

EXCERPT FROM THE MINUTES OF THE MEETING OF THE  
MISSISSIPPI TRANSPORTATION COMMISSION, NOVEMBER 12, 2002

WHEREAS, The Mississippi Transportation Commission after consultation with officials from the United State Department of Transportation Federal Highway Administration and the Mississippi Attorney General's Office desires to set a policy regarding the valuation of "Pre-Whitworth" easement property so that the valuation will be uniform for all such property on a state-wide basis; and

WHEREAS, The Courts of the State of Mississippi and the Mississippi Attorney General's Office have opined that such easements are of no value and are not subject to being sold; and

WHEREAS, federal regulations on the subject currently require this Commission to sell any interest in property for market value as a condition of receiving federal highway funding; and

WHEREAS, the nature of "Pre -Whitworth" easement makes the appraisal of such easements subject to a wide variance of opinion as to value due to a lack of comparable data in the local or regional real estate market; and

WHEREAS, the Right of Way Division of the Mississippi Department of Transportation and the Attorneys representing the Commission have requested that the Commission's policy on this matter be entered upon the minutes.

NOW THEREFORE, upon motion duly made with Commissioners Wayne H. Brown, Zack Stewart and Dick Hall each voting yes, under the authority of the Commission, in conformity with and as spread on its minutes, the following policy is hereby adopted:

Pre-Whitworth easements are defined as all those interests in property acquired by the State Highway Commission of Mississippi through Warranty Deed, Special Warranty Deed, Quitclaim Deed or other monument of title prior to September 14, 1949.

The Commission declares that, when any easement is released at the request of adjoining landowner or underlying fee title holder, an amount equal to 30 percent of the fair market value of the property shall be paid by the person making such request to indemnify the Commission for the requisite survey, appraisal fees, and other administration costs. After the payment of this amount, the property may be executed by the Executive Director of the Department of Transportation, and filed in the appropriate land records.

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STATE OF MISSISSIPPI

COUNTY OF HINDS

I, Linda O. Ferrell, Secretary, Mississippi Transportation Commission, do hereby certify that the above and foregoing is a true and correct copy of an Order of the Mississippi Transportation Commission of record in Minute Book 9, Page 1222 & 1223 of the Official Minutes of said Commission on file in its offices in the City of Jackson, Mississippi, duly adopted on the 12<sup>th</sup> day of November, A.D., 2002.

Witness my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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LINDA O. FERRELL, SECRETARY  
TRANSPORTATION COMMISSION  
STATE OF MISSISSIPPI