

PETITION FOR ADOPTING A PRIVATE WAY AS A PUBLIC ROAD, MADISON COUNTY, MISSISSIPPI

TO THE HONORABLE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

We, the undersigned petitioners, freeholders, and householders of said County respectfully show your honorable body as follows, to-wit:

That the public interest and convenience exists for adopting a private way known as Smith-Walker Rd within Brant for the purpose of being designated as a public road.

The proposed road meets or exceeds the County's minimum standards for public roads, streets, or byways. However, if the County should require, we, the freeholders, agree to convey to Madison County, Mississippi, any necessary additional right of way along the proposed road.

The point of beginning, course, terminus and right of way of the proposed public road is attached as an exhibit to this petition.

All adjoining landowners have signed this petition with the **exception** of the following:

Landowner

Landowner

Landowner

Landowner

Landowner

Landowner

Petitioners, therefore, request the appointment of a committee, according to *Mississippi Code 1972 Annotated*, Section 65-7-57, who shall examine and view the contemplated route and determine the public interest and convenience.

§ 65-7-57. Petition to have roads laid out or changed.

When any person shall desire to have a public road other than a road being maintained by the state highway department laid out, altered, or changed, a petition shall be presented to the board of supervisors of the county, signed by ten or more freeholders or householders of the county interested in the road, setting forth the commencement and termination and general course thereof and that the public interest or convenience requires the road to be laid out and opened or altered or changed, as shown in the petition. The petitioners, if not owners of the land through which the road runs or is proposed to be run, or if the land through which the road runs or is proposed to run is owned by the county or a municipality, shall give a copy of the same to the president of the board of supervisors if the county is the owner of the land, or to the mayor if a municipality is the owner thereof, and shall give five days' notice to the owners of the land in person, or by leaving the same at their residence if they reside in the county, or if the owners be nonresidents of the county, by putting up the notice in some conspicuous place on the land through which the road runs or is proposed to run. Thereupon the board of supervisors shall hear the parties, and if it determine that the prayer of the petitioners ought to be granted, in whole or in part, it shall appoint a committee of two members, of districts other than that of the road or proposed road, who shall examine and view the contemplated route of the road. If they find the same practicable, they shall lay out and mark the road, or the alteration or change, and report their proceedings in writing to the board at its next meeting.

Sources: Codes, Hutchinson's 1848, ch. 10, art. 9(1); 1857, ch. 15, art. 1; 1871, § 2336; 1880, § 823; 1892, § 3892; 1906, § 440; Hemingway's 1917, § 7080; 1930, § 6340; 1942, § 8314; Laws, 1926, ch. 226.

§ 65-7-121. Abandonment by board of supervisors of any section of county road system; hearing; notice; posting of signs; liability after abandonment; notice to railroad; easements.

(1) The board of supervisors of any county may, upon its own motion or upon the petition of any interested resident of the county, by resolution spread upon its minutes, declare any section of the county road system abandoned upon its finding that one or more of the following circumstances are applicable to the section in question:

(a) The section does not provide primary access to occupied properties;

(b) Traffic on the section has for a period of at least ten (10) consecutive years been intermittent and of such low volume that no substantial public purpose is being served thereby;

(c) The board of supervisors has, for a period of at least the previous five (5) consecutive years, not maintained such section as part of the county road system; or

(d) For any reason, the public interest or convenience does not require the section to remain open to the public or that it is in the public interest or convenience to close, vacate and abandon the section.

(2) Except as provided in subsection (3) of this section, before any section of the county road system may be abandoned as provided in this section, the board of supervisors shall hold a public hearing on the question of such abandonment and shall publish notice of such hearing at least two (2) times, not less than two (2) weeks prior to the date of the hearing, in a newspaper having general circulation in the county.

(3) If any section of the county road system intersects with a roadway that has been closed to the public by the board of supervisors, and the section has no other destination, such section of the county road system shall be declared abandoned by the board of supervisors, without the necessity of notice and a hearing, immediately upon the written request of all owners of the property through which the section extends. This subsection (3) shall be repealed from and after July 1, 1993.

(4) The resolution of the board of supervisors abandoning any section of the county road system will abrogate the easement theretofore owned, held, claimed or used by or on behalf of the general public but will not affect any private easements.

(5) Upon the abandonment of any section of the county road system, the board of supervisors shall post clearly visible signs at any intersection of the abandoned roadway with the county road system indicating that the abandoned section is no longer part of the county road system and is not maintained by the county. Once the required signs are posted, the county shall not be liable for the death of or injury to a vehicle owner, operator or passenger, or for damage to a vehicle or its contents, resulting from a dangerous condition on the abandoned section. If there exists a public railroad grade crossing or railroad bridge on the section of county road so abandoned, the county shall furnish the railroad or individual owning such railroad trackage with a copy of the resolution authorizing the abandonment and thereupon, the railroad company or individual owning such trackage may barricade the crossing or remove the bridge.

(6) From and after July 1, 2000, any proceedings under this section shall be documented in the official record of the county road system in accordance with the requirements of Section 65-7-4.

Sources: Laws, 1986, ch. 313; Laws, 1992, ch. 480, § 1; Laws, 1998, ch. 539, § 3, eff from and after July 1, 1998.