

**ORDER GRANTING AUTHORITY TO FILE COMPLAINT
AGAINST DANIEL G. KAMIN GARDINER, LLC (PARCEL 9A) AND TENANT
TO ACQUIRE A PARCEL OF LAND FOR THE BEACON STREET CORRIDOR PROJECT**

WHEREAS, the City of Laurel, Mississippi, (herein “the LPA”) began the project for the construction of improvements along Leontyne Price Boulevard (formerly “Beacon Street”) from Interstate 59 to the intersection of Central Avenue, 6th Avenue and 5th Street/Sawmill Road, known as the Beacon Street Improvements Project (formerly known as the “Gateway Beacon Street Corridor Improvements”) [herein “said Project”], for the benefit of the citizens of the City of Laurel, Mississippi, said Project having been authorized and activated under a *Memorandum of Understanding* dated May 7, 2013, with the Mississippi Department of Transportation (“MDOT”); and having been designated by MDOT as Project No. IMD-8077-00(002) LPA / 106639-801000 Jones County; and

WHEREAS, the City of Laurel is going forward under a contract with Neel-Schaffer, Inc., for professional services for the design, appraisal, review appraisal, survey and property acquisition which authorizes the acquisition of real property interest from the adjoining landowners along both sides of said street;

WHEREAS, said Project is partially funded with a Federal grant, requiring twenty percent (20%) matching local funds to be provided by City of Laurel through local bonds; and

WHEREAS, the City Council has contracted with Neel-Schaffer, Inc. under a Professional Services contract to design said Project and to secure the right-of-way necessary for construction of said Project, which contract is scheduled to expire on December 31, 2018;

WHEREAS, the City Council, through Mayor Johnny Magee, has established Just Compensation for all of said parcels to be acquired and particularly from those from Daniel G. Kamin Gardiner, LLC and Tenant, namely, Phuong Nguyen d/b/a Tip Top Nails, #2. (that is, both the part being acquired, the part being used under temporary easement and damages to the remainder) in the amount of \$29,415.00, which amount has been rejected by said landowner and said Tenants with a demand for more;

WHEREAS, the City Council finds that, in order to accomplish said Project, it is necessary to acquire for public use that certain property belonging to Daniel G. Kamin Gardiner, LLC, and said Tenant as more particularly described in Exhibit “A”, as shown by the plans for said Project (or as may be amended) which are on file in the office of Neel-Schaffer, Inc., Laurel, Mississippi;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Laurel, Mississippi that:

1. Said Property (Exhibit “A”) belonging to Daniel G. Kamin Gardiner, LLC, and said Tenant, is necessary for public use in said Project and the Council does hereby condemn the same;
2. That law firm of Hortman Harlow Bassi Robinson & McDaniel, PLLC is authorized to file and prosecute a case for the acquisition of said property from Daniel G. Kamin Gardiner, LLC, and said Tenant, under the terms of said Project No. IMD-8077-00(002) LPA / 106639-801000 Jones County and under the Professional Services contract with Neel-Schaffer, Inc.;

3. The Council finds that the City and its citizens will suffer irreparable harm and delay by exercising the right to condemn the subject Property by eminent domain proceedings pursuant to the provisions of Sections 11-27-1 through 11-27-51 of the Mississippi Code of 1972, as amended, as opposed to claiming the right of immediate title and possession of said property pursuant to Sections 11-27-81 through 11-27-91 of said Code, since the contract to acquire said property for said Project with Neel-Schaffer, Inc., expires on or about December 31, 2018;
4. The Administration is authorized to sign and verify all court documents as may be necessary to prosecute said legal proceeding; and
5. The Administration is authorized to procure all of the necessary services, such as surveyors, appraisals and review appraisals, etc., and to secure all of the other professional services necessary to successfully acquire said parcels through said legal proceedings.

Adoption of the above and foregoing Order was moved by Councilperson T. Comegys, the second was by Councilperson Wheat, upon roll call vote, the result was as follows:

Upon roll call vote, the result was as follows:

YEAS: Wheat, Thaxton, S. Comegys, T. Comegys, Page

NAYS: None

ABSTAINING: None

ABSENT: Capers, Carmichael

The President thereupon declared the motion carried and the Order adopted, this the 7th day of August, 2018.

PRESIDENT OF THE COUNCIL

ATTESTED AND SUBMITTED TO THE MAYOR BY THE CLERK OF THE COUNCIL

ON _____.

CLERK OF THE COUNCIL

APPROVED () DATE_____

VETOED () DATE_____

MAYOR

ATTEST:

CITY CLERK

* * * * *

Min. of 08/07/18; Bk No. 101; Pg No. _____; Agn. Itm. 4I