

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

AVMI, LLC

PLAINTIFF

vs.

Cause No. _____

THE STATE OF MISSISSIPPI
BY AND THROUGH DELBERT HOSEMAN
IN HIS OFFICIAL CAPACITY AS
SECRETARY OF STATE AND TRUSTEE OF
THE PUBLIC TIDELANDS TRUST AND
THE CITY OF BAY SAINT LOUIS,
MISSISSIPPI

DEFENDANTS

COMPLAINT

COMES NOW AVMI, LLC and files its complaint against the STATE OF MISSISSIPPI, by and through Delbert Hosemann in his official capacity as Secretary of State and Trustee of the Public Tidelands Trust, and the CITY OF BAY ST. LOUIS, MISSISSIPPI, and would show unto the Court the following:

PARTIES

1. Plaintiff AVMI, LLC is a limited liability company in good standing with the Mississippi Secretary of State's Office. Its Registered Agent is Avra E. O'Dwyer, who can be found at 18 Golf View Lane, Pass Christian, Mississippi 39571.

2. Defendant State of Mississippi (hereinafter "the State"), by and through Delbert Hosemann in his official capacity as Secretary of State and Trustee of the Public Tidelands, may be served with process through the Attorney General of the State of Mississippi, Jim Hood, at his office at Suite 1200, Walter Sillers Building, 550 High Street Jackson, Mississippi 39201.

3. Defendant City of Bay St. Louis (hereinafter "the City") is a municipal corporation and may be served with process through service of its Mayor Les Fillingame or the

Municipal Clerk David Kolf at their offices in City Hall, 111 Court Street, Bay St. Louis, Mississippi 39521.

JURISDICTION AND VENUE

4. Jurisdiction is proper in this Court pursuant to Section 9-7-81, Mississippi Code Annotated 1972, as amended. Damages exceed \$200.00.

5. Venue is proper in this Court pursuant to Section 11-11-3, Mississippi Code Annotated 1972, as amended, being the Circuit Court of the County in which the cause of action occurred or accrued.

FACTS

6. The Plaintiff is the fee simple owner of two parcels of land in Hancock County, Mississippi, more particularly described as follows:

Lot 510, First Ward, City of Bay St. Louis, Hancock County, Mississippi

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

Less and except property deeded to the Miss. Department of Transportation as part of Project No. ER-9354-00(002) [104637/201000] more particularly described as follows:

Commence at a 3/4" galvanized iron pipe set at the southeast corner of Lot 1, Block 2, Hotel Company's Subdivision, also known as Bay Hotel Company's Subdivision, Recorded in deed book D-5, page 429, Deed Records, Hancock County, Mississippi, same being the intersection of the northerly CSX Transportation Railroad right of way and the westerly Beach Boulevard right of way, said point having a coordinate value of N 294737.75, E 828673.44 on the above referenced coordinate system; thence North 40 degrees 43 minutes 23 seconds East for a distance of 505.84 feet to a point having a coordinate value of N 295121.11, E 829003.45 on the above referenced coordinate system, said point being the Point of Beginning, said point being located 30.00 feet easterly of, as measured radial from the centerline station 432+98.98 of the proposed Mississippi Department of Transportation's Beach Boulevard Repair Project, referenced above, said point on grantor's north property line;

From the Point of Beginning run thence southwesterly along the proposed east right-of-way line of the above described project and along the arc of a curve to the right with a radius of 4030.00 feet, with an arc distance of 35.80 feet, and a chord bearing of South 31 degrees 25 minutes 51 seconds West for distance of 35.80 feet to a point located on the south line of the grantors property;

thence along the south line of said grantors property, North 69 degrees 49 minutes 38 seconds West for a distance of 31.43 feet to a point located on the existing right-of-way line;

thence along said existing right-of-way line, North 30 degrees 01 minutes 25 seconds East for a distance of 35.80 feet to a point located on the north line of the grantors property;

thence along the north line of said grantors property, South 69 degrees 32 minutes 24 seconds East for a distance of 32.30 feet to the Point of Beginning, containing 1123 square feet, more or less, being a part of Lot 510, First Ward, Bay St. Louis, Section 29, Township 8 South, Range 13 West, Hancock County, Mississippi.

True and correct copies of the deed to AVMI, LLC and the deed from AVMI, LLC to the Miss. Department of Transportation are attached hereto as Exhibit "A" and "B".

7. AVMI, LLC acquired Lot 510 of the above-referenced property on June 03, 2005, by way of a conveyance from Avra O'Dwyer. *See* Exhibit "A".

8. Avra O'Dwyer acquired Lot 510 of the above-referenced property on May 28, 1999, by way of conveyance Cornelius J. Ladner and Bonnelle P. Ladner. *See* Exhibit "C".

9. AVMI, LLC's property extends to the mean high water line of the Bay of St. Louis. The Plaintiff has been taxed on property extending 220 to 240 feet from North Beach Boulevard southeast to the mean high water line of the Bay of St. Louis the entire time it has owned the property. Excerpt from Tax Map, attached as Exhibit "D".

10. In 1989 the Mississippi Legislature enacted MISS. CODE ANN. § 29-15-3 (West 2013), which states in part:

(2) It is hereby declared to be a higher public purpose of this state and the public tidelands trust to resolve the uncertainty and disputes which have arisen as to the location of the boundary between the state's public trust tidelands and the upland

property and to confirm the mean high water boundary line as determined by the Mississippi Supreme Court, the laws of this state and this chapter.

MISS. CODE. ANN. § 29-15-3(2). In an effort to determine the boundary between the public trust tidelands and the upland property owners, MISS. CODE. ANN. § 29-15-7 provided for mapping to determine the boundary.

11. The Final December 1994 map entitled “Public Trust Submerged Land Map,” duly recorded in the Office of the Chancery Clerk of Hancock County, Mississippi, clearly establishes that the public trust lands only extend upland from the mean high water line “where beach renourishment has occurred”. Legend of Public Trust Submerged Land Map, attached hereto as Exhibit “E”. No beach on the Plaintiff’s property has ever been renourished.

12. The Public Trust Submerged Land Map clearly shows the boundary line of AVMI, LLC’s property extends to the mean high water line. Excerpt from Public Trust Submerged Land Map, attached hereto as Exhibit “F”. Without any lawful authority, permission, or legal right, Defendant City of Bay St. Louis, under a purported lease by the Defendant Secretary of State, entered upon AVMI, LLC’s property described above on January 03, 2012. Defendant City of Bay St. Louis has taken full possession and control of the Plaintiff’s property under the purported lease. On January 03, 2012, Plaintiff’s property was physically entered onto and taken by Defendant City’s contractors as they began construction on a municipal harbor and connecting roadwork. That ramp is now complete and construction of the harbor is well underway, even though Defendants have not obtained a deed or conveyance from the Plaintiff before taking its land and commencing construction. Nor did Defendants file an action seeking to condemn the property or obtain an order of any court giving it the right to take immediate possession of the property before beginning construction.

CAUSES OF ACTION

I. INVERSE CONDEMNATION

13. Plaintiff is entitled to recover just and due compensation for the taking of its property for public use under the provisions of the Mississippi Constitution. Such compensation should not be restricted to the value of the land or right actually taken but should also include the damages caused to the remainder of the property as a result of the taking by Defendants.

14. Plaintiff should be awarded judgment against Defendants in an amount determined by the jury to be just compensation for its property as determined by the application of the “before and after” rule.

15. Plaintiff should also be awarded reasonable expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred in filing and pursuing the instant inverse condemnation action, in accordance with MISS. CODE ANN. § 43-37-9.

II. DEPRIVATION OF CONSTITUTIONAL RIGHTS

16. The Fifth Amendment to the United States Constitution provides in part that “nor shall private property be taken for public use, without just compensation.” Mississippi law provides a lawful means by which the Defendants have the authority to condemn property for public use. Defendants here, however, have refused to assume their Constitutionally imposed duty to provide just compensation before taking AVMI, LLC’s property, and they have deprived the Plaintiff of its property without first affording it just compensation. Plaintiff is, therefore, entitled to bring this action at law for the taking of its rights.

17. The actions of Defendants in taking the Plaintiff’s property without lawful right or authority and without paying fair compensation constitutes a violation of its Fifth Amendment rights. Defendants’ conduct is not only unconstitutional but also unlawful and tortious.

18. Likewise, Article 3, § 17 of the Mississippi Constitution provides in pertinent part as follows:

Private property shall not be taken or damaged for public use, except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law;

19. As alleged hereinabove, Defendants have taken and damaged the Plaintiff's property for public use without first having paid it due compensation in the manner prescribed by law. Defendants are liable to the Plaintiff for such actions, and Plaintiff should now be awarded such amount of compensatory damages as the jury shall determine to be appropriate.

III. ALTERNATIVE COMPENSATORY AND CONSEQUENTIAL DAMAGES

20. The property subject to the instant dispute is not encompassed within the Public Tidelands and Plaintiff separately asserts its claims as fee owners in paragraphs 6-19 above. However, should it be determined, against the weight of the evidence, that Plaintiff's ownership does not extend to the mean high tide line, Plaintiff herein is a littoral property owner; there is no dispute it owns property adjacent to the property which is subject to this dispute.

21. The State of Mississippi, by and through the Secretary of State as Trustee of the Public Tidelands Trust, has purportedly leased the subject property to the City of Bay St. Louis, which has in turn instructed its contractors to begin construction work on a municipal harbor. Defendants' actions are simply not allowable pursuant to the Secretary of State's own rule that prohibits him from leasing public trust tidelands without littoral and riparian property owners' permission:

The Secretary of State recognizes the special position of the upland owner and, except as set forth in part (2) below, **will not lease in the littoral or riparian area to parties other than the riparian or littoral owner without the riparian or littoral owner's permission.**

Rules of the Secretary of State for the Administration, Control and Leasing of Public Trust Lands, Rule 4(B)(1) (emphasis added). The exception in "part (2) below" pertains to leases held by persons holding a

license under the Mississippi Gaming Control Act, and is therefore not applicable. Nor has the Legislature approved Defendants use of the property, rendering the exception in 4(C) inapplicable, as well.

22. Construction of the marina is well under way. The value of the subject property is damaged as a result, and Plaintiff's view and access to the Bay of St. Louis and the Gulf of Mexico is destroyed. As an abutting, littoral owner, Plaintiff has an easement of view and is entitled to its littoral rights to use and enjoyment of the shore.

23. Defendants' actions have also violated Plaintiff's common law and statutory rights under the Coastal Wetlands Protection Law as codified in MISS. CODE ANN. § 29-15-5.

24. Plaintiff should therefore be awarded compensatory and or consequential damages for the loss of value and view.

DAMAGES


WHEREFORE, Plaintiff demands a jury trial in this case and seeks the following relief against Defendants:

1. Just and due compensation for the acquisition of its property by Defendants, together with interest from the date actual possession was taken;
2. Reasonable expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred;
3. Reasonable compensatory damages in an amount determined proper by the jury for the deprivation of its constitutional rights;
4. Alternatively, any and all compensatory and or consequential damages to its rights as a littoral landowner; and
5. Such other relief as Plaintiff may be entitled.

Respectfully submitted,

AVM, LLC

By:


Paul R. Scott, MSB # 6575

Paul R. Scott, MSB #6575
Robert E. Quimby, MSB #104002
SMITH, PHILLIPS, MITCHELL, SCOTT & NOWAK, LLP
Attorneys for Plaintiff
P. O. Box 346
Hernando, MS 38632
(662) 429-5041

2005 2009
Recorded in the Above
Deed Book & Page
06-03-2005 03:08:59 PM
Timothy A Keller
Hancock County

Prepared by & Return to:
Southern Title Company
Joseph Kelly, Attorney at Law
827 Hwy 90
Bay St. Louis, MS 39520
228.467.3422
File Number:

Index Instructions:
SEE BELOW

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State of Mississippi
County of Hancock

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, I, Avra O'Dwyer, do hereby sell, convey and warrant unto, AVMI, LLC, a Mississippi Limited Liability Company, the following described land and property situated in Hancock County, Mississippi, to wit:

Lot 510, First Ward, City of Bay St. Louis, Hancock County, Mississippi

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

The Grantors herein covenant and warrant that they are seized of an indefeasible estate in fee simple of the above described property and that the Grantors have the lawful right to sell and convey the same in fee simple; that the said property is free from encumbrances and that the Grantors will forever warrant and defend the title and possession thereof unto the said Grantees, their heirs and assigns, against the lawful claims and demands of all persons whatsoever.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

The Grantors herein certify that the property hereinabove conveyed forms no part of the homestead of said Grantors.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the

**Southern
Title
Company**

Joseph Kelly
Attorney at Law

Bay St. Louis
827 Hwy. 90
Bay St. Louis, MS 39520
PH: (228) 467-3422
FAX: (228) 467-3423

Diamondhead
4321 Leisure Time Dr.
Diamondhead, MS 39525
PH: (228) 255-0104
FAX: (228) 255-0184

STATE OF MISSISSIPPI
COUNTY OF HANCOCK
I, Timothy A. Keller, Clerk of the
Chancery Court in and for Hancock
County, Mississippi, do hereby certify that the
attached and foregoing is a full, true,
correct and complete copy recorded in
Book No. 2009 at Pages
2009 of the records of said
County and State, which records are in
my official custody.
Given under my hand and seal of
office in the City of Bay St. Louis,
Hancock County, Mississippi,
This 21 day of Nov,
2009.
TIMOTHY A. KELLER
Clerk of the Chancery Court
Hancock County, Mississippi
By: [Signature] D.C.

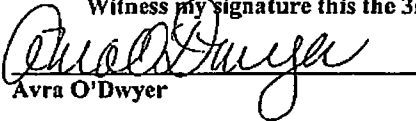
EXHIBIT
"A"

2005 2010
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proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by Grantees herein.

NO TITLE EXAM PERFORMED OR REQUESTED.

Witness my signature this the 3rd day of June, 2005.


Avra O'Dwyer

2005 2011
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Deed Book & Page
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Timothy A Keller
Hancock County

State of Mississippi

County of Hancock

Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 3rd day of June, 2005, Avra O'Dwyer, who acknowledged that she executed and delivered the foregoing instrument of writing on the day and year therein mentioned.



Melanie N. Quanta
Notary Public
My Com. Exp: _____

Address of Grantors/Grantee
106 N. Beach Blvd.
Bay St. Louis, MS 39520



Hancock County
I certify this instrument was filed on
06-03-2005 03:08:59 PM
and recorded in Deed Book
2005 at pages 2009 - 2011
Timothy A Keller

Shelia Daniels

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

I, Timothy A. Kellar, Clerk of the
Chancery Court in and for said county
and state, do hereby certify that the
attached and foregoing is a true, true
correct and complete copy of the

Book No. 2394 of the records of said
County and State, which records are in
my official custody.

Given under my hand and seal of
office in the City of Bay St. Louis,
Hancock County, Mississippi,

This 21 day of Nov
2008

TIMOTHY A. KELLAR
Clerk of the Chancery Court
Hancock County, Mississippi

By [Signature] O.C.
THE STATE OF MISSISSIPPI
County of Hancock

County of Hancock

For and in consideration of Five Hundred & 00 /100 Dollars

(\$500.00) the receipt and sufficiency of which is hereby acknowledged, I/or we, the undersigned,
hereby grant, bargain, sell, convey and warrant unto the Mississippi Transportation Commission the
following described land:

WARRANTY DEED

INDEXING INSTRUCTIONS:

Lot 510, First Ward, Bay St. Louis,
Section 29, Township 8 South, Range 13 West, Hancock
County, Mississippi.

Lot 510, First Ward, Bay St. Louis, Section 29, Township 8 South, Range 13 West, Hancock County,
Mississippi;

The following description is based on the Mississippi State Plane Coordinate System, East Zone (2301)
NAD 83, grid values, using a scale factor of 0.999977722 and a convergence angle of negative (-) 00
degrees 14 minutes 56 seconds determined specifically for the Beach Boulevard Repair Project more
specifically identified as PROJECT NO. ER-9354-00(002) [104637/201000]. It is the intent of this
description to convey that portion of grantors property between the existing right-of-way line and the
proposed right-of-way line as defined by said project:

Commence at a 3/4" galvanized iron pipe set at the southeast corner of Lot 1, Block 2, Hotel
Company's Subdivision, also known as Bay Hotel Company's Subdivision, Recorded in deed book D-
5, page 429, Deed Records, Hancock County, Mississippi, same being the intersection of the northerly
CSX Transportation Railroad right of way and the westerly Beach Boulevard right of way, said point
having a coordinate value of N 294737.75, E 828673.44 on the above referenced coordinate system;
thence North 40 degrees 43 minutes 23 seconds East for a distance of 505.84 feet to a point having a
coordinate value of N 295121.11, E 829003.45 on the above referenced coordinate system, said point

AVMI, LLC
ER-9354-00(002)
104637/201000
035-1-00 W

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Timothy A. Kellar (ar)
Hancock County

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DEED OF CORRECTION

[Handwritten initials]

EXHIBIT
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"B"

being the Point of Beginning, said point being located 30.00 feet easterly of, as measured radial from the centerline station 432+98.98 of the proposed Mississippi Department of Transportation's Beach Boulevard Repair Project, referenced above, said point on grantor's north property line;

From the Point of Beginning run thence southwesterly along the proposed east right-of-way line of the above described project and along the arc of a curve to the right with a radius of 4030.00 feet, with an arc distance of 35.80 feet, and a chord bearing of South 31 degrees 25 minutes 51 seconds West for distance of 35.80 feet to a point located on the south line of the grantors property;

thence along the south line of said grantors property, North 69 degrees 49 minutes 38 seconds West for a distance of 31.43 feet to a point located on the existing right-of-way line;

thence along said existing right-of-way line, North 30 degrees 01 minutes 25 seconds East for a distance of 35.80 feet to a point located on the north line of the grantors property;

thence along the north line of said grantors property, South 69 degrees 32 minutes 24 seconds East for a distance of 32.30 feet to the Point of Beginning, containing 1123 square feet, more or less, being a part of Lot 510, First Ward, Bay St. Louis, Section 29, Township 8 South, Range 13 West, Hancock County, Mississippi.

The grantor herein further warrants that the above described property is no part of his/or her homestead.

It is further understood and agreed that the consideration herein named is in full, complete and final payment and settlement of any claims or demands for damage accrued, accruing, or to accrue to the grantors herein, their heirs, assigns, or legal representatives, for or on account of the construction of the proposed highway, change of grade, water damage, and/or any other damage, right or claim whatsoever.

HS
AND

This Deed in and for the consideration hereinabove stated is for the purposes of correcting the Deed granted by the undersigned to the Mississippi Transportation Commission under the date of October 4, 2007, and shown by a recordation of said Deed at Page 25429, Deed Record Book 2007, Office of the Chancery Clerk of Hancock County, Mississippi.

It is further understood and agreed that this instrument constitutes the entire agreement between the grantor and the grantee, there being no oral agreements or representations of any kind.

Witness my signature _____ the 14th day of, February A.D., 20. 08
AVMI, LLC
[Signature]
Member

Grantee, Prepared by and return to:

Miss. Department of Transportation
Right of Way Division
P. O. Box 1850
Jackson, Mississippi 39215-1850
Phone: 601-359-7512
Account No.

Grantor Address:

AVMI, LLC
743 E. Scenic Dr.
Pass Christian, MS 39571
Phone: 228. 493. 9255
Business No. 228. 466. 0012

AVME, LLC
Page 4

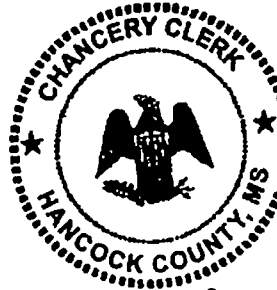
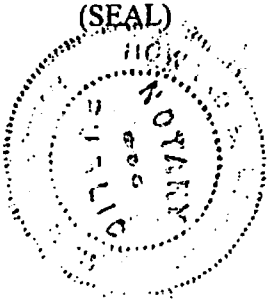
In the case of a member-managed limited liability company:

STATE OF Mississippi
COUNTY OF Hancock

Personally appeared before me, the undersigned authority in and for said county and state, on this, 14th day of February, 2008, within my jurisdiction, the within named, Aura O'Dwyer, who acknowledged that (he)(she) is member of AVME, LLC, LLC, a member-managed limited liability company, and that in said capacity, and that for and on behalf of said company, and as its act and deed, (he)(she) executed the above and foregoing Deed of Correction after first having been duly authorized so to do.

[Signature]
NOTARY PUBLIC

My Commission Expires:
03.17.2010



Hancock County
I certify this instrument was filed on
02-27-2008 02:52:56 PM
and recorded in Deed Book
2008 at pages 5394 - 5397
Timothy A Kellar

Latricia Cooley

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State of Mississippi

BOOK B 190 PAGE 106

County of Hancock

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, We, Cornelius J. Ladner and Bonnelle P. Ladner, do hereby sell, convey and warrant unto Avra O'Dwyer, the following described land and property situated in Hancock County, Mississippi, to wit:

Lot 510, First Ward, City of Bay St. Louis, Hancock County, Mississippi.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

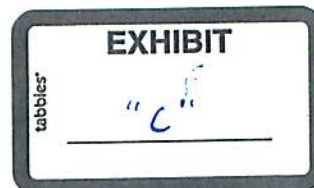
The Grantors herein certify that the property hereinabove conveyed forms no part of the homestead of said Grantors.

It is agreed and understood that the taxes for the current year have NOT been prorated and are assumed by the Grantee herein.

WITNESS our signatures, this May 28th, 1999


Cornelius J. Ladner


Bonnelle P. Ladner



State of Mississippi

County of Hancock

Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 05-28-99, Cornelius J. Ladner and Bonnelle P. Ladner, who acknowledged that they signed and delivered the foregoing instrument of writing on the day and year therein mentioned.


JOSEPH KELLY, Notary
My Commission Expires



05/28/99

Address of Grantors:
124 Main Street
Bay St. Louis, MS 39520
228.467.5521

Address of Grantees:
18 Golf View Lane
Pass Christian, MS 39571
228.467.1602

STATE OF MISSISSIPPI,
COUNTY OF HANCOCK



TIMOTHY A. KELLAR, Clerk of the Chancery Court of said County, hereby certify that the within instrument was filed for record on this the June day of June, 1999 at 2:13 o'clock P. M., Book No. BB190 Page No. 106-107 and my hand and Seal of Office, this the 2 day of June, 1999

TIMOTHY A. KELLAR, Chancery Clerk
By Charlene Seal

*** Certified Copy Page ***

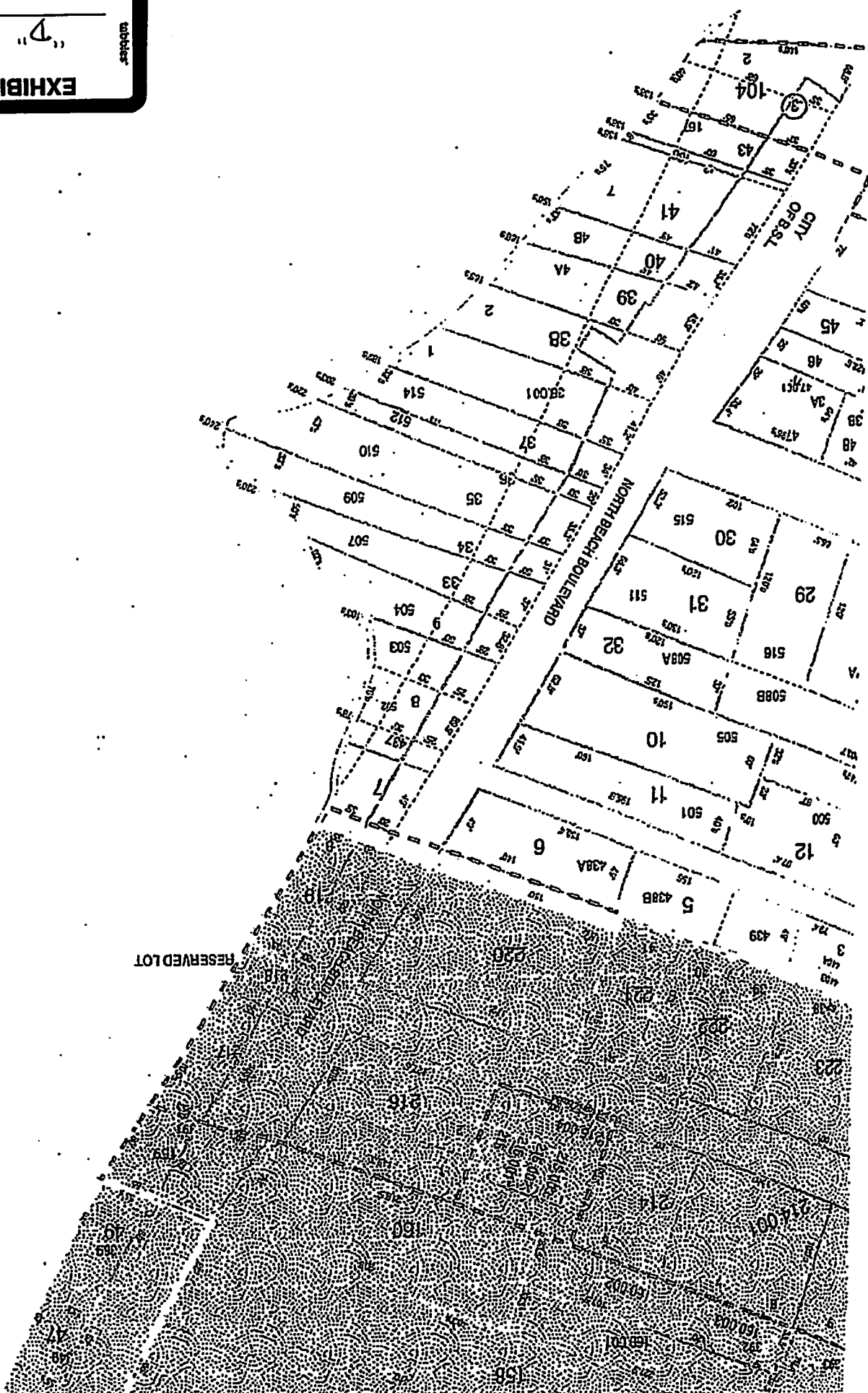
I, Timothy A Kellar, Chancery Clerk, do hereby certify that the foregoing is a FULL, TRUE and CORRECT copy of the Instruments(s) herewith set out as same appears of record in: Deed BOOK - 29190, AT PAGE - 106 in said court.

Witness my hand and seal this 21 Day of November, 2013.

Timothy A Kellar
Chancery Clerk
Hancock County, MS
DC: _____



October



This map was prepared for the purpose of depicting the location of the inland boundary of the public trust tidelands. The boundary line, as depicted, is meant to designate either the present day mean high water line or the determinable historic mean high water line prior to filling tidelands and/or submerged lands. In most if not all cases, the present day mean high water line is identical to the determinable mean high water line nearest July 1, 1973. For further information regarding this map, contact the Office of the Secretary of State, Division of Public Lands, at either Post Office Box 136, Jackson, Mississippi, 39205, or Post Office Box 97, Gulfport, Mississippi, 39502.

- This map DOES NOT REPRESENT A SURVEY of the depicted lands or of the mean high water line.
- The location of the mean high water line, as depicted, was determined by photo interpretation of aerial photography without benefit of tide studies or systematic ground verification. Therefore, its location should be considered as approximate. As needed, the precise location of the current mean high water line may be determined by ground survey using the tide stations depicted hereon as control and using surveying methodologies promulgated by the Office of the Secretary of State and approved by the Department of Marine Resources.
- For information on the depicted tide stations, contact the Mississippi Department of Marine Resources, 2620 Beach Boulevard, Biloxi, Mississippi 39531.
- The locations of the historical mean high water line and the 1973 mean high water line, if shown, were determined from various surveys, maps and photographs.
- Where tidal effect may continue up rivers beyond where depicted hereon, this should not be construed as a disclaimer of public ownership of the beds of such rivers.
- The photographic base, if shown, is an enlargement of U.S. Geological Survey photography taken in 1983-4. The locations of section lines and roads, if shown, were derived from the current U.S.G.S. Topographic map.
- The Preliminary Map was prepared by Florida Engineering Services Corporation, Tallahassee, Florida, under the direction of George M. Cole, Mississippi Registered Land Surveyor No. 1761. Final map revised by George M. Cole.

LEGEND

- Denotes approximate location of mean high water line in areas where the current location of said line (or the top of the seawall in areas where beach renourishment has occurred) is the boundary of public trust lands.
- Denotes approximate location of current mean high water line in areas where the boundary of public trust lands is inshore of the mean high water line.
- - - - Denotes approximate location of historic mean high water line in areas where the historic mean high water line is the boundary of public trust lands and is inshore of the current mean high water line.
- Denotes approximate location of the mean high water line where it is upland of the boundary of public trust lands which is denoted by a solid line in such cases.
- ⊕ Denotes approximate location of tide station.

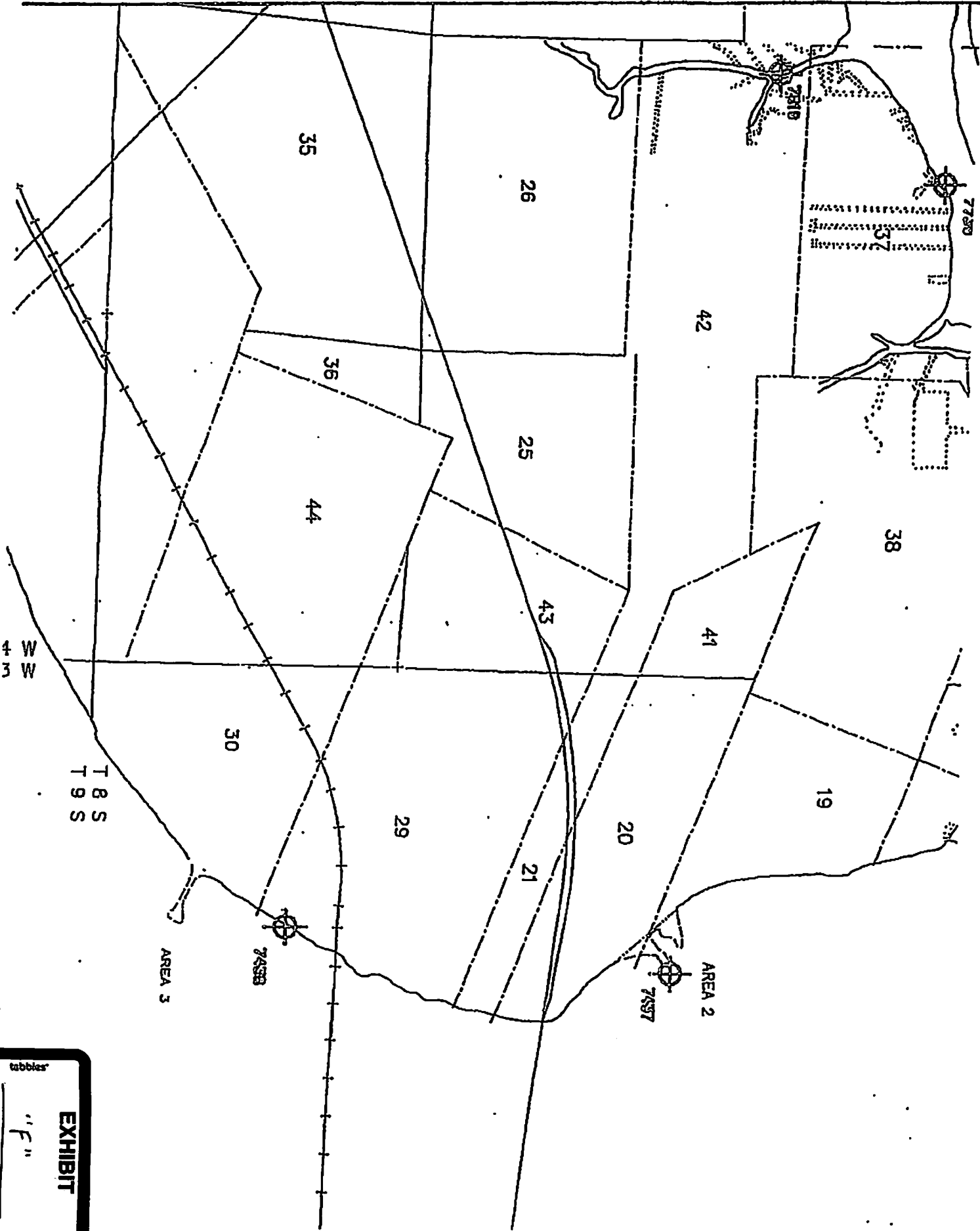
DUIS QUADRANGLE
1990

FINAL
EMBER, 1994

EXHIBIT

"E"

tabular



tabbles

EXHIBIT

"F"