

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

To: Municipalities

HOUSE BILL NO. 906
(As Sent to Governor)

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.