ORDINANCE NO. 583

AN ORDINANCE TO ENLARGE, EXTEND AND DEFINE THE CORPORATE LIMITS AND BOUNDARIES OF THE CITY OF LONG BEACH, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND TO DESCRIBE PROPOSED IMPROVEMENTS AND SERVICES FOR THIS ANNEXATION AREA

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN (herein the Governing Authority OF THE CITY OF LONG BEACH, in the First Judicial District of Harrison County, Mississippi, as follows:

SECTION 1. WHEREAS, Brian K. Hammons and Ronald E. Hammons, Jr., by virtue of Warranty Deed recorded as Instrument number 2006-0003045-D-J1 in the Land Deed Records of the First Judicial District of Harrison County, Mississippi, are vested with ownership, right to possession and title to certain real property adjoining the present western boundary line of the City of Long Beach, which parcel constitutes the property hereby sought to be annexed and incorporated into the boundary lines and corporate limits of the City of Long Beach; and

SECTION 2. WHEREAS, the Governing Authority finds and adjudicates that the annexation of the subject property is important to the development of the City for municipal purposes and for overall public welfare, and that annexation by the City of said property would be conducive to planned commercial and residential development and will benefit the property owners, the City, and the citizens of Long Beach and adjoining areas; and

SECTION 3. WHEREAS, the annexation territory in its present form is totally uninhabited and the Governing Authority finds that at this time no individual rights, voting rights or school district interests shall be presently affected by this annexation, and further, the Governing Authority is advised that the intended development of the annexation territory is for commercial purposes and in the future no voting rights or school district interests will be affected, and that extension of municipal services and

facilities to the area is needed to improve the commercial opportunities in the area and in the entire City of Long Beach; and

SECTION 4. WHEREAS, economic development of the property annexed and of the properties of other landowners in the vicinity of the annexation area in particular, and of the citizens of Long Beach as a whole, shall increase economic development opportunities for all citizens of Long Beach, and the construction of commercial buildings in the area annexed shall provide much needed job opportunities for the citizens of the City of Long Beach; and

SECTION 5. WHEREAS, the Governing authority finds that the private owner of property in the proposed annexation area has agreed in writing with the City of Long Beach to the annexation of said property, and that such annexation is reasonable and required by the public convenience and necessity and shall result in improvement; and

SECTION 6. The Governing Authority therefore adjudicates that the corporate boundaries and limits of the City of Long Beach, in the First Judicial District of Harrison County, Mississippi, be and they are hereby extended and enlarged so as to embrace the following described additional lands and territory in the First Judicial District of Harrison County, Mississippi, to-wit:

LEGAL DESCRIPTION OF AREA BEING ANNEXED:

Parcels of land lying and being situated in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

> The South One-half of Lot 2, ANDREWS LAND COMPANY'S SUBDIVISION, Harrison County Mississippi, as per the map or plat thereof on file and of record in Copy Plat Book 4 at Page 281 in the Office of the Chancery Clerk of Harrison County , Mississippi, First Judicial District.

SECTION 7. The entire boundary and corporate limits of the City of Long Beach, Mississippi, as enlarged, modified, extended and fixed by this Ordinance to include the property herein above described in Section 6, shall be defined and described as a whole, as follows, to-wit:

LEGAL DESCRIPTION (OVERALL BOUNDARY
<u>LINE OF ENLARGED CITY OF LONG BEACH):</u>

Beginning at a point 5,000 feet South, 28 degrees East of the Southeast corner of Lot #7 of the Gottschalk's Survey, said point of beginning being the Southwest corner of the corporate limits of the City of Gulfport; thence Westerly parallel with and 5,000 feet distant from the shore line of the Mississippi Sound or Gulf of Mexico to its intersection with the Southerly extension of the Eastern line of Section 21, Township 8 South, Range 12 West, if the same were regularly surveyed in government sections, townships and ranges; thence North along said Eastern line of said Section 21 to the Northern margin of the right-of-way of the Louisville and Nashville Railroad Company; thence continue North along said section line to the Northeast corner of said Section 21; thence Westerly along the North line of said Section 21 to the Southwest corner of the East ½ of the East ½ of the Southeast 1/4 of Section 16, Township 8 South, Range 12 West; thence Northerly along the West line of said East ½ of the East ½ and along the West line of the East ½ of the East ½ of the Northeast 1/4 of said Section 16 to the North line of said Section 16; thence Westerly along said North line of Section 16 a distance of 1987.13 feet, more or less, to the North mid-section corner of Section 16; thence Northerly along the North-South mid-section line of Section 9 a distance of 2591.28 feet, more or less, to the South margin of Pineville Road; thence Westerly along said South margin of Pineville Road to the West line of said Section 9; thence Northerly along the West line of said Section 9 to the centerline of a drainage canal known and designated as County Canal Number 3; thence Easterly following the meanderings of said Canal Number 3 to its intersection with the South line of the North ½ of the North ½ of the Northeast 1/4 of said Section 9; thence Easterly along said South line to the East line of said Section 9; thence northerly along said east line of Section 9 to the centerline of Canal Number 3 as presently constructed; thence southwesterly following the meanderings of Canal Number 3 a distance of 1450 feet more or less to the southerly extension of the east margin of an unimproved right-of-way sometimes known as Wisewood Lane, also being the west line of Block 9, Andrew's Land Company's Subdivision of the SE ¼ of Section 4 and The Fractional Part of the NE ¼ of Section 10 (sic), T. 8S, R. 12W; thence continue southwesterly following the meanderings of Canal Number 3 as presently constructed a distance of 1806 feet more or less to the intersection of the South line of Block 40, said Andrew's Land Company Subdivision; thence Southwest along said South line of Block 40 and Block 43 a distance of 920.77 feet to the East margin of a 30 foot roadway; thence North along said East margin a distance of 2009.83 feet to the north corner of Block 45 of said Andrew's Land Company Subdivision; thence Easterly along the Northern line of said Block 45 a distance of 651.09 feet to the Northeast corner of said Block 45; thence South along the Eastern line of said Block 45 a distance of 659.89 feet to the Southeast corner of said Block 45, said point being on the Northern margin of a 30 foot roadway sometimes known as Prattwood Lane; thence continue South a distance of 30 feet to the Southern margin of said roadway, said point being the Northwest corner of Block 39 of said Andrew's Land Company Subdivision; thence Easterly along the said Southern margin of Prattwood Lane a distance of 1332.78 feet to the Northeast corner of Block 28 of said Andrew's Land Company Subdivision; thence Northerly a distance of 30 feet to the Southwest corner of Block 24 of said Andrew's Land Company Subdivision, said point being on the Northern margin of said Prattwood Lane; thence Northerly along the Western line of said Block 24 a distance of 663.74 feet

to the Northwest corner of Block 24; thence Easterly along the Northern line of said Block 24 a distance of 644.33 feet to the said East margin of Wisewood Lane; thence Easterly a distance of 30 feet to the Northwest corner of Block 10 of said Andrew's Land Company Subdivision; thence easterly along said north line of said Block 10 and the north line of Block 8 of said Andrew's Land Company Subdivision a distance of 1,043.21 feet; thence South a distance of 179.29 feet; thence Easterly a distance of 271 feet more or less to the East line of Section 4, Township 8 South, Range 12 West, Harrison County, Mississippi; thence Northerly along the East line of said Section 4, Township 8 South, Range 12 West to a point on the south margin of 28th Street, approximately 25 feet south of the Northeast corner of said Section 4; thence westerly 25 feet, more or less, to the southwest corner of the intersection of Beatline Road with 28th Street; thence northerly 25 feet, more or less, to the centerline of 28th Street; thence westerly along said centerline of 28th Street 468 feet, more or less, to the southerly extension of a line drawn parallel with and 453.47 feet west of the west margin of Beatline Road; thence northerly parallel with said west margin of Beatline Road 328.21 feet, more or less, to the north line of Lot 4, Block 4, Cox's Subdivision of the E ½ of the SE 1/4 of Section 32, Township 7 South, Range 12 West, Harrison County, Mississippi; thence S 89° 57' 18" E along said north line of Lot 4 a distance of 300.0 feet to a point 153.47 feet west of the west margin of Beatline Road; thence south parallel with Beatline Road 150.0 feet; thence east parallel with said north line of Lot 4 a distance of 193.47 feet to the centerline of Beatline Road; thence south along said centerline 153 feet, more or less, to the north margin of 28th Street; thence east 40 feet to the northeast corner of the intersection of Beatline Road and 28th Street; thence south 25 feet to the North line of Section 3, Township 8 South, Range 12 West, Harrison County Mississippi; thence Easterly along the North line of Section 3 and Section 2 to a point, said point being the intersection of the southerly extension of the west line of Lot 4, Block 32, Cox Subdivision, Section 35, Township 7 South, Range 12 West, Harrison County, Mississippi with North line of Section 2; thence northerly along said southerly extension a distance of 25 feet, more or less, to a point on the north margin of 28th Street at the southwest corner of said Lot 4, said point also being on the east margin of a 25 foot alley; thence continue Northerly along said east margin a distance of 647.5 feet to the northwest corner of Lot 3, Block 32, of said Cox's Subdivision; thence Easterly along said North lot line a distance of 657.7 feet to a point on the west margin of North Klondyke Road; thence Southerly along said west margin a distance of 647.5 feet to a point on said north margin of 28th Street; thence continue Southerly a distance of 25 feet more or less to the said North line of Section 2; thence Easterly along the said North line of Section 2 and Section 1, Township 8 South, Range 12 West to a point, said point being 235.01 feet west of the east line of the SW ¼ of the SW ¼ of Section 36, Township 7 South, Range 12 West; then Northerly along a line parallel with the east line of the SW ¼ of the SW ¼ of said Section 36 a distance of 25' more or less to the north margin of 28th Street; thence continue N 00° 09' 10" E a distance of 1302.63 feet; thence S 89º 56' 57" E a distance of 235.01 feet; thence S 00° 09' 10" W along the east line of the SW ¼ of the SW ¼ of said Section 36 a distance of 1301.06 feet to a point on the north margin of 28th Street, thence Southerly a distance of 25 feet more or less to the North line of Section 1, Township 8 South, Range 12 West; thence Easterly along said North line of Section 1 to a point 232.90 feet westerly of the southerly extension of the west margin of Sunset Avenue, being the east line of Block 14, Two Acre Addition in Section 36, Township 7 South, Range 12 West, Harrison County, Mississippi; thence N 00° 22' 17" W parallel with said Sunset Avenue 25.00 feet, more or less, to the North margin of 28th Street; thence

continue N 00° 22′ 17″ West 660.0 feet to the north line of Lot 6, Block 14, said Two Acre Addition; thence N 89° 37′ 43″ E 232.90 feet to said west margin of Sunset Avenue; thence S 00° 22′ 17″ E 660.0 feet to the southeast corner of said Block 14, Two Acre Addition; thence continue S 00° 22′ 17″ E 25.00 feet, more or less, to the north line of Section 1, Township 8 South, Range 12 West; thence easterly along said north line of Section 1 to the North mid-section corner of said Section 1, said point also being the Northwest corner of the U.S. Naval Reservation; thence Southerly along the North-South mid-section line to the center of said Section 1; thence Easterly and Southeasterly along the Western boundary of the U.S. Naval Reservation to the Southeast corner of Section 1, which point is also on the Western Corporate limits of the City of Gulfport; thence Southerly, Northeasterly and Southeasterly along the Western Corporate limits of the City of Gulfport, said corporate limits line being more particularly described as follows:

> From the last described point; thence Southerly along the East line of Section 12, Township 8 South, Range 12 West, to the North line of the Widow N. Ladner Claim; thence Northeasterly along said North line to the Northeast corner of said Widow N. Ladner Claim; thence Southeasterly along the East line thereof to the North line of the Claud Ladner Claim; thence Northeasterly along said North line to the East line of Lot #7 of the Gottschalk's Survey; thence Southeasterly along said East line to the Southeast corner of said Lot #7; thence South 28 degrees East 5,000 feet to the Point of Beginning, and there terminating.

SECTION 8. The proposed improvements to be made, and/or extended in and to the said annexed territory shall be completed where needed and economically feasible, as new development shall require, and in accordance with regulations for new development generally imposed upon the property owners, and shall include the following:

(a) Prepare and adopt appropriate land use, zoning and environmental regulations to preserve and protect the public health, safety and welfare, and to promote orderly and compatible use and development of undeveloped properties, as quickly as good planning procedures allow the annexation territory to be incorporated within the City of Long beach Comprehensive Zoning Ordinance, and within a period not to exceed nine (9) months after the effective date of annexation;

(b) Develop an amended Master Plan for capital improvements within municipal boundaries that include the annexed area within a period not to exceed eighteen (18) months;

(c) Provide an adequate water supply for potable and firefighting purposes; and expand and extend water utility services or encourage such expansion by private utility providers with exclusive certificates of convenience and necessity within a period not to exceed five (5) years;

(d) Develop and interconnect, or encourage certified private utility providers to develop and interconnect sewerage collector systems to the Harrison County Wastewater Management District sewer interceptors as access to said collection system is available, and where necessary and economically feasible, and as development may occur within a period not to exceed five (5) years.

SECTION 9. The City of Long Beach proposes to render municipal or public services beginning twenty (20) days after the effective date of this Ordinance, or as soon thereafter as otherwise provided, to the extent needed and economically feasible, as follows:

(a) Police Protection;

(b) Fire Protection;

(c) Maintenance of drainage facilities already installed or subsequently installed and constructed appurtenant to property development;

(d) Garbage pickup and removal as soon as development may require such services;

(e) Maintenance of public streets at such time as the same may be constructed by the property owner, and/or a governmental unit, and dedicated and accepted according to City standards; and

(f) All rights and privileges extended to property owners of the City of Long Beach, and the use and benefits of all municipal services and facilities furnished all present property owners and citizens of the municipality of the City of Long Beach shall be extended to the enlarged area to the extent needed and economically feasible.

SECTION 10. The City of Long Beach, by its Mayor and City Attorney are hereby directed to file a Petition to Confirm this Ordinance in the Chancery Court of the First Judicial District of the County of Harrison, State of Mississippi, which Petition shall recite the fact of the adoption of this Ordinance and the approval of the owners of private property to be annexed, to have the territory included within the boundaries and limits of the City of Long Beach, and shall respectfully demand the Court to enter its Order approving, ratifying and confirming the enlargement and extension of the municipal boundaries and limits of the City of Long Beach, Mississippi, as herein fixed and determined. Said Petition shall have attached thereto a certified copy of this Ordinance and a plat or map showing the boundaries of the area or territory unto which the municipal corporate boundaries and limits are hereby extended and enlarged, and also the boundaries of the City of Long Beach, Mississippi, as they shall exist in the event such enlargement and annexation shall become effective. The Mayor and City Attorney of the City of Long Beach shall, to the extent required by the laws of the United Sates of America, seek ratification and approval of this Ordinance of incremental annexation by the United States Department of Justice, or such other branch of the United States Government as may be required by laws of the United States of America.

SECTION 11. This Ordinance shall become effective after passage of ten (10) days after the date that a decree, judgment or order ratifying, approving and confirming the enlargement and annexation of boundaries of the City of Long Beach, Mississippi, as adopted herein, shall be entered by the Chancery Court of the First

Judicial District of Harrison County, Mississippi, in accordance with the provisions of Section 21-1-17, Mississippi Code of 1972, Annotated and as Amended, and the provision for services to be provided under this Ordinance shall become effective as provided herein after the passage of twenty (20) days after the date that such decree, judgment or order of the Chancery Court, ratifying, approving and confirming the annexation shall become effective.

The above and foregoing Ordinance No. 583 was introduced in writing by Alderman Lishen who moved its adoption. Alderman Carrubba seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Absent, Not Voting

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 583 adopted and approved this, the 4th day of January, 2011.

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #583 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 4th day of January, 2011, as the same appears of record in Ordinance Book #8, pages 1-9 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 4th day of January, 2011.

Rebecca E. Schruff, City Clerk