

By: Senator(s) Doxey

To: Finance

SENATE BILL NO. 2762

1 AN ACT TO AMEND SECTION 17-1-23, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE LOCAL GOVERNING AUTHORITIES TO REQUIRE A SUBDIVISION  
3 DEVELOPER TO ENTER INTO AN AGREEMENT TO ENHANCE THE SCHOOL  
4 FACILITIES AND SERVICES IN THE SCHOOL DISTRICT WHERE THE  
5 SUBDIVISION IS LOCATED; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 17-1-23, Mississippi Code of 1972, is  
8 amended as follows:

9 17-1-23. (1) When new subdivisions are laid out, the  
10 governing authority of each municipality or county may, before  
11 allowing dedication, impose such terms as may be deemed necessary  
12 to make the provisions of Sections 17-1-1 through 17-1-27,  
13 inclusive, effective, and such governing authorities may receive  
14 easements in the land affected whereby such sections may be made  
15 effective. The governing authority of each municipality or county  
16 may also require a developer agreement with the local school  
17 district, as allowed by Section 37-7-487(4), to enhance the  
18 educational facilities and services provided within the  
19 subdivision and district.

20 (2) The board of supervisors of any county may order that no  
21 plat of a subdivision shall be recorded until it has been approved  
22 by the board of supervisors, and the board of supervisors shall  
23 have power to require the installation of utilities and laying out  
24 of streets in subdivisions or to accept performance bonds in lieu  
25 thereof; the board of supervisors of any county bordering on the  
26 State of Tennessee having a population of more than sixty-seven  
27 thousand nine hundred (67,900) but less than seventy thousand  
28 (70,000) according to the 1990 federal census and having a land

29 area of more than four hundred seventy (470) square miles but less  
30 than five hundred (500) square miles may also, in lieu thereof,  
31 require the deposit of monies with the county which shall be  
32 placed in a special interest-bearing account in the county  
33 treasury, and such board of supervisors at the appropriate time  
34 shall spend monies from such account solely for the purpose of  
35 constructing or improving the roads and other infrastructure  
36 within the subdivision with respect to which the deposit or  
37 deposits were made.

38 (3) The governing authorities of a municipality may provide  
39 that any person desiring to subdivide a tract of land within the  
40 corporate limits shall submit a map and plat of such subdivision,  
41 and a correct abstract of title of the land platted, to said  
42 governing authorities, to be approved by them before the same  
43 shall be filed for record in the land records of the county; and  
44 where the municipality has adopted an ordinance so providing, no  
45 such map or plat of any such subdivision shall be recorded by the  
46 chancery clerk unless same has been approved by said governing  
47 authorities. In all cases where a map or plat of the subdivision  
48 is submitted to the governing authorities of a municipality, and  
49 is by them approved, all streets, roads, alleys and other public  
50 ways set forth and shown on said map or plat shall be thereby  
51 dedicated to the public use, and shall not be used otherwise  
52 unless and until said map or plat is vacated in the manner  
53 provided by law, notwithstanding that said streets, roads, alleys  
54 or other public ways have not been actually opened for the use of  
55 the public.

56 (4) If the owner of any land which shall have been laid off,  
57 mapped or platted as a city, town or village, or addition thereto,  
58 or subdivision thereof, or other platted area, whether inside or  
59 outside a municipality, desires to alter or vacate such map or  
60 plat, or any part thereof, he may petition the board of  
61 supervisors of the county or the governing authorities of the

62 municipality for relief in the premises, setting forth the  
63 particular circumstances of the case and giving an accurate  
64 description of the property, the map or plat of which is to be  
65 vacated or altered and the names of the persons to be adversely  
66 affected thereby or directly interested therein. However, before  
67 taking such action, the parties named shall be made aware of the  
68 action and must agree in writing to the vacation or alteration.  
69 Failure to gain approval from the parties named shall prohibit the  
70 board of supervisors or governing authorities from altering or  
71 vacating the map or plat, or any part thereof. Any alterations of  
72 a plat or map must be recorded in the appropriate location and a  
73 note shall be placed on the original plat denoting the altered or  
74 revised plat. No land shall be subdivided nor shall the map or  
75 plat of any land be altered or vacated in violation of any duly  
76 recorded covenant running with the land.

77 (5) Subdivision regulation under this section shall not  
78 conflict with Article VII of the Chickasaw Trail Economic  
79 Development Compact described in Section 57-36-1.

80 **SECTION 2.** This act shall take effect and be in force from  
81 and after July 1, 2007.