

By: Senator(s) Gollott

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3011

1 AN ACT TO AMEND SECTION 65-7-201, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE COURT TO SELECT MOST DIRECT AND UNOBTRUSIVE ROUTE FOR
3 PRIVATE ROADS; AND FOR RELATED PURPOSES.

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

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

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

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