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

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

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

From the Northwest corner of Section 14, Township 9 South, Range 7 West, run East, a distance of 412.2 feet; thence South, a distance of 674.8 feet to the point of beginning of the land herein described; thence South, a distance of 500 feet; thence West, a distance of 417.8 feet to grantor's West property line; thence North 0° 45' West along said property line, a distance of 417.8 feet to point of beginning; thence North 89° 30' East, a distance of 422 feet to the point of beginning, containing 4.80 acres, more or less, and being situated in the Northwest 1/4 of Section 14, Township 9 South, Range 7...
West, Panola County, Mississippi.

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

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

A part of the Northwest Quarter of the Northwest Quarter of Section 21, Township 7 South, Range 7 West, in the First Judicial District of Panola County, Mississippi, containing 15.22 acres, more or less, and being more particularly described as follows, to wit: Commencing at an iron pin at the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 21 which is the P.O.B. of the following described property; running thence North 88 degrees, 37 minutes, and 03 seconds East for a distance of 440.00 feet to an iron pin on the South line of a paved public road; thence along the South line of said paved public road as follows: South 75 degrees, 08 minutes, and 49 seconds East for a distance of 128.30 feet; South 78 degrees, 26 minutes, and 16 seconds East for a distance of 46.15 feet; South 81 degrees, 15 minutes, and 40 seconds East for a distance of 136.34 feet; South 82 degrees, 09 minutes, and 53 seconds East for a distance of 66.19 feet to an iron pin; thence South 01 degree, 10 minutes, and 36 seconds East for a distance of 762.13 feet to an iron pin; thence South 88 degrees, 49 minutes,
and 24 seconds West for a distance of 808.00 feet to an iron pin; thence North 01 degree, 10 minutes, and 36 seconds West for a distance of 840.00 feet to the point of beginning.

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

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

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

(2) Except as otherwise provided in subsections (3) and (4)
of this section, whenever real property, with the exception of
easements for highway purposes, has been acquired by the
Mississippi Transportation Commission, in any manner, for public
use and in the opinion of the commission all or any part thereof
becomes unnecessary for public use, the same shall be declared on
the minutes of the commission as excess property and shall be sold
at private sale at market value. If the excess property was a
total take from the original owner, then the commission shall
offer to such owner, in writing, the first right of refusal to
purchase such excess property; however, if after due diligence the
original owner cannot be located, then the commission shall offer
the first right of refusal to purchase the property to the
adjoining property owner or owners. If the excess property was a
partial take from the current owner of the parcel of real property
from which the excess property was originally taken, then the
commission shall be required to offer in writing the first right
of refusal to purchase such excess property to such owner. If
within forty-five (45) days any owner to whom the commission has
offered the first right of refusal under the provisions of this
subsection fails to accept the offer to purchase, the property
shall then be offered to the adjoining property owner or owners.
If within forty-five (45) days an adjoining property owner fails
to accept the offer to purchase, then the excess property shall be
sold to the highest bidder upon the receipt by the commission of
sealed bids after reasonable advertisement for bids in such manner
and at such time and place as the commission deems proper and
advisable; however, the commission shall have the right to reject
any and all bids in its discretion and to sell the property
theretofore advertised at private sale for not less than the
highest of the rejected bids, or to readvertise. Upon payment of
the purchase price, the executive director of the department, upon
due authorization by the commission entered on its minutes, may
execute a quitclaim deed conveying such property to the purchaser.

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

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

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

(6) In no instance shall any part of any property acquired
by the commission, or any interest acquired in such property,
including but not limited to easements, be construed as abandoned
by nonuse, nor shall any encroachment on such property for any
length of time constitute estoppel or adverse possession against
the state's interests.
(7) It is the intent of the Legislature that the Transportation Commission shall declare property it has acquired and which is no longer needed for public purposes as excess and to sell and/or dispose of such excess property in accordance with the provisions of this section as soon as practicable after such property becomes excess in fact. Unnecessary or excess property or property interests shall be disposed of only upon order of the Transportation Commission on its minutes as provided in this section.

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

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

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

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

A parcel in the Northwest Quarter of Section 14, Township 9 South, Range 7 West, Panola County, Mississippi, containing approximately 11 acres and having dimensions of approximately 440 feet on the
Northern and Southern boundary lines and approximately 1,100 feet on the Eastern and Western boundary lines and being bound on the North by the City of Batesville Frontage Road, being bound on the East and the South by real property owned by the City of Batesville, Mississippi, and being bound on the West by the West line of the aforesaid Section 14, together with all appurtenances thereunto belonging and including but not limited to the easements for the purposes of constructing and maintaining guy wires and support cables for a radio transmission tower and for related purposes, said easement being located on property more particularly described as follows:

From the common corner of Sections 10, 11, 14, and 15, Township 9 South, Range 7 West, run thence South 190.7 feet; thence run East a distance of 424.25 feet; thence South a distance of 609.8 feet to the point of beginning of the land herein described; thence run East a distance of 50 feet; thence South a distance of 50 feet; thence West a distance of 50 feet; thence North a distance of 50 feet to the point of beginning, containing 0.057 acres, more or less, and being situated in the Northwest Quarter of Section 14, Township 9 South, Range 7 West, Panola County, Mississippi.

AND

From the common corner of Sections 10, 11, 14, and 15, Township 9 South, Range 7 West, run thence South for a distance of 631.5 feet to the point of beginning of Parcel No. 1 as described. From said point of beginning run thence South for a distance of 50 feet; run thence West for a distance of 50 feet; run thence North for a distance of 50 feet; run thence East for a distance of 50 feet to the point of beginning, containing .057 acres, more or less, and being
situated in the Northwest Quarter of Section 15, Township 9
South, Range 7 West, Panola County, Mississippi.

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

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

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

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

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

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