

3/24/14

11:22 A.M.

Chapter No. 415
14/HR40/R1184SG
of 1st

HOUSE BILL NO. 717

Originated in House  Clerk

HOUSE BILL NO. 717

AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION, ACTING ON BEHALF OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, TO SELL AND CONVEY CERTAIN STATE-OWNED REAL PROPERTY AND ANY IMPROVEMENTS THEREON UNDER THE POSSESSION AND CONTROL OF THE UNIVERSITY OF SOUTHERN MISSISSIPPI, LOCATED IN D'IBERVILLE, HARRISON COUNTY, MISSISSIPPI; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION, ACTING ON BEHALF OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, TO SELL AND CONVEY OR LEASE PARCELS OF CERTAIN STATE-OWNED REAL PROPERTY AND ANY IMPROVEMENTS THEREON UNDER THE POSSESSION AND CONTROL OF THE UNIVERSITY OF SOUTHERN MISSISSIPPI, LOCATED IN THE CITY OF HATTIESBURG, FORREST COUNTY, MISSISSIPPI; TO STIPULATE THE CONDITIONS UNDER WHICH THE PROPERTY MAY BE SOLD OR LEASED TO PROMOTE THE HIGHEST AND BEST USE FOR THE UNIVERSITY OF SOUTHERN MISSISSIPPI AND THE STATE; TO PROVIDE THAT THE SELLING OR LEASING ENTITY SHALL ENTERTAIN REQUESTS FOR PROPOSALS FOR THE SALE AND PURCHASE OR LEASE OF THE PROPERTY AND IMPROVEMENTS AND ACCEPT THE PROPOSAL THAT PROVIDES THE HIGHEST AND BEST VALUE FOR THE UNIVERSITY OF SOUTHERN MISSISSIPPI AND THE STATE WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO THE PRICE, USE AND OTHER PROPOSAL CONDITIONS AS REQUIRED BY THE UNIVERSITY AND THE STATE; TO PROVIDE THAT THE STATE SHALL RETAIN ALL MINERAL RIGHTS TO THE REAL PROPERTY SOLD OR LEASED UNDER THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Department of Finance and Administration, acting on behalf of the Board of Trustees of State Institutions of Higher Learning, is authorized to sell and convey

certain state-owned real property and any improvements thereon under the possession and control of the University of Southern Mississippi, located in D'Iberville, Harrison County, Mississippi, and more particularly described as follows:

A parcel of land located in the Southwest Quarter of the Southwest Quarter of Section 9, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi, as follows:

Begin at a point on the East margin of a road referred to as Cedar Lake Road Extension, said point being 1220.1 feet West and 145 feet South of the Northeast corner of said Southwest Quarter of the Southwest Quarter; thence run South along said East margin 98 feet to a point; thence run East 199.5 feet to a point; thence North 98 feet to a point; thence run West 199.5 feet to the Point of Beginning. Said parcel being the north part of that certain property shown on the survey of Ed Jermyn, R.L.S. dated January 6, 1971, a copy of which is attached hereto.

(2) The real property described in subsection (1) of this section shall not be sold for less than the current fair market value as determined by the averaging of at least two (2) appraisals by qualified appraisers, one (1) of which shall be selected by the Department of Finance and Administration, and both

of which shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

(3) The State of Mississippi shall retain all mineral rights to the real property sold under this section.

(4) The proceeds generated from the sale of the property described in subsection (1) of this section shall be deposited into a special fund in the State Treasury to be expended only for the benefit of the University of Southern Mississippi.

SECTION 2. (1) The Department of Finance and Administration, acting on behalf of the University of Southern Mississippi and with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to sell and convey or lease parcels of certain state-owned real property and any improvements thereon under the possession and control of the University of Southern Mississippi, located in the City of Hattiesburg, Forrest County, Mississippi, and more particularly described as follows:

PARCEL 1 LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI, ALSO BEING A PART OF THE MONTE VISTA TERRACE SUBDIVISION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 4 OF THE MONTE VISTA TERRACE SUBDIVISION, SAID POINT ALSO

BEING THE POINT OF BEGINNING; THENCE RUN $N89^{\circ}47'18''W$ FOR 273.42' ALONG THE NORTHERN BOUNDARY OF CHEVY CHASE DRIVE TO A FOUND R.O.W. DISK; THENCE RUN $N52^{\circ}48'45''W$ FOR 37.45' ALONG THE NORTH BOUNDARY OF CHEVY CHASE DRIVE AND THE EAST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN 139.55' ALONG A CURVE TO THE LEFT ALONG THE EAST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK, SAID CURVE HAVING A RADIUS OF 454.56', AN INCLUDED ANGLE OF $17^{\circ}35'24''$, A CHORD BEARING OF $N16^{\circ}43'32''W$, AND A CHORD LENGTH OF 139.00'; THENCE RUN $N64^{\circ}55'38''E$ FOR 9.54' ALONG THE EAST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND IRON PIN; THENCE RUN $N28^{\circ}33'59''W$ FOR 53.50' ALONG THE EAST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN $S57^{\circ}40'44''W$ FOR 9.81' ALONG THE EAST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN 78.06' ALONG A CURVE TO THE LEFT ALONG THE EAST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK, SAID CURVE HAVING A RADIUS OF 454.56, AN INCLUDED ANGLE OF $9^{\circ}50'23''$, A CHORD BEARING OF $N37^{\circ}01'23''W$, AND A CHORD LENGTH OF 77.97'; THENCE RUN $N42^{\circ}06'05''W$ FOR 43.84' ALONG THE EAST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN 74.09' ALONG A CURVE TO THE RIGHT ALONG THE EAST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK, SAID CURVE HAVING A

RADIUS OF 159.28', AN INCLUDED ANGLE OF 26°39'02", A CHORD BEARING OF N20°48'27"W, AND A CHORD LENGTH OF 73.42'; THENCE RUN N00°03'33"W FOR 30.24' ALONG THE EAST BOUNDARY OF 31ST AVENUE TO A FOUND R.O.W. DISK; THENCE RUN N48°20'47"E FOR 24.84' ALONG THE EAST BOUNDARY OF 31ST AVENUE AS RELOCATED AND THE SOUTH BOUNDARY OF HARDY STREET TO A FOUND R.O.W. DISK; THENCE RUN S88°29'19"E FOR 453.83' ALONG THE SOUTH BOUNDARY OF HARDY STREET TO A CHISELLED 'X' IN A CONCRETE RETAINING WALL; THENCE RUN S00°11'09"W FOR 400.74' ALONG THE WEST BOUNDARY OF 30TH AVENUE BACK TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 3.54 ACRES, MORE OR LESS.

PARCEL MAY BE SUBJECT TO UNVACATED STREET RIGHT(S)-OF-WAY OR UTILITY EASEMENTS.

PARCEL 2 LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI, ALSO BEING A PART OF THE MONTE VISTA TERRACE SUBDIVISION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 4 OF THE MONTE VISTA TERRACE SUBDIVISION, PROCEED S58°42'20"W FOR 411.97' TO THE WEST R.O.W. BOUNDARY OF 31ST AVENUE TO AN IRON PIN AND THE POINT OF BEGINNING; THENCE RUN N88°24'33"W FOR 300.00' TO A SET IRON PIN; THENCE RUN

N00°06'40"W FOR 623.00' TO A FOUND METAL PIPE ON THE SOUTH R.O.W. BOUNDARY OF HARDY STREET; THENCE ALONG THE SOUTH R.O.W. BOUNDARY OF HARDY STREET S76°00'29"E FOR 57.71' TO A FOUND R.O.W. DISK; THENCE ALONG THE SOUTH R.O.W. BOUNDARY OF HARDY STREET S88°43'25"E FOR 56.78' TO A FOUND R.O.W. DISK AT THE INTERSECTION OF THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED; THENCE RUN S43°43'26"E FOR 19.17' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE S00°18'27"E FOR 22.43' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN 116.00' ALONG A CURVE TO THE LEFT ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK, SAID CURVE HAVING A RADIUS OF 159.28', AN INCLUDED ANGLE OF 41°43'35", A CHORD BEARING OF S20°53'01"E, AND A CHORD LENGTH OF 113.45'; THENCE RUN S41°49'49"E FOR 43.77' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND IRON PIN; THENCE RUN 63.64' ALONG A CURVE TO THE RIGHT ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK, SAID CURVE HAVING A RADIUS OF 454.56', AN INCLUDED ANGLE OF 8°01'20", A CHORD BEARING OF S37°42'47"E, AND A CHORD LENGTH OF 63.59'; THENCE RUN S57°10'45"W FOR 7.87' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN S28°53'49"E FOR 54.54' ALONG THE

WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN N65°42'07"E FOR 7.68' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN 125.55' ALONG A CURVE TO THE RIGHT ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK, SAID CURVE HAVING A RADIUS OF 454.56, AN INCLUDED ANGLE OF 15°49'32", A CHORD BEARING OF S15°43'20"E, AND A CHORD LENGTH OF 125.15'; THENCE RUN S83°26'43"W FOR 7.37' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN S02°51'15"E FOR 55.46' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN N89°36'10"E FOR 7.42' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN S00°13'22"W FOR 75.76' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN S05°43'51"E FOR 31.16' ALONG THE WEST BOUNDARY OF 31ST AVENUE AS RELOCATED TO A FOUND R.O.W. DISK; THENCE RUN S00°06'04"E FOR 58.53' ALONG THE WEST BOUNDARY OF 31ST AVENUE BACK TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 3.36 ACRES, MORE OR LESS.

PARCEL MAY BE SUBJECT TO UNVACATED STREET RIGHT(S)-OF-WAY OR UTILITY EASEMENTS.

(2) (a) If sold, the real property described in subsection (1) of this section and any improvements thereon shall be sold for

not less than the current fair market value as determined by the averaging of at least two (2) appraisals by qualified appraisers, one (1) of whom shall be selected by the Department of Finance and Administration, and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

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

(3) The property described in subsection (1) of this section shall be sold or leased to result in the highest and best use of the property and to ensure that the property is used in a manner that will not interfere with the operation of the University of Southern Mississippi.

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

(5) The Department of Finance and Administration may recover its costs associated with the transaction authorized by this

section from the proceeds of the sale or lease of the real property described in subsection (1) of this section and the net proceeds of the sale or lease shall be deposited into a special fund in the State Treasury and shall be expended only for the benefit of the University of Southern Mississippi.

SECTION 3. This act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 6, 2014


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 11, 2014


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
3/29/2014 11:22 AM