

By: Representative Reynolds

To: County Affairs

HOUSE BILL NO. 1457
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 65-7-201, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT PROCEEDINGS TO ESTABLISH A PRIVATE WAY OF
3 NECESSITY THROUGH THE LANDS OF ANOTHER FOR THE PURPOSE OF ALLOWING
4 INGRESS AND EGRESS SHALL BE FILED WITH AND DETERMINED BY THE
5 SPECIAL COURT OF EMINENT DOMAIN OF THE COUNTY WHERE THE LAND OR
6 PART OF IT IS LOCATED; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 65-7-201, Mississippi Code of 1972, is
9 amended as follows:

10 65-7-201. When any person shall desire to have a private
11 road laid out through the land of another, when necessary for
12 ingress and egress, he shall apply by petition, stating the facts
13 and reasons, to the special court of eminent domain created under
14 Section 11-27-3 of the county where the land or part of it is
15 located, and the case shall proceed as nearly as possible as
16 provided in Title 11, Chapter 27 for the condemnation of private
17 property for public use. The court sitting without a jury shall
18 determine the reasonableness of the application. The owner of the
19 property shall be a necessary party to the proceedings. If the
20 court finds in favor of the petitioner, * * * all damages that the
21 jury determines the landowner should be compensated for shall be
22 assessed against and shall be paid by the person applying for the
23 private road, and he shall pay all the costs and expenses incurred
24 in the proceedings.

25 **SECTION 2.** This act shall take effect and be in force from
26 and after its passage.

