SENATE BILL NO. 2551

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

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

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

(i) 1. All that certain lot of ground in that part of the said City of Natchez Under the Hill formerly known as "Crayon's Landing" commencing at a point 55 feet from the upper corner of the warehouse built by said Crayon and now (1830) owned by Robert McFaddin, running along the road in front of said warehouse 20 feet up the said road; thence back to lot occupied (formerly) by Miss Ann Boots; thence 18 feet parallel to the said road in front, and thence to the place of beginning; being the same lot conveyed to George Roth, Sr., by Lyman D. Aldrich by deed dated February 3rd, 1863, recorded in Book NN, pages 402 and 403 of the Records of Deeds of said Adams County, Mississippi.
2. All that certain other lot of ground
fronting on Water Street of said City of Natchez, being the corner
lot of said street and the road descending the Hill from Upper
Natchez, on which lot a warehouse formerly stood, which lot was
conveyed to George Roth, Sr., by Catherine Sigmond by deed dated
March 4th, 1863, recorded in Book NN, pages 401 and 402 of said
Adams County, Mississippi, Deed Records.

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

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

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

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

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

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

From the City Monument at the southeast corner of Main Street and Broadway go N 50° 43' 27" W along the projection of a line thru the City Monument at the southeast corner of Main Street and Canal Street and the City Monument at the southeast corner of Main Street...
Street and Broadway for 196.21 feet to a point on the easterly boundary of Lot 9, of the Subdivision of Stephen Minor Lands, by Levin Wailes, Surveyor; thence N 39° 29' 54" E along the boundary between the Promenade and Stephen Minor Lots for 476.78 feet to the southeast corner of Lot 27, Subdivision of Stephen Minor Lands; thence N 50° 30' 06" W along the boundary between Lot 13 and 27 for 27 feet to the point of beginning, being the Brow of the Bluff, common to Lot 13, Lot 14, and Lot 27, Subdivision of Stephen Minor Lands, by Levin Wailes.

Thence from said point of beginning continue N 50° 30' 06" W along the boundary between Lot 13 and Lot 14 for 1,759 feet, more or less, to the boundary between the State of Mississippi and the State of Louisiana; thence along said State Boundary in a general northeasterly direction, upstream, for 63 feet, more or less, to the downstream boundary of Lot 6, Isaac Jones Lots, per map recorded in Deed Book 3-N, on Page 39, of the records of Adams County, Mississippi; thence S 50° 30' 06" E along said boundary for 1,594 feet, more or less, to the southeast corner of Lot 6, Isaac Jones Lots; thence along the easterly boundary of Isaac Jones Lots, upstream, for 285 feet, more or less, to the northeast corner of Lot 1, Isaac Jones Lots; thence S 50° 30' 06" E along the downstream boundary of Manuel Krouse et al property for 182 feet, more or less, to the Brow of the Bluff; thence along the Brow of the Bluff, in a general southwesterly direction, being the westerly boundary of Lot 26 and Lot 27, Subdivision of Stephen Minor Lands for 352 feet, more or less, to the point of beginning. Within described tract being a portion of Stephen Minor Lands per subdivision thereof by Levin Wailes, Surveyor, situated in the City of Natchez, T7N-R3W, Adams County, Mississippi.

All bearings are Transverse Mercator, Mississippi West Zone. All of the above described lands are situated in Section 15, T7N-R3W, Adams County, Mississippi.

AND
Beginning at the southwest corner of a house once occupied by Susan Spruel on said lot hereby conveyed and returning south 80 degrees East 117 feet to a stake on the western most boundary of a lot of ground sold by said Isaac Jones to the president and selectmen of the City of Natchez aforesaid thence north 3° 15' E 9 feet to the northeast boundary of the lot originally purchased from the Estate of Steven Minor, deceased; thence north 60° west about 127 feet; thence south 6° 45' West about 51 feet to the place of beginning also an alley 5 feet wide running from upper road leading from the city to the landing on the south side of said lot the whole length of the same and an alley ten feet wide on the west end of said lot and also an alley running from the last mentioned alley westwardly to the road leading from the lower to the upper landing of said city seven feet wide which lot and said alley hereby conveyed are designated on a plat hereto annexed and made by John Maxwell on the 16th day of September, 1934 and on which plat or map of said lot hereby conveyed is designated by the blue and the said alley by the yellow colors which map is made a part of this deed. This last alley called Jones Alley.

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

Being all and the same property conveyed to Riverboat Corporation of Mississippi by Deed from Charles H. Perrault, Jr., dated February 22, 1991 and by deed from Myron B. Marks and Ralph S. Marks dated February 25, 1991, and recorded respectively in Deed Book 18-S at pages 469 and 467 of the records in the office of the Chancery Clerk of Adams County, Mississippi.
Being also the same property conveyed by Riverboat Corporation of Mississippi to the City of Natchez, Mississippi, by Deed of Conveyance by Donation recorded on July 30 in Deed Book 19-NB at Page 50 of the records in the office of the Chancery Clerk of Adams County, Mississippi.

(b) Tract of land commonly referred to as Natchez Pecan Factory Site (on Top-of-the-Hill) and more fully described as follows:

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

(ii) That certain tract or parcel of land in said City, beginning at a point on the Westerly side of Broadway Street, one hundred and eighty-eight feet from the southwesterly line of Madison Street, from said point running northeasterly along said line of Broadway one hundred and eighty-eight feet to Madison Street; thence at right angles westerly along the southerly line of said Madison Street to the Brow of the Bluff; thence southerly along the Brow of the Bluff to a point where a line drawn at right angles to said Broadway Street from the point...
of beginning will strike the brow of the said bluff; thence from
said point on the brow of said bluff to the place of beginning.
Being the same property conveyed to Miss Lizzie Hughes, now
deceased, by William Noonan by deed dated February 1, 1882, and
recorded in Book XX, page 480 and 481.
Being the same property conveyed by Louis Mullen to Krouse
and Company, Inc., by Warranty Deed dated January 28, 1972,
recorded in Deed Book 11-Y, at page 80, among the records on file
in the office of the Chancery Clerk of Adams County, Mississippi,
as shown on the tax map prepared by Conley, Kight and Eckford as
Tax Map 41-111B, Parcel 4.

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

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

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

S 22° 08' 37" W 31.32 feet;
S 0° 23' 52" W 97.36 feet;
N 24° 40' 27" W 90.54 feet; thence leaving said Brow of the
Bluff go S 51° 02' 31" E for 38.80 feet; thence go S 38° 57' 29" W
for 32.14 feet; thence go S 51° 02' 31" E for 110.00 feet, more or
less, back to the point of beginning, containing 0.92 acres, more
or less, as shown on Tax Map 41-111B, Portion of Parcel 1 prepared
by Conley, Kight and Eckford.
(d) Tract of land referred to as the Broadway Block Site and more fully described as follows:

All that certain square or city block in the City of Natchez, Mississippi, bounded on the southerly side by Main Street, on the easterly side by Canal Street, on the northerly side by Franklin Street and on the westerly side by Broadway Street, as shown on the tax map prepared by Conley, Kight and Eckford as Tax Map 41-112, Parcels 2, 3, 11, 12 & 13.

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

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

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

Less and except that property conveyed to Sim C. Callon, recorded in deed book 16-J on page 379 of the records in the office of the Chancery Clerk of Adams County, Mississippi.

Further less and except that portion of the City of Natchez property known as the Spanish Parade Grounds described as follows:

All of that tract of land being bound easterly by the westerly right-of-way line of Broadway Street; bound southerly by the northerly right-of-way line of State Street, if extended, said
line also being the northerly line of that property currently
owned by Lady Luck Mississippi, Inc., recorded in deed book 19-T,
on page 15; bound westerly by the Brow of the Bluff; and bound
northerly by the southerly right-of-way line of Franklin Street,
if extended.
And less and except that public road (presently and
temporarily unopened) known as Roth Hill Road extending from
Broadway Street to the Mississippi River.

(b) Tract B (Broadway Block):
That certain city block being bound easterly by the westerly
right-of-way line of Canal Street; bound southerly by the
northerly right-of-way line of Main Street; bound westerly by the
easterly right-of-way line of Broadway Street; and bound northerly
by the southerly right-of-way line of Franklin Street; said land
being situated in Section 16, Township 7 North, Range 3 West,
Natchez, Adams County, Mississippi.

WHEREAS, the City of Natchez has determined the necessity for
legislation as authorized herein based upon the following:
(a) The City of Natchez by action of the Mayor and
Board of Aldermen at its regular meeting on April 14, 1992, placed
all of the above described properties in a Waterfront Development
District, which district is designed to enhance and facilitate
economic and riverfront development for the City of Natchez,
Mississippi;
(b) The City of Natchez by action of the Mayor and
Board of Aldermen have heretofore placed all of the above
described properties in the Downtown Historic District of the City
of Natchez, which district is designed to encourage and maintain
development consistent with the Old Historic District of the City
of Natchez;
(c) The Mississippi Legislature did at the 1999 Regular
Session enact House Bill 1568 (Chapter 488, General Laws of
Mississippi) which provided funds for the City of Natchez to match
funds of United States Army Corps of Engineers for the Natchez
Bluff Stabilization Project along the riverfront of the City of
Natchez in the Roth Hill Road Site Area including Krouse Pecan
Under-the-Hill, and which legislation further provides for
repayment of a portion of those funds to the State of Mississippi
from proceeds derived by the City of Natchez from riverfront
development;

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

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

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

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

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

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

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

NOW THEREFORE BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

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

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

(c) To execute such leases on such terms and conditions as are deemed advisable for the city without regard to the requirements of Section 21-17-1, Mississippi Code of 1972; and
(d) To lease as part of the properties described in the preamble of this act the riparian rights presently owned or hereinafter acquired by the city in favor of the developer or developers of the aforesaid properties.

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