



Holloway pleased with court's annexation ruling

Mayor A.J. Holloway, who years ago said Biloxi must protect its natural path of growth, said he was pleased with a court ruling that found the area north of Biloxi, particularly the Highway 67 corridor, was indeed in Biloxi's critical path of growth.

Specially appointed Chancery Court Judge Thomas L. Zebert, in a May 21 ruling, awarded about 2.5 square miles each to Biloxi and D'Iberville and left another 6.2 square miles unincorporated. D'Iberville is appealing the ruling, and the area will not officially become part of Biloxi until the appeal is heard.

The cities of Biloxi and D'Iberville had been embroiled in a struggle to incorporate 12.3 square miles of land, and Harrison County had asked that the land remain incorporated.

"I had said all along that Biloxi needed to protect its path of future growth," Holloway said, "and given that we have Gulfport to the west, Ocean Springs to the east, and water to the south, our natural path of growth is to the north.

"The court considered the evidence and the facts, and ruled accordingly."

Annexation cases are decided in court in Mississippi, and among the 12 considerations are whether there is a need for a city to expand, whether development is "spilling over" from a city into a proposed annexed area, the city's need for developable land, and limitations due to geography and surrounding cities.

While awarding the critical area along Highway 67 to Biloxi, the court also allowed D'Iberville to annex D'Iberville High School, which is actually a part of the Harrison County public school district.

Among the court's findings:

- The area south of Lamey Bridge Road and the Highway 67 corridor "are within the path of growth of the City of Biloxi, not the City of D'Iberville,"
- The critical area is adjacent to the City of Biloxi and is accessible only from Biloxi, and D'Iberville has no municipal streets extending into the area nor has it extended water or sewer services into the area;
- Although Biloxi has made progress in delivering city water and sewer services to the Woolmarket area, the city "did not do a very good job" in delivering those services in a timely manner. Yet, the issue by itself "does not sound the death knell

Biloxi faces new annexation challenge

In the wake of Biloxi's victory in the annexation case involving the city's northeast boundary, the city is now facing an annexation case involving its northwestern boundary.

Said Mayor A.J. Holloway:

"The City of Gulfport has filed an annexation case that would come across our northwestern boundary. We cannot let that happen.

"We think the court looked at the facts and made a sound ruling in the D'Iberville case, and we feel that the same will happen in the Gulfport case.

"We didn't go looking for these cases, but we cannot sit by idly and let Biloxi be boxed in."

to the total annexation issue."

- The complete lack of interconnection between the Biloxi Critical Area and the City of D'Iberville is a significant indicator that the Biloxi Critical Area is not within a path of growth of the City of D'Iberville."
 - The proposed Pinehaven Development, a 1,200-acre subdivision, and other development extend directly from Biloxi and into the critical area, and, as a D'Iberville expert witness testified, there was "absolutely no spillover development" from D'Iberville into the critical area.
 - D'Iberville's expert witness also demonstrated that awarding Biloxi the critical area would leave D'Iberville with ample growth opportunities along Lamey Bridge Road and Highway 15.
 - Considering the post-Katrina insurance and construction costs in east Biloxi, as well as the significant amount of land added to the flood zones, Biloxi's addition of the critical area will provide the city with "much needed vacant, unconstrained land north of its existing city limits."
- To see the court's 133-page ruling, visit biloxi.ms.us/pdf/annexruling2010.pdf

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