

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.