

4/20/16

9:01 A.M.

Chapter No. 445
16/SS26/R670SG
LR 126/22

SENATE BILL NO. 2291

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2291

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 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 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 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; TO AMEND SECTION 2, CHAPTER 415, LAWS OF 2014, TO CORRECT A PROPERTY DESCRIPTION ON THE PARCEL OF PROPERTY UNDER THE POSSESSION AND CONTROL OF THE UNIVERSITY OF SOUTHERN MISSISSIPPI WHICH THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING HAS BEEN GIVEN AUTHORITY TO SELL AND CONVEY OR LEASE; TO AUTHORIZE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CORRECT ANY DISCREPANCIES IN PROPERTY DESCRIPTIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Department of Finance and Administration, in consultation with the Board of Trustees of

State Institutions of Higher Learning, is authorized to sell and convey or lease all or portions of the parcels of certain state-owned real property and any improvements thereon under the possession and control of the University of Southern Mississippi, located in Forrest County, Mississippi, and more particularly described as follows:

The following described property situated in Forrest County, Mississippi to wit: South 1/2 of Northeast 1/4 and Southeast 1/4 Section 35 and West 1/2 of West 1/2 and Southeast 1/4 of Northwest 1/4 and Northeast 1/4 of Southwest 1/4 Section 36 in Township 5 North range 14 West at St Stephens Meridian and containing 480 acres more or less, and commence at a 4" x 4" concrete monument at the Southeast Corner of the NE 1/4 of the NW 1/4 of Section 36, Township 5 North, range 14 West, Forrest County, Mississippi, and run South 89 degrees 09 minutes 27 seconds West for 660.35 feet to a 1/2 inch rebar and the POINT OF BEGINNING, from the POINT OF BEGINNING continue South 89 degrees 09 minutes 27 seconds West for 660.35 feet to a 1/4 inch iron pipe; thence run North 01 degrees 46 minutes 11 seconds West for 1333.93 feet to a 4 inch x 4 inch concrete monument; thence run North 89 degrees 49 minutes 24 seconds East for 665.80 feet to a 1/2 inch rebar; thence run South 01 degrees 32 minutes 29 seconds East for 1326.12 feet back to the POINT OF BEGINNING; said parcel of land is a part of the NE 1/4 of the NW 1/4 of Section 36,

Township 5 North, range 14 West, Forrest County, Mississippi, and contains 20.24 acres more or less and also an easement more particularly described as commence at a 4 inch x 4 inch concrete monument at the NE corner of the SE 1/4 of the NW 1/4 of Section 36 Township 5 North range 14 West Forrest County, Mississippi for the POINT OF BEGINNING; from the POINT OF BEGINNING run South 00 degrees 04 minutes 17 seconds West for 699.86 feet to a 3/4 inch iron pipe and the North margin line of the Country Club paved public road; thence run North 78 degrees 01 minutes 33 seconds West on and along said margin line for 40.00 feet to a 1/2 inch rebar, thence run North 04 degrees 33 minutes 53 seconds East for 142.19 feet to a 1/2 inch rebar; thence run North 00 degrees 04 minutes 17 seconds West for 489.86 feet to a 1/2 inch rebar; thence run North 45 degrees 23 minutes 08 seconds West for 44.26 ft. to 1/2 inch rebar; thence run South 89 degrees 09 minutes 27 seconds West for 640.35 feet to a 1/2 inch rebar; then run North 00 degrees 50 minutes 33 seconds West for 28.00 feet to a 1/2 inch rebar; thence run North 89 degrees 09 minutes 27 seconds East for 700.35 feet back to the POINT OF BEGINNING; said parcel of land is a part of the SE, 1/4 of the NW 1/4 of Section 36, Township 5 North, range 14 West, Forrest County, Mississippi, and contains 0.91 acres, more or less; together with all improvements thereon and appurtenances thereunto belonging.

(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 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.

(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 exceed a term of forty (40) years and 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 only if such action is consistent with the university's goals of research, innovation and commercialization, and only 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 correct any discrepancies in the legal description of the property provided in this section.

(6) 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 2. Section 2 of Chapter 415, Laws of 2014, is amended as follows:

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

* * * All of Lots 1 through 12 inclusive, Block 5 of the Monte Vista Terrace Subdivision as per map or plat thereof on file in the Office of the Chancery Clerk of Forrest County, Mississippi, and all of the vacated portion of South 31st Avenue lying between Hardy Street and Chevy Chase Drive, and a part of the North ½ of the Southeast ¼ of Section 7, Township 4 North, Range 13 West, all in the City of Hattiesburg, County of Forrest, State of Mississippi, and being more particularly described as Beginning at a ½ Inch Rebar representing the Southeast Corner of said Block 5, thence run N88°37'17"W along the South Line of said Block 5 and the North right-of-way Line of Chevy Chase Drive, a paved public roadway, for 281.18 feet to a ½ Inch Rebar representing a Point on the Eastern right-of-way Line of South 31st Avenue, a paved public roadway, thence run N52°16'43"W along said Eastern right-of-way Line for 27.74 feet to a Brass Disk, thence run Northwesterly along an Arc to the Left and along said Eastern right-of-way Line for 139.54 feet to a Brass Disk, said Arc having a Radius of 454.56 feet, a Chord Bearing of N16°46'18"W and a Chord Distance of 138.99 feet, thence run N64°45'55"E along said Eastern right-of-way Line for 9.52 feet to a 5/8 Inch Rebar, thence run N28°28'57"W

along said Eastern right-of-way Line for 53.48 feet to a
3/8 Inch Rebar, thence run S57°46'04"W along said
Eastern right-of-way Line for 9.71 feet to a Brass Disk,
thence run Northwesterly along an Arc to the Left and
along said Eastern right-of-way Line for 78.06 feet to a
Brass Disk, said Arc having a Radius of 454.45 feet, a
Chord Bearing of N37°05'09"W and a Chord Distance of
77.96 feet, thence run N42°07'44"W along said Eastern
right-of-way Line for 43.85 feet to a Brass Disk, thence
run Northwesterly along an Arc to the Right and along
said Eastern right-of-way Line for 75.02 feet to a Brass
Disk, said Arc having a Radius of 103.16 feet, a Chord
Bearing of N20°43'27"W and a Chord Distance of 73.38
feet, thence run N00°03'17"W along said Eastern
right-of-way Line for 30.31 feet to a Brass Disk
representing a Point of Intersection of said Eastern
right-of-way Line and the Southern right-of-way Line of
Hardy Street, a paved public roadway and also known as
State Route 198, thence run N48°20'32"E along said
Southern right-of-way Line for 24.80 feet to a Brass
Disk, thence run S88°29'03"E along said Southern
right-of-way Line and the North Line of said Block 5 and
its extension for 453.87 feet to an 'X' Chiseled in a
Concrete Wall representing the Northeast Corner of said
Block 5, thence run S00°13'23"W along the East Line of

said Block 5 and the West right-of-way Line of South 30th Avenue, a paved public roadway, for 400.83 feet to the POINT OF BEGINNING, comprising 3.53 Acres (153,706 Square Feet), more or less.

PARCEL 2 LEGAL DESCRIPTION

* * * A part of the Northwest ¼ of the Southeast ¼ of Section 7, Township 4 North, Range 13 West, in the City of Hattiesburg, County of Forrest, State of Mississippi, and being more particularly described as Commencing at a ½ Inch Rebar representing the Southeast Corner of Block 5 of the Monte Vista Terrace Subdivision as per map or plat thereof on file in the Office of the Chancery Clerk of Forrest County, Mississippi, thence run N89°53'11"W for 351.60 feet to a Point on the Original Western right-of-way Line of South 31st Avenue, a paved public roadway, said Original Western right-of-way Line being prior to the reconstruction and relocation of said South 31st Avenue in November 2006, thence run S00°06'49"W along said Original Western right-of-way Line for 125.00 feet to a ½ Inch Rebar representing the Point of Intersection of said Original Western right-of-way Line and the Current Western right-of-way Line of said South 31st Avenue, said Point being the POINT OF BEGINNING; thence continue S00°06'49"W along said Western right-of-way Line for 31.01 feet to a Brass Disk, thence

run S00°03'35"E along said Western right-of-way Line for 58.49 feet to a ½ Inch Rebar, thence run N88°25'04"W for 299.79 feet to a ½ Inch Rebar, thence run N00°07'19"W for 615.76 feet to a ½ Inch Rebar representing a Point on the Southern right-of-way Line of Hardy Street, a paved public roadway and also known as State Route 198, thence run S78°44'55"E along said Southern right-of-way Line for 32.22 feet to a ½ Inch Rebar, thence run S88°47'02"E along said Southern right-of-way Line for 80.98 feet to a Brass Disk, thence run S43°53'19"E along said Southern right-of-way Line for 19.25 feet to a Brass Disk representing the Intersection of said Southern right-of-way Line and said Western right-of-way Line, thence run S00°06'54"E along said Western right-of-way Line for 22.40 feet to a Brass Disk, thence run Southeasterly along an Arc to the Left and along said Western right-of-way Line for 116.00 feet to a Brass Disk, said Arc having a Radius of 159.24 feet, a Chord Bearing of S20°53'27"E and a Chord Distance of 113.45 feet, thence run S41°53'31"E along said Western right-of-way Line for 43.77 feet to a Brass Disk, thence run Southeasterly along an Arc to the right and along said Western right-of-way Line for 63.66 feet to a Brass Disk, said Arc having a Radius of 398.35 feet, a Chord Bearing of S37°38'46"E and a Chord Distance of 63.60

feet, thence run S56°53'56"W along said Western right-of-way Line for 7.85 feet to a Brass Disk, thence run S28°56'47"E along said Western right-of-way Line for 54.54 feet to a Brass Disk, thence run N65°26'49"E along said Western right-of-way Line for 7.66 feet to a Brass Disk, thence run Southeasterly along an Arc to the Right and along said Western right-of-way Line for 125.64 feet to a Brass Disk, said Arc having a Radius of 398.35 feet, a Chord Bearing of S15°43'33"E and a Chord Distance of 125.12 feet, thence run S82°35'17"W along said Western right-of-way Line for 7.33 feet to a Brass Disk, thence run S02°53'18"E along said Western right-of-way Line for 55.37 feet to a Brass Disk, thence run N89°44'04"E along said Western right-of-way Line for 7.34 feet to a Brass Disk, thence run S00°09'31"W along said Western right-of-way Line for 75.85 feet to a Brass Disk, thence run S89°53'11"E along said Western right-of-way Line for 3.17 feet to the POINT OF BEGINNING, comprising 3.35 Acres (145,919 Square Feet), more or less.

Parcel 1 and Parcel 2 contain an aggregate of 6.88 Acres (299,625 Square Feet), more or less.

Parcels 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.

(6) The Department of Finance and Administration is authorized to correct any discrepancies in the property descriptions provided in this section.

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

PASSED BY THE SENATE
April 7, 2016



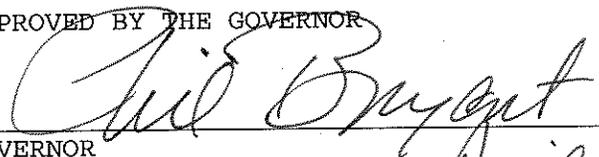
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 23, 2016



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

April 20, 2016
9:01 AM