

By: Dearing, Johnson (38th)

To: Local and Private

SENATE BILL NO. 3349

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 NATCHEZ, MISSISSIPPI TO EXECUTE CERTAIN LEASES ON RIVERFRONT AND
3 ADJACENT PROPERTY OWNED BY THE CITY OF NATCHEZ FOR TERMS VARYING
4 IN LENGTH BUT NOT TO EXCEED FORTY YEARS; TO LEASE AS PART OF SUCH
5 PROPERTIES THE RIPARIAN RIGHTS PRESENTLY OWNED OR HEREINAFTER
6 ACQUIRED BY THE CITY; AND FOR RELATED PURPOSES.

7 WHEREAS, the City of Natchez, Mississippi, is the owner of
8 certain riverfront property and property adjacent to the
9 riverfront in the City of Natchez consisting of tracts of land
10 known as "Roth Hill Road Site," "Natchez Pecan Factory Site,"
11 "Broadway Block Site" and "Old Depot Site," and being more fully
12 described as follows, to-wit:

13 (a) Tract of land commonly referred to as the Roth Hill
14 Road Site (including Krouse Pecan Under-the-Hill) and more fully
15 described as follows:

16 (i) 1. All that certain lot of ground in that
17 part of the said City of Natchez Under the Hill formerly known as
18 "Crayon's Landing" commencing at a point 55 feet from the upper
19 corner of the warehouse built by said Crayon and now (1830) owned
20 by Robert McFaddin, running along the road in front of said
21 warehouse 20 feet up the said road; thence back to lot occupied
22 (formerly) by Miss Ann Boots; thence 18 feet parallel to the said
23 road in front, and thence to the place of beginning; being the
24 same lot conveyed to George Roth, Sr. by Lyman D. Aldrich by deed
25 dated February 3rd, 1863, recorded in Book NN, pages 402 and 403
26 of the Records of Deeds of said Adams County, Mississippi.

27 2. All that certain other lot of ground
28 fronting on Water Street of said City of Natchez, being the corner

29 lot of said street and the road descending the Hill from Upper
30 Natchez, on which lot a warehouse formerly stood, which lot was
31 conveyed to George Roth, Sr. by Catherine Sigmond by deed dated
32 March 4th, 1863, recorded in Book NN, pages 401 and 402 of said
33 Adams County, Mississippi Deed Records.

34 3. All that certain other lot or parcel of
35 ground situate, lying and being in the County of Adams and State
36 of Mississippi, in the City of Natchez Under the Hill, fronting on
37 the easternmost side of the road leading from the extremity of
38 Main Street to the upper landing and having a front of 50 feet on
39 said road, the line of said road being the front boundary with
40 side lines running North 60 degrees West and South 60 degrees East
41 to the upper margin of the River bluff, beginning at the iron pin
42 and running 50 feet along the easternmost line of said road up the
43 Mississippi River, being the same lot conveyed, together with the
44 last above described lot, to the said George Roth, Sr. by
45 Catherine Sigmond by deed of March 4th, 1863, recorded as above
46 mentioned, to which deed and the recitals therein reference is
47 here made for further description.

48 4. All those certain other lots or parcels of
49 land in the County of Adams and State aforesaid, in the City of
50 Natchez at the Upper Landing thereof, upon the margin of the
51 Mississippi River, formerly known as and called "Cozzen's Saw
52 Mill" (but sometimes called McFaddin & Sisloff Mill) and its
53 appurtenances, having such shape, configuration and boundaries as
54 are contained within the lines of B, C, D, E and F and G, H, I, K,
55 L, M, G in the map thereof recorded in Book CC, page 348, and also
56 in Book HH, page 296, of the Records of Deeds of said Adams
57 County, being the same lots conveyed to the said George Roth, Sr.
58 by Lyman D. Aldrich and wife and Thos. L. Jones, the said Aldrich
59 deed bearing date December 31st, 1866, recorded in Book 00, pages
60 324 and 325 of said Records of Deeds of Adams County, Mississippi,
61 and the said deed from the said Thos. L. Jones bearing date
62 February 13th, 1867, recorded in Book 00, pages 393 and 394 of
63 said Records of Adams County, Mississippi, to which deeds
64 reference is made for fuller and more accurate description.

65 Also described as being a portion of the property described

66 in the Warranty Deed from Alex Krouse to Manuel Krouse and Morris
67 Krouse dated March 1, 1969, recorded in Deed Book 11-E, at page
68 527, among the records on file in the office of the Chancery Clerk
69 of Adams County, Mississippi, as shown on the Official Tax Map of
70 Adams County, Mississippi prepared by Conley, Kight and Eckford as
71 a Portion of Parcel 1 of Tax Map 41-112 and 41-111B.

72 Also being the same property conveyed by Jerold D. Krouse to
73 the City of Natchez, Mississippi by Deed of Gift dated and
74 recorded December 29, 1995 in Deed Book 20-J at Page 16 of the
75 records in the office of the Chancery Clerk of Adams County,
76 Mississippi.

77 (ii) A portion of Lot 1, Tax Map 41-111B prepared by
78 Conley, Kight and Eckford described as bounded on the west by the
79 Mississippi River, on the north by property formerly known as
80 Krouse Pecan, on the east by brow of the bluff and on the south by
81 property presently owned by Lady Luck Mississippi consisting of
82 approximately 6.2 acres, more or less, including those certain
83 properties acquired by the City of Natchez in Cause No. 94-597 and
84 Cause No. 97-375 respectively, on the docket of the Chancery Court
85 of Adams County, Mississippi, described as follows:

86 Description of Tract II, Portion of Subdivision of Stephen
87 Minor Lands by Levin Wailes, Surveyor, situated in the City of
88 Natchez, T7N-R3W, Adams County, Mississippi.

89 From the City Monument at the southeast corner of Main Street
90 and Broadway go N 50E 43' 27" W along the projection of a line
91 thru the City Monument at the southeast corner of Main Street and
92 Canal Street and the City Monument at the southeast corner of Main
93 Street and Broadway for 196.21 feet to a point on the easterly
94 boundary of Lot 9, of the Subdivision of Stephen Minor Lands, by
95 Levin Wailes, Surveyor; thence N 39E 29' 54" E along the boundary
96 between the Promenade and Stephen Minor Lots for 476.78 feet to
97 the southeast corner of Lot 27, Subdivision of Stephen Minor
98 Lands; thence N 50E 30' 06" W along the boundary between Lot 13

99 and 27 for 27 feet to the point of beginning, being the Brow of
100 the Bluff, common to Lot 13, Lot 14, and Lot 27, Subdivision of
101 Stephen Minor Lands, by Levin Wailes.

102 Thence from said point of beginning continue N 50E 30' 06" W
103 along the boundary between Lot 13 and Lot 14 for 1759 feet, more
104 or less, to the boundary between the State of Mississippi and the
105 State of Louisiana; thence along said State Boundary in a general
106 northeasterly direction, upstream, for 63 feet, more or less, to
107 the downstream boundary of Lot 6, Isaac Jones Lots, per map
108 recorded in Deed Book 3-N, on Page 39, of the records of Adams
109 County, Mississippi; thence S 50E 30' 06" E along said boundary
110 for 1594 feet, more or less, to the southeast corner of Lot 6,
111 Isaac Jones Lots; thence along the easterly boundary of Isaac
112 Jones Lots, upstream, for 285 feet, more or less, to the northeast
113 corner of Lot 1, Isaac Jones Lots; thence S 50E 30' 06" E along
114 the downstream boundary of Manuel Krouse et al property for 182
115 feet, more or less, to the Brow of the Bluff; thence along the
116 Brow of the Bluff, in a general southwesterly direction, being the
117 westerly boundary of Lot 26 and Lot 27, Subdivision of Stephen
118 Minor Lands for 352 feet, more or less, to the point of beginning.

119 Within described tract being a portion of Stephen Minor Lands per
120 subdivision thereof by Levin Wailes, Surveyor, situated in the
121 City of Natchez, T7N-R3W, Adams County, Mississippi.

122 All bearings are Transverse Mercator, Mississippi West Zone.

123 All of the above described lands are situated in Section 15,
124 T7N-R3W, Adams County, Mississippi.

125 AND

126 Beginning at the Southwest corner of a house once occupied by
127 Susan Spruel on said lot hereby conveyed and returning south 80
128 degrees East 117 feet to a stake on the western most boundary of a
129 lot of ground sold by said Isaac Jones to the president and
130 selectmen of the City of Natchez aforesaid thence north 3E 15' E 9
131 feet to the northeast boundary of the lot originally purchased

132 from the Estate of Steven Minor, deceased; thence north 60E west
133 about 127 feet; thence south 6E 45' West about 51 feet to the
134 place of beginning also an alley 5 feet wide running from upper
135 road leading from the city to the landing on the south side of
136 said lot the whole length of the same and an alley ten feet wide
137 on the west end of said lot and also an alley running from the
138 last mentioned alley westwardly to the road leading from the lower
139 to the upper landing of said city seven feet wide which lot and
140 said alley hereby conveyed are designated on a plat hereto annexed
141 and made by John Maxwell on the 16th day of September, 1934 and on
142 which plat or map of said lot hereby conveyed is designated by the
143 blue and the said alley by the yellow colors which map is made a
144 part of this deed. This last alley called Jones Alley.

145 (iii) All of Lot 4, Block 4, Sheet 7, together with all
146 batture and accretions as shown on the Tax Map of the City of
147 Natchez, Mississippi by Cole, Layer & Trimble, 1951 and revised
148 1963 by Hunnicutt & Associates, and being the same lands shown in
149 Deed Book 3-X, Page 697 and designated on a map or survey of the
150 "Isaac Jones Lots" recorded in Book 3-N, Page 39 of the records on
151 file in the office of the Chancery Clerk of Adams County,
152 Mississippi.

153 Being all and the same property conveyed to Riverboat
154 Corporation of Mississippi by Deed from Charles H. Perrault, Jr.
155 dated February 22, 1991 and by deed from Myron B. Marks and Ralph
156 S. Marks dated February 25, 1991, and recorded respectively in
157 Deed Book 18-S at pages 469 and 467 of the records in the office
158 of the Chancery Clerk of Adams County, Mississippi.

159 Being also the same property conveyed by Riverboat
160 Corporation of Mississippi to the City of Natchez, Mississippi by
161 Deed of Conveyance by Donation recorded on July 30 in Deed Book
162 19-NB at Page 50 of the records in the office of the Chancery
163 Clerk of Adams County, Mississippi.

164 (b) Tract of land commonly referred to as Natchez Pecan

165 Factory Site (on Top-of-the-Hill) and more fully described as
166 follows:

167 (i) A certain lot or parcel of land situated on the
168 northwest side of Broadway Street, between Monroe and Madison
169 Streets, and extending to the west, with a front of 311 feet, more
170 or less, on said Broadway Street, and running westerly between
171 parallel lines to the margin of the bluff on the east bank of the
172 Mississippi River; said tract of land being bounded on the
173 southwest by the property of the Yazoo & Mississippi Valley
174 Railroad Company, on the east by Broadway Street, on the west by
175 the margin of the bluff on the east side of the Mississippi River,
176 and on the northern side by property formerly of Miss Lizzie
177 Hughes, now deceased, said parcel of land fronting approximately
178 311 feet on the westerly side of Broadway Street, and lying North
179 of the property of the Yazoo & Mississippi Railroad Company, east
180 of the Bluff, and enclosed on the northerly side by a fence, as
181 shown on the tax map prepared by Conley, Kight and Eckford as Tax
182 Map 41-111B, Parcel 3.

183 (ii) That certain tract or parcel of land in said City,
184 beginning at a point on the Westerly side of Broadway Street, one
185 hundred and eighty eight feet from the Southwesterly line of
186 Madison Street, from said point running Northeasterly along said
187 line of Broadway one hundred and eighty eight feet to Madison
188 Street; thence at right angles Westerly along the Southerly line
189 of said Madison Street to the brow of the bluff; thence Southerly
190 along the brow of the bluff to a point where a line drawn at right
191 angles to said Broadway Street from the point of beginning will
192 strike the brow of the said bluff; thence from said point on the
193 brow of said bluff to the place of beginning. Being the same
194 property conveyed to Miss Lizzie Hughes, now deceased, by William
195 Noonan by deed dated February 1, 1882, and recorded in Book XX,
196 page 480 and 481.

197 Being the same property conveyed by Louis Mullen to Krouse

198 and Company, Inc. by Warranty Deed dated January 28, 1972,
199 recorded in Deed Book 11-Y, at page 80, among the records on file
200 in the office of the Chancery Clerk of Adams County, Mississippi,
201 as shown on the tax map prepared by Conley, Kight and Eckford as
202 Tax Map 41-111B, Parcel 4.

203 (c) Tract of land commonly referred to as the Old Depot
204 Site and more fully described as follows:

205 A parcel of land lying on the westerly side of Broadway Street in
206 the City of Natchez, Mississippi; being a portion of Parcel 3.01,
207 Block 4 of the City of Natchez Tax Map No. 7, as revised by
208 Hunnicutt and Associates, Inc., in January 1963; more particularly
209 described as follows, to-wit:

210 Beginning at the point where the westerly right-of-way of
211 Broadway Street intersects the projection of the northerly
212 right-of-way of Franklin Street; thence go N 38° 57' 29E E for
213 226.00 feet; thence go N 51° 02' 31" W for 240.89 feet to a point
214 on the bluff of the Mississippi River; thence follow said brow of
215 the bluff along the following courses:

216 S 22 ° 08' 37" W 31.32 feet;

217 S 0° 23' 52" W 97.36 feet;

218 N 24° 40' 27" W 90.54 feet; thence leaving said brow of the
219 bluff go S 51° 02' 31" E for 38.80 feet; thence go S 38° 57' 29" W
220 for 32.14 feet; thence go S 51° 02' 31" E for 110.00 feet, more or
221 less, back to the point of beginning, containing 0.92 acres, more
222 or less, as shown on Tax Map 41-111B, Portion of Parcel 1 prepared
223 by Conley, Kight and Eckford.

224 (d) Tract of land referred to as the Broadway Block
225 Site and more fully described as follows:

226 All that certain square or city block in the City of Natchez,
227 Mississippi bounded on the southerly side by Main Street, on the
228 easterly side by Canal Street, on the northerly side by Franklin
229 Street and on the westerly side by Broadway Street, as shown on

230 the tax map prepared by Conley, Kight and Eckford as Tax Map
231 41-112, Parcels 2, 3, 11, 12 & 13.

232 Regardless of the above descriptions, the intent of this act
233 is to include all of the real property owned by the City of
234 Natchez located in the following described real property:

235 (a) Tract A (Roth Hill Road Site and Bluff):

236 All of that real property together with all improvements
237 thereon currently owned by the City of Natchez, Mississippi and
238 bound easterly by the westerly right-of-way line of Broadway
239 Street; bound southerly by the northerly right-of-way line of
240 State Street, if extended to the thalweg of the Mississippi River,
241 said line also running along the northerly line of that property
242 currently owned by Lady Luck Mississippi, Inc. recorded in deed
243 book 19-T, on page 15; bound westerly by the thalweg of the
244 Mississippi River; and bound northerly by the southerly
245 right-of-way line of Madison Street, if extended to the thalweg of
246 the Mississippi River; said land being situated in Sections 15 and
247 16, Township 7 North, Range 3 West, Natchez, Adams County,
248 Mississippi.

249 Less and Except that property conveyed to Sim C. Callon,
250 recorded in deed book 16-J on page 379 of the records in the
251 office of the Chancery Clerk of Adams County, Mississippi.
252 Further Less and Except that portion of the City of Natchez
253 property known as the Spanish Parade Grounds described as follows:

254 All of that tract of land being bound easterly by the westerly
255 right-of-way line of Broadway Street; bound southerly by the
256 northerly right-of-way line of State Street, if extended, said
257 line also being the northerly line of that property currently
258 owned by Lady Luck Mississippi, Inc., recorded in deed book 19-T,
259 on page 15; bound westerly by the brow of the bluff; and bound
260 northerly by the southerly right-of-way line of Franklin Street,
261 if extended.

262 And Less and Except that public road (presently and

263 temporarily unopened) known as Roth Hill Road extending from
264 Broadway Street to the Mississippi River.

265 (b) Tract B (Broadway Block):

266 That certain City Block being bound easterly by the westerly
267 right-of-way line of Canal Street; bound southerly by the
268 northerly right-of-way line of Main Street; bound westerly by the
269 easterly right-of-way line of Broadway Street; and bound northerly
270 by the southerly right-of-way line of Franklin Street; said land
271 being situated in Section 16, Township 7 North, Range 3 West,
272 Natchez, Adams County, Mississippi.

273 WHEREAS, the City of Natchez has determined the necessity for
274 legislation as authorized herein based upon the following:

275 (a) The City of Natchez by action of the Mayor and
276 Board of Aldermen at its regular meeting on April 14, 1992, placed
277 all of the above described properties in a Waterfront Development
278 District, which district is designed to enhance and facilitate
279 economic and riverfront development for the City of Natchez,
280 Mississippi;

281 (b) The City of Natchez by action of the Mayor and
282 Board of Aldermen have heretofore placed all of the above
283 described properties in the Downtown Historic District of the City
284 of Natchez, which district is designed to encourage and maintain
285 development consistent with the Old Historic District of the City
286 of Natchez;

287 (c) The Mississippi Legislature did at the 1999 Regular
288 Session enact House Bill 1568 (Chapter 488, General Laws of
289 Mississippi) which provided funds for the City of Natchez to match
290 funds of United States Army Corps of Engineers for the Natchez
291 Bluff Stabilization Project along the riverfront of the City of
292 Natchez in the Roth Hill Road Site Area including Krouse Pecan
293 Under-the-Hill, and which legislation further provides for
294 repayment of a portion of those funds to the State of Mississippi
295 from proceeds derived by the City of Natchez from riverfront

296 development;

297 (d) Various developers have proposed to the City of
298 Natchez to undertake commercial development of several of these
299 properties, which development is expected to provide jobs for
300 residents of the City of Natchez and Adams County and other
301 economic benefits;

302 (e) The developer or developers will undertake,
303 incident to its development, marketing plans which will have the
304 effect of drawing many additional visitors to Natchez and Adams
305 County;

306 (f) The plan for development will generate considerable
307 state and local tax revenues;

308 (g) The plan for development will complement the unique
309 historical sites and tourist attractions offered by Natchez and
310 Adams County;

311 (h) The Mayor and Board of Aldermen of the City of
312 Natchez have determined that it is in the city=s best interest to
313 lease the hereinabove described properties to a developer or
314 developers for terms varying in length, but not to exceed forty
315 (40) years and for such consideration and on such terms as deemed
316 in the best interest of the city and upon a determination by the
317 governing authorities by resolution duly and lawfully adopted (a)
318 that such property is no longer needed for such municipal or
319 related purposes and is not to be used in the operation of the
320 municipality, (b) that the lease of the property in the manner
321 otherwise provided by law is not necessary or desirable for the
322 financial welfare of the municipality, and (c) that the use of the
323 said property for the purpose for which it is to be leased will
324 promote and foster the development and improvement of the
325 community in which it is located and the civic, educational,
326 cultural, moral, economic or industrial welfare thereof, and the
327 city does desire to lease its interest in the hereinabove
328 described properties to a suitable and acceptable developer or

329 developers;

330 (i) In order to facilitate the plan of the developer
331 for development, the Mayor and Board of Aldermen of the City of
332 Natchez have determined that certain other agreements regarding
333 the above described properties should be entered into by and
334 between the City of Natchez and such developer or developers; and

335 (j) In order to facilitate entering such leases and
336 agreements, the City of Natchez acting by and through its Mayor
337 and Board of Aldermen has determined it to be advisable to obtain
338 local and private legislation from the Legislature authorizing
339 such governing authorities to enter into leases and agreements
340 with such party or parties.

341 NOW THEREFORE BE IN ENACTED BY THE LEGISLATURE OF THE STATE
342 OF MISSISSIPPI:

343 SECTION 1. The Mayor and Board of Aldermen of the City of
344 Natchez are hereby authorized and empowered in their discretion:

345 (a) To execute leases for and on behalf of the City of
346 Natchez in favor of a developer or developers on the property or
347 properties hereinabove described in the preamble of this act for
348 terms which vary in length but do not exceed forty (40) years;

349 (b) To execute such leases on such terms and conditions
350 as are acceptable to the city bearing in mind the significant
351 economic impact that riverfront development will have for the
352 city, county and state;

353 (c) To execute such leases on such terms and conditions
354 as are deemed advisable for the city without regard to the
355 requirements of Section 21-17-1, Mississippi Code of 1972; and

356 (d) To lease as part of the properties described in the
357 preamble of this act the riparian rights presently owned or
358 hereinafter acquired by the city in favor of the developer or
359 developers of the aforesaid properties.

360 SECTION 2. This act shall take effect and be in force from
361 and after its passage.