

By: Senator(s) Mettetal

To: County Affairs

SENATE BILL NO. 2561

1 AN ACT TO AMEND SECTION 65-7-121, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE COPIAH COUNTY BOARD OF SUPERVISORS TO ENTER AN
3 ORDER ABANDONING "BOBBITT ROAD" AND SPREAD THAT ORDER ON ITS
4 MINUTES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 65-7-121, Mississippi Code of 1972, is
7 amended as follows:

8 65-7-121. (1) The board of supervisors of any county may,
9 upon its own motion or upon the petition of any interested
10 resident of the county, by resolution spread upon its minutes,
11 declare any section of the county road system abandoned upon its
12 finding that one or more of the following circumstances are
13 applicable to the section in question:

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

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

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

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

26 (2) Except as provided in subsection (3) of this section,
27 before any section of the county road system may be abandoned as
28 provided in this section, the board of supervisors shall hold a

29 public hearing on the question of such abandonment and shall
30 publish notice of such hearing at least two (2) times, not less
31 than two (2) weeks prior to the date of the hearing, in a
32 newspaper having general circulation in the county.

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40 shall be repealed from and after July 1, 1993.

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

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

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

63 (7) The Copiah County Board of Supervisors shall enter an
64 order abandoning the road termed "Bobbitt Road" located in
65 Sections 10, 11 and 15, Township 1 North, Range 4 West, Copiah
66 County, Mississippi, and shall spread that order on its minutes.
67 The Legislature finds that the abandonment of Bobbitt Road shall
68 not result in damage or harm to any other party and would benefit
69 the county by eliminating any liability on the part of the county
70 for the maintenance of the road and for the general public
71 traveling over and across the road. Abandonment of the road would
72 also remove any question regarding the obligation of the county to
73 fence the margins of the road.

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