

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



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,



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



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.

