

By: Representatives McBride, Morris

To: Public Buildings,
Grounds and Lands

HOUSE BILL NO. 1267

1 AN ACT TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION
 2 AND THE GOVERNING AUTHORITIES OF THE CITY OF BATESVILLE,
 3 MISSISSIPPI, TO EXCHANGE REAL PROPERTY LOCATED IN PANOLA COUNTY,
 4 MISSISSIPPI; TO AMEND SECTION 65-1-123, MISSISSIPPI CODE OF 1972,
 5 TO PROVIDE THAT THE PROVISIONS OF SUCH SECTION SHALL NOT APPLY TO
 6 ANY SALE, DONATION, EXCHANGE OR OTHER CONVEYANCE OF REAL PROPERTY
 7 BY THE MISSISSIPPI TRANSPORTATION COMMISSION WHEN THE LEGISLATURE
 8 EXPRESSLY AUTHORIZES OR DIRECTS THE COMMISSION TO SELL, DONATE,
 9 EXCHANGE OR OTHERWISE CONVEY SPECIFICALLY DESCRIBED REAL PROPERTY;
 10 TO AMEND SECTION 10, CHAPTER 541, LAWS OF 2000, WHICH AUTHORIZES
 11 THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO SELL CERTAIN REAL
 12 PROPERTY LOCATED IN PANOLA COUNTY, MISSISSIPPI, TO THE GOVERNING
 13 AUTHORITIES OF THE CITY OF BATESVILLE, MISSISSIPPI, TO PROVIDE FOR
 14 THE REPEAL OF SUCH SECTION; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) (a) In consideration for the conveyance of
 17 property authorized in subsection (2) of this section, the
 18 Mississippi Transportation Commission may transfer and convey to
 19 the governing authorities of the City of Batesville, Mississippi,
 20 all right, title and interest in certain real property located in
 21 Panola County, Mississippi, such property described more
 22 particularly as follows:

23 From the Northwest corner of Section 14, Township
 24 9 South, Range 7 West, run East, a distance of 412.2
 25 feet; thence South, a distance of 674.8 feet to the
 26 point of beginning of the land herein described; thence
 27 South, a distance of 500 feet; thence West, a distance
 28 of 417.8 feet to grantor's West property line; thence
 29 North 0° 45' West along said property line, a distance
 30 of 497 feet; thence North 89° 30' East, a distance of
 31 422 feet to the point of beginning, containing 4.80
 32 acres, more or less, and being situated in the
 33 Northwest 1/4 of Section 14, Township 9 South, Range 7



34 West, Panola County, Mississippi.

35 (b) The conveyance authorized in this subsection (1)
36 may be subject to additional terms and conditions agreed upon by
37 the Mississippi Transportation Commission and the governing
38 authorities of the City of Batesville, Mississippi.

39 (2) (a) In consideration for the conveyance of property
40 authorized in subsection (1) of this section, the governing
41 authorities of the City of Batesville, Mississippi, may transfer
42 and convey to the Mississippi Transportation Commission all right,
43 title and interest in certain real property located in Panola
44 County, Mississippi, such property described more particularly as
45 follows:

46 A part of the Northwest Quarter of the Northwest
47 Quarter of Section 21, Township 7 South, Range 7 West,
48 in the First Judicial District of Panola County,
49 Mississippi, containing 15.22 acres, more or less, and
50 being more particularly described as follows, to wit:
51 Commencing at an iron pin at the Northwest corner
52 of the Northwest Quarter of the Northwest Quarter of
53 said Section 21 which is the P.O.B. of the following
54 described property; running thence North 88 degrees,
55 37 minutes, and 03 seconds East for a distance of 440.00
56 feet to an iron pin on the South line of a paved public
57 road; thence along the South line of said paved public
58 road as follows: South 75 degrees, 08 minutes, and 49
59 seconds East for a distance of 128.30 feet; South 78
60 degrees, 26 minutes, and 16 seconds East for a distance
61 of 46.15 feet; South 81 degrees, 15 minutes, and 40
62 seconds East for a distance of 136.34 feet; South 82
63 degrees, 09 minutes, and 53 seconds East for a distance
64 of 66.19 feet to an iron pin; thence South 01 degree, 10
65 minutes, and 36 seconds East for a distance of 762.13
66 feet to an iron pin; thence South 88 degrees, 49 minutes,



67 and 24 seconds West for a distance of 808.00 feet to an
68 iron pin; thence North 01 degree, 10 minutes, and 36
69 seconds West for a distance of 840.00 feet to the point of
70 beginning.

71 (b) The conveyance authorized in this subsection (2)
72 may be subject to additional terms and conditions agreed upon by
73 the governing authorities of the City of Batesville, Mississippi,
74 and the Mississippi Transportation Commission.

75 **SECTION 2.** Section 65-1-123, Mississippi Code of 1972, is
76 amended as follows:

77 65-1-123. (1) Whenever any personal property has been
78 acquired in any manner by the Mississippi Transportation
79 Commission for public use and in the opinion of the commission,
80 all or any part of the property becomes unnecessary for public
81 use, the commission is authorized to dispose of such property for
82 a fair and reasonable cash market price. Any such sale shall be a
83 sale upon the receipt of sealed bids after reasonable
84 advertisement for bids in such manner and at such time and place
85 as the commission may deem proper and advisable, except that the
86 commission may sell at private sale any such personal property not
87 necessary for public purposes the cash market value of which is
88 less than Five Hundred Dollars (\$500.00); however, if the personal
89 property is timber, the commission may sell at private sale any
90 such timber not necessary for public purposes the cash market
91 value of which is less than Five Thousand Dollars (\$5,000.00),
92 except that whenever persons, groups or agencies are permitted to
93 remove a quantity of timber from highway rights-of-way, and the
94 cash market value of the timber is estimated by the commission to
95 be less than One Thousand Dollars (\$1,000.00), it shall not be
96 necessary to have the timber cruised or appraised and the
97 commission may sell the timber at private sale. The commission
98 shall have the right to reject any and all bids in its discretion
99 and to sell the property theretofore advertised at private sale



100 for not less than the highest of the rejected bids, or to
101 readvertise.

102 (2) Except as otherwise provided in subsections (3) and (4)
103 of this section, whenever real property, with the exception of
104 easements for highway purposes, has been acquired by the
105 Mississippi Transportation Commission, in any manner, for public
106 use and in the opinion of the commission all or any part thereof
107 becomes unnecessary for public use, the same shall be declared on
108 the minutes of the commission as excess property and shall be sold
109 at private sale at market value. If the excess property was a
110 total take from the original owner, then the commission shall
111 offer to such owner, in writing, the first right of refusal to
112 purchase such excess property; however, if after due diligence the
113 original owner cannot be located, then the commission shall offer
114 the first right of refusal to purchase the property to the
115 adjoining property owner or owners. If the excess property was a
116 partial take from the current owner of the parcel of real property
117 from which the excess property was originally taken, then the
118 commission shall be required to offer in writing the first right
119 of refusal to purchase such excess property to such owner. If
120 within forty-five (45) days any owner to whom the commission has
121 offered the first right of refusal under the provisions of this
122 subsection fails to accept the offer to purchase, the property
123 shall then be offered to the adjoining property owner or owners.
124 If within forty-five (45) days an adjoining property owner fails
125 to accept the offer to purchase, then the excess property shall be
126 sold to the highest bidder upon the receipt by the commission of
127 sealed bids after reasonable advertisement for bids in such manner
128 and at such time and place as the commission deems proper and
129 advisable; however, the commission shall have the right to reject
130 any and all bids in its discretion and to sell the property
131 theretofore advertised at private sale for not less than the
132 highest of the rejected bids, or to readvertise. Upon payment of



133 the purchase price, the executive director of the department, upon
134 due authorization by the commission entered on its minutes, may
135 execute a quitclaim deed conveying such property to the purchaser.

136 (3) Whenever the commission acquires by fee simple interest
137 any property determined to be an uneconomic remnant outside the
138 right-of-way, then the commission may sell the property to the
139 adjoining property owner or owners for an amount not less than the
140 market value established by the county tax assessor or a state
141 licensed or certified appraiser.

142 (4) Whenever the commission desires to sell any real
143 property used as maintenance lots, the property shall be sold to
144 the highest bidder upon the receipt by the commission of sealed
145 bids and after reasonable advertisement for bids in such manner
146 and at such time and place as the commission deems proper and
147 advisable; however, the commission, in its discretion, may reject
148 any and all bids and sell the property advertised at private sale
149 for not less than the highest of the rejected bids, or may
150 readvertise. Upon payment of the purchase price, the executive
151 director of the department, upon authorization by the commission
152 entered on its minutes, may execute a quitclaim deed conveying the
153 property to the purchaser.

154 (5) All easements for highway purposes shall be released
155 when they are determined on the minutes of the commission as no
156 longer needed for such purposes, and when released, they shall be
157 filed by the department in the office of the chancery clerk in the
158 county where the property is located.

159 (6) In no instance shall any part of any property acquired
160 by the commission, or any interest acquired in such property,
161 including but not limited to easements, be construed as abandoned
162 by nonuse, nor shall any encroachment on such property for any
163 length of time constitute estoppel or adverse possession against
164 the state's interests.



165 (7) It is the intent of the Legislature that the
166 Transportation Commission shall declare property it has acquired
167 and which is no longer needed for public purposes as excess and to
168 sell and/or dispose of such excess property in accordance with the
169 provisions of this section as soon as practicable after such
170 property becomes excess in fact. Unnecessary or excess property
171 or property interests shall be disposed of only upon order of the
172 Transportation Commission on its minutes as provided in this
173 section.

174 (8) Whenever any real property has been acquired by the
175 Transportation Commission and in the opinion of the commission all
176 or any part of the property will not be utilized in the near
177 future, the property shall be so declared by the Transportation
178 Commission on its minutes and the commission may lease or rent the
179 property for its market value.

180 (9) This section shall not apply to any sale, donation,
181 exchange or other conveyance of real property when the Legislature
182 otherwise expressly authorizes or directs the commission to sell,
183 donate, exchange or otherwise convey specifically described real
184 property.

185 **SECTION 3.** Section 10, Chapter 541, Laws of 2000, is amended
186 as follows:

187 Section 10. (1) The Department of Finance and
188 Administration, upon meeting the requirements of Section 29-1-1,
189 Mississippi Code of 1972, may sell and convey to the governing
190 authorities of the City of Batesville, Mississippi, certain real
191 property and any improvements thereon located in Panola County,
192 Mississippi, the property being more particularly described as
193 follows:

194 A parcel in the Northwest Quarter of Section 14,
195 Township 9 South, Range 7 West, Panola County,
196 Mississippi, containing approximately 11 acres and
197 having dimensions of approximately 440 feet on the



198 Northern and Southern boundary lines and approximately
199 1,100 feet on the Eastern and Western boundary lines and
200 being bound on the North by the City of Batesville
201 Frontage Road, being bound on the East and the South by
202 real property owned by the City of Batesville,
203 Mississippi, and being bound on the West by the West
204 line of the aforesaid Section 14, together with all
205 appurtenances thereunto belonging and including but not
206 limited to the easements for the purposes of
207 constructing and maintaining guy wires and support
208 cables for a radio transmission tower and for related
209 purposes, said easement being located on property more
210 particularly described as follows:
211 From the common corner of Sections 10,11,14, and 15, Township
212 9 South, Range 7 West, run thence South 190.7 feet; thence
213 run East a distance of 424.25 feet; thence South a distance
214 of 609.8 feet to the point of beginning of the land herein
215 described; thence run East a distance of 50 feet; thence
216 South a distance of 50 feet; thence West a distance of 50
217 feet; thence North a distance of 50 feet to the point of
218 beginning, containing 0.057 acres, more or less, and being
219 situated in the Northwest Quarter of Section 14, Township 9
220 South, Range 7 West, Panola County, Mississippi.

221 **AND**

222 From the common corner of Sections 10, 11, 14, and 15,
223 Township 9 South, Range 7 West, run thence South for a
224 distance of 631.5 feet to the point of beginning of Parcel
225 No. 1 as described. From said point of beginning run thence
226 South for a distance of 50 feet; run thence West for a
227 distance of 50 feet; run thence North for a distance of 50
228 feet; run thence East for a distance of 50 feet to the point
229 of beginning, containing .057 acres, more or less, and being



230 situated in the Northwest Quarter of Section 15, Township 9
231 South, Range 7 West, Panola County, Mississippi.

232 (2) The sale and conveyance authorized in this section may
233 be made on such terms and conditions agreed upon by the Department
234 of Finance and Administration and the governing authorities of the
235 City of Batesville, Mississippi.

236 (3) The radio transmission tower located on the property
237 described in subsection (1) of this section may remain on such
238 property until July 1, 2005. Any agency or department of the
239 State of Mississippi using such tower on the effective date of
240 this act may continue to use such tower and have access to the
241 tower under such terms and conditions agreed upon by the
242 Department of Finance and Administration and the governing
243 authorities of the City of Batesville, Mississippi.

244 (4) Any funds received by the State of Mississippi for the
245 sale and conveyance of the real property described in subsection
246 (1) of this section shall be deposited into the State General
247 Fund.

248 (5) The State of Mississippi shall retain all mineral rights
249 to the real property sold and conveyed pursuant to this section.

250 (6) This section shall be repealed from and after the
251 effective date of House Bill No. 1267, 2002 Regular Session.

252 **SECTION 4.** This act shall take effect and be in force from
253 and after its passage.

