

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4 E

Council Meeting Date: August 5, 2025

ITEM TITLE: **RESOLUTION**

INTRODUCED BY: **Mayor Andrew "FoFo" Gilich**

CONTACT PERSON: **Rick Weaver, CAO**

Christy LeBatard, Director of Engineering *CL*

SUMMARY EXPLANATION:

Resolution authorizing the Mayor of the City of Biloxi to establish Just Compensation and Sign Administrative Settlement Agreement for Parcel Nos. 1310H-02-012.000 and 1310H-02-011.000 for East Biloxi East-West Neighborhood Access Road Ph II Project No. CD020

Resolution ✓ Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): _____

Submittal Authorization: Council President _____ Mayor ✓

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Gray	_____	_____	_____	_____	Tisdale	_____	_____	_____	_____
	Marshall	_____	_____	_____	_____	Glavan	_____	_____	_____	_____
	Nail	_____	_____	_____	_____	Shoemaker	_____	_____	_____	_____
	Creel	_____	_____	_____	_____					

ACTION TAKEN:

sp 080525bfsp

Resolution No.

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF BILOXI TO ESTABLISH JUST COMPENSATION AND SIGN ADMINISTRATIVE SETTLEMENT AGREEMENT FOR PARCEL NOS. 1310H-02-012.000 AND 1310H-02-011.000 FOR EAST BILOXI EAST-WEST NEIGHBORHOOD ACCESS ROAD PH II PROJECT NO. CD020

WHEREAS, the City of Biloxi (the City) proposes to acquire certain properties located in the East Biloxi East-West Neighborhood Access Road PH II - CDBG Project CD020 area for public purposes as previously authorized; and

WHEREAS, the parcel to be acquired has been appraised by Everett Ladner, of Mississippi Valuations LLC, and reviewed by Jason Garner of Global Valuations Services, as to its fair market value; and

WHEREAS, the City Council set just compensation for the said parcel in the amount of thirty thousand four hundred thirty-nine dollars (\$30,439.00) on December 20, 2022 by Resolution No. 938-22; and

WHEREAS, the parcel owner refused the offer and based on the subsequent negotiations has ask to be paid \$7,802.00 above the set just compensation; and

WHEREAS, HUD regulation states that when Federal funds pay for or participate in acquisition costs, a written justification shall be prepared which indicates that available information (e.g., appraisals, recent court awards, estimated trial costs, or valuation problems) supports such a settlement.

WHEREAS, as required, this document has written justification to establish an administrative settlement of \$38,241.00 for the subject property; and

WHEREAS, currently, funding for these expenditures is included in the 2023 and 2024 CDBG Budget.

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

SECTION 1: The findings, conclusions, and statements of fact contained in the foregoing preamble are hereby adopted, ratified, and incorporated herein.

SECTION 2: The Mayor is hereby authorized to sign all required documents to acquire the said property for the amount of \$38,241.00.

ADMINISTRATIVE SETTLEMENT

An offer of Just Compensation was made on December 20, 2022 for the property located at 203 Benachi Avenue, Biloxi, Mississippi or Parcel #1310H-02-012.000 owned by: Reel Moody, LLC and whose mailing address is P. O. Box 714, Biloxi, MS 39533.


The property owner has refused the offer of \$ 30,439.00 for the property, and based on subsequent negotiations, has agreed to be paid \$ 38,241.00 and would like to sell only the portion of property required for the new roadway. Due to the reduction of 817 sq. ft., and an additional 239 sq. ft. near the drainage ditch and loss of additional landscaping, three large trees were not considered in the appraisal report. A summary of the adjustments are found in Exhibit "A". The appraisal amount of \$ 30,439.00 was established by Everette Ladner and reviewed by John Myers in 2022 for the entire parcel (8,118 Sq. Ft). To avoid further delays in the project and additional costs to the City of Biloxi, an Administrative Settlement of \$ 38,241.00 shall be considered as just compensation. The city also agrees to construct a decorative concrete block retaining wall during the construction of the new roadway.

In accordance with 49 CFR 24.102(i), the purchase price for a property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and authorized Agency official approves such administrative settlement as being reasonable, prudent, and in the public interest.

This regulation states that when Federal funds pay for or participate in acquisition costs, a written justification shall be prepared which indicates that available information (e.g., appraisals, recent court awards, estimated trial costs, or valuation problems) supports such a settlement.

As required, this document is written justification to establish an administrative settlement of \$ 7,802.00 for the subject property based on the following information:

- ☐ Other Appraisals (Attached appraisal or discuss in an attachment.) – **Settlement Statement from recent acquisition of property**
- ☐ Recent Court Awards (Attach awards or discuss in an attachment.)
- ☐ Estimated Trial Cost (Attach memorandum from Agency attorney, or document discussion with counsel in an attachment.)
- ☒ Valuation Problems (Attach discussion to describe and reason for administrative settlement.)
- ☒ Based on the above justification documentation and /or information, the Agency hereby determines the amount established herein as the administrative amount as being reasonable, prudent, and in public interest.


SIGNATURE OF SELLER

7/23/25
DATE

SIGNATURE OF AUTHORIZING OFFICIAL
Attachment (s)

DATE

JUST COMPENSATION REPORT LIST

August 5, 2025

PROJECT: Biloxi East-West Neighborhood Access Road Phase 2

		Appraisal by: Valbridge Property Appraisers				Total
Parcel No.	Property Owner	Date	Value	Date	Value	
Ward 1						
1310H-02-012.000	Reel Moody, LLC	17-Oct-22	\$30,439.00			
1310H-02-011.000	Additional Improvements		\$7,802.00			\$38,241.00