

**RESOLUTION OF THE CITY COUNCIL OF PASCAGOULA, MISSISSIPPI
APPROVING PURCHASE AND SALE AGREEMENT**

WHEREAS, on August 4, 2020, the City Council for the City of Pascagoula, Mississippi declared the properties identified by Parcel Numbers 40407016.000, 40407020.000, and 40407134.000 to be surplus properties; and

WHEREAS, on August 18, 2020, the City Council approved the sale of said surplus properties pursuant to Mississippi Code Section 21-17-1(11); and

WHEREAS, on September 1, 2020, the City Council approved purchase and sale agreements with Busby Construction, LLC for the conveyance of these surplus properties; and

WHEREAS, on September 17, 2020, the Mayor executed Special Warranty Deeds conveying these surplus properties to Busby Construction, LLC, said deeds being recorded in the Land Records Office for Jackson County, Mississippi (DB 1993 DP 626 / DB 1993 DP 629 / DB 1993 DP 632); and

WHEREAS, each Special Warranty Deed contained a clause obligating Busby Construction, LLC to construct and operate a storage facility on the subject property within two (2) years of the date of conveyance; otherwise, said property and title thereto would revert to the City; and

WHEREAS, due to the COVID-19 pandemic, labor shortages, materials shortages, and other factors beyond the control of Busby Construction, LLC, the construction and operation of a storage facility on the subject property was not completed within two (2) years of the date of conveyance; and

WHEREAS, Busby Construction, LLC has invested over \$64,000.00 in the subject property, including costs for land clearing, site work, dump fees, legal costs, and other costs incurred towards the goal of constructing and operating a storage facility on the subject property; and

WHEREAS, Busby Construction, LLC desires to complete construction and begin operation of a storage facility on the property; and

WHEREAS, the City Council desires to allow Busby Construction, LLC to complete construction and begin operation of a storage facility on the property; and

WHEREAS, attempting to enforce the reverter clauses in the aforementioned Special Warranty Deeds would necessitate incurring legal costs, including attorneys' fees, and the outcome of such litigation is

uncertain and the cost thereof potentially disproportionate to the value of the property; and

WHEREAS, Busby Construction, LLC has proposed to convey the property back to the City, provided the City reconvey the property to Busby Construction, LLC with a one (1) year reverter clause to construct and operate a storage facility on the property; and

WHEREAS, the aforementioned compromise agreement proposed by Busby Construction, LLC is reasonable and just under the circumstances and that the acceptance of same would be in the best interest of the citizens of this community; and

WHEREAS, the City Council agrees to accept the conveyance of the property from Busby Construction, LLC and agrees to reconvey the property to Busby Construction, LLC with a one (1) year reverter pursuant to Mississippi Code Section 21-17-1(11); and

WHEREAS, the attached Purchase and Sale Agreement establishes the terms of the conveyance contemplated herein; and

WHEREAS, the subject property is blighted and is located in a blighted area, does not serve a municipal purpose, is considered to be surplus property, and is of no real economic value to the City; and

WHEREAS, given that the City of Pascagoula originally received the property through forfeiture and Busby Construction, LLC has agreed to construct and operate a storage facility, which will place the property back on the City's tax rolls, the City Council considers Busby Construction, LLC's offer to be a fair and reasonable offer and that the transfer of the property will benefit the City of Pascagoula; and

WHEREAS, the transfer of said property in a manner otherwise provided by law is not necessary or desirable for the financial welfare of the municipality; and

WHEREAS, the use of the property for which it is conveyed will promote and foster the development and improvement of the community.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1: That the City Council of Pascagoula, Mississippi hereby adopts the foregoing recitals

as its findings.

SECTION 2: That the City Council of Pascagoula, Mississippi, hereby agrees to accept Busby Construction, LLC’s compromise offer and the conveyance of the property to the City by Warranty Deed.

SECTION 3: That the Mayor is thereafter authorized to transfer the City’s title in said property by Special Warranty Deed to Busby Construction, LLC, retaining therein all oil, gas and minerals lying on, in or under the property, together with the right of ingress and egress for the exploitation of same should it ever become necessary to do so.

SECTION 4: That should Busby Construction, LLC fail to construct a storage facility and utilize it as set forth herein within one (1) year from the date of the conveyance of the property to it, said property and title thereto shall revert to the City of Pascagoula.

SECTION 5: That the City Council of Pascagoula, Mississippi, hereby approves the attached Purchase and Sale Agreements to effectuate the purposes set forth herein and authorizes the Mayor to execute and perform the same.

The motion to approve the foregoing resolution was made by _____ and seconded by _____, and the following vote was recorded:

| | |
|---------------------|-------|
| Mayor Willis | _____ |
| Councilman Hyde | _____ |
| Councilman Fornett | _____ |
| Councilman Walker | _____ |
| Councilman Parker | _____ |
| Councilman Blythe | _____ |
| Councilman Gatchell | _____ |

RESOLVED, this the ____ day of _____, 2023.

ATTEST:

CITY COUNCIL

City Clerk

By: _____
Mayor