

By: Representatives McBride, Morris,  
Henderson (9th)

To: Municipalities

HOUSE BILL NO. 906  
(As Passed the House)

1 ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO ENTER INTO ANY  
2 AGREEMENT, CONTRACT, LEASE OR OTHER ARRANGEMENT WITH THE UNITED  
3 STATES WHEREBY THE MUNICIPALITY MAY ACQUIRE OR LEASE REAL  
4 PROPERTY, WHETHER WITHIN OR OUTSIDE THE CORPORATE BOUNDARIES OF  
5 SUCH MUNICIPALITY, FOR THE PURPOSE OF DEVELOPING PARKS, TOURISM  
6 AND RECREATIONAL FACILITIES AND SUPPORTING INFRASTRUCTURE; TO  
7 PROVIDE THAT WHERE A MUNICIPALITY ACQUIRES OR LEASES REAL PROPERTY  
8 FROM THE UNITED STATES UNDER THIS ACT AND THE PROPERTY IS LOCATED  
9 OUTSIDE THE CORPORATE BOUNDARIES OF THE MUNICIPALITY, THE  
10 MUNICIPALITY MAY INCORPORATE THE REAL PROPERTY INTO ITS CORPORATE  
11 BOUNDARIES; TO PROVIDE THE PROCEDURE FOR SUCH INCORPORATION; AND  
12 FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. The purpose of this act is to promote the general  
15 welfare and economic development by empowering certain  
16 municipalities to (a) acquire or lease real property, whether  
17 located within or outside the corporate boundaries of such  
18 municipality, from the United States, (b) develop and use such  
19 real property, and (c) incorporate such real property. The  
20 provisions of this act are and shall be construed to be  
21 independent of, an alternative to and in addition to all existing  
22 laws of the state governing the authority of municipalities.

23 SECTION 2. As used in this act, the following words shall  
24 have the meanings ascribed herein unless the context clearly  
25 requires otherwise:

26 (a) "Municipality" means any municipality located in a  
27 county in which Sardis Lake is located, in which Mississippi  
28 Highway 6 and Interstate Highway 55 intersect and having a  
29 population of five thousand (5,000) or less according to the 1990  
30 federal decennial census.

31 (b) "Sardis Lake" means that certain flood control

32 reservoir and adjacent real property in Lafayette and Panola  
33 Counties owned by the United States and operated and managed by  
34 the Department of the Army through its Corps of Engineers on the  
35 effective date of this act.

36 (c) The "United States" means the United States  
37 Government and the United States Department of the Army, acting by  
38 and through its Corps of Engineers, and any other agency,  
39 department or commission of the United States owning or having  
40 jurisdiction or authority, or both, over Sardis Lake or matters  
41 relating thereto.

42 SECTION 3. (1) Any municipality may enter into and  
43 accomplish any agreement, contract, lease or other arrangement  
44 with the United States whereby the municipality may acquire or  
45 lease real property, whether located within or outside the  
46 corporate boundaries of such municipality, for the purpose of  
47 developing and promoting parks, tourism and recreational  
48 facilities of all types, including without limitation marinas,  
49 restaurants, hotels, conference centers, golf courses, lakes,  
50 nature trails, campgrounds and similar facilities and supporting  
51 infrastructure; and the purposes set forth in any such agreement,  
52 contract, lease or other arrangement and the uses described  
53 therein of such real property shall be proper municipal purposes  
54 for such municipality.

55 (2) Any municipality that acquires or leases real property  
56 from the United States under subsection (1) of this section may  
57 (a) lease and sublease, and grant rights to use, easements and  
58 rights-of-way over and across, any part or all of such real  
59 property for such consideration and upon such terms and conditions  
60 as the municipality may deem appropriate for a period or periods  
61 not to exceed seventy-five (75) years, and (b) enter into and  
62 accomplish agreements, contracts, leases and subleases, and other  
63 arrangements with private individuals, firms or corporations with  
64 respect to the use and development of such real property.

65           (3) Any municipality that leases or subleases or grants  
66 rights to use, easements or rights-of-way over and across real  
67 property acquired or leased from the United States under  
68 subsection (1) of this section may utilize all revenues received  
69 from the rental or use of such real property or the granting of  
70 such rights, or received as a result of any term or condition in  
71 an agreement, contract, lease, sublease or other arrangement  
72 relating to such real property, for all proper municipal purposes.

73           SECTION 4. Any municipality that acquires or leases real  
74 property from the United States under this act, if such real  
75 property is located outside the corporate boundaries of such  
76 municipality, may incorporate such real property into its  
77 corporate boundaries by ordinance adopted for such purpose if such  
78 real property is located within the same county as the  
79 municipality, regardless of whether the real property is adjacent  
80 or contiguous to the existing corporate boundaries of such  
81 municipality.

82           SECTION 5. Any ordinance to incorporate real property into  
83 the corporate boundaries of a municipality under this act shall  
84 include the following provisions and shall be effective as  
85 follows:

86                   (a) The ordinance shall accurately describe the metes  
87 and bounds of the real property to be incorporated, and only real  
88 property acquired or leased from the United States under this act  
89 shall be subject to such incorporation.

90                   (b) If the United States retains ownership of the real  
91 property to be incorporated by the municipality, the United States  
92 must consent to the incorporation and a written statement of such  
93 consent must be cited and included in the ordinance.

94                   (c) The ordinance shall provide that it will not become  
95 effective until publication thereof shall have been made once each  
96 week for three (3) consecutive weeks in a newspaper, or  
97 newspapers, published or having a general circulation in the

98 county in which the municipality and the real property to be  
99 incorporated are located.

100 (d) Subject only to the limitations of this act, the  
101 ordinance shall become effective upon the effective date fixed  
102 therein.

103 SECTION 6. Any person aggrieved by a municipal ordinance  
104 adopted under this act may appeal to the circuit court of the  
105 county in which the principal office of the municipality is  
106 located in the manner provided for appeals of judgments or  
107 decisions of municipal authorities as set forth in Section  
108 11-51-75, Mississippi Code of 1972.

109 SECTION 7. Whenever the corporate boundaries of a  
110 municipality shall be enlarged under this act, the municipality  
111 shall, within thirty (30) days after the effective date of such  
112 ordinance, if no appeal is taken therefrom, forward to the  
113 Secretary of State a certified copy of such ordinance, which shall  
114 be filed in the Office of the Secretary of State and shall remain  
115 a permanent record thereof. If an appeal is taken from such  
116 ordinance and the ordinance is affirmed, then the certified copy  
117 thereof shall be forwarded to the Secretary of State within ten  
118 (10) days after receipt of the mandate from the court notifying  
119 the municipality of such affirmance.

120 SECTION 8. Whenever the corporate boundaries of a  
121 municipality shall be enlarged under this act, the municipality  
122 shall furnish to the chancery clerk of the county in which the  
123 municipality is located a map or plat of the boundaries of the  
124 municipality as altered. The map or plat shall be recorded in the  
125 official plat book of the county.

126 SECTION 9. This act shall take effect and be in force from  
127 and after its passage.