

**HORTMAN HARLOW BASSI ROBINSON & McDANIEL, PLLC**

**ATTORNEYS AT LAW**

414 WEST OAK STREET  
LAUREL, MISSISSIPPI 39440

May 10, 2019

NORMAN GENE HORTMAN, JR.  
EUGENE M. HARLOW  
DEIDRA J. BASSI  
BRETT W. ROBINSON  
CHRISTOPHER B. McDANIEL\*

\*ALSO ADMITTED IN TEXAS

WILLIAM S. MULLINS, III - OF COUNSEL

MAILING ADDRESS:  
POST OFFICE DRAWER 1409  
LAUREL, MISSISSIPPI 39441-1409

TEL (601) 649-8611  
FAX (601) 649-6062

VIA EMAIL ONLY TO [jmagee@laurelms.com](mailto:jmagee@laurelms.com)

Mayor Johnny Magee  
Laurel, Mississippi

RE: City of Laurel - Beacon Street Project - Parcel No. 9A  
Owner: Daniel G. Kamin Gardiner, LLC - Our File No. 5492

Dear Mayor:

On Monday, May 6 I received a communication from the attorneys for Daniel G. Kamin Gardiner, LLC about the damage offer on Parcel 9A. They stated they had just realized Boone's appraisal ended up being \$6,900.00 less in damages for their client than the original Collins & Null appraisal. Until this discovery, they assumed, in our previous discussions, that the Collins & Null offer, which their client had told Mark Dye they were inclined to accept, was still on the table. I wrote to them on April 22 explaining the difference. I had suggested to them that after filing the case that we were moving forward on the new appraisal numbers found by Mr. Boone.

Their response was that under the case law, Mr. Boone would not be allowed to testify. We verified that this was true. They stated their intention was to call Collins & Null to testify at the trial on damages.

After considering the facts, their argument and our position, I recommended to you and to the engineers that we increase our offer to \$28,660.00 on Parcel 9A (which is an increase of \$6,900.00). This was conditioned on the defendants' accepting the amounts on all four parcels as presented and that they elect to waive a jury trial on all four and accept said sums in full settlement. I detailed that in my letter of May 8 to them, a copy of which you have.

As I told you yesterday, they have accepted our offer. They have signed the four Applications on the four parcels which include the agreed-to amounts. They also have waived their right to a jury trial on damages, thus ending all of the issues with the landowners. There are still three tenants with whom we have to deal. But, I believe we are close on them as well.

Therefore, I need your signature on a revised Just Compensation offer on Parcel 9A. We also need to order \$3,900.00 to be added to the amount on deposit for Parcel 9A. (In the course of reviewing this, I discovered that we deposited \$3,000.00 more in Parcel 9A than we were required to initially. This was brought about by the confusion in having to tender \$3,000.00 to the Clerk to pay the appraiser, Boone. We later discovered that there was an extra check for Boone that had been tendered to the

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Laurel, Mississippi

RE: City of Laurel - Beacon Street Project - Parcel No. 9A  
Owner: Daniel G. Kamin Gardiner, LLC - Our File No. 5492

Dear Mayor:

As stated previously, we will need another check payable to the Jones County Clerk in the amount of \$3,900.00. Call us when the check is ready to be picked up. We will take the check to the Clerk and get a receipt for the file from her.

Thank you for your assistance.

Sincerely,

  
William S. Mullins, III

cc: Ms. Mary Ann Hess, Laurel City Hall *via email only to [maryannahess@laurelms.com](mailto:maryannahess@laurelms.com)*

Mandy Hegwood *via email to [mandolyn.hegwood@neel-schaffer.com](mailto:mandolyn.hegwood@neel-schaffer.com)*

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Mayor Johnny Magee  
Laurel, Mississippi

RE: City of Laurel - Beacon Street Project - Parcel No. 9D  
Owner: Daniel G. Kamin Gardiner, LLC - Our File No. 5485

Dear Mayor:

This will confirm our discussion by telephone about our meeting with the attorneys for Daniel G. Kamin Gardiner, LLC on April 22. We heard their request to increase the amount being paid for loss of parking spaces by \$4,800.00.

In our review, following the meeting, our appraiser recognized the loss of two parking spaces along with other damages. Those attorneys expressed concern that the two proposed parking spaces added in front of the building would present a traffic hazard by requiring those parking there to back into traffic when leaving, hence, their request to increase our offer.

In a meeting with our engineers privately following that meeting, they expressed to us that the front the parking spaces should be reduced to just one handicapped parking space. If we did that, that would add at least \$2,400.00 to the damages.

After discussing this with you and the engineers, I recommend that we increase the damages on Parcel 9D by \$3,000.00. By doing this we can avoid the cost of a trial on damages and will avoid our need to have the appraisal re-worked. My reasoning is that all of this will cost us substantially more than \$3,000.00.

As you know, I have submitted that offer in writing that day. On May 9, they sent a letter accepting it. To do this, we will need to have you sign a Revised Establishment of Just Compensation Offer. We will also need to have checks for \$3,000.00 made payable to the County Clerk's office. We will be in touch with you about how to get this done.

Sincerely,

  
William S. Mullins, III

cc: Mandy Hegwood via email to [mandolyn.hegwood@neel-schaffer.com](mailto:mandolyn.hegwood@neel-schaffer.com)

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Owner: Daniel G. Kamin Gardiner, LLC - Our File No. 5485

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Thank you for your assistance.

Sincerely,



William S. Mullins, III

cc: Ms. Mary Ann Hess, Laurel City Hall *via email only to [maryannhess@laurelms.com](mailto:maryannhess@laurelms.com)*

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