

CITY OF BILOXI
AGENDA ITEM
FACT SHEET

Item No.: 4 B

Council Meeting Date: 1/03/2013

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor A.J. Holloway

CONTACT PERSON/TELEPHONE: David Nichols, CAO/6254

SUMMARY EXPLANATION: Resolution regarding annexation history with the City of Gulfport.

Resolution Ordinance Public Hearing Routine Agenda

EXHIBITS FOR REVIEW

Contract Minutes Plans/Maps Lease Agreement

Other (Specify):

Submittal Authorization: Council President Mayor

STAFF RECOMMENDATION:

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote: Councilmember Yes No Other

Councilmember Yes No Other

Lawrence _____
Stallworth _____
Denton _____
Griffith _____

Wall _____
Gemmill _____
Fayard _____

ACTION TAKEN:

INITIALS:/KLC/ 010213CEXC

RESOLUTION NO. _____

WHEREAS, on or about the 29th day of July, 2009 the City of Gulfport filed an Annexation Complaint seeking to annex property located approximately two and one-half miles east of the Biloxi River, directly adjoining and blocking the entire northwest corridor path of growth for the City of Biloxi; and

WHEREAS, on or about the 13th day of August, 2010, the City of Biloxi filed its own Annexation Complaint seeking to annex into the City of Biloxi certain properties, all on the east side of the Biloxi River, a significant part of which included the same property that Gulfport was seeking to annex; and

WHEREAS, to save the expense of two trials, Biloxi proposed trying the two cases together in order to save taxpayers funds; and

WHEREAS, Gulfport refused to try both annexation cases together, preferring instead to try its case first; and

WHEREAS, Gulfport's case was scheduled for trial on February 1, 2011 requiring both cities and Harrison County to collectively expend several hundred thousand dollars to try the Gulfport case alone as a direct result of Gulfport's refusal to try both cases together; and

WHEREAS, several months in advance of the Gulfport trial, at the request of Harrison County, representatives of the City of Biloxi, the City of Gulfport, and Harrison County met in Gulfport to discuss a mutual stand-down, and at which meeting Harrison County and the City of Biloxi announced that they would agree to stand-down if the City of Gulfport would stand-down and not go forward with its own trial; and

WHEREAS, the City of Gulfport refused to agree to a mutual stand-down and instead insisted upon trying its own case beginning on February 1, 2011; and

WHEREAS, during the course of the Gulfport trial, the Court dismissed Gulfport's case, refusing to permit it to annex any portion of its proposed annexation area; and

WHEREAS, only after Gulfport's case had been dismissed, did Gulfport suggest that there be a stand-down, which would have required Biloxi to dismiss its case, something that Gulfport had refused to do when previously requested by Biloxi and by Harrison County; and

WHEREAS, Gulfport is aware that Biloxi's annexation case is scheduled for a trial beginning on July 30, 2013; and

WHEREAS, Gulfport's request for an unconditional mutual stand-down only after it lost its own case is disingenuous at best; and

WHEREAS, the City of Biloxi believes its proposed annexation is reasonable and in the best interest of all concerned; and

WHEREAS, in spite of the foregoing, and in effort to resolve current controversies, and save litigation expenses, the City of Biloxi will agree to a partial stand-down on the condition that the City of Gulfport agree, in a binding form, not to pursue annexation of properties located east of the Biloxi River for a time period of fifteen years from the date hereof, and on the condition that the City of Gulfport and Harrison County withdraw all objections to that portion only of Biloxi's annexation case which seeks to extend its boundaries to include properties contiguous to and immediately north of the City of Biloxi all of which are owned by Pitcher Point Investments, LLC, and containing no residents other than representatives of Pitcher Point, in which case, the City of Biloxi would then agree to dismiss from its Annexation Complaint all efforts to annex any other properties described in the Biloxi Complaint; and

WHEREAS, since there are no residents at all residing in the Pitcher Point area, other than representatives of Pitcher Point itself, who are in favor of being included within the City of

Biloxi, it is reasonable for the City of Gulfport and Harrison County to withdraw all objections to Biloxi's annexation of the Pitcher Point property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BILOXI, MISSISSIPPI, AS FOLLOWS:

Section 1. That the matters, facts and things recited in the preamble hereto are hereby adopted as the official findings of the governing authority.

Section 2. That the governing authorities of the City of Gulfport and of Harrison County are respectfully advised that the City of Biloxi will withdraw from its Annexation Complaint any request to annex any properties other than the Pitcher Point property on the condition that the City of Gulfport and Harrison County agree, in a binding form, not to object to Biloxi's annexation of the Pitcher Point properties and that the City of Gulfport agree, in a legally binding form, to take no action to annex any properties located east of the Biloxi River for a period of fifteen years from the date hereof.