

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

FILED

OCT 18 2024

IN THE MATTER OF THE ENLARGING,
EXTENDING, AND DEFINING THE CORPORATE
LIMITS AND BOUNDARIES OF THE CITY
OF PASS CHRISTIAN, HARRISON COUNTY, MISSISSIPPI

ANGELA THRASH
CHANCERY CLERK

BY _____ D.C.

CITY OF PASS CHRISTIAN, MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO.

24-2015(1)

CITY OF BAY ST. LOUIS, MISSISSIPPI

DEFENDANT

COMPLAINT IN THE NATURE OF A PETITION FOR THE RATIFICATION,
APPROVAL, AND CONFIRMATION OF AN ORDINANCE ENLARGING,
EXTENDING, AND DEFINING THE CORPORATE LIMITS AND BOUNDARIES
OF THE CITY OF PASS CHRISTIAN, HARRISON COUNTY, MISSISSIPPI

COMES NOW the City of Pass Christian, Mississippi ("Pass Christian"), a municipal corporation organized and existing under and by virtue of the laws of the State of Mississippi, situated in Harrison County, Mississippi, and files this its "Complaint in the Nature of a Petition for the Ratification, Approval, and Confirmation of an Ordinance Enlarging, Extending, and Defining the Corporate Limits and Boundaries of the City of Pass Christian, Harrison County, Mississippi," and in support thereof would show unto the Court the following:

1. The Mayor and Board of Aldermen of Pass Christian, Mississippi, at a regular meeting thereof held on the 16th day of July, 2024, did duly and lawfully ordain, pass, and adopt an Ordinance enlarging, extending, and defining the corporate limits and boundaries of the City of Pass Christian, 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, defining with certainty the additional land and territory proposed to be included in the corporate

limits of Pass Christian, and also defining the entire boundary of the municipality as changed. A certified copy of said Ordinance (the “Ordinance”) is attached hereto as Exhibit “A” and incorporated fully herein.

2. Attached hereto as Exhibit “B” and incorporated herein by reference is a map and plat of the municipal boundaries of the City of Pass Christian, Mississippi as they will exist in the event the Ordinance is ratified, approved, and confirmed by this Court and becomes effective.

3. The territory situated in Harrison County, Mississippi, and specifically designated in Section 2 of the Ordinance, is proposed to be in the boundaries of the City of Pass Christian, Mississippi.

4. Section 3 of said Ordinance defines the limits and boundaries of the City of Pass Christian, Mississippi as extended and enlarged and fixed by said Ordinance.

5. The Mayor and Board of Aldermen of Pass Christian have expressly found and determined that the enlargement and extension of the municipal boundaries of Pass Christian are required by the public convenience and necessity and that said Ordinance is reasonable and should be ratified, approved, and confirmed by the final judgment of this Court.

6. Section 4 of the Ordinance describes, in general terms, the proposed improvements to be made in the annexed territory, the manner and extent of such improvements, and the approximate time within which said improvements are to be made. Section 5 of the Ordinance also contains a statement of the municipal or public services which Pass Christian proposes to render in such annexed territory.

7. The municipal boundaries of the City of Bay St. Louis, Mississippi are within three (3) miles of the territory proposed to be annexed; therefore, said municipality is hereby made a party Defendant hereto pursuant to *Miss. Code Ann.* § 21-1-31.

8. It is in the best interests of Pass Christian and its citizens and the residents and property owners of the land and territory to be annexed that the same be added to and included in the municipal boundaries of Pass Christian. Pass Christian would further show unto the Court that such extension, enlargement, and modification of the limits and boundaries of the City of Pass Christian, Mississippi are reasonable and are required by the public convenience and necessity and that said Ordinance should be ratified, approved, and confirmed by the decree of this Court.

WHEREFORE, PREMISES CONSIDERED, Pass Christian prays for the following relief:

- (i) That this Complaint be received and filed by this Court;
- (ii) That this Court fix a date certain for the hearing on this Complaint and that, as provided by law, notice of said hearing be given to all parties interested in, affected by or having objection to the proposed inclusion of said territory within the corporate limits of Pass Christian, and the enlargement, extension and modification of the boundaries of Pass Christian as set forth in the Ordinance;
- (iii) That process be served upon the named Defendant, the City of Bay St. Louis, Mississippi, requiring that objections, answers, or other pleadings, if any, be presented to this Court at said time, answers under oath being hereby expressly waived;
- (iv) That upon a final hearing of this Complaint, this Court enter its final judgment ratifying, approving, and confirming the proposed extension, enlargement and modification of the corporate limits and boundaries of the City of Pass Christian, Mississippi as set forth in the Ordinance; and

- (v) If Pass Christian be mistaken in the relief prayed for, then Pass Christian prays that the Court will grant such other and more general or specific relief as may be just and proper in the premises.

RESPECTFULLY SUBMITTED, THIS the 10th day of October, 2024.

BY: CITY OF PASS CHRISTIAN, MISSISSIPPI

BY: CARROLL WARREN & PARKER PLLC
Special Counsel for the City of Pass Christian,
Mississippi

BY: 
J. Chadwick Mask

OF COUNSEL:

J. Chadwick Mask, MSB #10621
Jacob Stutzman, MSB #101940
CARROLL WARREN & PARKER PLLC
188 E. Capitol Street, Suite 1200 (39201)
Post Office Box 1005
Jackson, MS 39215-1005
Telephone: (601) 592-1010
Facsimile: (601) 592-6060
cmask@cwplaw.com
jstutzman@cwplaw.com
Special Counsel for City of Pass Christian, Mississippi

Malcolm F. Jones
Attorney at Law
831 E. Scenic Drive
Pass Christian, MS 39571-4624
Telephone: (228) 861-9368
cityattorney@ci.pass-christian.ms.us
City Attorney for Pass Christian, Mississippi

EXHIBIT “A”

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 144

REGULAR MEETING

JULY 16, 2024

BE IT REMEMBERED that the Mayor and Board of Alderpersons of the City of Pass Christian, Mississippi met on the above date at the City Hall, 200 West Scenic Dr, Pass Christian, Mississippi at 6:00 p.m., same being the time and place for said meeting.


PRESENT: Mayor Renaud "Jimmy" Rafferty, Alderman At Large Kenny Torgeson, Alderwoman Betty Sparkman, Alderman Victor Pickich, Alderwoman Regina Charlot, Alderman Kirk Kimball City Attorney Malcolm Jones, City Clerk Marian Governor

There being a quorum present to transact the business of the City, the following proceedings were had and done.

Consider adopting an Ordinance enlarging Corporate Limits for Friendly Annexation of Land West of Lady Mary Avenue, East of the fort Henry Place Subdivision, and South of CSX Railroad owned by Mathews, Konke and Bellone.

I, Shannon Starita, duly appointed Deputy City Clerk for the City of Pass Christian; do hereby certify that the above is a true and correct copy of a motion passed and approved by the Mayor and Board of Aldermen of the City of Pass Christian at the regular meeting held on the 16th day of July 2024.

This 16th day of July 2024


Shannon Starita, Deputy City Clerk



7/16/2024
Date

ORDINANCE NO. _____

**AN ORDINANCE ENLARGING, EXTENDING, AND
DEFINING THE CORPORATE LIMITS AND BOUNDARIES
OF THE CITY OF PASS CHRISTIAN, HARRISON 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 PASS
CHRISTIAN, MISSISSIPPI:**

SECTION 1. It is hereby found and determined that the public convenience and necessity require that the corporate boundaries of the City of Pass Christian, Mississippi, be and the same are hereby extended and enlarged so as to embrace the adjacent and unincorporated land and territory in Harrison 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 Pass Christian, Mississippi, is situated in Harrison County, Mississippi, and is more particularly described as follows:

**CITY OF PASS CHRISTIAN, MISSISSIPPI
PROPOSED ANNEXATION AREA**

All land situated in Harrison County, Mississippi and described to-wit:

Commencing at a point on the intersection of the East margin of Lady Mary Avenue and the North margin of U. S. Highway 90 right-of-way; thence proceed North 15 degrees 00 minutes 00 seconds along the Eastern margin of Lady Mary Avenue a distance of 604.22 feet, more or less, to the NW corner of Lot 14, Block One, Boisdore Place Subdivision to the Point of Beginning (POB); from the POB thence proceed Northerly along the Eastern margin of Lady Mary Avenue a distance of 880 feet, more or less, to the NW corner of Lot 31 Block One, Boisdore Place Subdivision, which is also on the Southern margin of Everett Street; thence proceed Westerly across a fifty foot right-of-way for Lady Mary Avenue to a ½ inch iron rod set on the Western margin of Lady Mary Avenue; thence proceed along the south line of the CSX Transportation property South 85 degrees 21 minutes 55 West a distance of 167.39 feet to a ½ inch iron rod set; thence continuing along said CSX property and run North 15 degrees 03 minutes 46 seconds for a distance of 51.01 feet to a ½ inch iron rod set; thence run along the Southern CSX Railroad right-of-way South 86 degrees 56 minutes 49 seconds West a distance of 437.04 feet to a ½ inch iron rod set; thence run along the East line of the Fort Henry Place Subdivision South 09 degrees 31 minutes 17 seconds East for a distance of 638.3 feet to a point that is 25 feet South of the SE corner

of Lot 24 of Fort Henry Place Subdivision; thence proceed Westerly parallel the Northern boundary of Lot 25 of such subdivision for a distance of 117.5 feet to a point; thence proceed Southerly on a line parallel to the Western boundary of Lots 25, 26, and 27 as extended across a platted right-of-way a distance of 105 feet, more or less, to a point on the Northern boundary of Lot 28 of Fort Henry Place Subdivision; thence proceed Easterly along the Northern boundary of Lot 28 to the NE corner of such lot and the East line of such Subdivision; thence run along the East line of the Fort Henry Place Subdivision South 09 degrees 31 minutes 17 seconds East for a distance of 480 feet, more or less, to a ½ inch rod set on the right-of-way of Fort Henry Avenue; thence proceed Southerly along the East line of the Fort Henry Place Subdivision as extended to a point that is one mile South of the shoreline of the Gulf of Mexico or Mississippi Sound; thence proceed Easterly along a line of one mile more or less, parallel to the Highway 90 right-of-way to a point that is one mile South of the shoreline of the Gulf of Mexico or Mississippi Sound; thence proceed in a Northerly direction along a line of the East margin of Lady Mary Avenue as extended to 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 Pass Christian, Mississippi, shall be and are described as follows:

**CITY OF PASS CHRISTIAN, MISSISSIPPI
RESULTANT ENLARGED CITY**

All land situated in Harrison County, Mississippi and described to-wit:

Beginning at a point in the Gulf of Mexico or Mississippi Sound, one mile due South of a point where the shore Line of said Gulf of Mexico or Mississippi Sound intersects the Eastern boundary line of Section 21, township 8 South, Range 12 West, Harrison County, Mississippi; thence North to the Northeast corner of said Section 21; thence West along the North line of said Section 21 to the Northwest corner thereof; thence North along the West line of Section 16, Township 8 South, Range 12 West, a distance of approximately one-quarter mile to the North right-of-way line Demourelle Road; thence West along the North right-of-way line of Demourelle Road to the West right-of-way line of Menge Avenue; thence Southerly along the West right-of-way line of Menge Avenue to the center line of Johnson Bayou (also sometimes known as County Canal No. 1), which point is located in the NW ¼ of the NW ¼ of Section 20, Township 8 South, Range 12 West; thence meander Westerly along the center line of Johnson Bayou to the intersection of said center line with the Eastern shore of Bayou Portage; thence meander Westerly along the South Mean High Water Line of Bayou Portage, and the Bay of St. Louis, but crossing the mouth of streams tributary to Bayou Portage and the Bay of St. Louis (including but not limited to Sutter Bayou and Young Bayou) to the center line of the mouth of Mallini Bayou, (also known as Bayou Boisdore), which point is located in the West 1/2 of Fractional Section 22, Township 8 south, Range 13 West; thence meander Southerly along the center line of Mallini Bayou (Bayou Boisdore) to the center

line of a branch of tributary of said Bayou, which point is situated approximately 750 feet East Southeasterly of the center of section 27, Township 8 South, Range 13 West; thence Southeasterly along the center line of said branch of tributary approximately 400 feet to a point which is one-half mile North of the centerline of the Louisville & Nashville Railroad (now CSX Railroad); thence Westerly at a distance of one-half mile from the center line of the Louisville & Nashville Railroad (now CSX Railroad) to the Northerly extension of the East right-of-way of Boisdore Avenue; thence Southerly along said East right-of-way of Boisdore Avenue a distance of 1,083.6 feet, more or less, to a point which is 40 feet East of a point one foot North of the NE corner Lot 54, Block One, Boisdore Place subdivision; from this point proceed in a westerly direction a distance of 40 feet, more or less, across the right-of-way of Boisdore Avenue to a point on the west margin of Boisdore Avenue and one foot North of the NE corner of Lot 54, Block One, Boisdore Place, a subdivision according to the map or plat thereof on file in the office of the Chancery Clerk of Harrison County, MS, First Judicial District; thence proceed 119 feet, more or less, South 75 degrees 04 minutes 53 seconds West to a point one foot North of the NE corner of Lot 9, Block One, Boisdore Place subdivision; thence proceed North 15 degrees 07 minutes 40 seconds West a distance of 249.23 feet to an iron rod, being the NE corner of Lot 14 Block One, Boisdore Place subdivision; thence proceed South 75 degrees 13 minutes 00 seconds West along the North line of Lot 14 a distance of 119.0 feet to an iron rod on the East margin of Lady Mary Avenue; thence proceed Northerly along the Eastern margin of Lady Mary Avenue a distance of 880 feet, more or less, to the NW corner of Lot 31 Block One, Boisdore Place Subdivision, which is also on the Southern margin of Everett Street; thence proceed Westerly across a fifty foot right-of-way for Lady Mary Avenue to a ½ inch iron rod set on the Western margin of Lady Mary Avenue; thence proceed along the south line of the CSX Transportation property South 85 degrees 21 minutes 55 West a distance of 167.39 feet to a ½ inch iron rod set; thence continuing along said CSX property run North 15 degrees 03 minutes 46 seconds for a distance of 51.01 feet to a ½ inch iron rod set; thence run along the Southern Louisville & Nashville (now CSX) Railroad right-of-way South 86 degrees 56 minutes 49 seconds West a distance of 437.04 feet to a ½ inch iron rod set; thence run along the East line of the Fort Henry Place Subdivision South 09 degrees 31 minutes 17 seconds East for a distance of 638.3 feet to a point that is 25 feet South of the SE corner of Lot 24 of Fort Henry Place Subdivision; thence proceed Westerly parallel the Northern boundary of Lot 25 of such subdivision for a distance of 117.5 feet to a point; thence proceed Southerly on a line parallel to the Western boundary of Lots 25, 26, and 27 as extended across a platted right-of-way a distance of 105 feet, more or less, to a point on the Northern boundary of Lot 28 of Fort Henry Place Subdivision; thence proceed Easterly along the Northern boundary of Lot 28 to the NE corner of such lot and the East line of such Subdivision; thence run along the East line of the Fort Henry Place Subdivision South 09 degrees 31 minutes 17 seconds East for a distance of 480 feet, more or less, to a ½ inch rod set on the right-of-way of Fort Henry Avenue; thence proceed Southerly along the East line of the Fort Henry Place Subdivision

as extended to a point that is one mile South of the shoreline of the Gulf of Mexico or Mississippi Sound; thence proceed Easterly along a line of one mile more or less, parallel to the Highway 90 right-of-way to the Point of Beginning.

SECTION 4. The City of Pass Christian, 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 disposal lines, sewage treatment facilities, and street lighting, where necessary and economically feasible and legally permissible;
- (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 Pass Christian, 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 Pass Christian, Mississippi.

SECTION 6. The City of Pass Christian, 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 Pass Christian 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 Pass Christian 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 Pass Christian 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 Harrison County, Mississippi, approving, ratifying and confirming the enlargement and extension of the municipal boundaries of the City of Pass Christian, 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 Pass Christian, Mississippi, through its City Attorney, Malcolm Jones, and Special Counsel, J. Chadwick Mask, shall file a petition in the Chancery Court of Harrison 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 Pass Christian, 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 Pass Christian, 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 Pass Christian, Mississippi, and the governing authorities are hereby authorized to file such other pleadings in the Chancery Court of Harrison 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.

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There came on for consideration AN ORDINANCE ENLARGING, EXTENDING, AND DEFINING THE CORPORATE LIMITS AND BOUNDARIES OF THE CITY OF PASS CHRISTIAN, HARRISON 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 July 16, 2024, at a regular meeting of the Pass Christian Board of Aldermen and upon motion by Kenny Torgeson in favor of approving said Ordinance, the Ordinance was approved by the following vote:

Alderwoman Sparkman voted:

Aye

Alderwoman Charlot voted:

Aye

Alderman Kimball voted:

Aye

Alderman Pickich voted:

Aye

Alderman Torgeson voted:

Aye

The Mayor then declared the Ordinance adopted on this the 16th day of July, 2024.

CITY OF PASS CHRISTIAN, MISSISSIPPI



BY:

Renaud "Jimmy" Rafferty, Mayor

ATTEST:

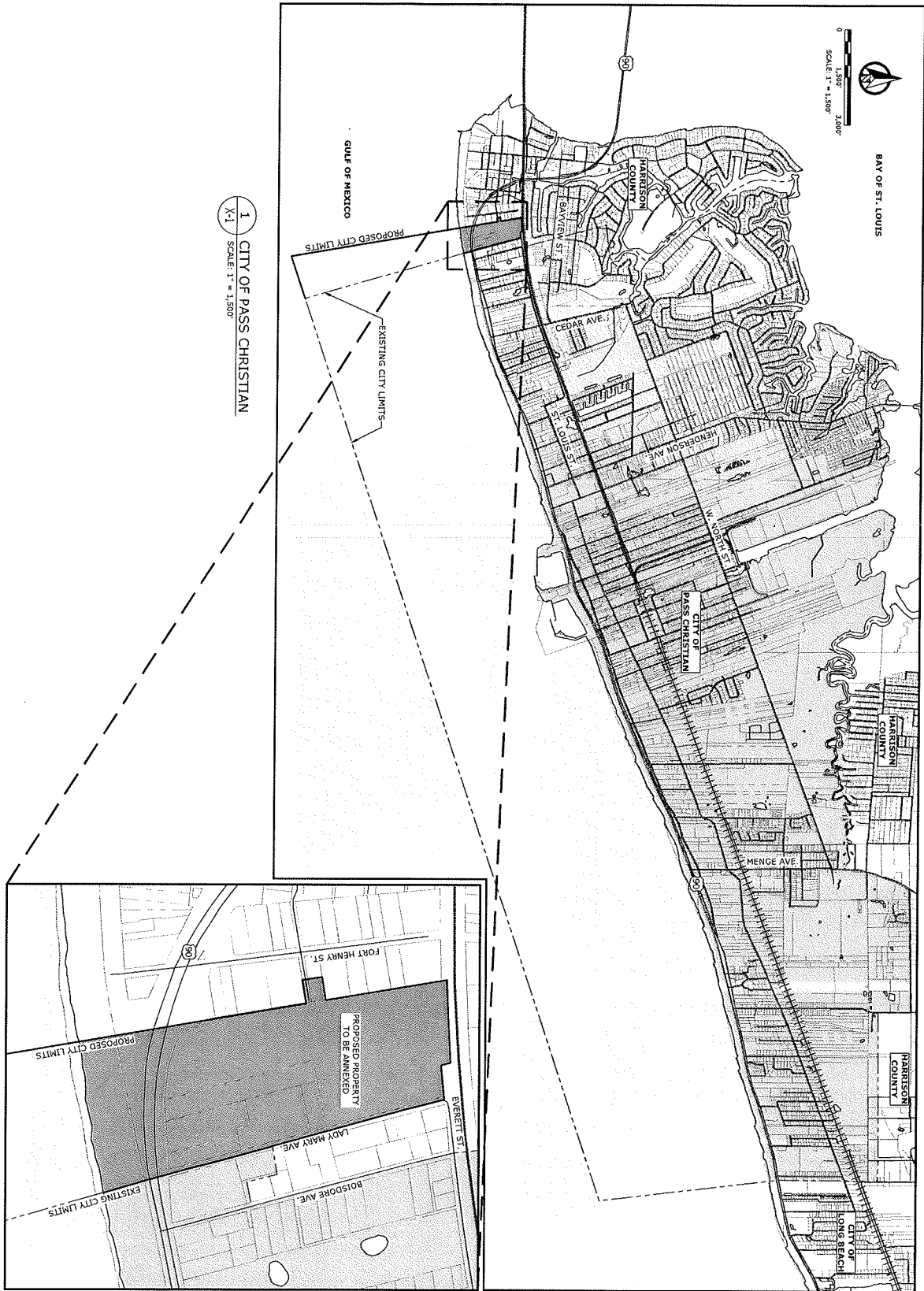
WITNESS my signature and official seal of this office on this, the 16th day of

July, 2024.

Maiana B. Groves

Pass Christian City Clerk/Deputy City Clerk

EXHIBIT “B”



CITY OF PASS CHRISTIAN PROPOSED PASS CHRISTIAN ANNEXATION AREA	NO.	DATE	REVISION/ISSUE

CONINGTON CIVIL AND ENVIRONMENTAL 229 SW 60th AVE, SUITE 200 GULFPORT, MISSISSIPPI 39503	DATE: 07-02-24 DRAWN BY: B. LAMER CHECKED BY: B. ESCHER PROJECT NO: 100
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X-1

TOTAL S.S. NOTED
 07-02-24

FILED

C|W|P CARROLL
WARREN
& PARKER

OCT 18 2024

ANGELA THRASH
CHANCERY CLERK

October 10, 2024
D.C.

BY _____

Via FedEx

Honorable Angela Thrash
Harrison County Chancery Clerk
1801 23rd Avenue
Gulfport, Mississippi 39501

Re: *In the Matter of the Enlarging, Extending, and Defining the Corporate Limits and Boundaries of the City of Pass Christian, Harrison County, Mississippi; In the Chancery Court of Harrison County, Mississippi, First Judicial District*

Dear Ms. Thrash:

Enclosed for filing in the above-referenced matter, please find the following:

- 1) An original and one (1) copy of a Complaint in the Nature of a Petition for the Ratification, Approval, and Confirmation of an Ordinance Enlarging, Extending, and Defining the Corporate Limits and Boundaries of the City of Pass Christian, Harrison County, Mississippi;
- 2) Civil Cover Sheet; and
- 3) Our firm's check in the amount of \$163 for the filing fee.

Please file the original Complaint and return the copy stamped "filed" in the self-addressed, postage paid envelope which I have enclosed for your convenience.

Do not hesitate to contact me if I can be of further assistance in this matter.

Sincerely,

CARROLL WARREN & PARKER PLLC


J. Chadwick Mask
cmask@cwplaw.com

cc: City Attorney Malcolm F. Jones (via email)