

ORDINANCE 2022-18

AN ORDINANCE ENLARGING, EXTENDING, AND DEFINING THE CORPORATE LIMITS AND BOUNDARIES OF THE CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI; SPECIFYING THE IMPROVEMENTS TO BE MADE IN THE ANNEXED TERRITORY AND THE MUNICIPAL OR PUBLIC SERVICES TO BE RENDERED THEREIN; AND FOR OTHER PURPOSES RELATED THERETO.

BE IT ORDAINED BY THE MAYOR AND ALDERMEN OF THE CITY OF OCEAN SPRINGS, MISSISSIPPI:

SECTION 1. It is hereby found and determined that the public convenience and necessity require that the corporate boundaries of the City of Ocean Springs, Mississippi, be and the same are hereby extended and enlarged so as to embrace the adjacent and unincorporated land and territory in Jackson County, Mississippi hereinafter described.

SECTION 2. The unincorporated land and territory which is added to and included in the corporate limits of the City of Ocean Springs, Mississippi, is situated in Jackson County, Mississippi, and is more particularly described as follows:

CITY OF OCEAN SPRINGS, MISSISSIPPI **PROPOSED ANNEXATION AREA**

Area 1

Commencing at a point at the intersection of the centerline of Mississippi Highway 57 and the North line of the South half of the South half of the North half of the Southeast Quarter of Section 30, Township 7 South, Range 7 West, said intersection also being on the Existing Corporate Limits of the City of Ocean Springs, Mississippi, as describe in the Judgement Approving, Ratifying and Confirming the Enlargement and Extension of the Boundaries of the City of Ocean Springs, Jackson County, Mississippi (Civil Action No.: 60-529), as recorded on December 6, 1993 in the Office of the Chancery Clerk of Jackson County, Mississippi and said intersection also being on the Existing Corporate Limits of the City of Gautier, Mississippi, as describe in the Judgement In the Matter of the Extension of the Boundaries of the City of Gautier, Mississippi (No.: 99-2208), as recorded on June 12, 2000 in the Office of the Chancery Clerk of Jackson County, Mississippi, said point being the POINT OF BEGINNING;

thence, leaving said existing Corporate Limits of the City of Gautier, run Westerly and continue along said Existing Corporate Limits of the City of Ocean Springs to a point at the intersection of the East line of Section 22, Township 7 South, Range 8 West and the centerline of Old Fort Bayou;

thence, leaving said Existing Corporate Limits of the City of Ocean Springs, run Northeasterly and Northerly along the centerline of Old Fort Bayou to a point at its intersection with the North line of Section 7, Township 7 South, Range 7 West;

thence run Easterly along the North line of said Section 7 to a point at its intersection with the centerline Mississippi Highway 57, said point also being on said Existing Corporate Limits of the City of Gautier, Mississippi;

thence run Southerly along the centerline of Mississippi Highway 57 to a point at its intersection with the North line of the South half of the South half of the North half of the Southeast Quarter of Section 30, Township 7 South, Range 7 West, said point being on said Existing Corporate Limits of the City of Ocean Springs, Mississippi and also being the POINT OF BEGINNING.

Area 2

Commencing at a point at the intersection of the South right-of-way of Old Spanish Trail and the West right-of-way of North 6th Street, said point also being on the Existing Corporate Limits of the City of Ocean Springs, Mississippi, as described in the Judgement Approving, Ratifying and Confirming the Enlargement and Extension of the Boundaries of the City of Ocean Springs, Jackson County, Mississippi (Civil Action No.: 60-529), as recorded on December 6, 1993 in the Office of the Chancery Clerk of Jackson County, Mississippi, said point being the POINT OF BEGINNING;

thence run Southeasterly and Easterly and continue along said Existing Corporate Limits of the City of Ocean Springs to a point on the centerline of Old Highway 57, said point also being on the Existing Corporate Limits of the City of Gautier, Mississippi, as describe in the Judgement in the Matter of the Extension of the Boundaries of the City of Gautier, Mississippi (No.: 99-2208), as recorded on June 12, 2000 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence, leaving the Existing Corporate Limits of the City of Ocean Springs and continuing along said Corporate Limits of the City of Gautier, run Southerly along the centerline of Old Highway 57 to a point at its intersection with the Westerly extension of the South right-of-way of Old Spanish Trail;

thence, continuing along said Corporate Limits of the City of Gautier, run Easterly on the Westerly extension of the South right-of-way of Old Spanish Trail and continue along the South right-of-way of Old Spanish Trail to a point on the Northwest corner of a parcel of land described in Deed Book 1175 Page 184 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence, leaving said Existing Corporate Limits of the City of Gautier, run Southerly along the West line of said parcel of land to a point on the Northwest corner of a parcel of land described in Deed Book 1175 Page 178 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southerly along the West line of said parcel of land to a point on the Northwest corner of a parcel of land described in Deed Book 1633 Page 275 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southerly along the West line of said parcel of land to a point on the North line of a parcel of land described in Deed Book 1304 Page 151 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Easterly along the North line of said parcel of land to a point on the Northeast corner of said parcel of land;

thence run Southerly along the East line of said parcel of land to a point on the Southeast corner of said parcel of land, said point also being on the South line of Section 32, Township 7 South, Range 7 West;

thence run Westerly along the South line of said Section 32 and continue along the South line of Section 31, Township 7 South, Range 7 West to a point on the Northwest corner of a parcel of land described in Deed Book 1835 Page 540 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southwesterly along the Northwest line of said parcel of land a point on the North corner of a parcel of land described in Deed Book 1862 Page 450 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southwesterly along the Northwest line of said parcel of land to a point on the East corner of said parcel of land;

thence run Southeasterly along the Southwest line of said parcel of land to a point on the Southern most Southeast corner of said parcel of land, said point also being on the West line of a parcel of land described in Deed Book 1835 Page 540 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southerly along the West line of said parcel of land to a point on the Northeast corner of Lot 10 of Palmetto Pointe Phase 3 Subdivision as recorded in Plat Book 24 Page 61 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southerly along the East line of said Lot 10 of Palmetto Pointe Phase 3 Subdivision and the Southerly extension thereof, crossing Palmetto Pointe Drive, to a point at its intersection with the South right-of-way of Palmetto Pointe Drive;

thence run Easterly along the South right-of-way of said Palmetto Pointe Drive to a point at its intersection with the East line of Section 6, Township 8 South, Range 7 West;

thence run Southerly along the East line of said Section 6 to a point on the Southeast corner of a parcel of land described in Deed Book 1565 Page 479 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Westerly along the South line of said parcel of land to its intersection with the East right-of-way of Greyhound Way;

thence run Southerly along the East right-of-way of Greyhound Way and continue along the East right-of-way of Belle Fontaine Road to its intersection with the Easterly extension of the South right-of-way of Fontainebleau Road;

thence run Westerly along Easterly extension of the South right-of-way of Fontainebleau Road, crossing Belle Fontaine Road, and continue along the South right of Fontainebleau Road and the Westerly extensions thereof to a point on the Northern most Northeast corner of a parcel of land described as "Parcel 2" in Deed Book 2070, Page 894 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Westerly to a point on the Southeast corner of a parcel of land described in Deed Book 1685 Page 617 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Westerly along the South line of said parcel of land to a point on the Southwest corner of said parcel of land;

thence run Northerly along the West line of said parcel of land to a point at its intersection with the Easterly extension of the South right-of-way of Palmetto Drive;

thence run Westerly along the Easterly extension of the South right-of-way of Palmetto Drive and continue along the said South right-of-way and the Westerly extension thereof to a point at its intersection with the West right-of-way of North 6th Street;

thence run Northerly along the Northerly extension of the West right-of-way of North 6th Street and continue along the West right-of-way of North 6th Street and the Northerly extension thereof to a point at its intersection with the South right-of-way of Old Spanish Trail, said point being on said Existing Corporate Limits of the City of Ocean Springs and also being the POINT OF BEGINNING.

SECTION 3. After the addition of the lands and territory described in Section 2 hereof, the corporate limits and boundaries of the City of Ocean Springs, Mississippi, shall be and are described as follows:

CITY OF OCEAN SPRINGS, MISSISSIPPI
RESULTANT ENLARGED CITY

The City of Ocean Springs located in Jackson County, Mississippi, more particularly described as follows:

BEGINNING at a point at the intersection of the centerline of Old Fort Bayou and East line of Section 22, Township 7 South, Range 8 West, Jackson County, Mississippi;

Thence follow the meanderings of the centerline of Old Fort Bayou, in a general Northeasterly and Northerly direction to a point at its intersection with the North line of Section 7, Township 7 South, Range 7 West;

thence run Easterly along the North line of said Section 7 to a point at its intersection with the centerline Mississippi Highway 57, said point also being on the Existing Corporate Limits of the City of Gautier, Mississippi, as describe in the Judgement in the Matter of the Extension of the Boundaries of the City of Gautier, Mississippi (No.: 99-2208), as recorded on June 12, 2000 in the Office of the Chancery Clerk of Jackson County, Mississippi;;

thence, continuing along said Corporate Limits of the City of Gautier, run Southerly along the centerline of Mississippi Highway 57 through the intersection with U.S. Highway 90 and continue Southerly along the centerline of Old Highway 57 to a point at its intersection with the Westerly extension of the South right-of-way of Old Spanish Trail;

thence, continuing along said Corporate Limits of the City of Gautier, run Easterly on the Westerly extension of the South right-of-way of Old Spanish Trail and continue along the South right-of-way of Old Spanish Trail to a point on the Northwest corner of a parcel of land described in Deed Book 1175 Page 184 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence, leaving said Existing Corporate Limits of the City of Gautier, run Southerly along the West line of said parcel of land to a point on the Northwest corner of a parcel

of land described in Deed Book 1175 Page 178 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southerly along the West line of said parcel of land to a point on the Northwest corner of a parcel of land described in Deed Book 1633 Page 275 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southerly along the West line of said parcel of land to a point on the North line of a parcel of land described in Deed Book 1304 Page 151 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Easterly along the North line of said parcel of land to a point on the Northeast corner of said parcel of land;

thence run Southerly along the East line of said parcel of land to a point on the Southeast corner of said parcel of land, said point also being on the South line of Section 32, Township 7 South, Range 7 West;

thence run Westerly along the South line of said Section 32 and continue along the South line of Section 31, Township 7 South, Range 7 West to a point on the Northwest corner of a parcel of land described in Deed Book 1835 Page 540 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southwesterly along the Northwest line of said parcel of land a point on the North corner of a parcel of land described in Deed Book 1862 Page 450 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southwesterly along the Northwest line of said parcel of land to a point on the East corner of said parcel of land;

thence run Southeasterly along the Southwest line of said parcel of land to a point on the Southern most Southeast corner of said parcel of land, said point also being on the West line of a parcel of land described in Deed Book 1835 Page 540 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southerly along the West line of said parcel of land to a point on the Northeast corner of Lot 10 of Palmetto Pointe Phase 3 Subdivision as recorded in Plat Book 24 Page 61 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Southerly along the East line of said Lot 10 of Palmetto Pointe Phase 3 Subdivision and the Southerly extension thereof, crossing Palmetto Pointe Drive, to a point at its intersection with the South right-of-way of Palmetto Pointe Drive;

thence run Easterly along the South right-of-way of said Palmetto Pointe Drive to a point at its intersection with the East line of Section 6, Township 8 South, Range 7 West;

thence run Southerly along the East line of said Section 6 to a point on the Southeast corner of a parcel of land described in Deed Book 1565 Page 479 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Westerly along the South line of said parcel of land to its intersection with the East right-of-way of Greyhound Way;

thence run Southerly along the East right-of-way of Greyhound Way and continue along the East right-of-way of Belle Fontaine Road to its intersection with the Easterly extension of the South right-of-way of Fontainebleau Road;

thence run Westerly along Easterly extension of the South right-of-way of Fontainebleau Road, crossing Belle Fontaine Road, and continue along the South right of Fontainebleau Road and the Westerly extensions thereof to a point on the

Northern most Northeast corner of a parcel of land described as "Parcel 2" in Deed Book 2070, Page 894 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Westerly to a point on the Southeast corner of a parcel of land described in Deed Book 1685 Page 617 in the Office of the Chancery Clerk of Jackson County, Mississippi;

thence run Westerly along the South line of said parcel of land to a point on the Southwest corner of said parcel of land;

thence run Northerly along the West line of said parcel of land to a point at its intersection with the Easterly extension of the South right-of-way of Palmetto Drive;

thence run Westerly along the Easterly extension of the South right-of-way of Palmetto Drive and continue along the said South right-of-way and the Westerly extension thereof to a point at its intersection with the West right-of-way of North 6th Street;

thence run Northerly along the Northerly extension of the West right-of-way of North 6th Street and continue along the West right-of-way of North 6th Street and the Northerly extension thereof to a point on its intersection with the South right-of-way of Old Spanish Trail;

Thence run Northwesterly along the South right-of-way line of said Old Spanish Trail to the point of intersection with the centerline of Davis Bayou;

Thence follow the existing city limits of the City of Ocean Springs along the meanderings of the said centerline of Davis Bayou, in a general Southwesterly direction, to a point where the said centerline of Davis Bayou crosses the common boundary line of Section 34, said Township 7 South, Range 8 West, and Section 3, Township 8 South, Range 8 West;

Thence continue following the said meanderings of the centerline of Davis Bayou, in a general Southwesterly direction for 2,500 feet, more or less;

Thence turn to the right to a general Northwesterly direction, continuing to follow the said meanderings of the centerline of Davis Bayou to the Southeast corner of Section 33, Township 7 South, Range 8 West, said corner being situated in the approximate center of said Davis Bayou, and which is also common to the section corners of said Section 34, Township 7 South, Range 8 West, said Section 3, Township 8 South, Range 8 West, and Section 4, said Township 8 South, Range 8 West;

Thence run West across said Davis Bayou a distance of one mile to the Southeast corner of Section 32, said Township 7 South, Range 8 West;

Thence run West a distance of one mile to the Southwest corner of said Section 32, said corner being situated in the waters of Biloxi Bay;

Thence run West a distance of 3,100 feet, more or less, to a point in the Jackson County boundary line, said point being situated in the middle of said Biloxi Bay, said point also being situated Northwest of said Biloxi Bay's entrance at the East end of Deer Island, as per description of said Jackson County boundary line, Mississippi Code Book, 1972, Volume 5, Section 19-1-59, said point also situated in the common boundary line of said Township 7 South and said Township 8 South, said Range 8 West;

Thence run in a general Northwesterly direction along the said Jackson County boundary line, crossing the common boundary line of said Range 8 West and Range 9 West, a

distance of 15,600 feet, more or less, to a point in the said Jackson County boundary line, situated in said Township 7 South, said Range 9 West, at approximate latitude 30 degrees 24 minutes 54 seconds North and longitude 88 degrees 51 minutes 33 seconds West, said point also being situated in the Back Bay of Biloxi;

Thence run North a distance of 3,900 feet, more or less, to a point in the middle of the mouth of said Old Fort Bayou, said point being situated in said Township 7 South, said Range 9 West, at approximate latitude 30 degrees 25 minutes 38 seconds North and longitude 88 degrees 51 minutes 33 seconds West;

Thence follow the meanderings of the centerline of said Old Fort Bayou in a general Easterly direction to a point at its intersection with the East line of Section 22, Township 7 South, Range 8 West, said point being the POINT OF BEGINNING;

Said described lands being situated either entirely or partially in Sections 14, 24 and 25, Township 7 South, Range 9 West; Sections 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 Township 7 South, Range 8 West; Sections 7, 18, 19, 30, 31 and 32, Township 7 South, Range 7 West; Section 6, Township 8 South, Range 7 West; Section 1 and 2, Township 8 South, Range 8 West; and a portion of the waters of Back Bay of Biloxi, Biloxi Bay, Old Fort Bayou and Davis Bayou; all being situated in the Southwest portion of Jackson County, Mississippi.

SECTION 4. The City of Ocean Springs, Mississippi shall make the following improvements in said annexed territory to be completed within a reasonable time, not to exceed five (5) years from the effective date of the Ordinance, unless delayed by war or military preparedness:

- (a) Improve existing streets and drainage where necessary and economically feasible and legally permissible;
- (b) Install water lines, water service, sewage collection and transmission lines, and street lighting, where necessary and economically feasible and legally permissible; and
- (c) Said services shall be furnished in the same manner as such services are being furnished to the present citizens, businesses and property owners of the municipality where necessary and economically feasible and legally permissible.

SECTION 5. The City of Ocean Springs, Mississippi shall furnish to the said annexed territory the following municipal and public services in the same manner and to the same extent as such services are being furnished to the present citizens of the municipality, such services to begin on the effective date of this Ordinance, to wit:

- (a) police protection;
- (b) municipal court services;
- (c) animal control services;

- (d) first response fire protection and fire prevention services;
- (e) emergency medical services;
- (f) emergency preparedness and civil defense services;
- (g) engineering services;
- (h) maintenance of streets and related structures;
- (i) right of way maintenance services;
- (j) traffic systems maintenance services;
- (k) street lighting;
- (l) administration of sanitation service;
- (m) access to the City's cultural facilities, services and programs;
- (n) access to the City's parks and recreation facilities and programs;
- (o) water and sewer utility services at in-city rates for those who are customers of the City utility services;
- (p) municipal planning and zoning services;
- (q) municipal code enforcement and building inspection services;
- (r) the right to fully participate in the affairs of the municipality through direct involvement and the right to exercise the ballot (vote) in municipal elections upon registering and meeting all statutory and constitutional requirements; and
- (s) the use and benefit of all other municipal services and facilities furnished to all present citizens of the City of Ocean Springs, Mississippi.

SECTION 6. The City of Ocean Springs, Mississippi shall undertake the following re-districting, planning and zoning activities following the effective date of the Ordinance, to wit:

- (a) Within six (6) months of the effective date of this Ordinance, the City of Ocean Springs will prepare and the Aldermen will adopt a Redistricting Plan for the Board of Aldermen so as to include all territory and persons annexed into the City. The Redistricting Plan shall conform with the Voting Rights Act of 1965, as amended. This Redistricting Plan will provide for proportional representation of all persons annexed and will in all other ways conform with applicable Federal regulations;

- (b) The City of Ocean Springs shall enlarge, update, revise and amend its Comprehensive Plan to include all territory annexed into the municipality and the Board of Aldermen shall adopt such revisions fulfilling all legal requirements to do so including public notice and a public hearing on enlargement, updating, revision and amendment of the Comprehensive Plan; and
- (c) Following modification of the Comprehensive Plan to include territories annexed, the City of Ocean Springs shall prepare and adopt revisions to the Official Zoning Map and such Zoning Ordinance text amendments, as are warranted and necessary. All territory annexed shall be included on the City's Official Zoning Map. Adoption of Zoning Ordinance text amendments, Zoning Map amendments, and Comprehensive Plan amendments by the Board of Aldermen shall occur after proper notice and public hearing(s).

SECTION 7. This Ordinance shall become effective ten (10) days after the date of the entry of decree of the Chancery Court of Jackson County, Mississippi, approving, ratifying and confirming the enlargement and extension of the municipal boundaries of the City of Ocean Springs, Mississippi as established by this Ordinance and the final judgment of the said Chancery Court or, in the event an appeal is taken therefrom, within ten (10) days from the final determination of such appeal. All other prior ordinances or enactments in conflict with this Ordinance are hereby repealed.

SECTION 8. The City of Ocean Springs, Mississippi, through its City Attorney Robert W. Wilkinson and Special Counsel J. Chadwick Mask, shall file a petition in the Chancery Court of Jackson County, Mississippi, which petition shall pray for the approval, ratification and confirmation by said Court of the enlargement and extension of the municipal boundaries and limits of the City of Ocean Springs, Mississippi, as herein fixed and determined. The petition shall have attached thereto a certified copy of this Ordinance and a plat showing the boundaries of the said City of Ocean Springs, Mississippi, as they will exist in the event such enlargement and extension becomes effective pursuant to this Ordinance; and that the attorneys for the City of Ocean Springs, Mississippi, and the governing authorities are hereby authorized to file such other pleadings in the Chancery Court of Jackson County, Mississippi, and take all other necessary steps such that the expansion of the municipal boundaries authorized hereby be ratified, approved and confirmed according to the laws of the State of Mississippi.

.....

There came on for consideration AN ORDINANCE ENLARGING, EXTENDING, AND DEFINING THE CORPORATE LIMITS AND BOUNDARIES OF THE CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI; SPECIFYING THE IMPROVEMENTS TO BE MADE IN THE ANNEXED TERRITORY AND THE MUNICIPAL OR PUBLIC SERVICES TO BE RENDERED THEREIN; AND FOR OTHER PURPOSES RELATED THERETO; having been introduced and considered (no member of the governing authority having requested a reading of the ordinance) on December 6, 2022, at a regular meeting of the Ocean Springs Board of Aldermen and upon motion by Alderman Impey and seconded by Alderman Papania in favor of approving said Ordinance, the Ordinance was approved by the following vote:

Alderman Cox voted:	<u>Aye</u>
Alderman Burgess voted:	<u>Aye</u>
Alderman Authement voted:	<u>Aye</u>
Alderman Wade voted:	<u>Aye</u>
Alderman Papania voted:	<u>Aye</u>
Alderman Blackman voted:	<u>Aye</u>
Alderman Impey voted:	<u>Aye</u>

The Mayor then declared the Ordinance adopted on this the 6th day of December, 2022.

CITY OF OCEAN SPRINGS, MISSISSIPPI

BY: _____

Kenny Holloway, Mayor

ATTEST:

WITNESS my signature and official seal of this office on this, the 7th day of

December, 2022.



Patty Gaston
Patty Gaston, Ocean Springs City Clerk