

By: Senator(s) Tollison

To: Local and Private

SENATE BILL NO. 3094

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF  
 2 OXFORD, MISSISSIPPI, TO CONSTRUCT, ACQUIRE, MAINTAIN, IMPROVE,  
 3 EXPAND, ENLARGE, OPERATE AND PROVIDE MUNICIPAL PARKING FACILITIES;  
 4 TO AUTHORIZE THE GOVERNING AUTHORITIES TO LEASE, RENT, SELL OR  
 5 EXCHANGE MUNICIPAL PARKING FACILITIES OR THE AIR AND DEVELOPMENT  
 6 RIGHTS ABOVE MUNICIPAL PARKING FACILITIES; TO AUTHORIZE THE  
 7 GOVERNING AUTHORITIES TO NEGOTIATE FOR THE CONSTRUCTION,  
 8 ENLARGEMENT OR EXPANSION OF PARKING FACILITIES UNDER CERTAIN  
 9 CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** As used in this act:

12 (a) "City" means the City of Oxford, Mississippi.

13 (b) "Governing authorities" means the Mayor and Board  
14 of Aldermen of the City of Oxford, Mississippi.

15 (c) "Parking facility" means any property owned by the  
16 City of Oxford, Mississippi, and utilized as a public parking lot.

17 (d) "Air and development rights" means the right to  
18 use, control and occupy the space above a piece of property.

19 **SECTION 2.** The governing authorities are authorized and  
 20 empowered, in their discretion, to construct, acquire, maintain,  
 21 improve, expand, enlarge, operate and provide municipal parking  
 22 facilities for motor vehicles belonging to members of the general  
 23 public. In providing municipal parking facilities as authorized  
 24 by this act, the provisions of Section 21-37-23 and Section  
 25 21-37-25 regarding the establishment and operating of parking  
 26 facilities and the legislative process for parking facilities  
 27 shall not apply.

28 **SECTION 3.** The governing authorities are authorized and  
 29 empowered to lease, rent, sell or exchange parking facilities or  
 30 the air and development rights above parking facilities to any

31 person, firm, association or corporation for commercial or  
32 industrial purposes under such terms, conditions and for such  
33 periods of time as the governing authorities deem proper. In  
34 conveying parking facilities under the provisions of this act, any  
35 provisions of Section 21-17-1 regarding the disposition of  
36 municipal property shall not apply.

37 **SECTION 4.** The governing authorities are authorized and  
38 empowered, in their discretion, to negotiate with public or  
39 private entities for the construction, enlargement or expansion of  
40 parking facilities authorized by this act when the governing  
41 authorities find that because of the nature of the project or any  
42 portion of the project, or because of special circumstances with  
43 respect to the project or any portion of the project, it would  
44 better serve the public interests or more effectively achieve the  
45 purposes of this act to enter into such contracts by negotiation.  
46 The requirements of the general laws of the State of Mississippi  
47 governing the advertisement of bids and the letting of public  
48 construction contracts by municipalities shall not apply to  
49 transactions authorized by this section.

50 **SECTION 5.** The governing authorities, in their discretion,  
51 are authorized to convey or grant upon such terms and conditions  
52 as the governing authorities deem proper, easements or licenses as  
53 may be required for the construction or enlargement of the  
54 existing parking facilities and the utilization of the air and  
55 development rights above such parking facilities.

56 **SECTION 6.** The governing authorities are authorized and  
57 empowered, in their discretion to sell, lease or rent for such  
58 terms and period of time as the governing authorities determine  
59 appropriate, the air and development rights over parking  
60 facilities in exchange for the construction by the grantee of an  
61 enlarged or improved parking facility.

62 **SECTION 7.** The governing authorities, in order to provide  
63 for the expansion, enlargement or construction of public parking

64 facilities as authorized by this act, are authorized and  
65 empowered, in their discretion, to sell, convey or lease the  
66 existing parking facilities or portions thereof on such terms and  
67 for such periods of time as the governing authorities determine  
68 appropriate in order to allow for the construction, enhancement or  
69 enlargement of the public parking facilities or as may be  
70 necessary for the development of the air rights above such parking  
71 facility.

72       **SECTION 8.** In order to convey the air and development rights  
73 above parking facilities, the governing authorities shall have  
74 requested, received and considered proposals for the development  
75 of additional public parking and shall find and determine by  
76 resolution that the use of the air and development rights to be  
77 sold, conveyed or leased will promote and foster the development  
78 and improvement of the city and the civic, social, educational,  
79 cultural, moral, economic or industrial welfare thereof.

80       **SECTION 9.** This act shall take effect and be enforced from  
81 and after its passage.