

By: Representatives Barker, Weathersby

To: Public Property

HOUSE BILL NO. 890

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND  
 2 ADMINISTRATION, ACTING ON BEHALF OF THE BOARD OF TRUSTEES OF STATE  
 3 INSTITUTIONS OF HIGHER LEARNING, TO SELL AND CONVEY OR LEASE  
 4 PARCELS OF CERTAIN STATE-OWNED REAL PROPERTY AND ANY IMPROVEMENTS  
 5 THEREON UNDER THE POSSESSION AND CONTROL OF THE UNIVERSITY OF  
 6 SOUTHERN MISSISSIPPI, LOCATED IN FORREST COUNTY, MISSISSIPPI; TO  
 7 STIPULATE THE CONDITIONS UNDER WHICH THE PROPERTY MAY BE SOLD OR  
 8 LEASED TO PROMOTE THE HIGHEST AND BEST USE FOR THE UNIVERSITY OF  
 9 SOUTHERN MISSISSIPPI AND THE STATE; TO PROVIDE THAT THE SELLING OR  
 10 LEASING ENTITY SHALL ENTERTAIN REQUESTS FOR PROPOSALS FOR THE SALE  
 11 AND PURCHASE OF THE PROPERTY AND IMPROVEMENTS AND ACCEPT THE  
 12 PROPOSAL THAT PROVIDES THE HIGHEST AND BEST VALUE FOR THE  
 13 UNIVERSITY OF SOUTHERN MISSISSIPPI AND THE STATE WHICH SHALL  
 14 INCLUDE, BUT NOT BE LIMITED TO THE PRICE, USE AND OTHER PROPOSAL  
 15 CONDITIONS AS REQUIRED BY THE UNIVERSITY AND THE STATE; TO PROVIDE  
 16 THAT THE STATE SHALL RETAIN ALL MINERAL RIGHTS TO THE REAL  
 17 PROPERTY SOLD OR LEASED UNDER THIS ACT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) The Department of Finance and Administration,  
 20 in consultation with the Board of Trustees of State Institutions  
 21 of Higher Learning, is authorized to sell and convey or lease all  
 22 or portions of the parcels of certain state-owned real property  
 23 and any improvements thereon under the possession and control of  
 24 the University of Southern Mississippi, located in Forrest County,  
 25 Mississippi, and more particularly described as follows:



26 THE FOLLOWING DESCRIBED PROPERTY SITUATED IN FORREST COUNTY,  
27 MISSISSIPPI TO WIT:-SOUTH 1/2 OF NORTHEAST 1/4 AND SOUTHEAST  
28 1/4 SECTION 35 AND WEST 1/2 OF WEST 1/2 AND SOUTHEAST 1/4 OF  
29 NORTHWEST 1/4 AND NORTHEAST 1/4 OF SOUTHWEST 1/4 SECTION 36  
30 IN TOWNSHIP 5 NORTH RANGE 14 WEST AT ST STEPHENS MERIDIAN AND  
31 CONTAINING 480 ACRES MORE OR LESS,  
32 AND  
33 COMMENCE AT A 4" X 4" CONCRETE MONUMENT AT THE SOUTHEAST  
34 CORNER OF THE NE 1/4 OF THE NW 1/4 OF SECTION 36, TOWNSHIP 5  
35 NORTH, RANGE 14 WEST, FORREST COUNTY, MISSISSIPPI, AND RUN  
36 SOUTH 89 DEGREES 09 MINUTES 27 SECONDS WEST FOR 660.35 FEET  
37 TO A 1/2 INCH REBAR AND THE POINT OF BEGINNING, FROM THE  
38 POINT OF BEGINNING CONTINUE SOUTH 89 DEGREES 09 MINUTES 27  
39 SECONDS WEST FOR 660.35 FEET TO A 1/4 INCH IRON PIPE; THENCE  
40 RUN NORTH 01 DEGREES 46 MINUTES 11 SECONDS WEST FOR 1333.93  
41 FEET TO A 4 INCH X 4 INCH CONCRETE MONUMENT; THENCE RUN NORTH  
42 89 DEGREES 49 MINUTES 24 SECONDS EAST FOR 665.80 FEET TO A  
43 1/2 INCH REBAR; THENCE RUN SOUTH 01 DEGREES 32 MINUTES 29  
44 SECONDS EAST FOR 1326.12 FEET BACK TO THE POINT OF BEGINNING;  
45 SAID PARCEL OF LAND IS A PART OF THE NE 1/4 OF THE NW 1/4 OF  
46 SECTION 36, TOWNSHIP 5 NORTH, RANGE 14 WEST, FORREST COUNTY,  
47 MISSISSIPPI, AND CONTAINS 20.24 ACRES MORE OR LESS AND ALSO  
48 AN EASEMENT MORE PARTICULARLY DESCRIBED AS COMMENCE AT A 4  
49 INCH X 4 INCH CONCRETE MONUMENT AT THE NE CORNER OF THE SE  
50 1/4 OF THE NW 1/4 OF SECTION 36 TOWNSHIP 5 NORTH RANGE 14



51 WEST FORREST COUNTY, MISSISSIPPI FOR THE POINT OF BEGINNING;  
52 FROM THE POINT OF BEGINNING RUN SOUTH 00 DEGREES 04 MINUTES  
53 17 SECONDS WEST FOR 699.86 FEET TO A 3/4 INCH IRON PIPE AND  
54 THE NORTH MARGIN LINE OF THE COUNTRY CLUB PAVED PUBLIC ROAD;  
55 THENCE RUN NORTH 78 DEGREES 01 MINUTES 33 SECONDS WEST ON AND  
56 ALONG SAID MARGIN LINE FOR 40.00 FEET TO A 1/2 INCH REBAR,  
57 THENCE RUN NORTH 04 DEGREES 33 MINUTES 53 SECONDS EAST FOR  
58 142.19 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 00 DEGREES  
59 04 MINUTES 17 SECONDS WEST FOR 489.86 FEET TO A 1/2 INCH  
60 REBAR; THENCE RUN NORTH 45 DEGREES 23 MINUTES 08 SECONDS WEST  
61 FOR 44.26 FT. TO 1/2 INCH REBAR. THENCE RUN SOUTH 89 DEGREES  
62 09 MINUTES 27 SECONDS WEST FOR 640.35 FEET TO A 1/2 INCH  
63 REBAR; THEN RUN NORTH 00 DEGREES 50 MINUTES 33 SECONDS WEST  
64 FOR 28.00 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 89  
65 DEGREES 09 MINUTES 27 SECONDS EAST FOR 700.35 FEET BACK TO  
66 THE POINT OF BEGINNING; SAID PARCEL OF LAND IS A PART OF THE  
67 SE, 1/4 OF THE NW 1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE  
68 14 WEST, FORREST COUNTY, MISSISSIPPI, AND CONTAINS 0.91  
69 ACRES, MORE OR LESS; TOGETHER WITH ALL IMPROVEMENTS THEREON  
70 AND APPURTENANCES THEREUNTO BELONGING.

71 (2) (a) If sold, the real property described in subsection  
72 (1) of this section and any improvements thereon shall be sold for  
73 not less than the current fair market value as determined by the  
74 averaging of at least two (2) appraisals by qualified appraisers,  
75 one (1) of which who shall be selected by the Department of



76 Finance and Administration, and both of which shall be certified  
77 and licensed by the Mississippi Real Estate Appraiser Licensing  
78 and Certification Board.

79 (b) If the real property described in subsection (1) of  
80 this section is leased, the University of Southern Mississippi,  
81 with the approval of the Board of Trustees of State Institutions  
82 of Higher Learning, is authorized to negotiate all aspects of any  
83 lease and any terms and ancillary agreements pertaining to any  
84 lease as may be reasonably necessary to effectuate the intent and  
85 purposes of this section and to ensure a fair and equitable return  
86 to the state. Any lease approved and entered into on the  
87 University's behalf shall not be cancelled by successor boards  
88 based on the binding successor doctrine.

89 (3) The property described in subsection (1) of this section  
90 shall be sold or leased only if such action is consistent with the  
91 university's goals of research, innovation and commercialization,  
92 and only to result in the highest and best use of the property and  
93 to ensure that the property is used in a manner that will not  
94 interfere with the operation of the University of Southern  
95 Mississippi.

96 (4) The State of Mississippi shall retain all mineral rights  
97 to the real property sold or leased under this section.

98 (5) The Department of Finance and Administration may correct  
99 any discrepancies in the legal description of the property  
100 provided in this section.



101           (6) The Department of Finance and Administration may recover  
102 its costs associated with the transaction authorized by  
103 this section from the proceeds of the sale or lease of the real  
104 property described in subsection (1) of this section, and the net  
105 proceeds of the sale or lease shall be deposited into a special  
106 fund in the State Treasury and shall be expended only for the  
107 benefit of the University of Southern Mississippi.

108           **SECTION 2.** This act shall take effect and be in force from  
109 and after its passage.

