

By: Representatives Akins, McBride

To: Local and Private
Legislation

HOUSE BILL NO. 1671

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 and 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 for 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 of an enlarged or
61 improved parking facility by the grantee of such rights.

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 in force from
81 and after its passage.