

By: Senator(s) DeLano

To: County Affairs;
Municipalities

SENATE BILL NO. 2498

1 AN ACT TO AMEND SECTIONS 17-1-23 AND 19-27-31, MISSISSIPPI
2 CODE OF 1972, TO CLARIFY THE OBLIGATORY NATURE OF CERTAIN
3 PROCEDURAL REQUIREMENTS FOR A LANDOWNER DESIRING TO ALTER OR
4 VACATE A MAP OR PLAT; AND FOR RELATED PURPOSES.

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

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

8 17-1-23. (1) When new subdivisions are laid out, the
9 governing authority of each municipality or county may, before
10 allowing dedication, impose such terms as may be deemed necessary
11 to make the provisions of Sections 17-1-1 through 17-1-27,
12 inclusive, effective, and such governing authorities may receive
13 easements in the land affected whereby such sections may be made
14 effective.

15 (2) The board of supervisors of any county may order that no
16 plat of a subdivision shall be recorded until it has been approved
17 by the board of supervisors, and the board of supervisors shall
18 have power to require the installation of utilities and laying out
19 of streets in subdivisions or to accept performance bonds in lieu



20 thereof; the board of supervisors of any county bordering on the
21 State of Tennessee having a population of more than sixty-seven
22 thousand nine hundred (67,900) but less than seventy thousand
23 (70,000) according to the 1990 federal census and having a land
24 area of more than four hundred seventy (470) square miles but less
25 than five hundred (500) square miles may also, in lieu thereof,
26 require the deposit of monies with the county which shall be
27 placed in a special interest-bearing account in the county
28 treasury, and such board of supervisors at the appropriate time
29 shall spend monies from such account solely for the purpose of
30 constructing or improving the roads and other infrastructure
31 within the subdivision with respect to which the deposit or
32 deposits were made.

33 (3) The governing authorities of a municipality may provide
34 that any person desiring to subdivide a tract of land within the
35 corporate limits shall submit a map and plat of such subdivision,
36 and a correct abstract of title of the land platted, to said
37 governing authorities, to be approved by them before the same
38 shall be filed for record in the land records of the county; and
39 where the municipality has adopted an ordinance so providing, no
40 such map or plat of any such subdivision shall be recorded by the
41 chancery clerk unless same has been approved by said governing
42 authorities. In all cases where a map or plat of the subdivision
43 is submitted to the governing authorities of a municipality, and
44 is by them approved, all streets, roads, alleys and other public



45 ways set forth and shown on said map or plat shall be thereby
46 dedicated to the public use, and shall not be used otherwise
47 unless and until said map or plat is vacated in the manner
48 provided by law, notwithstanding that said streets, roads, alleys
49 or other public ways have not been actually opened for the use of
50 the public. If any easement dedicated pursuant to the provisions
51 of this section for a street, road, alley or other public purpose
52 is determined to be not needed for the public purpose, the
53 easement may be declared abandoned, and ownership of the fee
54 underlying the easement shall revert, regardless of the date of
55 dedication, to the adjoining property owner or owners at the time
56 of abandonment. Ownership of such easement shall extend to the
57 centerline of said abandoned street, road or public way. Such
58 abandonment and reversion shall not affect any private easements
59 which might exist.

60 (4) If the owner of any land which shall have been laid off,
61 mapped or platted as a city, town or village, or addition thereto,
62 or subdivision thereof, or other platted area, whether inside or
63 outside a municipality, desires to alter or vacate such map or
64 plat, or any part thereof, he * * * must petition the board of
65 supervisors of the county or the governing authorities of the
66 municipality for relief in the premises, setting forth the
67 particular circumstances of the case and giving an accurate
68 description of the property, the map or plat of which is to be
69 vacated or altered and the names of the persons to be adversely



70 affected thereby or directly interested therein. However, before
71 taking such action, the parties named shall be made aware of the
72 action and must agree in writing to the vacation or alteration.
73 Failure to gain approval from the parties named shall prohibit the
74 board of supervisors or governing authorities from altering or
75 vacating the map or plat, or any part thereof. Any alterations of
76 a plat or map must be recorded in the appropriate location, and a
77 note shall be placed on the original plat denoting the altered or
78 revised plat. No land shall be subdivided, nor shall the map or
79 plat of any land be altered or vacated in violation of any duly
80 recorded covenant running with the land. Any municipality which
81 shall approve such a vacation or alteration pursuant to this
82 section shall be exempt from the sale of surplus real property
83 provisions as set forth in Section 21-17-1.

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

87 **SECTION 2.** Section 19-27-31, Mississippi Code of 1972, is
88 amended as follows:

89 19-27-31. If the owner of any land which shall have been
90 laid off, mapped, or platted as a city, town or village, or
91 addition thereto, or subdivision thereof, or other platted area,
92 whether inside or outside a municipality, shall be desirous of
93 altering or vacating such map or plat, or any part thereof,
94 he * * * must, under oath, petition the chancery court for relief



95 in the premises, setting forth the particular circumstances of the
96 case and giving an accurate description of the property, the map
97 or plat of which is to be vacated, or altered, and the names of
98 the persons to be adversely affected thereby, or directly
99 interested therein. The parties so named shall be made defendants
100 thereto, and publication of summons shall be made one time in a
101 newspaper published, or having a general circulation, in the
102 county where the land is situated, and which publication shall
103 clearly state the objects and purposes of the petition.

104 At any time after the expiration of five days from said
105 publication and the service of process upon the named defendants,
106 the cause or proceeding shall be triable, and the court in term
107 time or the chancellor in vacation may hear the petition and all
108 objections from any person thereto, and may decree according to
109 the merits of the case. However, where all adversely affected or
110 directly interested persons join in said petition, the same may be
111 finally heard and determined by the court or chancellor at any
112 time. If the decree vacates, in whole or in part, or alters the
113 map or plat, it shall be recorded as a deed, and a memorandum
114 thereof noted on the record of the map or plat.

115 **SECTION 3.** This act shall take effect and be in force from
116 and after its passage.

