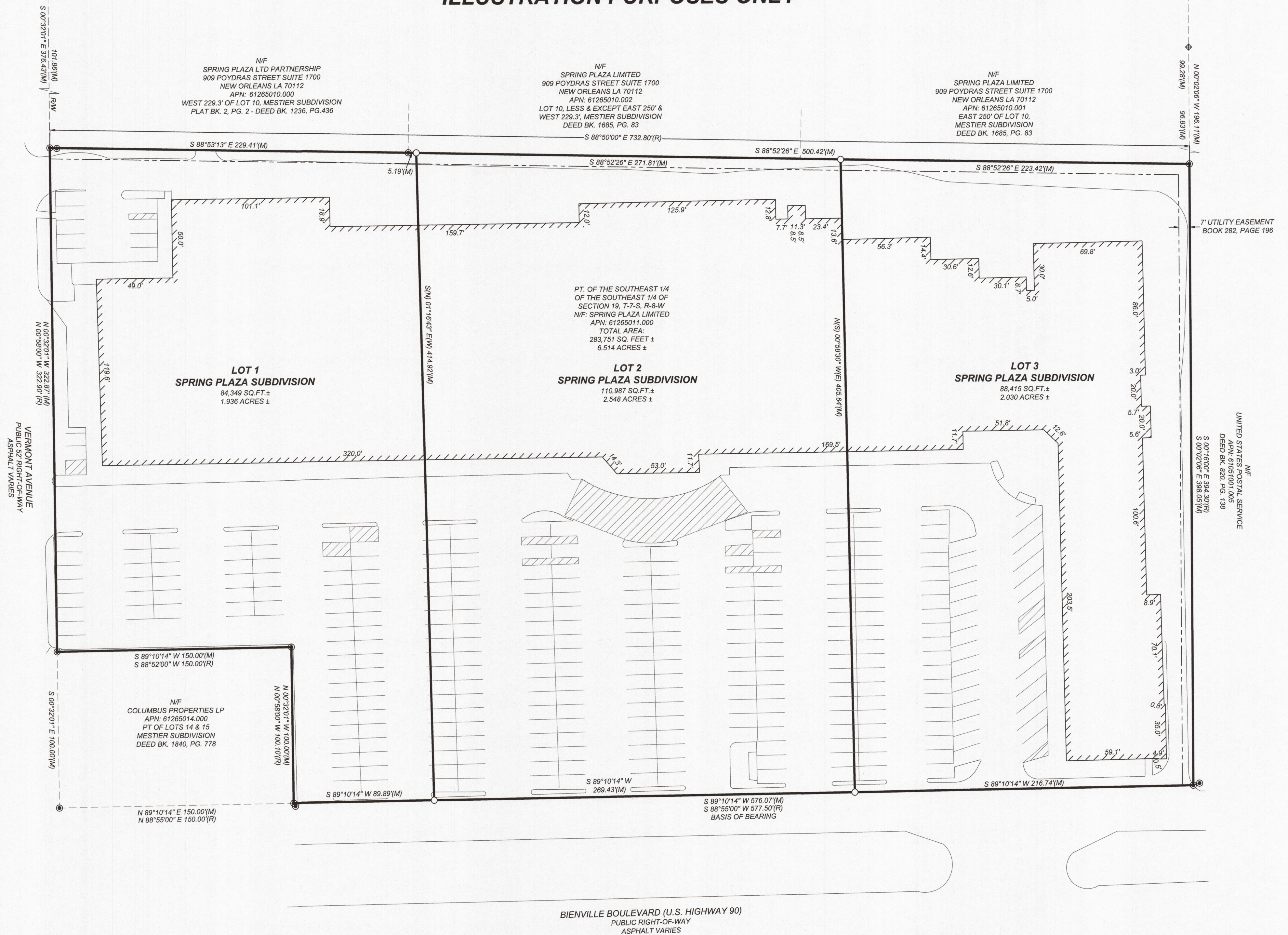
Mailing Address 10101 Fadden Rd Suite 545
Houston TX 77096

Subscribed and sworn before me this 29th day of April, 2025.

My Commission expires: 3/3/26

Notary Signature: [Signature]

ILLUSTRATION PURPOSES ONLY



This notice is being mailed to you as an adjacent property to the project described below. Copies are sent via standard mail at the cost of the applicant of this project.

City of Ocean Springs Community Development
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the City of Ocean Springs *Planning Commission* will hold a public hearing in the regular meeting place of the Board of Aldermen located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

Tuesday, June 10, 2025 @ 6:00 p.m.

Regarding the following:

- Spring Plaza Subdivision – Abel Karmel (Applicant) – 1515 Bienville Blvd – PIDN: 61265011.000 – Request approval for a Minor Sketch Plat of a 3-lot subdivision – Zoning: C-H Regional Commercial

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to wmorgan@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Wade Morgan,
City of Ocean Springs
Community Development Director

THIS INSTRUMENT PREPARED BY:

Ann Taylor, Esq.
JONES WALKER LLP
3100 North State Street
Suite 300
Jackson, MS 39216
(601) 949-4900
Mississippi Bar No. 6534

RETURN TO:

Ann Taylor, Esq.
JONES WALKER LLP
3100 North State Street
Suite 300
Jackson, MS 39216
(601) 949-4900

INDEXING INSTRUCTION:

SE ¼ of the SE ¼ of Section 19, Township 7 South, Range 8 West, Ocean Springs, Jackson County, Mississippi

SPECIAL WARRANTY DEED

NAME, ADDRESS AND PHONE NUMBER OF GRANTOR:

SPRING PLAZA LIMITED PARTNERSHIP
240 Metairie Road
Metairie, Louisiana, 70005
Residence Phone No.: N/A
Business Phone No.: 504-584-5000

NAME, ADDRESS AND PHONE NUMBER OF GRANTEE:

SKY SYLVESTER, LLC and BDA SPRING PLAZA, LLC, as tenants in common
10101 Fondren Rd, Suite 545
Houston, Texas 77096
Residence Phone No.: N/A
Business Phone No.: 713-939-2906

SPECIAL 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 which are hereby acknowledged, **SPRING PLAZA LIMITED PARTNERSHIP**, a Mississippi limited partnership, ("Grantor") does hereby grant, bargain, sell, convey and warrant specially to **SKY SYLVESTER, LLC**, a Texas limited liability company, and **BDA SPRING PLAZA, LLC**, a Texas limited liability company (collectively as tenants in common, "Grantee") and the heirs, legal representatives, successors and assigns of Grantee, all of Grantor's right, title and interest in and to the real property situated in the City of Ocean Springs, Jackson County, Mississippi, to-wit , as described on Exhibit A attached hereto and incorporated by this reference, together with: (i) any fixtures, buildings, structures and other improvements constituting real property of every kind located thereon, (ii) all oil, gas and mineral interests of Grantor pertaining to the real property, (iii) all timber, wood, and forest products of every kind located thereon, and, (iv) any and all rights-of-way, easement rights, access rights, privileges, hereditaments and appurtenant rights and interests of any kind pertaining thereto (collectively, the "Property").

This conveyance is made subject to, and there is excepted from the special warranty hereof, the matters set forth on Exhibit B attached hereto and made a part hereof.

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED JUNE 23, 2016, RECORDED IN THE DEED OR OFFICIAL RECORDS OF JACKSON COUNTY CHANCERY CLERK ON JULY 11, 2016 IN BOOK 1821, PAGE 886. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

Activity and Use Limitations. As part of the remediation of the Property, Owner imposes and agrees to comply with the following activity and use limitations that run with the land:

- (a) There shall be no excavating, drilling or other activities that could create exposure to contaminated media without prior approval from MDEQ.
- (b) The groundwater at the site shall not be used without prior approval from MDEQ.
- (c) No wells shall be installed without prior approval from MEDQ.
- (d) A sign of a size, shape, construction, and layout approved by MDEQ shall be erected and maintained at the physical location of the site that reads as follows:

STOP – CALL BEFORE YOU DIG
(601) 961-5171
Regarding Village Cleaners
(AI-35858)

- (e) All monitoring wells and the sign listed in subparagraph (d) shall be protected and maintained.

TO HAVE AND TO HOLD the Property, together with all improvements thereon and therein, any and all of the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to, and its successors and assigns forever. Grantor will warrant and forever defend the right

and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through and under the Grantor and none other.

Real property and ad valorem taxes for the current year have been prorated between Grantor and Grantee on an estimated basis, and shall be paid by Grantee when due. When said taxes are actually determined, if the proration as of this date is incorrect, then Grantor agrees to pay Grantee any additional amounts due, and Grantee agrees to pay Grantor any amounts overpaid. Grantee assumes and agrees to pay real property and ad valorem taxes for all subsequent years.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, this instrument has been executed by Grantor as of this the 28TH day of August, 2024, though actually executed on the date set forth in the acknowledgment below.

GRANTOR:

SPRING PLAZA LIMITED PARTNERSHIP,
a Mississippi limited partnership

By: Spring Plaza Corporation,
a Mississippi limited liability company, its
General Partner

By: *Tricia Perez*
Tricia Perez, Secretary/Treasurer

STATE OF LOUISIANA
PARISH OF TERREBONNE

Personally appeared before me, the undersigned authority in and for the said state and parish, on this 28th day of August, 2024, within my jurisdiction, the within named Tricia Perez, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that she executed the same in her representative capacity, and that by her signature on the instrument, and as the act and deed of the person or entity upon behalf of which she acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

Sandra A. Hayden
NOTARY PUBLIC

My Commission Expires:

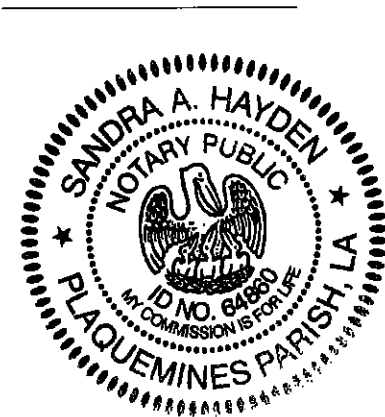


EXHIBIT A
LEGAL DESCRIPTION

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Ocean Springs, County of Jackson, State of Mississippi.

That certain parcel of land situated in the SE 1/4 of the SE 1/4 of Section 19, Township 7 South, Range 8 West, Ocean Springs, Jackson County, Mississippi, and being described more in particularly as follows, to-wit:

Commencing at the intersection of the North right-of-way line of U. S. Highway No. 90 with the East line of Vermont Avenue and run thence North 88 degrees 55 minutes East along the North line of U. S. Highway No. 90 a distance of 150.0 feet to an iron pin and the point-of-beginning of the herein described parcel.
From said point-of-beginning run thence North 0 degrees 58 minutes West a distance of 100.1 feet to an X in a concrete wall; thence South 88 degrees 52 minutes West a distance of 150.0 feet to a cross cut in concrete on the East right of way line of Vermont Avenue; thence North 0 degrees 58 minutes West along the East line of Vermont Avenue a distance of 322.9 feet to an iron pipe; thence South 88 degrees 50 minutes East a distance of 732.8 feet to an iron pin; thence South 0 degrees 16 minutes East a distance of 394.3 feet to a concrete monument on the North right of way line of U.S. Highway No. 90; thence South 88 degrees 55 minutes West along the North line of U. S. Highway No. 90 a distance of 577.5 feet to the point-of beginning.

NOTE FOR INFORMATION: Being Parcel No(s). 61265011.000, of the City of Ocean Springs, County of Jackson.

EXHIBIT B
PERMITTED EXCEPTIONS

1. Taxes for the year 2024 and subsequent years, a lien not yet due or payable.
2. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto.
3. Terms, Conditions, Reservations and Restrictions contained in Warranty Deed to State Highway Commission of Mississippi recorded on August 16, 1951 in Book 119 Page 128.
4. Terms, Conditions, Reservations and Restrictions contained in Warranty Deed to State Highway Commission of Mississippi recorded on August 16, 1951 in Book 119 Page 131.
5. Terms, Conditions, Reservations and Restrictions contained in Warranty Deed to State Highway Commission of Mississippi recorded on August 16, 1951 in Book 119 Page 132.
6. Terms, Conditions, Reservations and Restrictions contained in Warranty Deed to State Highway Commission of Mississippi recorded on August 16, 1951 in Book 119 Page 133.
7. Terms, Conditions, Reservations and Restrictions contained in Warranty Deed to State Highway Commission of Mississippi recorded on August 16, 1951 in Book 119 Page 135.
8. Terms and provisions of the Collateral Lease Agreement by and between William M. Lyon and Patricia Macon Lyon, his wife, and Liddell White and Shirley A. White, his wife, and Gulfport Winn-Dixie, Inc. as evidenced by Short Form Lease dated January 6, 1964 and recorded February 7, 1964 in Book 252 Page 310, as further amended.
9. Easement granted to City of Ocean Springs recorded on October 21, 1965 in Book 282 Page 196, and as shown the Survey.
10. Agreement by and between First Federal Savings and Loan Association of Mobile, William M. Lyon and Lamar Liddell White, and the Southern Farm Bureau Life Insurance Company recorded on October 1, 1968 in Book 341 Page 89.
11. Agreement by and between William M. Lyon and Lamar Liddell White, and the Southern Farm Bureau Life Insurance Company recorded on June 23, 1969 in Book 358 Page 61.
12. Party Wall Agreement by and between William M. Lyon and Lamar Liddell White and First Federal Savings and Loan Association of Biloxi recorded on May 11, 1971 in Book 389 Page 417.
13. Environmental Covenant between Spring Plaza Limited Partnership and Mississippi Commission on Environmental Quality recorded on July 11, 2016 in Book 1821 Page 886, and any amendments thereto, and as noted on the Survey.
14. All conditions, matters, easements and setback lines as set forth on Plat of the Mestier Property recorded in Plat Book 2 Page 2

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

PLANNING COMMISSION REPORT

PUBLIC HEARING DATE: June 10, 2025

APPLICANT: Sawgrass Development, LLC

PROPERTY OWNERS: BNOS investments 2, LLC

REQUESTED ACTION: Conditional Use Permit (CUP) for Multi-Family Dwellings in the C-H Regional Commercial District

DATE OF REQUEST: May 2, 2025

LOCATION: Bienville Blvd
North side of Bienville Blvd; approximately 2,000 feet east of Lakeview Drive

PARCEL NUMBER: 61104005.000

DESCRIPTION OF REQUEST:

The applicant proposes to develop a mixed used development with a healthy mix of highway frontage retail and incorporate a residential component to the property either above the retail or behind it.

ADJACENT ZONING AND LAND USE:

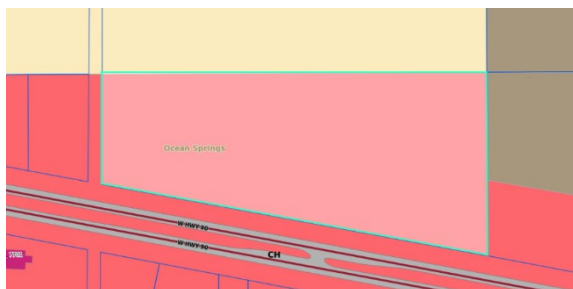
Subject Property: C-H Regional Commercial/Undeveloped

North: R-D Two Family Residential

South: C-H Regional Commercial

East: RM-2 Multi-family Dwellings
& C-H Regional Commercial

West: C-H Regional Commercial



FINDINGS:

- The property is currently zoned C-H Regional commercial.
 - Most intense commercial mixed-use district, allows up to 75' building heights. Includes most intense retail, office and residential development patterns with high traffic generation rates that serve a regional population.
- C-H:
 - Minimum lot area: None
 - The lot area of this property is 14.95 acres.
 - Minimum lot width: 25 ft
 - The lot width of this property is approximately 1,329.5 ft.
 - Setbacks: Proposed site plan meets all requirements.
 - Front: 5 ft
 - Side: 5 ft
 - Street side: 10
 - Rear: 10
- The multi-family development moratorium expired June 4.
- The property is currently undeveloped with no structures located on the property.
- Site Plan Proposes:
 - 23 multi-family residential structures
 - Clubhouse
 - Pool
 - Mailboxes
 - Pickle ball court
 - Two commercial areas for future commercial development located at the Bienville Blvd frontage.
- The applicant stated that the adjacent property has residential structures and was built in the last couple of years.
 - The back of the property (north side) where the residential structures are placed is zoned RM-2 Multi-family Dwellings.
 - The front of the property (south side) is zoned C-H Regional Commercial, and it is underdeveloped with no structures on this part of the property.

PUBLIC FEEDBACK:

None received as of June 6, 2025.

POTENTIAL MOTIONS:

To recommend **approval** of a Conditional Use Permit (CUP) to permit a multi-family development within the C-H Regional commercial District on the North side of Bienville Blvd – PIDN: 61104005.000.

– OR –

To recommend **denial** of Conditional Use Permit (CUP) to permit a multi-family development within the C-H Regional commercial District on the North side of Bienville Blvd – PIDN: 61104005.000.



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

CONDITIONAL USE PERMIT APPLICATION

Effective June 11, 2006, the following application fees apply:

Application Fee Required*: **\$ 250.00 (NON REFUNDABLE)**

\$ 1.00 (Per Ordinance 2022-17 following the requirements of Section 25-60-5
MS Code Annotated)

* Does not include mail fee, to be determined by City.

Standard mail fee required for notification of property owners within 500' of applicant property. Exact fee to be determined by City, based on current postage rates.

AND MUST BE PAID FOR BY THE APPLICANT BEFORE MAILING.

Application Date: 5/2/2025

(Applications are due by the 7th of each month for the meeting scheduled for the subsequent month.)

Indicate Request: Change In Zoning District _____ Use Permit _____ Conditional Use Permit ☒

Applicant Information

Address of Lot(s): 0 Bienville Boulevard, Ocean Springs, MS 39564

Parcel ID(s): 6-11-04-005.000

- | | |
|--|--------------|
| 1. Applicant: <u>Sawgrass Development, LLC</u> | Phone: _____ |
| Address: _____ | Email: _____ |
| 2. Owner of Record: <u>BNOS Investments 2, LLC</u> | Phone: _____ |
| Address: _____ | Email: _____ |

COMPLETE THE FOLLOWING:

- Current Zoning classification of property: CH
- Explain the present use of the property and condition of any existing structures: _____
The current condition of the property is undeveloped with no structures.
- Describe the intended use of property: To develop a mixed used development
with a healthy mix of highway frontage retail and incorporate a residential
component to the property either above the retail or behind it.

4. Reason for request: *Must include 1) A description of the change/changes in the neighborhood that justify the change (when/where) OR the mistake made in the zoning map if applicable; AND 2) The public need for the new zoning district type.*_____

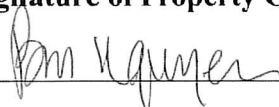
There is a residential use adjacent to this property that was built in the last
3-4 years. There is a clear need for more attainably priced housing in
Ocean Springs.

ATTACHMENTS REQUIRED:

- _____ 1. Application Fee. Amount \$ 250.00
- _____ 2. Map of the property and the surrounding neighborhood.
- _____ 3. Diagram of intended use, showing dimensions and distances of property, building and their setbacks; parking spaces, entrances and exits.
- _____ 4. Legal description; street address.
- _____ 5. Copy of protective covenants or deed restrictions, if any.
- _____ 6. Copies of approvals or requests of approval from other agencies such as: Health Department, Miss. Air and Water Pollution Control Commission, Corps of Engineers, Department of Marine Resources Council, etc.

****** If applicant is authorized to represent property owner, applicant must provide documentation signed by the property owner.***

Signature of Property Owner



BNOS Investments 2, LLC

Print name

5/2/2025

Date

Signature of Applicant



Sawgrass Development, LLC

Print name

5/2/2025

Date

OAK CAPITAL, LLC
OCEAN SPRINGS, MISSISSIPPI

MAP LEGEND:

- PROPOSED BUILDING
- PROPOSED CONCRETE PAVING
- PROPOSED ASPHALT PAVING
- PROPOSED GRAVEL SURFACE
- PROPOSED GRASSED AREAS
- PROPOSED SURFACE WATER
- PROPOSED WOOD DECKING

 EXISTING GRAVEL SURFACE EXISTING CONCRETE PAVING EXISTING ASPHALT PAVING EXISTING SURFACE WATER PROPOSED ADA PARKING PROPOSED TRAFFIC CONTROL SIGN PROPOSED EXTERIOR LIGHTING PROPOSED DUMPSTER PROPOSED WHEEL STOP PROPOSED RETAINING WALL SEE TOPOGRAPHIC LEGEND FOR OTHER EXISTING CONDITIONS SYMBOLS

PREPARED FOR:

MAP LEGEND:

- PROPOSED BUILDING
- PROPOSED CONCRETE PAVING
- PROPOSED ASPHALT PAVING
- PROPOSED GRAVEL SURFACE
- PROPOSED GRASSED AREAS
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PREPARED FOR:

SUBJECT SITE
PARCEL 61104005.000
BNOS INVESTMENTS 2, LLC
2 MARIE DRIVE
GRETNA, LA 70053

14.95 ACRES

ZONE CH

LEGAL DESCRIPTION:
ALL LOT 9 & THAT PART LOT 10 N OF NEW HWY 90
GROVELAND PARK S/D
DB 2074-772 2155-272 (1M MAP787. 25-04)

PARCEL ADDRESS:
BIENVILLE BLVD
OCEAN SPRINGS, MS

PARCEL 61104004.000
OAK CAPITAL, LLC
P.O. BOX 773
OCEAN SPRINGS, MS 39566

ZONE R-D

PARCEL 60030023.000
MAHONEY FAMILY, LLC
110 RUE MAGNOLIA
BILOXI, MS 39530

ZONE RM-2

POINT OF BEGINNING:
1/2" IRON PIN SET

PARCEL 60030010.000
CANVAS OCEAN SPRINGS 2022, LLC
29 OLMSTED ST
BIRMINGHAM, AL 35242

ZONE RM-2

ZONE CH

WOOTEN
ENGINEERING
CIVIL PLANNING + DESIGN



May 6, 2025

DRAWING DATA:

PROJECT NUMBER:	WE25-02-031
DRAWING FILE:	WE25-002_SITE 5_BNOS.DWG
DATE:	May 6, 2025
DRAWN BY:	JWW
CHECKED BY:	JWW
REVISIONS:	

SITE PLAN

HWY 90 BNOS PROPERTY

OCEAN SPRINGS, MISSISSIPPI

SHEET NUMBER:

C-02 OF 02

This notice is being mailed to you as an owner of adjacent property to the project described below. Copies are sent via standard mail at the cost of the applicant of this project.

City of Ocean Springs Community Development
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC HEARING is hereby given that the City of Ocean Springs Planning Commission will hold a public hearing in the regular meeting place of the Board of Aldermen located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

Tuesday, June 10, 2025 @ 6:00 p.m.

Regarding the following:

- **North side of Bienville Blvd; between Lakeview Drive and MS Hwy 57 – PIDN: 61104005.000 – Request for a Conditional Use Permit (CUP) to build a mixed-use development for retail and residential use – Sawgrass Development, LLC**

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to wmorgan@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Wade Morgan,
City of Ocean Springs
Community Development Director

Property Description

All lot 9 & that part lot 10 N of new Hwy 90 Groveland Park
S/D DB 1361-590 (1m MAP787.25-04)

Address

0 Bienville Boulevard, Ocean Springs, MS 39564

UNIMPROVED PROPERTY DISCLOSURE STATEMENT

This form is provided as a courtesy to the parties only. It is not required to be used in this transaction and may not fit the needs, goals and purposes of the parties. The Mississippi Association of REALTORS® makes no statement or warranty as to this form, its contents or use, and the parties, by their use of this form, acknowledge said facts and agree that neither the Mississippi Association of REALTORS® nor any member thereof shall be liable to any party or person for its contents or use. If any party to this transaction does not fully understand it, or has any question, the party should seek advice from a competent legal professional before signing. Use of this form is separate and apart from any required disclosures under Mississippi License Law of 1954, as amended, and nothing in this form is intended to affect required disclosures under License Law.

Property Description/Address HWY 90 (BIENVILLE BLVD)
ocean springs, MS 39564
16 acres

1. Has any part of the property been classified as wetlands by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act?
 a. Is a determination pending? Yes ☐ No ☒ Unknown ☐
 b. If pending, what was the date the determination was requested? N/A Yes ☐ No ☒ Unknown ☐
 c. By whom was the determination requested? (seller or Agent and name) N/A
 The U.S. Army Corps of Engineers has commenced active enforcement of Section 404 of the Clean Water Act. Under this federal law, designed to protect the wetlands of the United States, certain permit requirements must be met for altering or building or filling property that is determined to be wetlands as defined by the Corps. BUYER or SELLER may be charged by the Corps for making the determination. A determination that the property is wetlands will result in additional fees and charges associated with a Section 404 permit.
2. Is a survey of the property available? Yes ☐ No ☒ If yes, indicate the date of the survey. _____
3. Is an environmental audit available? Yes ☐ No ☒ If yes, indicate the date of the audit. _____
4. Are you aware of the existence of any of the following?

Encroachments	Yes ☐	No ☐	Unknown ☒	Standing water	Yes ☐	No ☒	Unknown ☐
Basements	Yes ☐	No ☐	Unknown ☒	Bluff/Erosion	Yes ☐	No ☒	Unknown ☐
Soil Problems	Yes ☐	No ☐	Unknown ☒	Subsoil problems	Yes ☐	No ☐	Unknown ☒
Flood Zone	Yes ☐	No ☐	Unknown ☒	Land Fill	Yes ☐	No ☒	Unknown ☐
5. Are there any specific problems that make the subject property a non-conforming use such as proper lot size, set backs, zoning etc.
Yes ☐ No ☐ If yes, please explain: _____
6. Has the property ever flooded? Yes ☐ No ☐ Unknown ☒ Is Flood Elevation known? Yes ☐ No ☒
*Flood Zones are subject to change at any time by the U.S. Army Corps of Engineers.
7. Are there any right of way easements, etc. that affect your ownership interest in the property? Yes ☐ No ☒
8. Is the subject situated on Leasehold or Sixteenth Section Land? Yes ☐ No ☒ Unknown ☐
If yes, explain: _____
9. Is there any existing or threatening legal action affecting the property? Yes ☐ No ☒ Unknown ☐
If yes, explain: _____

I/we attest that these statements are true and correct to the best of my/our knowledge.
 DocuSigned by: Don Nguyen 05/10/2024 05/10/2024
 Owner/Seller Signature Don Nguyen Date 05/10/2024 Owner/Seller Signature _____ Date _____

We acknowledge receipt of a copy hereof:

Buyer Signature _____ Date _____ Buyer Signature _____ Date _____

Page 1 of 1



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F29 - Unimproved Property Disclosure Statement

Rev. Date 02/2019

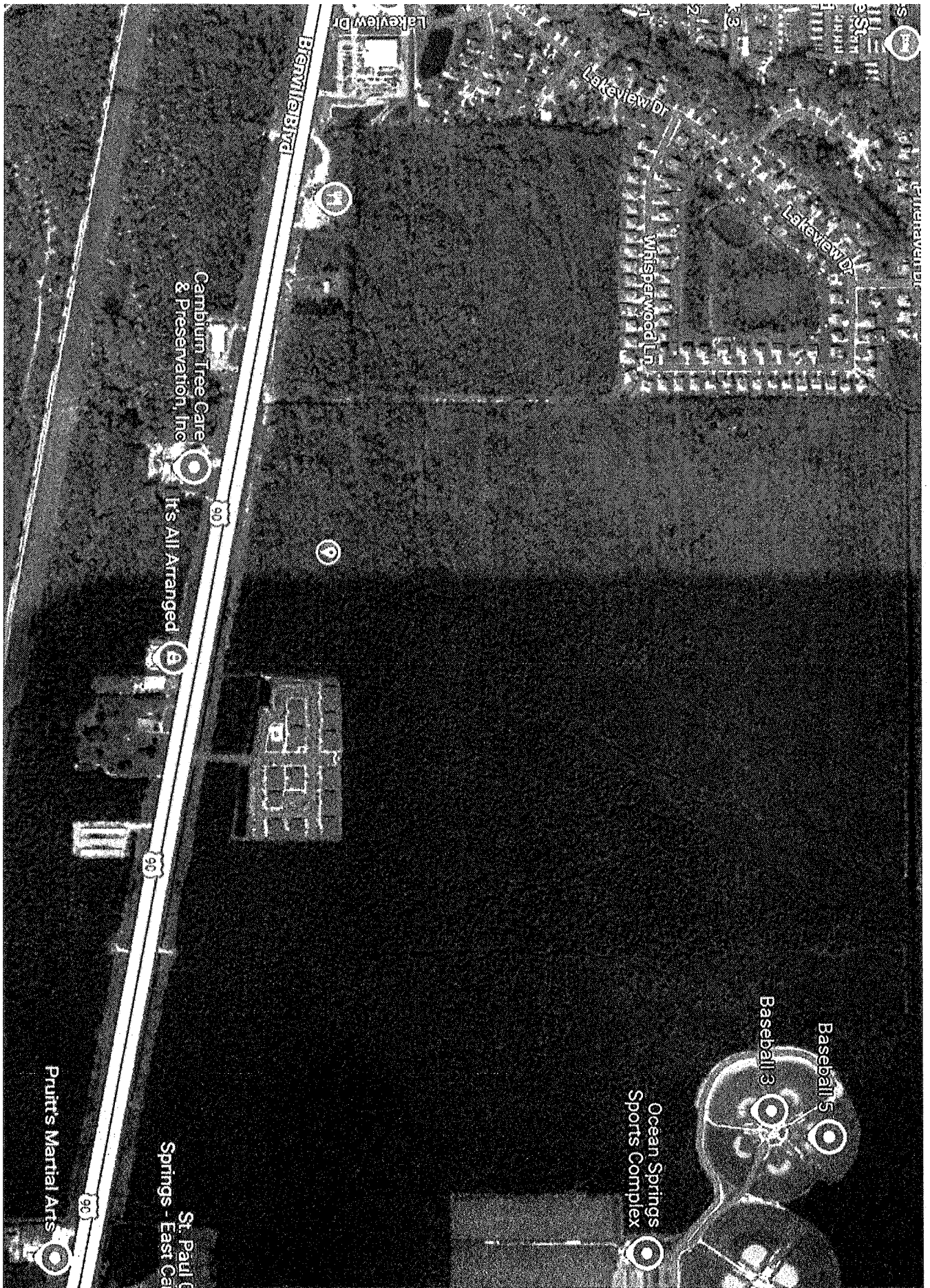
Caryn Hanson Realty, P. O. Box 836 Escatawpa MS 39552
Phone: 228.4757362 Fax: 228.475.3040

Caryn Hanson

CAPT BUI 16 AC

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com





CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

PLANNING COMMISSION REPORT

PUBLIC HEARING DATE: June 10, 2025

APPLICANT(S): KD Ocean Springs, LLC

PROPERTY OWNERS: KD Ocean Springs, LLC

DATE OF REQUEST : December 6, 2024

LOCATION: 3419 Bienville Blvd

PARCEL NUMBER: 60127491.050

DESCRIPTION OF REQUEST:

The applicant is requesting the approval of Twin Pine Subdivision a Commercial Subdivision Final Plat containing 4 lots.

ADJACENT ZONING AND LAND USE:

Subject Property: C-H Regional Commercial District/Undeveloped property

North: CMX-1 and C-H Regional Commercial District

East: C-H Regional Commercial District

South: C-H Regional Commercial District

West: C-H Regional Commercial District



FINDINGS:

- The property is zoned C-H Regional Commercial District.
 - Most intense commercial mixed-use district, allows up to 75' building heights. Includes most intense retail, office and residential development patterns with high traffic generation rates that serve a regional population.
- C-H zoning does not have a minimum lot size but does have a minimum lot width of 25 feet. The proposed lots meet the requirements of C-H zoning.
 - Property is approximately 6.1 acres.
- The final plat does meet all the requirements of C-H zoning setbacks.
 - Front: 5 ft
 - Side: 5 ft
 - Street Side 10 ft
 - Rear: 10 ft
- Prior Plat approvals:
 - Major Sketch Plat
 - December 3, 2024
 - Preliminary Plat
 - February 4, 2025
- The subdivision contains four (4) lots on a private street.
 - Lot 4 – A Chipotle restaurant is under construction.
 - Lot 3 – A Chick-fil-a restaurant is under design review.
 - Lots 1 & 2 – Vacant
- The UDC, requires to include all information required on the preliminary plat, plus it shall show or include the following:
 1. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building setback line whether curved or straight.
 2. The names and lines of all proposed streets, alley lines, lot lines and building setback lines lots numbered in numerical order, reservations, easements, and areas to be dedicated to public use with notes stating their purpose and any limitation.
 3. Tract boundary lines, right-of-way lines of streets, easements other rights-of-way and property lines of residential lots and other sites.
 4. All dimensions shall be accurate to the nearest one-tenth of a foot and all angles accurate to the nearest minute.
 5. Location, dimensions and purpose of any easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and limitations.
 6. Accurate location, material and description of monuments and markers with a complete description of all benchmarks including location, type of mark, elevation, and state plan co-ordinates.
 7. Finish floor elevations for each lot shall be indicated on the final plat.
- Final plat shall show compliance with the requirements of all applicable ordinances of the City of Ocean Springs.

PUBLIC COMMENT:

None received as of June 6, 2025.

POTENTIAL MOTIONS:

To recommend **approval** of the final plat of the Twin Pines commercial subdivision located at 3419 Bienville Blvd.

-OR-

To recommend **denial** of the final plat of the Twin Pines commercial subdivision located at 3419 Bienville Blvd.



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

APPLICATION: SUBDIVISION DEVELOPMENT

—Specific Requirements Outlined in Chapter 2 of the Unified Development Code—

SUBDIVISION TYPE: ☐ Minor (4 lots or less) ☒ Major (more than 4 lots)

Phase of Development: ☐ Sketch Plat ☐ Preliminary Plat ☒ Final Plat

Effective June 11, 2006, the following application fees apply:

	<u>Minor S/D</u>	<u>Major S/D</u>
Sketch Plat	\$ 250 + \$1	\$ 300 + \$1
Preliminary Plat	\$ 250 + \$ 50/lot	\$ 250 + \$ 50/lot
Final Plat	\$ 250 + \$ 50/lot	\$ 250 + \$ 50/lot

\$1.00 fee per Ordinance 2022-17 following requirements of Section 25-60-5 MS Code Annotated.

Standard mail fee required for notification of property owners within 500' of applicant property. Exact fee to be determined by City, based on current postage rates.

Application Date: 02/06/2024 (Applications are due by the 7th of each month.)

Name of Subdivision: Twin Pines Subdivision

Address of Original Parcel(s): 3419 Bienville Blvd

Parcel ID(s): 60127491.050

- | | | | |
|---------------------|--|-------|-------|
| 1. Applicant: | <u>KD Ocean Springs, LLC</u> | Phone | _____ |
| Address | _____ | Email | _____ |
| 2. Local Agent: | _____ | Phone | _____ |
| Address | _____ | Email | _____ |
| 3. Owner of Record: | <u>KD Ocean Springs, LLC</u> | Phone | _____ |
| Address | _____ | Email | _____ |
| 4. Engineer: | <u>MTTR Engineers, Inc - Todd Thompson</u> | Phone | _____ |
| Address | _____ | Email | _____ |
| 5. Land Surveyor: | <u>Patrick Martino</u> | Phone | _____ |
| Address | _____ | Email | _____ |
| 6. Attorney: | _____ | Phone | _____ |
| Address | _____ | Email | _____ |

☐ **Attach Appropriate Checklist for Requested Phase of Review**

Property Information

1. Tax Map Designation: Section 27 Township: 7 South Range: 8 West
2. Proposed Subdivision Location: On the North side of Bienville BLVD (street)
800 (distance in feet) East (relative direction) of Gulf Island National (street)
3. List all contiguous holdings in the same ownership:
Section 27 Lot(s) 1-4
4. Zoning of Parcel(s): CH 5. Total Acreage: 6.05
6. Smallest Lot Size: _____ 7. Proposed # of Lots: _____
9. Is the property located within a special district? (historic district, waterview preservation, or other designated overlay district, etc.) No
11. Does the property include any wetlands? If so, include professional wetland delineation. No
12. Has any lot included in this request been previously split or reconfigured, to your knowledge? No
13. Are there any easements or other legal restrictions on the property? If so, please explain. _____
Drainage easements for Lots 2 and 3 to drain to pond.
14. Are there any existing structures on the property? If so, will they be kept or demolished? No

Proposed Subdivision Information

15. Is the subdivision infrastructure proposed to be: ☐ PUBLIC or ☒ PRIVATE?
16. Are any commercial or multi-use activities proposed? ☒ Yes ☐ No
If so, please describe: Commercial retail, Chipotle & Chick Fil A. Lots 1 & 2 TBD.
17. Are any variances being requested for the proposed subdivision? If so, please explain.
No
18. Have there been any variances, exceptions, appeals or special uses granted for any properties in this request?
☐ Yes ☒ No If yes, please explain and state the date(s) of approval: _____
19. Is any open space or common area included in this subdivision? (Include any bus stops.) ☐ Yes ☐ No
If yes, please describe: Common Detention Pond
20. Is the subdivision ingress/egress onto a "major" road, as classified by the City? ☒ Yes ☐ No
21. **Complete where applicable:**
For Preliminary Plat: Date SKETCH PLAT was approved by Board of Aldermen: _____
For Final Plat: Date PRELIMINARY PLAT was approved by Board of Aldermen: _____
 - Were any changes made subsequent to preliminary plat approval? ☐ Yes ☐ No
If yes, please describe: _____
 - Does this final plat request include the entire area approved in the preliminary plat? ☐ Yes ☐ No

Notes and Next Steps for each phase are provided on the REQUIRED checklists.

Affidavit of Ownership

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) KD Ocean Springs, LLC, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: KD Ocean Springs, LLC Parcel ID(s): 60127491.050

Date Property Acquired Date: 04/12/2024 Book and Page of Each Conveyance:
Bk 2161 Pg 524-528

Owner's Signature [Signature] Date: 2-6-2025

NOTE: If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.

STATE OF Alabama

COUNTY OF Mobile

I Mary Herndon Nordmann, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address 3262 Old Shell Rd, Ste C-1
Mobile, AL 36607

Subscribed and sworn before me this 6th day of February, 2025.

My Commission expires: 3/19/28

Notary Signature: [Signature]



21 22
28 27

GROVELAND ROAD

ASPHALT SURFACE
PUBLIC ROADWAY

COMMENCING POINT

CONCRETE MONUMENT
FOUND AT THE NORTHWEST
CORNER OF SECTION 27,
TOWNSHIP 7 SOUTH,
RANGE 8 WEST, CITY OF
OCEAN SPRINGS, JACKSON
COUNTY, MISSISSIPPI.

N: 332274.47
E: 1000196.65

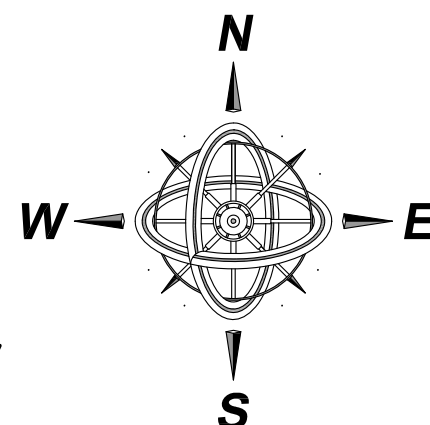
PARCEL #: 60127492.000
NOW OR FORMERLY OF
SRHS AMBULATORY
SERVICES INC
3401 BIENVILLE BLVD.
OCEAN SPRINGS, MS 39564
(DB 1588 PAGE 727)

POINT OF BEGINNING

N: 332247.64'
E: 1001897.65'

A PRELIMINARY PLAT OF TWIN PINES SUBDIVISION

A PARCEL OF LAND BEING SITUATED IN
NORTHWEST 1/4 OF THE NORTHWEST 1/4
OF SECTION 27, TOWNSHIP 7 SOUTH,
RANGE 8 WEST, CITY OF OCEAN SPRINGS,
JACKSON COUNTY, MISSISSIPPI



SCALE
1" = 50'

BEARING REFERENCE:
GRID NORTH BY GPS
OBSERVATION
(NAD83; 2011)

BEARINGS SHOWN HEREON ARE DERIVED
BY: GRID NORTH BY GPS OBSERVATION.
MISSISSIPPI EAST ZONE 2301,
CONVERGENCE ANGLE: 0°01'43.50"
SCALE-FACTOR: 0.999950367148.

REFERENCE MATERIALS:

- 1.) JACKSON COUNTY TAX AND GIS MAPS.
- 2.) PRIOR SURVEY BY RICK MENHENNETT, PLS,
DATED 09/08/2009.
- 3.) PRIOR SURVEY BY CLIFFORD CROSBY. NO
DATE SHOWN.
- 4.) PRIOR SURVEY BY GARY DURBIN, DATED
SEPTEMBER 26, 2024.
- 5.) DEED BOOK 2100, PAGE 726.
- 6.) DEED BOOK 1592, PAGE 795.
- 7.) DEED BOOK 1855, PAGE 208.
- 8.) DEED BOOK 1866, PAGE 433.
- 9.) DEED BOOK 1588, PAGE 727.
- 10.) DEED BOOK 1870, PAGE 135.

ABBREVIATION LEGEND:

(D) = DEED DIMENSION
(M) = MEASURED DIMENSION
P = PLATTED DIMENSION
PS = PRIOR SURVEY
OV = OVERALL
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
N.T.S. = NOT TO SCALE
N90°00'00"E 435.00' = ACTUAL
FIELD MEASUREMENT



PREPARED BY:

SHEET 1 OF 2

CLIENT:

KD OCEAN SPRINGS, LLC

PARCEL	3419 BIENVILLE BOULEVARD
ADDRESS:	OCEAN SPRINGS, MS 39564
SECTION	27, TOWNSHIP 7 SOUTH, RANGE 8 WEST
PARCEL NUMBER:	60127491.050
CREW CHIEF:	PMM
DRAWN BY:	PMM
DATE:	12/4/2024
JOB#:	P241519_PLAT
REVISED:	CRD#:
	P241519.CRD

PATRICK M. MARTINO, PLS
13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR

LOT 1
48,073 SQ. FT.
1.10 ACRES

LOT 2
60,961 SQ. FT.
1.40 ACRES

LOT 3
97,682 SQ. FT.
2.24 ACRES

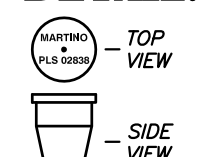
LOT 4
38,849 SQ. FT.
0.89 ACRES

PARCEL #:
60127493.000
NOW OR FORMERLY
OF ARGUELLES
3417 BIENVILLE
BLVD OCEAN
SPRINGS, MS 39564
(DB 1866 PAGE 433)

**30' PRIVATE
PROPOSED
ROADWAY**
15 FOOT ON EACH
SIDE OF CENTERLINE
AS STAKED.

ZONE C-H

CAP DETAIL:



LEGEND:

- ⊗ -- (IRF) IRON ROD FOUND
- ⊙ -- (IPF) IRON PIPE FOUND
- -- (IRS) IRON ROD SET
- ⊠ -- CONCRETE MONUMENT FOUND
- ⊗ -- IRON BOLT FOUND

FLOOD ZONE NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN
F.I.R.M. ZONE "X" ACCORDING TO MAP NUMBER 28059C0292G,
DATED MARCH 16, 2009. CHECK WITH BUILDING OFFICIALS FOR
COMMUNITY DETERMINED BASE FLOOD ELEVATION. AN EXACT
DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION
CERTIFICATE. THE ABOVE STATEMENT IS FOR INFORMATION ONLY
AND DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE
PROBABILITY OF FLOODING. THIS SURVEYOR ASSUMES NO
LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.

This notice is being mailed to you as an owner of adjacent property to the project described below. Copies are sent via standard mail at the cost of the applicant of this project.

City of Ocean Springs Community Development
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC HEARING is hereby given that the City of Ocean Springs Planning Commission will hold a public hearing in the regular meeting place of the Board of Aldermen located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

Tuesday, June 10, 2025 @ 6:00 p.m.

Regarding the following:

- **3419 Bienville Blvd – PIDN: 60127491.050 – Approval of a Commercial Subdivision Final Plat – KD Ocean Springs, LLC**

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to wmorgan@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Wade Morgan,
City of Ocean Springs
Community Development Director

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

PLANNING COMMISSION REPORT

PUBLIC HEARING DATE: June 10, 2025

APPLICANT: Roland Williams

PROPERTY OWNERS: Roland Williams
& Marta Williams

REQUESTED ACTION: Minor Subdivision Approval

DATE OF REQUEST: April 24, 2025

LOCATION: 4005 Government St

PARCEL NUMBER: 60127030.040

DESCRIPTION OF REQUEST:

The applicant proposes to subdivide the existing parcel into two lots.

ADJACENT ZONING AND LAND USE:

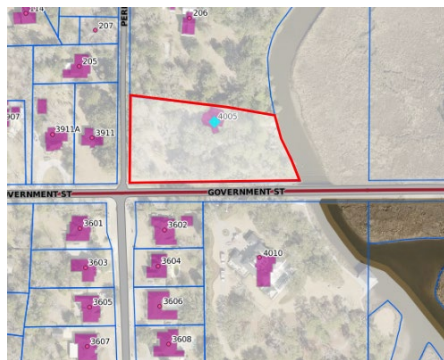
Subject Property: R-1 Low Density Single Family/Single family dwelling

North: R-1 Low Density Single Family

South: R-1 Low Density Single Family

East: R-1 Low Density Single Family

West: R-1 Low Density Single Family



FINDINGS:

- The property is currently zoned R-1 Low Density Single Family.
 - Low density single-family detached dwellings. Allows 1-3 du/acre. Consistent with traditional suburban development patterns.
- R-1:
 - Minimum lot area: 13,500 sq ft; Both proposed lots will meet this requirement.
 - Proposed Lot B: 66,053 sq ft
 - Proposed Lot C: 14,398 sq ft
 - Minimum lot width: 100 ft; Both proposed lots will meet this requirement.
 - Proposed Lot B: 105 ft
 - Proposed Lot C: 120 ft
- The property is currently 1.85 acres in size and the property owner is proposing to subdivide the property into two lots.
 - Lot B: 1.52 acres
 - The proposed lot already has an existing single-family dwelling.
 - Lot C: 0.33 acres
 - The proposed lot is vacant.
- This property was part of a lot split by James McQuilkin in April 2005. The UDC prohibits a parcel being split more than once.
- A minor subdivision was done on this property in 2007 creating two lots.
 - Planning commission:
 - The application was presented and approved on May 8, 2007.
 - Board of Aldermen:
 - The application was presented and approved on May 15, 2007.
- The minor subdivision from 2007 was never recorded properly with Jackson County Land Records. Due to excessive time having passed the owner must reapply for a minor subdivision. The current subdivision is the same as the 2007 plan.

PUBLIC FEEDBACK:

None received as of June 6, 2025.

POTENTIAL MOTIONS:

To recommend **approval** of Minor Subdivision Plat to subdivide the existing lot into two lots located at 4005 Government Street.

– OR –

To recommend **denial** of Minor Subdivision Plat to subdivide the existing lot into two lots located at 4005 Government Street



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

APPLICATION: SUBDIVISION DEVELOPMENT

—Specific Requirements Outlined in Chapter 2 of the Unified Development Code—

SUBDIVISION TYPE: ☒ Minor (4 lots or less) ☐ Major (more than 4 lots)

Phase of Development: ☐ Sketch Plat ☐ Preliminary Plat ☐ Final Plat

Effective June 11, 2006, the following application fees apply:

	Minor S/D	Major S/D
Sketch Plat	\$ 250 + \$1	\$ 300 + \$1+ \$1
Preliminary Plat	\$ 250 + \$1 + \$ 50/lot	\$ 250 + \$1+ \$ 50/lot
Final Plat	\$ 250 + \$1 + \$ 50/lot	\$ 250 + \$1+ \$ 50/lot

\$1.00 fee per Ordinance 2022-17 following requirements of Section 25-60-3 MS Code Annotated.

Standard mail fee required for notification of property owners within 500' of applicant property. Exact fee to be determined by City, based on current postage rates.

Application Date: April 24, 2025 (Applications are due by the 7th of each month.)

Name of Subdivision: Marta's Place

Address of Original Parcel(s): 4005 Government Street, Ocean Springs, MS 39564

Parcel ID(s): 60127030.040

- | | | | |
|---------------------|--|-------|-------|
| 1. Applicant: | <u>Roland Williams</u> | Phone | _____ |
| Address | <u>4005 Government Street, Ocean Springs</u> | Email | _____ |
| 2. Local Agent: | _____ | Phone | _____ |
| Address | _____ | Email | _____ |
| 3. Owner of Record: | <u>Roland and Marta Williams</u> | Phone | _____ |
| Address | <u>4005 Government Street, Ocean Springs</u> | Email | _____ |
| 4. Engineer: | <u>Lawrence C. Rumsey</u> | Phone | _____ |
| Address | _____ | Email | _____ |
| 5. Land Surveyor: | <u>Lawrence C. Rumsey</u> | Phone | _____ |
| Address | _____ | Email | _____ |
| 6. Attorney: | <u>Patrick Sheehan</u> | Phone | _____ |
| Address | _____ 30 _____ | Email | _____ |

☐ Attach Appropriate Checklist for Requested Phase of Review

Property Information

1. Tax Map Designation: Section 27 Township: 7 South Range: 8 West
2. Proposed Subdivision Location: On the North side of Government Street (street)
0 ft (distance in feet) East (relative direction) of Perryman Drive (street)
3. List all contiguous holdings in the same ownership:
Section _____ Lot(s) _____
4. Zoning of Parcel(s): R-1 5. Total Acreage: 1.85 acres
6. Smallest Lot Size: 0.33 acres 7. Proposed # of Lots: 2
9. Is the property located within a special district? (historic district, waterview preservation, or other designated overlay district, etc.) No
11. Does the property include any wetlands? If so, include professional wetland delineation. No
12. Has any lot included in this request been previously split or reconfigured, to your knowledge? Yes
13. Are there any easements or other legal restrictions on the property? If so, please explain. Utility easement along East side Perryman Road
14. Are there any existing structures on the property? If so, will they be kept or demolished? Kept

Proposed Subdivision Information

15. Is the subdivision infrastructure proposed to be: ☒ PUBLIC or ☐ PRIVATE?
16. Are any commercial or multi-use activities proposed? ☐ Yes ☒ No
If so, please describe: _____
17. Are any variances being requested for the proposed subdivision? If so, please explain.
No
18. Have there been any variances, exceptions, appeals or special uses granted for any properties in this request?
☐ Yes ☒ No If yes, please explain and state the date(s) of approval: _____
19. Is any open space or common area included in this subdivision? (Include any bus stops.) ☐ Yes ☒ No
If yes, please describe: _____
20. Is the subdivision ingress/egress onto a "major" road, as classified by the City? ☒ Yes ☐ No
21. **Complete where applicable:**
For Preliminary Plat: Date SKETCH PLAT was approved by Board of Aldermen: _____
For Final Plat: Date PRELIMINARY PLAT was approved by Board of Aldermen: _____
 - Were any changes made subsequent to preliminary plat approval? ☐ Yes ☐ No
If yes, please describe: _____
 - Does this final plat request include the entire area approved in the preliminary plat? ☐ Yes ☐ No

Notes and Next Steps for each phase are provided on the REQUIRED checklists.

Affidavit of Ownership

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) Roland Williams, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: Roland Williams Parcel ID(s): 60127030.040
Date Property Acquired Date: 06/13/2006 Book and Page of Each Conveyance:
DB 1417, Page 253
Owner's Signature *Roland Williams* Date: 4-28-25

NOTE: If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.

STATE OF Mississippi

COUNTY OF Jackson

I Roland Williams, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address 4005 Government St. Ocean Springs,
MS 39564

Subscribed and sworn before me this 28 day of April, 2025.

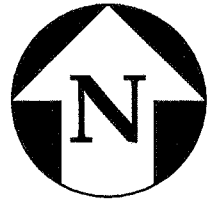
My Commission expires: 01/24/2028

Notary Signature: *Leah Marie Dutil*

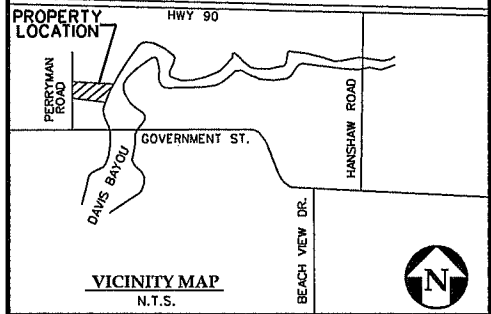


A.P.R. = AS PER RECORD

NOTES:
ALL BEARINGS SHOWN ON THIS PLAT ARE BASED ON THE RECORD BEARING OF THE EAST MARGIN OF PERRYMAN ROAD.



SCALE: 1" = 60'



LEGAL DESCRIPTION (PARCEL B):

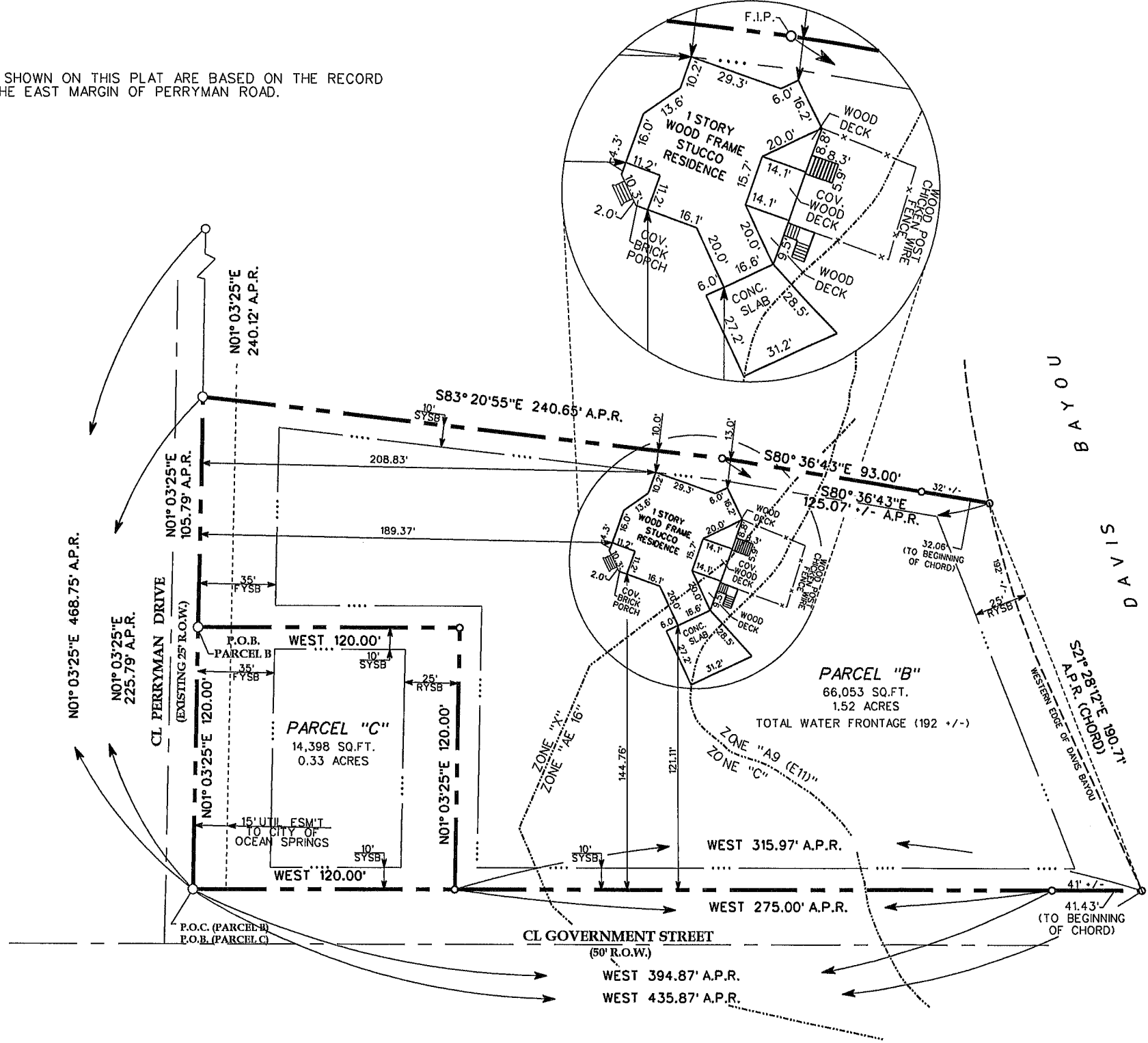
A parcel of land located in the Southeast 1/4, of the Southeast 1/4, of Section 27, Township 7 South, Range 8 West, Ocean Springs, Jackson County, Mississippi, being more particularly described as follows:

COMMENCING at a point at which the East margin of Perryman Drive and the North margin of Government Street intersect; thence run North 01° 03' 25" East and along said East Margin of Perryman Drive a distance of 120.00 feet to the POINT OF BEGINNING; thence run North 01° 03' 25" East and along said East margin of Perryman Road a distance of 105.79 feet to a point; thence run South 83° 20' 55" East a distance of 240.65 feet to a point; thence run South 80° 36' 43" East a distance of 125.07 feet; more or less, to a point on the westerly edge of Davis Bayou; thence run Southeasterly and along the meandering westerly edge of Davis Bayou for a distance 192 feet, more or less, to a point on the North margin of Government Street, said point bearing South 21° 28' 12" East a distance of 190.71 feet from the aforementioned point; thence run West and along said North margin of Government Street a distance of 315.97 feet, more or less, to a point; thence run North 01° 03' 25" East a distance of 120.00 feet to a point; thence run West a distance of 120.00 feet to the POINT OF BEGINNING; containing 66,053 square feet, or approximately 1.52 acres.

LEGAL DESCRIPTION (PARCEL C):

A parcel of land located in the Southeast 1/4, of the Southeast 1/4, of Section 27, Township 7 South, Range 8 West, Ocean Springs, Jackson County, Mississippi, being more particularly described as follows:

BEGINNING at a point at which the East margin of Perryman Drive and the North margin of Government Street intersect; thence run North 01° 03' 25" East and along said East margin of Perryman Drive a distance of 120.00 feet to a point; thence run East a distance of 120.00 feet to a point; thence run South 01° 03' 25" West a distance of 120.00 feet to a point on the North margin of Government Street; thence run West and along said North margin of Government Street a distance of 120.00 feet to the POINT OF BEGINNING; containing 14,398 square feet or approximately 0.33 acres.



Information shown on this drawing, regarding the location of Flood Zone lines is based on graphic plotting of digital information taken from the FEMA Map Service Center. The files are plotted at the same scale and overlaid with the property Boundary survey information to compile the representation of flood zone lines location. Required building Floor Elevations must be verified through the local governing Building Official. The Zone elevation lines, if shown on this drawing, were taken from FEMA Flood Maps and do not necessarily match required Floor Elevations of local governing entities

This property is located in Zone "X" and Zone "AE (EL 16)" as published by the Federal Insurance Administration, Official Flood Hazard Map, Community Panel No. 285259 0294 G, effective date March 16, 2009.

INDEXING INSTRUCTIONS:

SE1/4 of the SE1/4 of Section 27,
Township 7 South, Range 8 West,
Ocean Springs, Jackson County, Mississippi.

04-24-2025 LGR

Rumsey Consulting Engineering, Inc.
Planning, Surveying, Design

910 Howard Avenue
Biloxi, Mississippi 39530
(228) 432-9344

This notice is being mailed to you as an owner of adjacent property to the project described below. Copies are sent via standard mail at the cost of the applicant of this project.

City of Ocean Springs Community Development
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC HEARING is hereby given that the City of Ocean Springs Planning Commission will hold a public hearing in the regular meeting place of the Board of Aldermen located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

Tuesday, June 10, 2025 @ 6:00 p.m.

Regarding the following:

- **4005 Government Street – PIDN:60127030.040 – Request approval for a Minor Subdivision Plat of a 2-lot subdivision – Roland Williams**

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to wmorgan@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Wade Morgan,
City of Ocean Springs
Community Development Director

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

PLANNING COMMISSION REPORT

PUBLIC MEETING DATE: June 10, 2025

APPLICANT: Jaklyn Wrigley
& Erich Nichols

PROPERTY OWNERS: Jaklyn Wrigley
& Erich Nichols

REQUESTED ACTION: Vacation of a City Right of Way (ROW) – Sells Street

DATE OF REQUEST: May 7, 2025

LOCATION: Sells Street
Runs east from Pine Drive, south of Kensington St

PARCEL NUMBERS:
North of Alley – 61455086.050
South of Alley – 61395002.000

DESCRIPTION OF REQUEST:
Vacate a City Right of Way, Sells Street, that runs east from Pine Drive between the two (2) parcels.

ADJACENT ZONING AND LAND USE:
Subject Property: R-1 Low Density Single Family/Sells St (ROW) being used for a driveway access

North: R-1 Low Density Single Family

South: R-1 Low Density Single Family

East: R-1 Low Density Single Family

West: R-1 Low Density Single Family & C-M Commercial Marina



FINDINGS:

- Sells St (ROW) was created as part of the Point-O-Pines subdivision in March 14, 1950. It has 50 ft of ROW width but no longer functions as a public roadway and does not appear on the city's GIS mapping.
- Sells St (ROW) runs directly across the driveway of 132 Pine Drive and encroaches slightly onto 140 Pine Drive's entrance.
- Property owner states that Sells St (ROW) creates a title defect that impacts financing, resale, insurance, and even the ability to make improvements to their property. In addition, the City is asking private homeowners to rely on and maintain property they don't own.
- The owner states that vacating Sells St (ROW) would:
 - Correct a legal access issue
 - Allow property lines and ownership to reflect actual, long-term use
 - Present no disruption to city infrastructure or services
 - And equitably resolve a problem created decades ago
- The applicant's property abuts Sells St on its southern side. Parcel ID no. 61455086.050 abuts on the northern side.

CITY DEPARTMENT COMMENTS:

City Engineer:

- Surveyor Note: 39. Surveyor recommends consulting a land title attorney for clarification of the title and the existence of Sells Street as shown on the plat of said Point-O-Pines Subdivision.
 - Property owner did a title review

Project Manager:

- Sells St ultimately would never be developed.

PUBLIC FEEDBACK:

- Margaret Hopper – May 28, 2025 – email attached

POTENTIAL MOTIONS:

To recommend **approval** of the vacation of Sells Street, right of way, that runs east from Pine Drive between 132 Pine Drive and 140 Pine Drive.

– OR –

To recommend **denial** of the vacation of Sells Street, right of way, that runs east from Pine Drive between 132 Pine Drive and 140 Pine Drive.

Planning Commission
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564

Re: Petition to Vacate Abandoned Sells Street

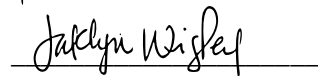
I am writing to formally petition the City of Ocean Springs to vacate the right-of-way known as Sells Street, which is situated on my property at 132 Pine Drive.

Through a recent title review, it was revealed that although Sells Street no longer functions as a public roadway—and does not appear on the city's GIS mapping—the right-of-way remains legally intact. This abandoned street currently crosses my driveway and, as a result, my driveway technically fails to provide legal access under the existing plat.

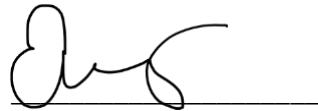
Enclosed with this letter is a current survey of 132 Pine, which depicts the unvacated right-of-way, along with a screenshot of the Ocean Springs GIS mapping system showing the same.

We respectfully request that this petition be added to the agenda for the next available Planning Commission meeting for review and recommendation.

Thank you for your time and consideration. Should any further documentation or action be required on our part, please do not hesitate to contact me.



Jaklyn Wrigley
132 Pine Drive



Erich Nichols
132 Pine Drive

Planner

From: Erich Nichols <erich@nicholswrigley.com>
Sent: Tuesday, June 3, 2025 12:04 PM
To: Planner
Cc: Jaklyn Wrigley
Subject: Re: 132 Pine

Thank you for the email.

Through my title review , I learned that the right-of-way still exists on paper, even though it has never been developed or used by the public. As far as the public (and homeowners) are concerned, this street was not known until I discovered it in the title search.

Sells Street runs directly across my driveway and also encroaches slightly onto my neighbor's entrance. This means that, legally, neither of us currently has formal access to our homes—even though we've both used these driveways without issue for many years. If the street is not vacated, I technically have no legal access to my own home, as my driveway sits entirely within the public right-of-way. This creates a title defect that impacts financing, resale, insurance, and even the ability to make improvements to my property. The City is asking private homeowners to rely on and maintain property they do not own.

Moreover, there is no public benefit in keeping this portion of Sells Street open. It has never been built, is not maintained, and serves no circulation or infrastructure function. The public does not use it and cannot reasonably be expected to in the future. It serves no transportation or utility need.

Keeping this obsolete right-of-way in place imposes a private burden without a public purpose, which is inequitable and inconsistent with good land use policy. Vacating this right-of-way would:

- Correct a serious legal access issue,
- Allow our property lines and ownership to reflect actual, long-term use,
- Present no disruption to city infrastructure or services,
- And equitably resolve a problem created decades ago.

Let me know if you have any other questions. Thank you!



Erich Nichols

business advisor | attorney

📞 601.291.9588

✉️ Erich@NicholsWrigley.com

📍 1011 Iberville Dr., OS, MS 39564

🌐 NicholsWrigley.com

SURVEYOR NOTE:

APPARENT OVERLAP IN PLATTED SUBDIVISION LINES BETWEEN THE NORTHERNMOST LINE OF POINT-O-PINES SUBDIVISION, BEING RECORDED IN PLAT BK. 2 AT PAGE 21, AND SOUTHERNMOST LINE OF SCHLUTER PARK SUBDIVISION, BEING RECORDED IN PLAT BK. 2 AT PAGE 39. SURVEYOR RECOMMENDS CONSULTING A LAND TITLE ATTORNEY FOR CLARIFICATION OF TITLE AND THE EXISTENCE OF SELLS STREET AS SHOWN ON THE PLAT OF SAID POINT-O-PINES SUBDIVISION.

PROPERTY CORNER FALLS WITHIN 2'x2' STONE COLUMN AND WAS NOT SET AT TIME OF SURVEY, DUE TO ELECTRICAL LAMP FIXED ON TOP OF SAID COLUMN NEAR PROPERTY CORNER. (SAID CORNER IS 1.41' SOUTH AND 0.06' WEST OF THE NORTHERNMOST CORNER OF SAID STONE COLUMN)

REFERENCE MATERIALS:

- 1.) JACKSON COUNTY GIS WEBSITE AND TAX MAP, CURRENT EDITION.
- 2.) CITY OF OCEAN SPRINGS GIS WEBSITE.
- 3.) INFORMATION PROVIDED BY CLIENT.
- 4.) CORRECTED EXECUTOR'S DEED BOOK 1092 AT PAGE 372.
- 5.) SPECIAL WARRANTY DEED BOOK 1672 AT PAGE 50.
- 6.) WARRANTY DEED BOOK 700 AT PAGE 288.
- 7.) PLAT OF POINT-O-PINES SUBDIVISION, RECORDED IN PLAT BOOK 2 AT PAGE 21.
- 8.) PLAT OF SCHLUTER PARK SUBDIVISION, RECORDED IN PLAT BOOK 2 AT PAGE 39.



MINIMUM BUILDING SETBACKS:

PARCEL OF LAND IS LOCATED IN A R-1 (LOW DENSITY SINGLE FAMILY) DISTRICT ACCORDING TO THE CITY OF OCEAN SPRINGS ZONING MAP.

FRONT YARD - PLATTED 30 FEET / 25 FEET CITY ZONING

REAR YARD - 25 FEET

SIDE YARD - 10 FEET

SIDE ABUTTING STREET - PLATTED 15 FEET / 10 FEET CITY ZONING

CONTACT THE CITY OF OCEAN SPRINGS PLANNING DEPARTMENT FOR ALL ZONING RULES AND REGULATIONS.

FLOOD ZONE NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE "AS SHOWN HEREON" ACCORDING TO FEMA MAP NUMBER 28059C0289G, DATED MARCH 16, 2009. CHECK WITH BUILDING OFFICIALS FOR COMMUNITY DETERMINED BASE FLOOD ELEVATION. AN EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING. THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.

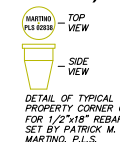
FLOOD ZONE EXPLANATION:

AE - BASE FLOOD ELEVATIONS DETERMINED.

X - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

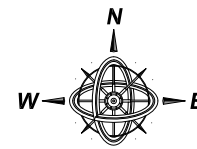
BEARING REFERENCE: GEODETIC NORTH BY GPS OBSERVATION NAD_83(2011) (EPOCH:2010.0000)

CAP DETAIL: (PROPERTY CORNER)



LEGEND:

- ⊙ (RRF) IRON ROD FOUND
- ⊙ (RS) IRON ROD SET (CAPPED)
- ⊙ (RPF) IRON PIPE FOUND (MEASURED ON THE OUTSIDE)
- ⊙ (CMP) CONCRETE MONUMENT FOUND
- ⊙ (FCP) CENTER OF FENCE POST



SCALE: 1" = 30'



DEED DESCRIPTION: AS PER DEED BK. 1092 AT PG. 372

LOT 2 OF POINT-O-PINES SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 21, ON FILE IN THE OFFICE OF THE CHANCERY CLERK, JACKSON COUNTY, MISSISSIPPI

AND

THAT CERTAIN PARCEL OF LAND LYING IN SECTIONS 29 AND 30, TOWNSHIP 7 SOUTH, RANGE 8 WEST, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, POINT-O-PINES SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 21, OF THE PLAT RECORDS OF JACKSON COUNTY, MISSISSIPPI, FROM SAID POINT OF BEGINNING RUNNING THENCE SOUTHEASTERLY ALONG A PROJECTION OF THE LINE DIVIDING SAID LOT 2 (2) AND LOT THREE (3) OF SAID SUBDIVISION A DISTANCE OF 7 FEET TO A POINT, RUNNING THENCE NORTHEASTERLY ALONG A LINE 7 FEET FROM, AND PARALLEL TO, THE EASTERLY LINE OF SAID LOT 2 (2) A DISTANCE OF 148 FEET TO A POINT, RUNNING THENCE NORTHEASTERLY A DISTANCE OF 7 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 (2), RUNNING THENCE SOUTHWESTERLY ALONG THE MARGIN OF SAID LOT 2 (2) 148 FEET TO THE POINT OF BEGINNING.

AND

THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED PARTIALLY IN SECTION 29 AND PARTIALLY IN FRACTIONAL SECTION 30, TOWNSHIP 7 SOUTH, RANGE 8 WEST, JACKSON COUNTY, MISSISSIPPI, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT 2, POINT-O-PINES SUBDIVISION, AS PER PLAT RECORDED IN BOOK 2, PAGE 21 OF THE PLAT RECORDS OF JACKSON COUNTY, MISSISSIPPI, FROM SAID POINT OF BEGINNING RUN THENCE NORTH 30° 39' 15" EAST ALONG THE MARGIN OF SELLS STREET 50.73 FEET TO A POINT, RUN THENCE NORTH 89° 40' 13" EAST A DISTANCE OF 86.64 FEET TO A POINT, RUN THENCE SOUTH 00° 15' 09" WEST ALONG A FENCE LINE A DISTANCE OF 286.61 FEET TO AN IRON PIN, RUN THENCE NORTH 59° 02' WEST A DISTANCE OF 213.03 FEET TO THE SOUTHEAST CORNER OF THE PROPERTY OF CHRISTMAS, RUN THENCE NORTHEASTERLY ALONG A LINE 7 FEET EASTERLY FROM AND PARALLEL TO THE EASTERLY LINE OF SAID LOT 2, POINT-O-PINES SUBDIVISION A DISTANCE OF 148 FEET TO A POINT, RUN THENCE NORTHEASTERLY A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING.

ABBREVIATION LEGEND:

DEED = DEED DIMENSION
P.P.R. = PRIOR SURVEY
PLAT = PLATTED DIMENSION
C/L = CENTERLINE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R.O.W. = RIGHT-OF-WAY
N89°00'00"E 435.00' = ACTUAL FIELD MEASUREMENT

NOTES:

- 1.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREON AND NO THIRD PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.
- 2.) A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL EMBOSSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.
- 3.) THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, BUILDING OR OTHER RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS, AND RIGHTS-OF-WAY OF RECORD.
- 4.) REDIVISION OF THIS PROPERTY IS SUBJECT TO CURRENT SUBDIVISION AND ZONING REGULATIONS, AND ET CETERA. APPROVAL NEEDS TO BE OBTAINED FROM THE APPROPRIATE GOVERNING BODIES.

BOUNDARY NOTE:

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

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Patrick M. Martino
PATRICK M. MARTINO, P.L.S.

7/23/2024
DATE OF FIELD SURVEY

THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR AN ENVIRONMENTAL STUDY.

CLIENT:
JAKLYN WRIGLEY
132 PINE DRIVE
ADDRESS: OCEAN SPRINGS, MS 39064
POINT-O-PINES SUBDIVISION
TAX PIDN: 61395002.000 & 60129890.000
CREW CHIEF: P.M.M., R.W. DRAWN BY: P.T.P.D.
DATE: 7/23/2024 JOB# P24910
REVISED: CRD JOB#P24911

SURVEY CLASS "B"
SCALE: 1" = 30'

BEARINGS SHOWN HEREON ARE DERIVED BY:
GEODETIC NORTH BY GPS OBSERVATION NAD_83(2011)
(EPOCH:2010.0000), ALL LINES RELATIVE TO.

PATRICK M. MARTINO, PLS
13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR



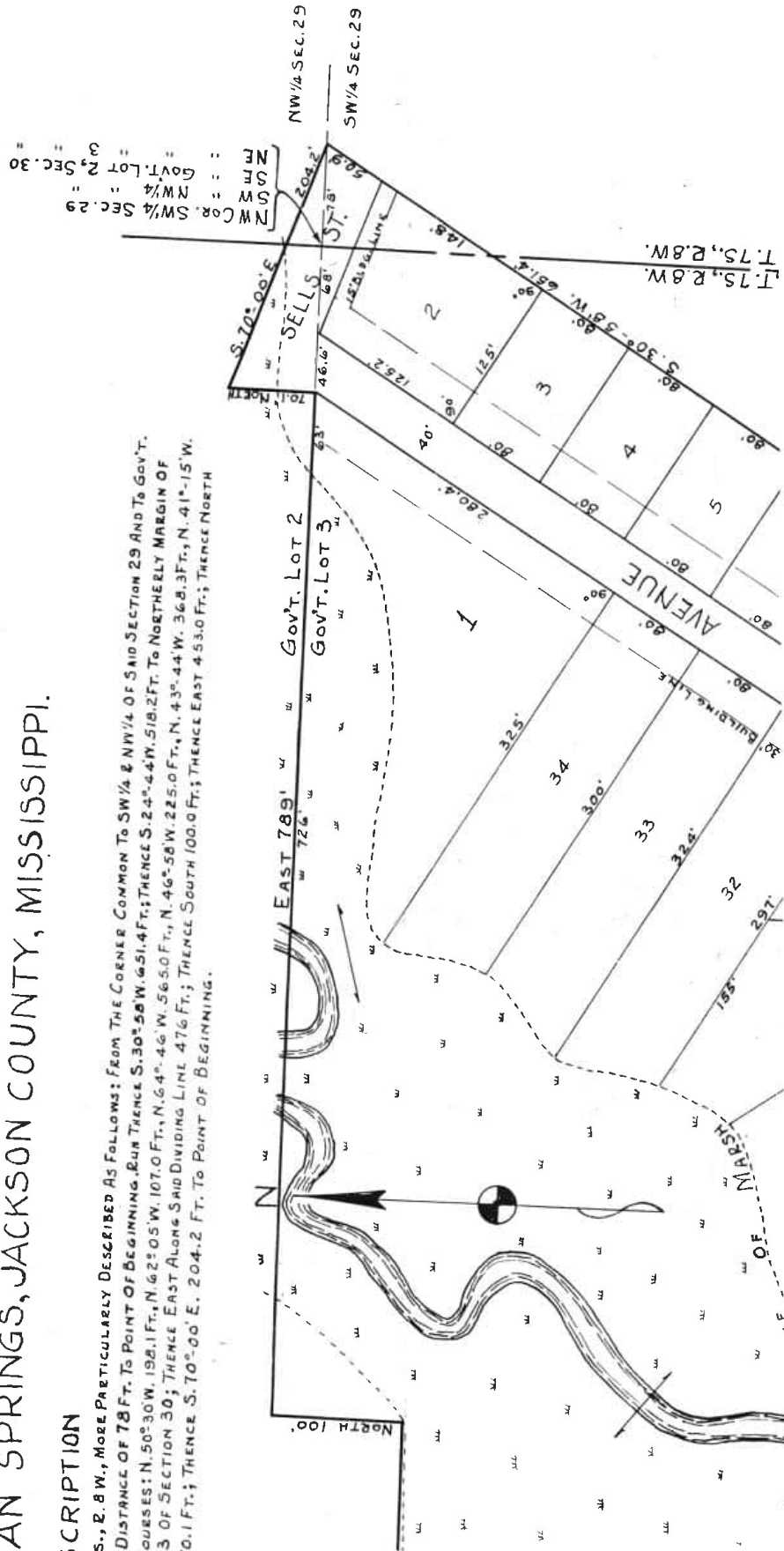
PB-2
P.21

O-PINES

AN SPRINGS, JACKSON COUNTY, MISSISSIPPI.

DESCRIPTION

S., E. B.W., MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE CORNER COMMON TO SW 1/4 & NW 1/4 OF SAID SECTION 29 AND TO GOV'T. DISTANCE OF 78 FT. TO POINT OF BEGINNING. RUN THENCE S. 30° 59' W. 651.4 FT.; THENCE S. 24° 44' W. 518.2 FT. TO NORTHERLY MARGIN OF 3 OF SECTION 30; THENCE N. 62° 05' W. 107.0 FT. N. 64° 46' W. 56.50 FT., N. 46° 58' W. 225.0 FT., N. 43° 44' W. 36.83 FT., N. 41° 15' W. 70.1 FT.; THENCE S. 70° 00' E. 204.2 FT. TO POINT OF BEGINNING.



This notice is being mailed to you as an owner of adjacent property to the project described below. Copies are sent via standard mail at the cost of the applicant of this project.

City of Ocean Springs Community Development
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC HEARING is hereby given that the City of Ocean Springs Planning Commission will hold a public hearing in the regular meeting place of the Board of Aldermen located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

Tuesday, June 10, 2025 @ 6:00 p.m.

Regarding the following:

- **Sells St; located between 132 Pine Drive and 140 Pine Drive – Requesting the Vacation of Right of Way – Jacklyn Wrigley**

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to wmorgan@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Wade Morgan,
City of Ocean Springs
Community Development Director

Hannah Sullivan

From: Margaret Hopper <mhopper1616@yahoo.com>
Sent: Wednesday, May 28, 2025 11:43 AM
To: Hannah Sullivan
Subject: Sells street

I would like to rescind my approval of the *Petition to Vacate Abandoned Sells Street*

After receiving the notice to vacate I became alarmed that the land used by box turtles as their home , birds and other wildlife may lose their natural habitat.

Please rescind.

Thank you in advance for your consideration.

Sincerely,

*Margaret Hopper
140 Pine dr
228-239-2548*

[Sent from Yahoo Mail for iPhone](#)

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

PLANNING COMMISSION REPORT

PUBLIC HEARING DATE: June 10, 2025

APPLICANT: Lloyd Vincent Thurmon

PROPERTY OWNERS: Lloyd Vincent Thurmon
c/o Sam Thurmon

REQUESTED ACTION: Rezoning the property from the R-D Two Family Residential District to CMX-2 Community Commercial/Mixed Use District.

DATE OF REQUEST: May 7, 2025

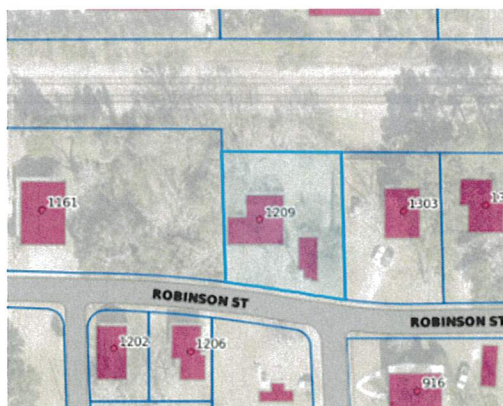
LOCATION: 1209 Robinson Street

PARCEL NUMBER: 60119434.000

DESCRIPTION OF REQUEST:
The applicant requests approval for a zoning change from R-D Two Family Residential to CMX-2 Community Commercial/Mixed Use.

ADJACENT ZONING AND LAND USE:
Subject Property: R-D Two Family Residential/Single family dwelling

North: R-D Two Family Residential (CSX Railroad)
South: R-D Two Family Residential
East: R-D Two Family Residential
West: CMX-2 Community Commercial/Mixed Use



FINDINGS:

- The property is currently zoned R-D Two Family Residential.
 - Medium density single family and two-family dwellings. Allows for smaller lot sizes and infill development for a density of 5-9 du/acre.
 - The property has an existing single-family dwelling located on the property.
 - The property is located in the Railroad Historic District.
- CMX-2 Community Commercial/Mixed Use
 - Medium-intensity commercial mixed-use district. Maximum 35' building height. Creates a corridor of compatible mixed uses that link more intensive Regional Commercial Centers (CH). Detached and attached residential, and mixed-use buildings allowed as of right when scale, form and design requirements are met.
- Minimum lot area:
 - R-D: 7,500 sq ft
 - CMX-2: None
- Minimum lot Width:
 - R-D: 70 ft
 - CMX-2: 25 ft
- Set back requirements:
 - R-D:
 - Front & Rear: 25 ft
 - Side & Side Street: 10 ft
 - CMX-2:
 - Front & Side: 5 ft
 - Street Side: 10 ft
 - Rear: 10 ft
 - In transitional zones, where single family, two single family, two-family (duplex), attached or townhouse dwellings are adjacent to the commercial district, the minimum rear set back shall be 20 feet.

REZONING CRITERIA: UDC (Pages 43-44)

1. The UDC Section 2.15.5 provides the following criteria. In its review of an application, the Hearing Bodies shall consider the following criteria as applicable to the UDC text or Zoning Map amendment. No single factor is controlling; instead, each must be weighed in relation to the other standards.
 - A. Consistency. Rezoning shall be consistent with the adopted Comprehensive Plan;
 - B. Mississippi law requirements. There must have been either an error in the initial zoning or a change in the character of the neighborhood to such an extent as to justify reclassification of the property and some demonstrated compelling need before existing zoning may be changed;
 - C. Adverse Impacts on Neighboring Lands. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion and air pollution. Accordingly, rezonings may promote mixed uses subject to a high degree of design control;
 - D. Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned

may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the Comprehensive Plan, specification, or UDC;

- E. Health, Safety, and Welfare. The amendatory ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists, and this is so even if the private owner of the tract will also benefit;
 - F. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans;
 - G. Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an amendatory ordinance;
 - H. Other Factors. The Hearing Body must consider any other factors relevant to a rezoning application under state law; and
 - I. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large.
- 2. The applicant addressed the criteria as part of their application (attached).
 - 3. The current Comprehensive Plan (2010) Development Tiers map places this property in the "Residential Tier-Low" category.
 - 4. The draft Comprehensive Plan designates this area as "Low Density Commercial Center."
 - 5. The applicant has provided a proposed site plan: See attachments.

PUBLIC FEEDBACK:

None received as of June 6, 2025.

POTENTIAL MOTIONS:

To recommend **approval** of a rezoning from R-D Two Family Residential to CMX-2 Community Commercial/Mixed Use located at 1209 Robinson Street.

– OR –

To recommend **denial** of a rezoning from R-D Two Family Residential to CMX-2 Community Commercial/Mixed Use located at 1209 Robinson Street.



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

CHANGE IN ZONING / USE PERMIT APPLICATION

Effective June 11, 2006, the following application fees apply:

Application Fee Required*: **\$ 250.00 (NON REFUNDABLE)**

\$ 1.00 (Per Ordinance 2022-17 following the requirements of Section 25-60-5 MS Code Annotated)

* Does not include mail fee, to be determined by City.

Standard mail fee required for notification of property owners within 500' of applicant property. Exact fee to be determined by City, based on current postage rates.

AND MUST BE PAID FOR BY THE APPLICANT BEFORE MAILING.

Application Date: 04/30/2025 5/17/25

(Applications are due by the 7th of each month for the meeting scheduled for the subsequent month.)

Indicate Request: Change In Zoning District ☒ Use Permit ☐ Conditional Use Permit ☐

Applicant Information

Address of Lot(s): 1209 Robinson Street Ocean Springs, MS 39564

Parcel ID(s): 60119434.000

1. Applicant: Lloyd Vincent Thurmon Phone: _____
Address: _____ Email: _____
2. Owner of Record: Lloyd Thurmon c/o Sam Thurmon Phone: _____
Address: _____ Email: _____

COMPLETE THE FOLLOWING:

1. Current Zoning classification of property: R-D
New Zoning District Requested (if applicable): CMX-2

2. Explain the present use of the property and condition of any existing structures:

This RD-zoned property currently contains a vacant home that is no longer habitable. It's surrounded by overgrown vegetation and scattered debris, creating an eyesore and public safety concern. Signs of frequent trespassing are evident, and the OSPD has responded to multiple calls regarding the property. Given its current condition and prominent location, the site is well-positioned for thoughtful redevelopment that would enhance the surrounding area and address ongoing concerns

3. Describe the intended use of property:

We are requesting a zoning change to CMX-2 (Community Mixed-Use) to allow for flexible commercial redevelopment of the site. Considering this property is almost now entirely surrounded by varying levels of commercial development, its current condition and close proximity to the railroad tracks, it is clearly far better suited for low-intensity commercial use rather than residential. The potential future use in consideration would include a new structure with space for entities such as professional offices, boutique retail, a salon, art studio or other neighborhood-serving businesses. The structure would be designed within all Rezoning to CMX-2 would allow the property to be brought back into productive use in a way that enhances the area and aligns with the broader mix of uses nearby, while still being mindful of the remaining few residential properties in the immediate vicinity. The intention is to construct a small-scale commercial building that aligns with CMX-2 zoning allowances and the surrounding neighborhood's scale. The design would comply with city standards including setbacks, parking requirements, and transitional screening along the eastern property line where it adjoins residential. Street trees will be incorporated per the 15-40 ft spacing guideline, and the final plans would be submitted for design review to ensure consistency with Ocean Springs vision for the area.

4. Reason for request: *Must include 1) A description of the change/changes in the neighborhood that justify the change (when/where) OR the mistake made in the zoning map if applicable; AND 2) The public need for the new zoning district type.*

Given the property's direct proximity to an active railroad line and its location within a growing cluster of commercial uses, continued residential zoning no longer appears to be the most appropriate or compatible use. Residential living adjacent to frequent rail activity and late-night commercial operations presents clear quality-of-life challenges, which are increasingly out of step with the surrounding environment. This section of Robinson Street has seen a steady transition, with older residential properties replaced by small businesses, professional offices, and mixed-use development. Recent revitalization efforts on nearby Cash Alley - which intersects Robinson - further reflect the city's shift toward walkable, commercial-friendly spaces. Adjacent parcels, including those directly south of the property, are already zoned CMX-2 or similar, and this block now represents one of the last residential holdouts near some of the city's most active nightlife, including bars, music venues, and late-night dining. Rezoning to CMX-2 would allow for thoughtful redevelopment that supports the city's vision for mixed-use, walkable corridors while still permitting residential use where appropriate. It would also meet public demand for flexible, neighborhood-serving commercial space and ensure that future development follows design review guidelines and includes required transitional screening to protect nearby homes.

- | | |
|---|---|
| ☒ | 1. Application Fee. Amount \$ 251.00 |
| Exhibit 1 ☒ | 2. Map of the property and the surrounding neighborhood. |
| Exhibit 2 ☒ | 3. Diagram of intended use, showing dimensions and distances of property, building and their setbacks; parking spaces, entrances and exits. |
| Exhibit 3 ☒ | 4. Legal description; street address. |
| n/a ☐ | 5. Copy of protective covenants or deed restrictions, if any. |
| n/a ☐ | 6. Copies of approvals or requests of approval from other agencies such as: Health Department, Miss. Air and Water Pollution Control Commission, Corps of Engineers, Department of Marine Resources Council, etc. |

***** If applicant is authorized to represent property owner, applicant must provide documentation signed by the property owner.**

Signature of Property Owner

Signature of Applicant

* signatures below under applicant representation authorization statement

Lloyd Vincent Thurman

Laura R. Lacoste/Rain Residential

Print name

Print name

05/06/2025

05/06/2025

Date

Date

We, Lloyd V Thurman and Maria Pomalis authorize our Realtor, Laura Lacoste of Rain Residential (see attached listing agreement) and/or Attorney, David Harris to represent us in this application process as needed.

Lloyd Vincent Thurman
dotloop verified
05/07/25 3:21 PM EDT
WSMX-KGWA-ZLIP-4NAK

Laura R. Lacoste 5/6/25

1209 ROBINSON Street

CMX-2 ZONING DISTRICT PROFILE

Medium density mixed-use district. Maximum 4-story building height. Creates a corridor of compatible mixed uses that link more intense activity centers. Attached residential and mixed-uses include live/work units as long as scale, form, and design requirements are met.

Lot Dimensions

	Min.	Max.
Lot Size	N/A	N/A
Lot Width	25 ft	N/A
Front Setback	5 ft + 5'	10 ft
Side Setback	5 ft / 10 ft	N/A
Rear Setback	10 ft	N/A
Building Height	N/A	4 stories

* At least 80% of building facade shall be located at the front setback line.

* For buildings located on corner lots, at least the first 30' of the building facade as measured from the front building corner, shall be located at the setback line.

Parking Requirements:

2 spaces per 1,000 sf minimum.

Permitted Uses:

Apartments, hotels, retail sales, professional services, restaurants, bars, offices, and community shopping centers

Specs:

Lot size:
12,197 sf
.28 acres

Buildable
area
w/setbacks,
driveway,
trees and
parking per
city require-
ments. TBD

1209
ROBINSON
Street

Market



*Preliminary mock-up for illustrative purposes only; not to scale or intended as final design

This notice is being mailed to you as an owner of adjacent property to the project described below. Copies are sent via standard mail at the cost of the applicant of this project.

City of Ocean Springs Community Development
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC HEARING is hereby given that the City of Ocean Springs Planning Commission will hold a public hearing in the regular meeting place of the Board of Aldermen located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

Tuesday, June 10, 2025 @ 6:00 p.m.

Regarding the following:

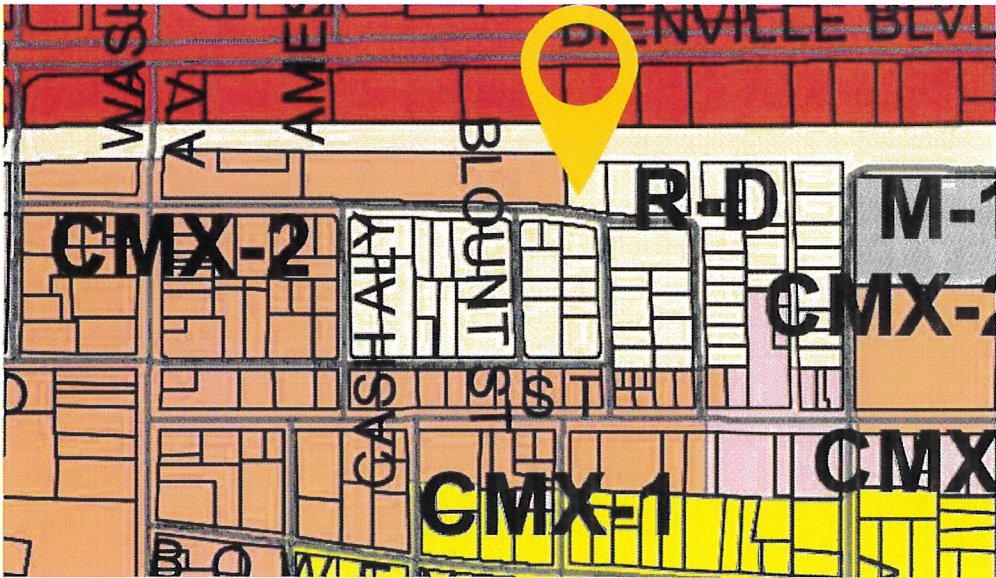
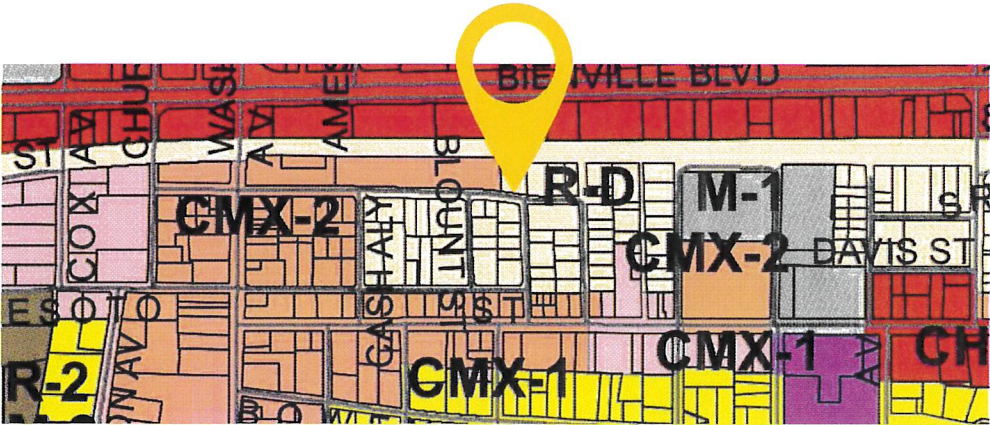
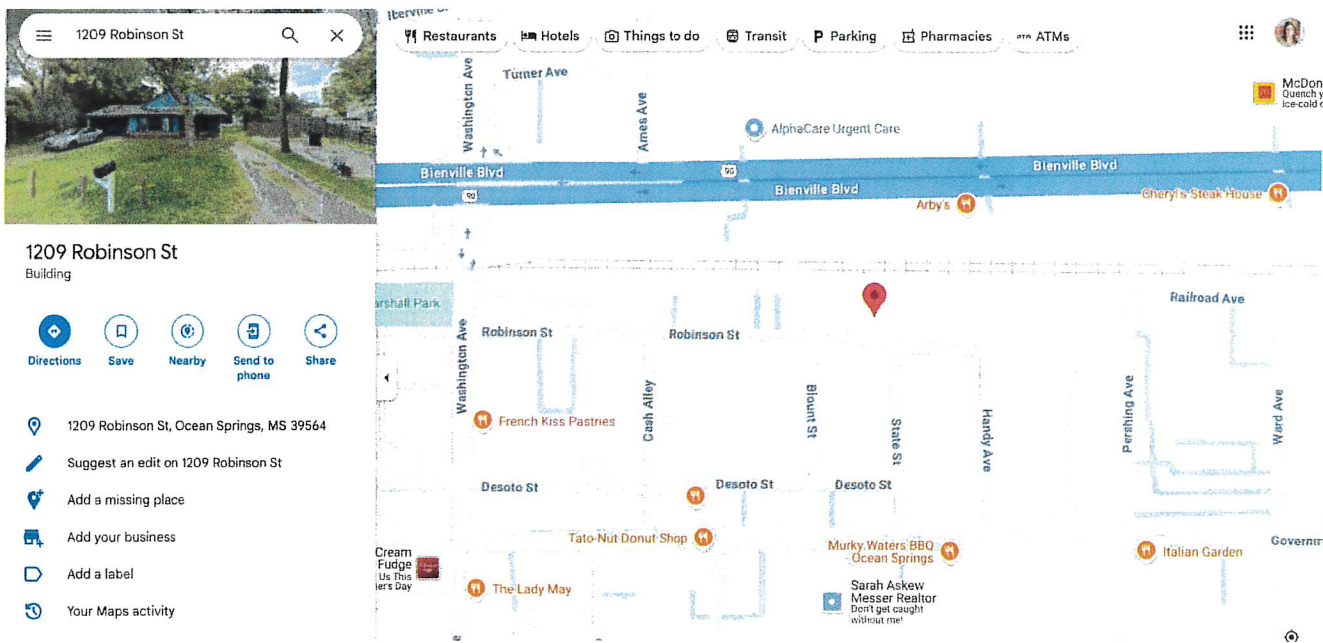
- **1209 Robinson Street – PIDN: 60119434.000 – Request a zone change from R-D Two Family Residential to CMX-2 Community Commercial/Mixed Use – Lloyd Vincent Thurmon**

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to wmorgan@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Wade Morgan,
City of Ocean Springs
Community Development Director

Exhibit 1 (1209 Robinson Street)



1209 Robinson St, Ocean Springs, MS 39564-3843, Jackson County

APN: 6-01-19-434.000 CLIP: 3937683932



Beds	Full Baths	Half Baths	Sale Price	Sale Date
N/A	1	N/A	N/A	N/A
Bldg Sq Ft	Lot Sq Ft	Yr Built	Type	
1,074	12,197	1910	SFR	

OWNER INFORMATION

Owner Name	Thurmon Lloyd Vincent	Tax Billing Zip	29170
Owner Name 2	Pomalis Maria	Tax Billing Zip+4	3888
Tax Billing Address	328 Congaree Ridge Ct	Owner Occupied	No
Tax Billing City & State	West Columbia, SC		

COMMUNITY INSIGHTS

Median Home Value	\$465,482	School District	OCEAN SPRINGS SCHOOL DIST
Median Home Value Rating	6 / 10	Family Friendly Score	38 / 100
Total Crime Risk Score (for the neighborhood, relative to the nation)	25 / 100	Walkable Score	53 / 100
Total Incidents (1 yr)	123	Q1 Home Price Forecast	\$482,221
Standardized Test Rank	85 / 100	Last 2 Yr Home Appreciation	16%

LOCATION INFORMATION

Census Tract	405.00	Township Range Sect	7S-8W-19
Carrier Route	C002	Within 250 Feet of Multiple Flood Zone	Yes (X, X500)

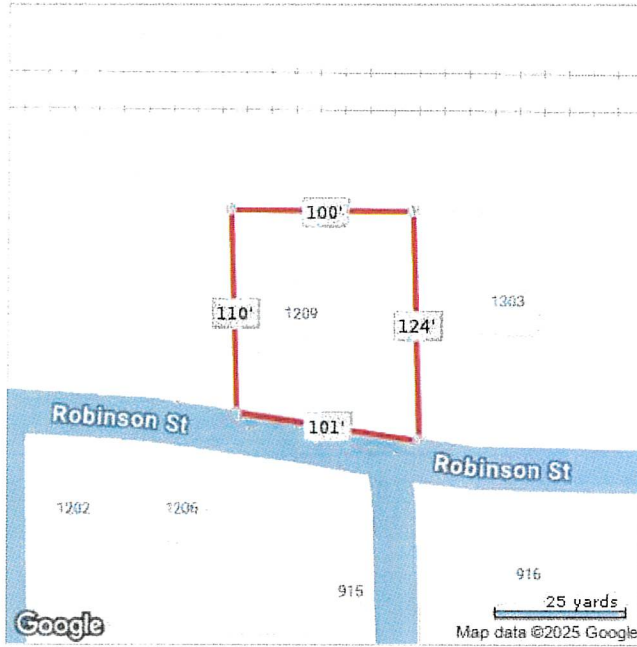
TAX INFORMATION

Tax Parcel Number	6-01-19-434.000	Tax Area	4660
% Improved	80%		
Legal Description	COM W/M HANDY AVE & S/M R R W 199.5' FOR POB S 125' M/L W 10 0' N 125' M/L E 100' TO POB DB 10 63-89 (42 MAP784.19-03)		

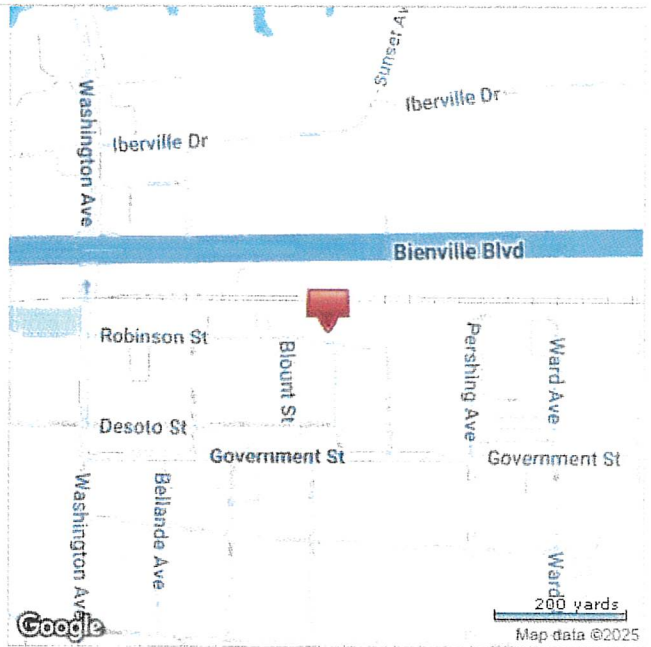
ASSESSMENT & TAX

Assessment Year	2024	2023	2022
Assessed Value - Total	\$7,774	\$7,774	\$8,779
Assessed Value - Land	\$1,548	\$1,548	\$1,548
Assessed Value - Improved	\$6,226	\$6,226	\$7,231
Market Value - Total	\$51,827	\$51,827	\$58,528
Market Value - Land	\$10,320	\$10,320	\$10,320
Market Value - Improved	\$41,507	\$41,507	\$48,208
YOY Assessed Change (\$)	\$0	-\$1,005	
YOY Assessed Change (%)	0%	-11.45%	
Tax Year	Total Tax	Change (\$)	Change (%)
2022	\$1,282		
2023	\$1,132	-\$150	-11.69%
2024	\$1,121	-\$12	-1.02%

PROPERTY MAP



*Lot Dimensions are Estimated



May 7, 2025

1209 Robinson Street

Rezoning Application Responses (clarified d/t some responses were cut off on the format used.)

#2. This RD-zoned property currently contains a vacant home that is no longer habitable. It's surrounded by overgrown vegetation and scattered debris, creating an eyesore and public safety concern. Signs of frequent trespassing are evident, and the OSPD has responded to multiple calls regarding the property. Given its current condition and prominent location, the site is well-positioned for thoughtful redevelopment that would enhance the surrounding area and address ongoing concerns.

#3. We are requesting a zoning change to CMX-2 (Community Mixed-Use) to allow for flexible commercial redevelopment of the site. Considering this property is almost now entirely surrounded by varying levels of commercial development, its current condition and close proximity to the railroad tracks, it is clearly far better suited for low-intensity commercial use rather than residential. The potential future use in consideration would include a new structure with space for entities such as professional offices, boutique retail, a salon, art studio or other neighborhood-serving businesses. The structure would be designed within all Rezoning to CMX-2 would allow the property to be brought back into productive use in a way that enhances the area and aligns with the broader mix of uses nearby, while still being mindful of the remaining few residential properties in the immediate vicinity. The intention is to construct a small-scale commercial building that aligns with CMX-2 zoning allowances and the surrounding neighborhood's scale. The design would comply with city standards including setbacks, parking requirements, and transitional screening along the eastern property line where it adjoins residential. Street trees will be incorporated per the 15-40 ft spacing guideline, and the final plans would be submitted for design review to ensure consistency with Ocean Springs vision for the area.

#4. Given the property's direct proximity to an active railroad line and its location within a growing cluster of commercial uses, continued residential zoning no longer appears to be the most appropriate or compatible use. Residential living adjacent to frequent rail activity and late-night commercial operations presents clear quality-of-life challenges, which are increasingly out of step with the surrounding environment. This section of Robinson Street has seen a steady transition, with older residential properties replaced by small businesses, professional offices, and mixed-use development. Recent revitalization efforts on nearby Cash Alley - which intersects Robinson - further reflect the city's shift toward walkable, commercial-friendly spaces. Adjacent parcels, including those directly south of the property, are already zoned CMX-2 or similar, and this block now represents one of the last residential holdouts near some of the city's most active nightlife, including bars, music venues, and late-night dining. Rezoning to CMX-2 would allow for thoughtful redevelopment that supports the city's vision for mixed-use, walkable corridors while still permitting residential use where appropriate. It would also meet public demand for flexible, neighborhood-serving commercial space and ensure that future development follows design review guidelines and includes required transitional screening to protect nearby homes.