

By: Senator(s) Flowers, Carmichael

To: County Affairs

SENATE BILL NO. 2502

1 AN ACT TO AMEND SECTION 19-7-3, MISSISSIPPI CODE OF 1972, TO
2 PERMIT A COUNTY TO ENGAGE A REALTOR TO SELL SURPLUS REAL PROPERTY
3 AND BE PAID A COMMISSION FOR SERVICES RENDERED; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 19-7-3, Mississippi Code of 1972, is
7 amended as follows:

8 19-7-3. (1) In case any of the real estate belonging to the
9 county shall cease to be used for county purposes, the board of
10 supervisors may sell, convey or lease the same on such terms as
11 the board may elect and may, in addition, exchange the same for
12 real estate belonging to any other political subdivision located
13 within the county. In case of a sale on a credit, the county
14 shall have a lien on the same for the purchase money, as against
15 all persons, until paid and may enforce the lien as in such cases
16 provided by law. The deed of conveyance in such cases shall be
17 executed in the name of the county by the president of the board
18 of supervisors, pursuant to an order of the board entered on its
19 minutes.

20 (2) (a) Before any lease, deed or conveyance is executed,
21 the board shall publish at least once each week for three (3)
22 consecutive weeks, in a public newspaper of the county in which
23 the land is located, or if no newspaper be published in said
24 county then in a newspaper having general circulation therein, the
25 intention to lease or sell, as the case may be, the county-owned
26 land and to accept sealed competitive bids for the leasing or
27 sale. The board shall thereafter accept bids for the lease or

28 sale and shall award the lease to the highest bidder in the manner
29 provided by law.

30 (b) In lieu of accepting bids, the county may contract
31 for the professional services of a Mississippi-licensed real
32 estate broker to assist the board of supervisors in the marketing
33 and sale or lease of the property for a reasonable commission for
34 services rendered to be paid from the sale or lease proceeds.

35 (3) * * * Whenever the board of supervisors shall find and
36 determine, by resolution duly and lawfully adopted and spread upon
37 its minutes (a) that any county-owned property is no longer needed
38 for county or related purposes and is not to be used in the
39 operation of the county, (b) that the sale of the property in the
40 manner otherwise provided by law is not necessary or desirable for
41 the financial welfare of the county, and (c) that the use of the
42 county property for the purpose for which it is to be sold,
43 conveyed or leased will promote and foster the development and
44 improvement of the community in which it is located and the civic,
45 social, educational, cultural, moral, economic or industrial
46 welfare thereof, the board of supervisors of such county shall be
47 authorized and empowered, in its discretion, to sell, convey,
48 lease, or otherwise dispose of same for any of the purposes set
49 forth herein.

50 (4) Nothing contained in this section shall be construed to
51 prohibit, restrict or to prescribe conditions with regard to the
52 authority granted under Section 17-25-3.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2004.