

By: Representative Barnett (92nd)

To: Public Buildings,
Grounds and Lands

HOUSE BILL NO. 1139
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND
 2 ADMINISTRATION, ACTING ON BEHALF OF THE MISSISSIPPI FORESTRY
 3 COMMISSION, TO SELL AND CONVEY TO THE BOARD OF SUPERVISORS OF
 4 LINCOLN COUNTY, MISSISSIPPI, CERTAIN STATE-OWNED REAL PROPERTY
 5 LOCATED IN LINCOLN COUNTY, MISSISSIPPI; TO AUTHORIZE THE BOARD OF
 6 DIRECTORS OF THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT TO
 7 CONVEY CERTAIN REAL PROPERTY TO THE RANKIN COUNTY SCHOOL DISTRICT
 8 IN RANKIN COUNTY, MISSISSIPPI; TO AUTHORIZE THE BOARD OF
 9 SUPERVISORS OF YALOBUSHA COUNTY, MISSISSIPPI, TO ACQUIRE AND
 10 CONVEY CERTAIN REAL PROPERTY LOCATED IN YALOBUSHA COUNTY,
 11 MISSISSIPPI; TO AMEND SECTION 51-13-111, MISSISSIPPI CODE OF 1972,
 12 TO AUTHORIZE THE BOARD OF DIRECTORS OF THE TOMBIGBEE RIVER VALLEY
 13 WATER MANAGEMENT DISTRICT TO TRANSFER THE ELVIS PRESLEY PARK TO
 14 THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS IN LEE
 15 COUNTY, MISSISSIPPI; TO AUTHORIZE THE BOARD OF DIRECTORS OF THE
 16 TOMBIGBEE RIVER VALLEY WATER MANAGEMENT DISTRICT TO PAY
 17 \$200,000.00 TO THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES
 18 AND PARKS AT THE TIME OF SUCH TRANSFER AND TO PROVIDE THAT SUCH
 19 FUNDS WILL BE USED FOR THE PURPOSE OF CONSTRUCTING AN OFFICE
 20 BUILDING ON THE ELVIS PRESLEY PARK FOR THE MISSISSIPPI DEPARTMENT
 21 OF WILDLIFE, FISHERIES AND PARKS; TO REQUIRE THE DEPARTMENT OF
 22 WILDLIFE, FISHERIES AND PARKS TO CONVEY CERTAIN STATE-OWNED REAL
 23 PROPERTY LOCATED IN SIMPSON COUNTY, MISSISSIPPI, TO THE VETERANS
 24 OF FOREIGN WARS POST 9122; TO REPEAL CHAPTER 545, LAWS OF 2001,
 25 WHICH AUTHORIZED THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS
 26 TO CONVEY CERTAIN STATE-OWNED REAL PROPERTY IN SIMPSON COUNTY TO
 27 THE VETERANS OF FOREIGN WARS POST 9122; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** (1) The Department of Finance and
 30 Administration, acting on behalf of the Mississippi Forestry
 31 Commission, may sell and convey to the Board of Supervisors of
 32 Lincoln County, Mississippi, certain state-owned real property
 33 located in Lincoln County, Mississippi, being more particularly
 34 described as follows:

35 Commencing at the intersection of the North boundary
 36 line of Section 21, Township 7 North, Range 8 East,
 37 Lincoln County, Mississippi, with the south right-of-way
 38 line of Mississippi Highway 184 (formerly U.S. Highway
 39 84). Thence run South 52°41'26" East, 60.36 feet along



40 said south right-of-way line of Mississippi Highway 184
41 to the point of beginning. Thence run South 24°31'17"
42 East, 222.87 feet; thence South 00°31'08" East, 229.72
43 feet; thence South 69°50'07" East, 42.18 feet; thence
44 North 00°41'05" East, 341.68 feet; thence North
45 52°41'26" West, 173.82 feet along said south
46 right-of-way line of Mississippi Highway 184 to the
47 point of beginning. Said parcel containing 0.48 acres ±
48 more or less and being situated in the NW 1/4 of the NW
49 1/4 of Section 21, T7N, R8E, Lincoln County,
50 Mississippi.

51 (2) The sale and conveyance authorized in this section may
52 be made on such terms and conditions agreed upon by the Department
53 of Finance and Administration and the Board of Supervisors of
54 Lincoln County, Mississippi, to be in the best interests of both
55 parties.

56 (3) Any proceeds from the sale and conveyance of the real
57 property described in subsection (1) of this section shall be used
58 first to reimburse the Department of Finance and Administration
59 for any costs incurred by the department regarding the sale and
60 conveyance, and the remaining proceeds shall be deposited into the
61 State General Fund.

62 (4) The State of Mississippi shall retain all mineral rights
63 to the real property sold and conveyed pursuant to this section.

64 **SECTION 2.** (1) The Department of Finance and
65 Administration, acting on behalf of the Mississippi Forestry
66 Commission, may grant a temporary construction easement to the
67 Board of Supervisors of Lincoln County, Mississippi, over and
68 across certain state owned real property located in Lincoln
69 County, Mississippi, being more particularly described as follows:

70 Beginning at the intersection of the North boundary line
71 of Section 21, Township 7 North, Range 8 East, Lincoln
72 County, Mississippi, with the South right-of-way line of



73 Mississippi Hwy 184 (formerly U.S. Highway 84) and the
74 point of beginning. Thence run South 16°54'29" East,
75 220.29 feet; thence South 44°33'24" West, 116.57 feet;
76 thence South 83°58'28" East, 111.20 feet; thence South
77 16°54'29" East, 170.95 feet; thence North 00°31'08"
78 West, 229.72 feet; thence North 24°31'17" West, 222.87
79 feet; thence North 52°41'26" West, 60.36 feet along said
80 South right-of-way line of Mississippi Highway 184 to
81 the point of beginning. Said parcel containing 0.56
82 acres ± more or less and being situated in the NW 1/4 of
83 the NW 1/4 of Section 21, T7N, R8E, Lincoln County,
84 Mississippi.

85 (2) The temporary construction easement authorized in this
86 section may be made on such terms and conditions agreed upon by
87 the Department of Finance and Administration and the Board of
88 Supervisors of Lincoln County, Mississippi, to be in the best
89 interests of both parties.

90 **SECTION 3.** (1) The Board of Directors of the Pearl River
91 Valley Water Supply District, in its discretion, and without
92 further restriction except as set forth in this section, may
93 convey in fee simple to the Rankin County School District in
94 Rankin County, Mississippi, certain real property that is owned by
95 the Pearl River Valley Water Supply District and which is located
96 in Rankin County, Mississippi, being more particularly described
97 as follows:

98 All or part of a parcel of land containing twenty
99 acres, more or less, being all property lying north of
100 Northshore Parkway, south of Cowan Road, west of
101 Highway 471, and east of Spring Branch Creek, Rankin
102 County, Mississippi.

103 (2) The property described in this act shall be sold and
104 conveyed to the Rankin County School District upon payment by the
105 school district to the Pearl River Valley Water Supply District of



106 a sum equal to the appraised fair market value of the property or
107 for such other or further sum and under such financial terms or
108 conditions as may seem equitable or just to the Pearl River Valley
109 Water Supply District. The purchase price of the property shall
110 be final in the discretion of the Pearl River Valley Water Supply
111 District.

112 (3) The Pearl River Valley Water Supply District shall
113 retain site plan approval for the design, site plan and
114 landscaping related to the construction and appearance of a school
115 or schools upon the property. As a condition of the conveyance,
116 the Rankin County School District must agree to provide a traffic
117 impact study and to cooperate with the Pearl River Valley Water
118 Supply District and other law enforcement or state agencies on
119 regulating traffic flow to the extent such regulation is possible.

120 (4) The Pearl River Valley Water Supply District shall have
121 the right of first refusal to purchase the property from the
122 school district for fair market value, as determined by a mutually
123 acceptable independent appraisal by a certified general appraiser
124 licensed by the State of Mississippi, before the property is
125 offered for sale or lease to any other person, as defined in
126 Section 1-3-39, Mississippi Code of 1972, if: (a) the property
127 ceases to be used for school or school-related purposes by the
128 school district and the property is no longer needed in the
129 operations of the Rankin County School District; and (b) the
130 school district desires to sell, lease or otherwise dispose of the
131 property.

132 **SECTION 4.** (1) (a) The Board of Supervisors of Yalobusha
133 County, Mississippi ("board of supervisors"), in its discretion,
134 may purchase, lease, lease-purchase or otherwise acquire in any
135 manner upon such terms and conditions, for such consideration, and
136 with such safeguards as the board of supervisors determines will
137 best promote and protect the public interest, convenience and
138 necessity, all or any portion of certain real property and any



139 improvements thereon located in the First Judicial District of
140 Yalobusha County, Mississippi, such property being more
141 particularly described as follows:

142 West Half of Southwest Quarter of Section 32, Township
143 26, Range 4 East, containing 80 acres, more or less;
144 Northeast Quarter of Southwest Quarter of Section 32,
145 Township 26, Range 4 East, containing 40 acres, more or
146 less; Northwest Quarter of Southeast Quarter of Section
147 32, Township 26, Range 4 East, containing 40 acres,
148 more or less;

149 and

150 East Half of Southeast Quarter of Section 32, Township
151 26, Range 4 East, containing 80 acres, more or less;

152 If the board of supervisors acquires all or any portion of such
153 real property, the board of supervisors may make any improvements
154 to such property determined by the board of supervisors to be
155 appropriate, including, but not limited to, constructing,
156 equipping and/or furnishing industrial buildings, meat processing
157 facilities, other appurtenant structures or facilities and
158 infrastructure improvements. The board of supervisors may use any
159 available funds, from any source, for the purpose of acquiring
160 such real property and making any improvements thereon.

161 (b) If the board of supervisors acquires all or any portion
162 of the real property described in paragraph (a) of this subsection
163 (1), the board of supervisors, in its discretion, may sell, lease,
164 trade, exchange or otherwise convey all or any portion of such
165 real property and any improvements thereon located to any
166 individual, firm, public corporation, private corporation, or any
167 other entity. The conveyance authorized in this paragraph (b) may
168 be made for all types of industrial, economic, and commercial uses
169 upon such terms and conditions, for such consideration, and with
170 such safeguards as the board of supervisors determines will best



171 promote and protect the public interest, convenience and
172 necessity.

173 (2) The board of supervisors in its discretion, may acquire
174 an easement over and across certain real property located in the
175 First Judicial District of Yalobusha County, Mississippi, being
176 more particularly described as follows:

177 Begin at an iron pipe on North line of Mississippi
178 State Highway No. 32 at intersection with North line of
179 the Southwest Quarter of the Southeast Quarter of
180 Section 32, Township 26 North, Range 4 East, said point
181 being 347 feet from West line of Highway I-55 as
182 measured along North line of said Highway No. 32;
183 thence South 47 degrees 45 minutes West, 452.8 feet to
184 an iron pipe; thence North 32 degrees West, 381 feet,
185 more or less, to North line of said Southwest Quarter
186 of the Southeast Quarter; thence East, 535.7 feet, more
187 or less, to the point of beginning, enclosing 1.95
188 acres, more or less, in said Southwest Quarter of the
189 Southeast Quarter of Section 32, Township 26 North,
190 Range 4 East, Yalobusha County, Mississippi.

191 If the board of supervisors acquires any easement under this
192 subsection, the board of supervisors, in its discretion, may
193 assign such easement to any individual, firm, public corporation,
194 private corporation, or any other entity, upon such terms and
195 conditions, for such consideration, and with such safeguards as
196 the board of supervisors determines will best promote and protect
197 the public interest, convenience and necessity.

198 **SECTION 5.** Section 51-13-111, Mississippi Code of 1972, is
199 amended as follows:

200 51-13-111. The Tombigbee River Valley Water Management
201 District through its board of directors is hereby empowered:

202 (a) To develop, in conjunction with the United States
203 Army Corps of Engineers, United States Secretary of Agriculture,



204 or with the head of any other federal or state agency as may be
205 involved, plans for public works of improvement for the prevention
206 of floodwater damage, or the conservation, development,
207 navigation, utilization and disposal of water, including the
208 impoundment, diversion, flowage and distribution of waters for
209 beneficial use as defined in Chapter 3 of this title.

210 To enter into agreements with the United States of America,
211 as represented by the United States Army Corps of Engineers, to
212 meet the requirements of local cooperation for flood control and
213 navigation projects as set out in House Document No. 167, 84th
214 Congress, First Session, as authorized by Public Law 85-500, 85th
215 Congress, dated July 3, 1958, as amended, and House Document No.
216 486, 79th Congress, Second Session, as approved by Public Law 525,
217 79th Congress, as amended.

218 (b) To impound overflow water and the surface water of
219 the Tombigbee River or its tributaries within the project area,
220 within or without the district, at the place or places and in the
221 amount as may be approved by the Office of Land and Water
222 Resources of the State of Mississippi, by the construction of a
223 dam or dams, reservoir or reservoirs, work or works, plants and
224 any other necessary or useful related facilities contemplated and
225 described as a part of the project, within or without the
226 district, to control, store and preserve these waters, and to use,
227 distribute, and sell them, to construct or otherwise acquire
228 within the project area all works, plants, or other facilities
229 necessary or useful to the project for processing the water and
230 transporting it to cities and other facilities for domestic,
231 municipal, commercial, industrial, agricultural and manufacturing
232 purposes, and is hereby given the power to control open channels
233 for water delivery purposes and water transportation.

234 (c) To acquire and develop any other available water
235 necessary or useful to the project and to construct, acquire and



236 develop all facilities within the project area deemed necessary or
237 useful with respect thereto, including terminals.

238 (d) To forest and reforest, and to aid in the foresting
239 and reforesting of the project area, and to prevent and to aid in
240 the prevention of soil erosion and flood within the area; to
241 control, store, and preserve within the boundaries of the project
242 area the waters of the Tombigbee River or any of its tributaries
243 for irrigation of lands and for prevention of water pollution.

244 (e) To acquire by condemnation all property of any
245 kind, real, personal, or mixed, or any interest therein, within or
246 without the boundaries of the district, necessary for the projects
247 and the exercise of the powers, rights, privileges and functions
248 conferred upon the district by this article, according to the
249 procedure provided by law for the condemnation of lands or other
250 property taken for rights-of-way or other purposes by railroads,
251 telephone, or telegraph companies, and according to the provisions
252 of Section 29-1-1. For the purposes of this article the right of
253 eminent domain of the district shall be superior and dominant to
254 the right of eminent domain of railroad, telegraph, telephone,
255 gas, power and other companies or corporations and shall be
256 sufficient to enable the acquisition of county roads, state
257 highways, or other public property in the project area, and the
258 acquisition or relocation of this property in the project area.
259 The cost of right-of-way purchases, rerouting and elevating all
260 other county-maintained roads affected by construction shall be
261 borne by the water management district, and new construction shall
262 be of equal quality as in roads existing as of May 1, 1962. The
263 county in which the work is done may assist in these costs if the
264 board of supervisors desires.

265 The amount and character of interest in land, other property,
266 and easements to be acquired shall be determined by the board of
267 directors, and their determination shall be conclusive and shall
268 not be subject to attack in the absence of manifold abuse of



269 discretion or fraud on the part of such board in making such
270 determination. However,

271 (i) In acquiring lands, either by negotiation or
272 condemnation, the district shall not acquire minerals or royalties
273 within the project area; sand and gravel shall not be considered
274 as minerals within the meaning of this section; and

275 (ii) No person or persons owning the drilling
276 rights or the right to share in production shall be prevented from
277 exploring, developing, or producing oil or gas with necessary
278 rights-of-way for ingress and egress, pipelines, and other means
279 of transporting these products by reason of the inclusion of the
280 lands or mineral interests within the project area, whether below
281 or above the waterline, but any activities shall be under
282 reasonable regulations by the board of directors that will
283 adequately protect the project; and

284 (iii) In drilling and developing, these persons
285 are hereby vested with a special right to have mineral interests
286 integrated and their lands developed in the drilling unit or units
287 that the State Oil and Gas Board shall establish after due
288 consideration of the rights of all owners to be included in the
289 drilling unit.

290 Moreover, when any site or plot of land is to be sold to any
291 person, firm, or corporation for the purpose of operating
292 recreational facilities thereon for profit, the board shall, by
293 resolution, specify the terms and conditions of the sale and shall
294 advertise for public bids thereon. When these bids are received,
295 they shall be publicly opened by the board, and the board shall
296 thereupon determine the highest and best bid submitted and shall
297 immediately notify the former owner of the site or plot of the
298 amount, terms, and conditions of the highest and best bid. The
299 former owner of the site or plot shall have the exclusive right at
300 his option, for a period of thirty (30) days after written notice
301 is received by the landowner of the determination of the highest



302 and best bid by the board, to purchase the site or plot of land by
303 meeting the highest and best bid and by complying with all terms
304 and conditions of the sale as specified by the board. However,
305 the board shall not sell to any former owner more land than was
306 taken from the former owner for the construction of the project,
307 or one-quarter (1/4) mile of shoreline, whichever shall be the
308 lesser. If this option is not exercised by the former owner
309 within a period of thirty (30) days, the board shall accept the
310 highest and best bid submitted.

311 Any bona fide resident householder actually living or
312 maintaining a residence on land taken by the district by
313 condemnation shall have the right to repurchase his former land
314 from the board of directors for a price not exceeding the price
315 paid for condemning his land, plus any permanent improvements.

316 In addition and notwithstanding any other provision in this
317 section to the contrary, the board may lease or rent all or any
318 portion of any property that it owns to any person, firm, or
319 corporation for the purpose of operating recreational facilities
320 for profit or not for profit or for any other public purpose
321 provided the land is open for the use of the general public or is
322 otherwise used for the public benefit and upon any other terms and
323 conditions as the board may determine. The leasing or renting of
324 all or any portion of any such land upon said conditions shall
325 require a resolution duly adopted by the board and shall be exempt
326 from any bid requirements in this section.

327 (f) To require the necessary relocation of roads and
328 highways, railroad, telephone, and telegraph lines and properties,
329 electric power lines, gas pipelines and mains and facilities in
330 the project area, or to require the anchoring or other protection
331 of any of these, provided due compensation is first paid the
332 owners thereof or agreement is had with the owners regarding the
333 payment of the cost of relocation. Further, the district is
334 hereby authorized to acquire easements or rights-of-way in or



335 outside of the project area for the relocation of roads, highways,
336 railroad, telephone, and telegraph lines and properties, electric
337 power lines, gas pipelines and mains and facilities, and to convey
338 them to the owners thereof in connection with the relocation as a
339 part of the construction of the project. However, the directors
340 of the district shall not close any public access road to the
341 project existing prior to the construction of the reservoir unless
342 the board of supervisors of the county in which the road is
343 located agrees thereto.

344 (g) To overflow and inundate any public lands and
345 public property, including sixteenth section lands and in lieu
346 lands, within the project area.

347 (h) To construct, extend, improve, maintain and
348 reconstruct, to cause to be constructed, extended, improved,
349 maintained and reconstructed, and to use and operate all
350 facilities of any kind within the project area necessary or
351 convenient to the project and to the exercise of powers, rights,
352 privileges and functions.

353 (i) To sue and be sued in its corporate name.

354 (j) To adopt, use, and alter a corporate seal.

355 (k) To make bylaws for the management and regulation of
356 its affairs.

357 (l) To employ engineers, attorneys, and all necessary
358 agents and employees to properly finance, construct, operate, and
359 maintain the project and the plants and to pay reasonable
360 compensation for these services; for all services in connection
361 with the issuance of bonds as provided in this article, the
362 attorney's fee shall not exceed one-quarter of one percent (1/4 of
363 1%) of the principal amount of these bonds. For any other
364 services, only reasonable compensation shall be paid for these
365 services. The board shall have the right to employ a general
366 manager, who shall, at the discretion of the board, have the power
367 to employ and discharge employees. Without limiting the



368 generality of the foregoing, it may employ fiscal agents or
369 advisors in connection with its financing program and in
370 connection with the issuance of its bonds.

371 (m) To make contracts and to execute instruments
372 necessary or convenient to the exercise of the powers, rights,
373 privileges, and functions conferred upon it by this article.

374 (n) To make or cause to be made surveys and engineering
375 investigations relating to the project, or related projects, for
376 the information of the district to facilitate the accomplishment
377 of the purposes for which it is created.

378 (o) To apply for and accept grants from the United
379 States of America, or from any corporation or agency created or
380 designated by the United States of America, and to ratify and
381 accept applications heretofore or hereafter made by voluntary
382 associations to these agencies for grants to construct, maintain
383 or operate any project or projects which hereafter may be
384 undertaken or contemplated by the district.

385 (p) To do any other acts or things necessary,
386 requisite, or convenient to the exercising of the powers, rights,
387 privileges or functions conferred upon it by this article or any
388 other law.

389 (q) To make contracts in the issuance of bonds that may
390 be necessary to insure the marketability thereof.

391 (r) To enter into contracts with municipalities,
392 corporations, districts, public agencies, political subdivisions
393 of any kind, and others for any services, facilities or
394 commodities that the project may provide. The district is also
395 authorized to contract with any municipality, corporation, or
396 public agency for the rental, leasing, purchase, or operation of
397 the water production, water filtration or purification, water
398 supply and distributing facilities of the municipality,
399 corporation, or public agency upon consideration as the district
400 and entity may agree. Any contract may be upon any terms and for



401 any time as the parties may agree, and it may provide that it
402 shall continue in effect until bonds specified therein, refunding
403 bonds issued in lieu of these bonds, and all obligations are paid.
404 Any contract with any political subdivision shall be binding upon
405 these political subdivisions according to its terms, and the
406 municipalities or other political subdivisions shall have the
407 power to enter into these contracts as in the discretion of the
408 governing authorities thereof would be to the best interest of the
409 people of the municipality or other political subdivision. These
410 contracts may include, within the discretion of the governing
411 authorities, a pledge of the full faith and credit of the
412 political subdivisions for the performance thereof.

413 (s) To fix and collect charges and rates for any
414 services, facilities or commodities furnished by it in connection
415 with the project, and to impose penalties for failure to pay these
416 charges and rates when due.

417 (t) To operate and maintain within the project area,
418 with the consent of the governing body of any city or town located
419 within the district, any works, plants or facilities of any city
420 deemed necessary or convenient to the accomplishment of the
421 purposes for which the district is created.

422 (u) Subject to the provisions of this article, from
423 time to time to lease, sell, or otherwise lawfully dispose of any
424 property of any kind, real, personal, or mixed, or any interest
425 therein within the project area or acquired outside the project
426 area as authorized in this article, for the purpose of furthering
427 the business of the district.

428 (v) When, in the opinion of the board of directors as
429 shown by resolution duly passed, it shall not be necessary to the
430 carrying on of the business of the district that the district own
431 any lands acquired, the board shall advertise these lands for sale
432 to the highest and best bidder for cash and shall receive and
433 publicly open the bids thereon. The board shall, by resolution,



434 determine the highest and best bid submitted for the land and
435 shall thereupon notify the former owner, his/her heirs or
436 devisees, by registered mail of the land to be sold and the
437 highest and best bid received therefor, and the former owner, or
438 his/her heirs or devisees, shall have the exclusive right at
439 his/her or their option for a period of thirty (30) days in which
440 to meet such highest and best bid and to purchase the property.
441 Provided further, that the board may transfer title to that
442 certain property known as the Trace State Park in Pontotoc County
443 to the Department of Environmental Quality; provided, however,
444 that any of the property that is under current lease shall not be
445 included in the transfer. Such transfer of title shall require a
446 resolution duly adopted by the board and by the Commission on
447 Environmental Quality and shall be exempt from any bid
448 requirements herein. In addition, the board may transfer title to
449 that certain property known as the Elvis Presley Park in Lee
450 County to Lee County, Mississippi, upon the terms and conditions
451 as it may determine. The transfer of title shall require a
452 resolution duly adopted by the board and shall be exempt from any
453 bid requirement in this section. In addition, the board may
454 transfer title to all or any portion of that certain property
455 known as the Elvis Presley Park in Lee County to the Mississippi
456 Department of Wildlife, Fisheries and Parks upon the terms and
457 conditions as it may determine, including, but not limited to,
458 authorizing the board to pay the sum of Two Hundred Thousand
459 Dollars (\$200,000.00) to the Mississippi Department of Wildlife,
460 Fisheries and Parks at the time of the transfer with such funds to
461 be used by the Mississippi Department of Wildlife, Fisheries and
462 Parks for the construction of an office building on the Elvis
463 Presley Park for use by the Mississippi Department of Wildlife,
464 Fisheries and Parks. Such transfer of title and the payment of
465 such sum of money shall require a resolution duly adopted by the
466 board and by the Mississippi Department of Wildlife, Fisheries and



467 Parks and shall be exempt from any bid requirement in this
468 section.

469 (w) To prevent or aid in the prevention of damages to
470 persons or property from the waters of the Tombigbee River or any
471 of its tributaries.

472 (x) To acquire by purchase, lease, gift or in any other
473 manner (otherwise than by condemnation) and to maintain, use, and
474 operate all property of any kind, real, personal, or mixed, or any
475 interest therein within the project area, within or without the
476 boundaries of the district, necessary for the project and
477 convenient to the exercise of the powers, rights, privileges and
478 functions conferred upon the district by this article.

479 (y) In the purchase of or in the entering into of all
480 lease-purchase agreements for supplies, equipment, heavy
481 equipment, and the like, the directors shall in all instances
482 comply with the provisions of law pertaining to public purchases
483 by public bids on these supplies and equipment.

484 (z) In addition to, or in conjunction with, any other
485 powers and duties of the district arising under this chapter, to
486 exercise those powers, duties and functions of a joint water
487 management district set forth in Sections 51-8-27 through 51-8-55,
488 except the power of eminent domain under Section 51-8-33. Before
489 exercising those powers and duties, the district must comply with
490 the provisions of Sections 51-8-63 and 51-8-65. In exercising the
491 functions of a joint water management district, the district may
492 apply to the Environmental Quality Permit Board for delegation of
493 those powers and duties as provided by Section 51-3-15, and to
494 apply to the Mississippi Commission on Environmental Quality for
495 delegation of those powers and duties provided by Section 51-3-21.

496 **SECTION 6.** (1) The Mississippi Department of Wildlife,
497 Fisheries and Parks, acting through the Department of Finance and
498 Administration, shall convey to the Veterans of Foreign Wars, Post



499 9122, a parcel of state-owned property situated in Simpson County,
500 Mississippi, being more particularly described as follows:

501 Commence at the NE Corner of the SW/4 of the NE/4
502 Section 21, Township 1 North, Range 5 East, Simpson
503 County, Mississippi, and run thence South 01° 39' W, 501
504 ft. to the Point of Beginning for the lands herein
505 conveyed. From said Point of Beginning continue and run
506 South 809 ft. to the SE Corner of said SW/4 of the NE/4,
507 Section 21; run thence North 89° 02' W, 751.27 ft. to a
508 point on the R.O.W. of the Northbound Lane of U.S.
509 Highway 49; run thence North 47° 16' W, 110.75 ft. to a
510 concrete marker; run North 55° 13' W, 186.82 ft. to a
511 concrete marker, continue North 34° 37' W, 156.08 ft. to
512 a concrete marker; thence continue to run along the
513 North R.O.W. line North 58° 00' W, 365 ft. to a point;
514 from said point run thence North 76° 30' E, 1381 ft. to
515 the Point of Beginning. All of said land lying and
516 being situated in the SW/4 of the NE/4, Section 21,
517 Township 1 North, Range 5 East, Simpson County,
518 Mississippi, containing in the aggregate 20 acres, more
519 or less, and less and except that parcel heretofore
520 conveyed to the V.F.W. Post 9122 as same is recorded in
521 Deed Book 919 at Page 672 of the Land Records located in
522 the Chancery Clerk's Office, Simpson County,
523 Mississippi.

524 (2) It is the intent of the Legislature that the real
525 property described in subsection (1) shall revert to the Veterans
526 of Foreign Wars, Post 9122, pursuant to the reverter clause of the
527 special warranty deed which granted the real property to the
528 Department of Wildlife, Fisheries and Parks in 1961. Such
529 reverter clause provided that the real property shall revert back
530 to the grantors should it cease to be used for a public
531 recreational area and lake.



532 (3) The Department of Finance and Administration shall
533 require the real property described in subsection (1) to be
534 surveyed and marked. The Veterans of Foreign Wars, Post 9122,
535 shall pay all of the recording, survey and other expenses related
536 to the conveyance before the Department of Wildlife, Fisheries and
537 Parks conveys the real property.

538 **SECTION 7.** Chapter 545, Laws of 2001, which authorizes the
539 Mississippi Department of Wildlife, Fisheries and Parks to convey
540 certain state-owned real property in Simpson County to the
541 Veterans of Foreign Wars, Post 9122, is hereby repealed.

542 **SECTION 8.** This act shall take effect and be in force from
543 and after its passage.

