

**AN ORDINANCE ENLARGING AND EXTENDING THE CORPORATE BOUNDARIES OF THE CITY OF CANTON, MADISON COUNTY, MISSISSIPPI; SPECIFYING THE IMPROVEMENTS TO BE MADE IN THE ANNEXED TERRITORY AND THE MUNICIPAL OR PUBLIC SERVICES TO BE RENDERED THEREIN; AND, FOR OTHER PURPOSES GERMANE THERETO**

There came on to be heard the matter of enlarging and extending the corporate boundaries of the City of Canton, Madison County, Mississippi, by annexing and adding thereto certain adjacent and unincorporated territory contiguous to the present corporate boundaries, and being more particularly described hereinafter, and after a full discussion and inquiry into the facts, the Board of Mayor and Aldermen found, adjudicated and determined that such proposed enlargement and extension is reasonable and is required by the public convenience and necessity.

Whereupon Alderwoman Alice Scott offered the following Ordinance and moved for its adoption:

**AN ORDINANCE ENLARGING AND EXTENDING THE CORPORATE BOUNDARIES OF THE CITY OF CANTON, MADISON COUNTY, MISSISSIPPI; SPECIFYING THE IMPROVEMENTS TO BE MADE IN THE ANNEXED TERRITORY AND THE MUNICIPAL OR PUBLIC SERVICES TO BE RENDERED THEREIN; AND, FOR OTHER PURPOSES GERMANE THERETO**

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF CANTON, MADISON COUNTY, MISSISSIPPI:

SECTION 1. That it is hereby found, adjudicated and determined that the expansion of the corporate boundaries of the City of Canton, Madison County, Mississippi, (hereinafter referred to as the "City"), is required by the Public Convenience and Necessity. The corporate boundaries of the City are hereby enlarged and extended by adding thereto the adjacent and contiguous unincorporated territory hereinafter described. The enlargement of the City as herein provided, is reasonable and necessary to accommodate the continued and orderly future growth and development of the City.

SECTION 2. That the adjacent and contiguous unincorporated territory which is hereby added to and included in the corporate limits of the City (hereinafter referred to as the "Annexed Territory") is situated in Madison County, Mississippi, is fully described

on Exhibits "A", "B", "C", &"D", which is attached hereto and incorporated herein by reference to the same extent as if fully copied and set forth herein in words and figures.

SECTION 3. That the entire boundary of the corporate limits of the City, after the addition and annexation of said Annexed Territory, as described in Section 2 hereof, is fully described on Exhibit "E", which is attached hereto and made a part hereof by reference to the same extent as if fully copied and set forth herein in words and figures.

SECTION 4. That the City shall furnish in the Annexed Territory the following municipal or public services as soon as practical or feasible immediately after the effective date of this Ordinance, as referenced in Section 8 hereof, to wit:

Police protection; fire protection; garbage, trash and rubbish removal and disposal; maintenance of presently improved and in use streets and drainage; measures for the control of animals and mosquitoes and other insects; uniform rates for all Canton Public Service customers within the City's municipal boundaries; planning, zoning and community development services and development codes and associated code enforcement; the use and benefit of all other municipal services and facilities furnished all present citizens of the municipality of the City, including but not limited to the use of its public parks, recreational facilities, its Community Center, its Multipurpose and Equine Center, and all other municipal services and facilities furnished by the City to all of the present citizens of the municipality and the right to exercise the ballot in municipal elections upon registering and meeting all statutory and constitutional requirements.

Said services shall be furnished in the same manner and to the same extent as such services are being furnished to the current citizens of the City.

SECTION 5. That the City shall furnish in said Annexed Territory the following municipal and public services, as soon as practical after the effective date of this Ordinance, as referenced in Section 8 hereof, to wit:

Grade, drain and hard surface existing and in use streets; lay-out, construct and improve such additional streets and drainage as may from time to time become necessary; install street lighting and traffic control devices where needed; construct and equip fire stations, as necessary; acquire and develop parks and playground facilities; and acquire, interconnect and upgrade certificated utility systems now serving annexed customers as necessary, legally possible and financially feasible.

Said improvements shall be made when needed and economically feasible; said improvements to be completed within a reasonable time, not to exceed five (5) years, from the effective date of this Ordinance, as referenced in Section 8 hereof, unless delayed by war, governmental emergency or restrictions. Previously, other public utilities have been issued Certificates of Public Convenience and Necessity to provide utility services to certain areas that are within the Annexed Territory. To the extent applicable, public utility services will be provided in the Annexed Territory by those entities.

SECTION 6. The City through its attorney, BLACKMON & BLACKMON, PLLC (hereinafter referred to as the "City Attorney"), shall file a Petition or Complaint in the Chancery Court of Madison County, Mississippi, which Petition shall recite the fact of the adoption of this Ordinance and shall pray for the approval, ratification and confirmation by said Court of the enlargement and extension of the municipal boundaries and limits of the City as herein fixed and determined. Said Petition shall have attached thereto a certified copy of this Ordinance and a plat or map showing the boundaries of the said City as they will exist in the event such enlargement and extension becomes effective pursuant to this Ordinance. The City Attorney is hereby authorized and directed to file such other necessary or convenient pleadings in the Chancery Court of Madison County, Mississippi, and take all other necessary steps in order that the enlargement of the municipal boundaries authorized herein be ratified, approved and confirmed according to the laws of the State of Mississippi.

SECTION 7. Upon entry of a final decree, judgment or mandate of the Chancellor or the Mississippi Supreme Court approving and ratifying this Ordinance, the City Attorney is authorized and directed to immediately submit this Ordinance and the judgment, decree or mandate approving and ratifying same to the Attorney General of the United States or to the United States District Court for the District of Columbia for preclearance in accord with the provisions of Section 5 of the Voting Rights Act of 1965, as amended and extended [42 U.S.C. 1973c].

SECTION 8. This Ordinance shall become effective ten (10) days after the date of the entry of a judgment or decree of the Chancery Court of Madison County, Mississippi, ratifying, approving and confirming the enlargement and extension of the boundaries of the City of Canton, Madison County, Mississippi, as established by this Ordinance and the decree of said Court.

SECTION 9. All Ordinances, Resolutions and Orders of the Mayor and Board of Aldermen of the City, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SO ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CANTON, MADISON COUNTY, MISSISSIPPI, at their regular meeting thereof duly called, held and conducted on Tuesday, the 3<sup>rd</sup> day of May, 2011.

Alderman Reuben Myers seconded the motion for adoption of the above and foregoing Ordinance, and same having been first reduced to writing, as well as discussion being had on the matter, full and complete, the question was put to a roll call vote with the

Alderwoman Alice Scott	Voted: <u>"Aye"</u>
Alderman Rodriguez Brown	Voted: <u>"Aye"</u>
Alderman Eric Gilkey	Voted: <u>"Aye"</u>
Alderman Billy Myers	Voted: <u>"Aye"</u>
Alderman Charles Weems	Voted: <u>"Naye"</u>
Alderman Louis Smith	Voted: <u>"Naye"</u>
Alderman Reuben Myers	Voted: <u>"Aye"</u>

The motion having received the affirmative vote of the majority of the members of the Board of Aldermen of the City of Canton, the Mayor declared the motion carried and the Ordinance duly adopted, this the 3<sup>rd</sup> day of May, 2011.

SUBMITTED TO AND APPROVED BY THE MAYOR, this the 3<sup>rd</sup> day of May, 2011.

APPROVED:

s/William Truly, Jr.  
William Truly, Jr., M.D., Mayor

ATTEST:

S/Valerie Smith  
Valerie Smith, City Clerk

(SEAL)