

MISSISSIPPI
PUBLIC SERVICE COMMISSION
JACKSON

June 3, 1986

U-4840

WEST MADISON UTILITY
DISTRICT

AND

KEARNEY PARK UTILITY
COMPANY, INC.

IN RE: JOINT APPLICATION OF WEST MADISON
UTILITY DISTRICT AND KEARNEY PARK
UTILITY COMPANY, INC., FOR THE
APPROVAL OF THE SALE AND TRANSFER
OF THE CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY HELD
BY KEARNEY PARK UTILITY COMPANY,
INC., TO WEST MADISON UTILITY
DISTRICT FOR THE RENDITION OF
WATER SERVICE IN MADISON COUNTY,
MISSISSIPPI.

O R D E R

There came on this day for hearing the joint petition of West Madison Utility District and Kearney Park Utility Company, Inc., both Mississippi corporations, seeking approval of the Commission for the sale and transfer of the certificated service area of Kearney Park Utility Company, Inc., and also the issuance of a Certificate of Public Convenience and Necessity to the said West Madison Utility District, so as to operate as a water utility within the hereinafter described areas, and it appearing to the Commission that both are public utilities within the meaning of Chapter 372, of the Laws of Mississippi for the year 1956, as amended by Chapter 467, Laws of 1983, and the Commission having heard and considered the same on oral and documentary evidence, finds as follows:

(1) That the Commission has full and complete jurisdiction of the subject matter and of the parties.

(2) That West Madison Utility District will acquire the certificated service area of Kearney Park Utility Company, Inc., and all facilities, all as set out in the petition and Contract and Agreement to Sell attached thereto, filed with the Commission.

(3) That a Certificate of Public Convenience and Necessity was heretofore granted in Docket Nos. U-2621 and U-4500, authorizing Kearney Park Utility Company, Inc., to operate and maintain a water

system within the areas described in said orders.

(4) That the said West Madison Utility District is fit, able and willing to render proper and satisfactory water service in the hereinafter described areas.

(5) That the public convenience and necessity justifies and requires the transfer of the hereinafter described areas to West Madison Utility District, and the issuance of a permanent Certificate of Public Convenience and Necessity to said corporation.

IT IS, THEREFORE, ORDERED:

(1) That the sale and transfer as set out in the Petition and Contract and Agreement to Sell executed by West Madison Utility District and Kearney Park Utility Company, Inc., whereby Kearney Park Utility Company, Inc., will acquire the certificated service areas and all facilities of Kearney Park Utility Company, Inc., along with the Certificate of Public Convenience and Necessity, be and the same is hereby confirmed and approved.

(2) That West Madison Utility District be and it is hereby granted a permanent Certificate of Convenience and Necessity to operate and maintain a water utility system in specified areas in Madison County, Mississippi, described as follows, to-wit:

Parcel No. 1

A certain lot or parcel of land lying in the old Mississippi Ordinance Plant property and being situated in Sections 28, 29, 32 and 33, Township 9 North, Range 1 West, Madison County, Mississippi, being located approximately 1-1/2 miles North of the city limits of Flora, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Beginning at a point on the South line of the Mississippi Ordinance Plant property, said point being the Southeast Corner of Section 32, Township 9 North, Range 1 West, Madison County, Mississippi, and run thence West along the South line of said Section 32 for a distance of 2,651.2 feet to the Eastern right-of-way line of the Y & MV Railroad (now Illinois Central Railroad),

said right-of-way line being parallel with and 75 feet measured easterly at right angles to the center line of the tracks of said Y & MV Railroad; thence run North 22 degrees 46 minutes West along the Eastern right-of-way line of said Y & MV Railroad for a distance of 2,103.2 feet to a point where said railroad right-of-way changes from a width of 75 feet East of the center line of the tracks to a width of 50 feet; run thence South 67 degrees 14 minutes West for a distance of 25 feet; thence run North 22 degrees 46 minutes West along the Eastern right-of-way line of said Y & MV Railroad, which right-of-way line is parallel with and 50 feet measured Easterly at right angles to the center line of said railroad tracks, for a distance of 3,654.1 feet, more or less, to the North line of said Section 32; continue thence in a Northwesterly direction along the East right-of-way line of said Railroad right-of-way to its point of intersection with the West Section line of Section 29, Township 9 North, Range 1 West; run thence North along the West line of said Section 29 to the Southwest Corner of the Northwest Quarter of Northwest Quarter (NW-1/4 NW-1/4) of said Section 29; run thence East 1,320 feet, more or less, to the Northeast Corner of the Southwest Quarter of Northwest Quarter (SW-1/4 NW-1/4) of said Section 29; run thence South along the East line of the Southwest Quarter of Northwest Quarter (SW-1/4 NW-1/4) of said Section 29 a distance of 1,320 feet, more or less, to the Southwest Corner of the Southeast Quarter of Northwest Quarter (SE-1/4 NW-1/4) of said Section 29; run thence East along the South line of the Southeast Quarter of Northwest Quarter (SE-1/4 NW-1/4) and the Southwest Quarter of Northeast Quarter (SW-1/4 NE-1/4) of said Section 29 a distance of 1,980 feet, more or less, to the Southeast Corner of the Southwest Quarter of Southwest Quarter of Northeast Quarter (SW-1/4 SW-1/4 NE-1/4) of said Section 29; thence run South along the East line of the West Half of Northwest Quarter of Southeast Quarter (W-1/2 NW-1/4 SE-1/4) of said Section 29 a distance of 1,320 feet, more or less,

to the Northeast Corner of the Northwest Quarter of Southwest Quarter of Southeast Quarter (NW-1/4 SW-1/4 SE-1/4) of said Section 29; thence run East along the North line of the South Half of Southeast Quarter (S-1/2 SE-1/4) of said Section 29 a distance of 1,980 feet, more or less, to the Northeast Corner of the Southeast Quarter of Southeast Quarter (SE-1/4 SE-1/4) of said Section 29; thence run South along the East line of said Section 29 660 feet, more or less, to the North line of the South Half of South Half of South Half (S-1/2 S-1/2 S-1/2) of said Section 29; thence run East along the North line of the South Half of South Half of South Half (S-1/2 S-1/2 S-1/2) of Section 28, Township 9 North, Range 1 West, a distance of 2,640 feet, more or less, to the Northeast Corner of the Southeast Quarter of Southeast Quarter of Southwest Quarter (SE-1/4 SE-1/4 SW-1/4) of said Section 28; thence run South along the mid-section line of said Section 28 to the Northwest Corner of the Northeast Quarter (NE-1/4) of Section 33, Township 9 North, Range 1 West; thence run East along the North line of said Section 33 a distance of 160 feet to a point; thence run South parallel with and 160 feet East of the West line of the Northeast Quarter (NE-1/4) of said Section 33 a distance of 660 feet, more or less, to a point on the North line of the Southwest Quarter of Northwest Quarter of Northeast Quarter (SW-1/4 NW-1/4 NE-1/4) of said Section 33; run thence West along the South line of the North Half of North Half of North Half (N-1/2 N-1/2 N-1/2) of said Section 33 a distance of 2,800 feet, more or less, to the Northeast Corner of the Southeast Quarter of Northeast Quarter of Northeast Quarter (SE-1/4 NE-1/4 NE-1/4) of Section 32, Township 9 North, Range 1 West; run thence South along the East line of said Section 32 to the Southeast corner of said Section 32, Township 9 North, Range 1 West, said Southeast corner being the Point of Beginning of the hereinabove described property, all of said property being situated in Township 9 North, Range 1 West, Madison County, Mississippi.

Parcel No. 2

All that part of the Southeast Quarter of Northeast Quarter and Northeast Quarter of Southeast Quarter of Section 5, Township 8 North, Range 1 West, lying East of the Kearney Park to Flora public road, all in Madison County, Mississippi.

This Order shall be and is effective from and after the date of issuance.

Chairman Nielsen Cochran and Commissioners Lynn Havens and D. W. Snyder voted Aye.



ORDERED by the Commission on this, the 3rd day of June,

MISSISSIPPI PUBLIC SERVICE COMMISSION

Nielsen Cochran
Nielsen Cochran, Chairman

Lynn Havens
Lynn Havens, Vice Chairman

D. W. Snyder
D. W. Snyder, Commissioner

ATTEST: A True Copy

Brian U. Ray
Brian U. Ray
Executive Secretary