

By: Senator(s) Horhn

To: County Affairs;  
Municipalities

SENATE BILL NO. 2385  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 19-7-3, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO SELL, LEASE OR  
3 OTHERWISE CONVEY SURPLUS COUNTY PROPERTY LOCATED IN A BLIGHTED  
4 AREA, WITH OR WITHOUT CONSIDERATION, SUBJECT TO CERTAIN  
5 CONDITIONS; AND FOR RELATED PURPOSES.

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

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

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

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

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

31 (b) The board of supervisors of any county may contract  
32 for the professional services of a Mississippi-licensed real  
33 estate broker to assist in the marketing and sale or lease of the  
34 property for a reasonable commission, consistent with or lower  
35 than the market rate, for services rendered to be paid from the  
36 sale or lease proceeds.

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

52 (4) (a) In addition to such authority as is otherwise  
53 granted under this section, the board of supervisors, in its  
54 discretion, may sell, lease, or otherwise convey property to any  
55 person or legal entity without public notice, without having to  
56 advertise for and accept competitive bids and without appraisal,  
57 with or without consideration, and on such terms and conditions as  
58 the parties may agree if the board of supervisors finds and  
59 determines, by resolution duly and lawfully adopted and spread  
60 upon its official minutes:

61                   (i) That the subject property is real property  
62 acquired by the county:

63                   1. By reason of a tax sale;

64                   2. Because the property was abandoned or  
65 blighted; or

66                   3. In a proceeding to satisfy a county lien  
67 against the property;

68                   (ii) That the subject property is blighted and is  
69 located in a blighted area;

70                   (iii) That the subject property is not needed for  
71 governmental or related purposes and is not to be used in the  
72 operation of the county;

73                   (iv) That the sale of the property in the manner  
74 otherwise provided by law is not necessary or desirable for the  
75 financial welfare of the county; and

76                   (v) That the use of the property for the purpose  
77 for which it is to be conveyed will promote and foster the  
78 development and improvement of the community in which it is  
79 located or the civic, social, educational, cultural, moral,  
80 economic or industrial welfare thereof; the purpose for which the  
81 property is conveyed shall be stated.

82                   (b) All costs associated with a conveyance under this  
83 subsection shall be paid by the person or entity to whom the  
84 conveyance is made.

85                   (c) Any deed or instrument of conveyance executed  
86 pursuant to the authority granted under this subsection shall  
87 contain a clause of reverter providing that title to the property  
88 will revert to the county if the person or entity to whom the  
89 property is conveyed does not fulfill the purpose for which the  
90 property was conveyed and satisfy all conditions imposed on the  
91 conveyance within two (2) years of the date of the conveyance.

92           (d) In any such deed or instrument of conveyance, the  
93 county shall retain all mineral rights that it owns, together with  
94 the right of ingress and egress to remove same.

95           (5) Nothing contained in this section shall be construed to  
96 prohibit, restrict or to prescribe conditions with regard to the  
97 authority granted under Section 17-25-3 or Section 57-75-37.

98           **SECTION 2.** This act shall take effect and be in force from  
99 and after July 1, 2007.