

FILED
JUN 22 2017

**CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

JOHN McADAMS, CHANCERY CLERK
John R. Davis D.C.

IN THE MATTER OF:

LONG BEACH WATER MANAGEMENT DISTRICT

NO. 24CH1:01-cv-82283-55

**JUDGMENT CONFIRMING UP-DATED LONG BEACH WATERSHED
PLAN (SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT)**

THIS CAUSE was heard in open Court on May 25, 2017. This hearing was pursuant to the Order of this Court dated March 8, 2017. The Long Beach Water Management District was represented by its attorney, Bobby R. Long. Also present for the Long Beach Water Management District were its duly appointed Commissioners, who are as follows: Chairman Brett Mallette, Commissioner Mary Ladner, and Commissioner Dave Marshall. The Court heard testimony and considered evidence introduced by the Long Beach Water Management District. Witnesses testifying on behalf of the Long Beach Water Management District included Chairman Brett Mallette, Commissioner Dave Marshall and Ben Benvenuti, professional engineer. The Court also considered documentary evidence submitted by the Long Beach Water Management District as follows: 1989 Long Beach Watershed Plan and Environmental Impact Statement; Map of the Long Beach Water Management District; 1993 Order of the Harrison County Chancery Court Modifying and Confirming the Long Beach Water Management District Assessment Roll; U.S. Army Corps of Engineers Maintenance Manual and Partnership Agreement; Canal 2/3 Inspection Report; Opinion of Probable Cost for Canal 2/3 Maintenance Project; Final Supplemental Environmental Impact Statement; Estimated Annual Budget for the Long Beach Water Management District; Proposed Up-Dated Assessment Roll; Resolution of the Long Beach Water Management District adopting the Supplemental Environmental Impact Statement and the

Proposed Up-Dated Assessment Roll; and Accounting Report of the funds currently available to the Long Beach Water Management District.

The Court further considered that Notices of this hearing on the Up-Dated Long Beach Watershed Plan (Supplemental Environmental Impact Statement) were given as follows: Publication in the Sun Herald Newspaper; postings on various websites including WLOX Television Station and the Long Beach Water Management District website; and postings at the Long Beach City Hall and the Harrison County Courthouse in Gulfport. The Court noting that no complaints or objections having been filed to the Up-Dated Long Beach Watershed Plan (Supplemental Environmental Impact Statement).

The Court also considered all pleadings and documents filed in this cause.

Having considered all testimony evidence, pleadings and other documents submitted in this cause, the Court finds that the Up-Dated Long Beach Watershed Plan (Supplemental Environmental Impact Statement), which was filed in this cause, should be and is adopted.

The Court also finds as follows:

1.

The Long Beach Water Management District is a drainage district with local commissioners, established in accordance with Section 51-29-5 of the Mississippi Code of 1972 Annotated and has all powers authorized by Sections 51-29-1 through 51-29-165 of the Mississippi Code of 1972 Annotated.

2.

In addition, the Court finds that the Long Beach Water Management District has those powers conferred on drainage districts by Sections 51-33-1 through 51-33-123 of the Mississippi

Code of 1972 Annotated.

3.

The Long Beach Water Management District properly formulated and filed with the Chancery Clerk of Harrison County, Mississippi, its drainage and water management plans and the ascertained costs of the improvements specified in said plans. Said plans were accompanied by maps showing the location of all the main and lateral ditches, and was accompanied by specifications describing the character of the improvement to be made, the width and depth of the ditches, the probable quantity of earth to be removed, all other work to be done, and the probable costs of draining said territory.

Federal assistance was furnished in connection with the planning and the proposed construction of the proposed improvements; and the plans and specifications submitted by the Long Beach Water Management District include the signed written approval of the United States Department of Agriculture, the federal agency responsible for furnishing assistance to the Long Beach Water Management District.

The Long Beach Water Management District complied with all requirements of Section 51-29-27 and Section 51-29-71 of the Mississippi Code of 1972 Annotated.

4.

The Up-Dated Long Beach Watershed Plan (Supplemental Environmental Impact Statement) which was filed with the Clerk of the Harrison County Chancery Court on May 25, 2017, complies with all requirements of Section 51-29-71 of the Mississippi Code of 1972 Annotated.

5.

On March 8, 2017, this Court entered an Order directing the Clerk of the Chancery Court to give notice by publication for two (2) weeks by two (2) insertions in the Sun Herald Newspaper, a newspaper published and having general circulation in Harrison County, Mississippi, the county in which the lands of the Long Beach Water Management District lie, stating that if by reason of such change in the watershed plans any property owner deems that the assessment has become inequitable, he may Petition the Chancery Court, or Chancellor in Vacation to address any complaints or objections.

The Clerk of the Chancery Court of Harrison County, Mississippi, published said Notice as directed by said Order of March 8, 2017. The Notice was published in the Sun Herald newspaper on March 24, 2017 and March 31, 2017, respectively. The published Notice complied with all notice requirements of Section 51-29-71 of the Mississippi Code of 1972 Annotated.

6.

No complaints or objections were filed to the Up-Dated Long Beach Watershed Plan (Supplemental Environmental Impact Statement).

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Up-Dated Long Beach Watershed Plan (Supplemental Environmental Impact Statement) filed in this cause and with the Chancery Clerk of Harrison County, Mississippi is hereby confirmed.

SO ORDERED AND ADJUDGED, this the 22nd day of June, 2017.



HONORABLE SANFORD R. STECKLER

PREPARED BY:

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