

PROCEDURES FOR ROAD PETITIONS

Petitions shall be directed to the President of the Board of Supervisors, with a copy to the Road Manager. A petition will not be considered unless it meets the following criteria:

1. Petitions must be signed by ten (10) or more freeholders or householders of the county interested in the road. The petition must set forth (1) the commencement and termination and general course of the road and (2) that the public interest or convenience requires the road to be laid out and opened or altered or changed as shown.

2. The petitioners, if not owners of the land through which the road runs or is proposed to run, shall verify by tax ownership maps, or otherwise, the property owners of the road land all property owners adjoining the proposed road, and shall be responsible for giving notice as required in Paragraph No. 4.

3. The Road Manager and the Supervisor in whose district the proposed road is situated, shall be provided with a copy of the petition. The Road Manager shall make a written recommendation at the hearing on the petition as to the necessity for the road, the layout, and the estimated cost for the maintenance or construction, and an estimate of compensation to be paid if the right of way must be acquired, and such other pertinent information as he may deem appropriate. The Road Manager shall confirm that the proposed road meets minimum county standards and, if paved shall set the amount of a bond to be entered into by petitioners, and shall outline, in writing, an estimated schedule of maintenance, or, if alteration or construction, an estimated cost and work schedule.

4. After the petition has been reviewed by the Road Manager, he will notify the petitioners and give them a proposed hearing date when the petition will be placed on the agenda. The petition will not be heard unless the petitioners provide verification, in writing, that all owners of property through which the road runs or is proposed to run, have been notified as required by Section 65-7-57, Mississippi Code of 1972, Annotated, at least five (5) days prior to a hearing on the same by the Board of Supervisors.

5. If the Board of Supervisors makes a finding of public necessity or convenience, a committee of two (2) supervisors of districts other than that of the road or proposed road shall be appointed, who shall examine and view the contemplated route of the road.

6. If the committee finds the contemplated route practicable, they shall direct the Road Department to survey the same and lay out and mark the road, or the alteration or change, as may be required, and report their proceedings, in writing, to the Board at the next regular meeting (not a recessed meeting). (See attached report form.) The Board shall then by resolution accept and confirm the Committee's report and the Road Manager's recommended schedule of work, as outlined in Paragraph 3 above, OR shall set the report aside if it finds sufficient cause, and a new committee shall be appointed.

7. The Road Manager shall provide copies of the resolution accepting the petition and the Committee and Road Manager's report to the appropriate Road Department facility, East, Central or West, and to the Planning Department and GIS Department.

8. If any owners of land through which the road is laid out wishes to claim compensation for land taken or for damages sustained by the construction, he shall petition the Board of Supervisors, in writing, at the meeting at which the report is presented or at the next meeting, setting forth the nature and character of the damages claimed.

9. Upon receipt of a petition for compensation or damages, the Board shall, on five (5) days notice to the petitioner, go on the premises and assess the damages.

10. At the next meeting, the written findings of the Board, signed by all members agreeing to it, shall be entered on the minutes. If the damages claimed are less than the cost of assessing, the Board may allow the claim without making an assessment.

11. Appeals for review by the Circuit Court shall be in accordance with Section 65-7-67, Mississippi Code of 1972.

ROAD PETITION

Type of Petition:

- Accept existing private road
- Open & lay out new road
- Alter existing road

Attachments required:

- Survey or plat of proposed road showing length and width of proposed road. (Include property owner's name and estimated compensation.)
- Names and addresses of all property owners adjoining proposed road. (Must be obtained from the Tax Mapping Dept. located on the 2nd Floor of Services Complex.)

We, the undersigned voters of Jackson County, Mississippi, do hereby petition the Jackson County Board of Supervisors to **accept / construct / alter** a public use road described as follows:
(circle one)

The road is necessary for a public use road because:

We, the undersigned, further verify that all of the property owners through which the proposed road runs have signed this petition or have been given notice as required by law.

SIGNATURES

(Must Have AT LEAST 10 - *Including All Property Owners Adjoining Proposed Road*)

	<u>Name</u> (Please Print)	<u>Address</u> (Please Print)	<u>Signature</u>
1.	<hr/>	<hr/>	<hr/>
2.	<hr/>	<hr/>	<hr/>
3.	<hr/>	<hr/>	<hr/>

4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

(Additional Signature Lines Below)

Contact Person's Name: _____ **Phone:** _____

	<u>Name</u> (Please Print)	<u>Address</u> (Please Print)	<u>Signature</u>
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____
15.	_____	_____	_____
16.	_____	_____	_____
17.	_____	_____	_____
18.	_____	_____	_____
19.	_____	_____	_____
20.	_____	_____	_____

§ 65-7-57. Petition to have roads laid out or changed.

When any person shall desire to have a public road other than a road being maintained by the state highway department laid out, altered, or changed, a petition shall be presented to the board of supervisors of the county, signed by ten or more freeholders or householders of the county interested in the road, setting forth the commencement and termination and general course thereof and that the public interest or convenience requires the road to be laid out and opened or altered or changed, as shown in the petition. The petitioners, if not owners of the land through which the road runs or is proposed to be run, or if the land through which the road runs or is proposed to run is owned by the county or a municipality, shall give a copy of the same to the president of the board of supervisors if the county is the owner of the land, or to the mayor if a municipality is the owner thereof, and shall give five days' notice to the owners of the land in person, or by leaving the same at their residence if they reside in the county, or if the owners be nonresidents of the county, by putting up the notice in some conspicuous place on the land through which the road runs or is proposed to run. Thereupon the board of supervisors shall hear the parties, and if it determine that the prayer of the petitioners ought to be granted, in whole or in part, it shall appoint a committee of two members, of districts other than that of the road or proposed road, who shall examine and view the contemplated route of the road. If they find the same practicable, they shall lay out and mark the road, or the alteration or change, and report their proceedings in writing to the board at its next meeting.

SOURCES: Codes, Hutchinson's 1848, ch. 10, art. 9(1); 1857, ch. 15, art. 1; 1871, § 2336; 1880, § 823; 1892, § 3892; 1906, § 440; Hemingway's 1917, § 7080; 1930, § 6340; 1942, § 8314; Laws, 1928, ch. 228.

Cross references—

Report of committee, see § 65-7-59.
Judicial review of proceedings of the board of supervisors in laying out, altering, or changing public road, see § 65-7-57.
Abandonment by board of supervisors of any section of the county road system, see § 65-7-121.

Research and Practice References—

39 Am Jur 2d, Highways, Streets, and Bridges §§ 32 et seq.
39A CJS, Highways §§ 37 et seq.
9A Am Jur Legal Forms 2d, Highways, Streets, and Bridges §§ 134:23 et seq. (petitions and applications).

§ 65-7-59. Report of committee.

The report of the committee may be set aside by the board of supervisors, for sufficient cause, and a new committee appointed at the discretion of the board; but if confirmed, the report shall be entered at large in the minutes of the board.

SOURCES: Codes, 1857, ch. 15, art. 2; 1871, § 2338; 1880, § 825; 1892, § 3893; 1906, § 4401; Hemingway's 1917, § 7081; 1930, § 6341; 1942, § 8316.

JUDICIAL DECISIONS

When one appears before the board and makes certain specific objections to the report of those laying out the road, he will be held to have waived objections not then made. *Sullivan v Board of Supervisors* (1881) 58 Miss 790.

§ 65-7-61. Damages for taking land.

When any owner of land or other person shall claim compensation for land taken for a public road, or for damages sustained by the construction of a road, he shall petition the board of supervisors, in writing, at the next meeting after the laying out of the road or at the meeting when the report thereof shall be returned, setting forth the nature and character of the damages claimed, whereupon the board shall, on five days' notice to the petitioner, go upon the premises and assess the damages sustained by him. The finding of the board shall be in writing, signed by the members agreeing to it, and must be entered on the minutes at the next meeting; but if the damages sustained and claimed be less than the cost of assessing, the board may allow the same without inquiry.

SOURCES: Codes, Hutchinson's 1848, ch. 10, art. 9(3); 1857, ch. 15, art. 4; 1871, § 2339; 1880, § 828; 1892, § 3894; 1906, § 4402; Hemingway's 1917, § 7082; 1930, § 6342; 1942, § 8316.

Cross references—

Eminent domain generally, see §§ 11-27-1 et seq.
Review of proceedings by circuit court, see § 65-7-67.
Payment for rights of way taken from drainage district, see § 65-7-71.
Taking of materials necessary for road building from adjoining land, and compensation therefor, see § 65-7-101.

Research and Practice References—

26 Am Jur 2d, Eminent Domain §§ 150 et seq.
29A CJS, Eminent Domain §§ 96 et seq.

Annotations—

Private improvement of land dedicated but not used as street as estopping public rights. 36 ALR4th 625.

REPORT OF ROAD MANAGER

The undersigned [recommends] [does not recommend] the acceptance of the road petition attached hereto for the following reasons:

1. _____
2. _____
3. _____

The proposed road [meets] [does not meet] county standards.

If accepted for maintenance, the following is a proposed maintenance schedule for the first year and an estimate of the cost:

If road is to be altered or constructed, the following is a proposed work schedule and estimated of costs:

If a paved road, the petitioners have made bond as required in the amount of \$ _____

Road Name: _____

District/Division: _____

Length: _____

Width: _____

ROW: _____

Lanes: _____ Lane Miles: _____

Surface Type: _____

Date of Acceptance: _____

Road Description: _____

**REPORT OF COMMITTEE ON
ROUTE OF PROPOSED ROAD**

The undersigned, _____ and _____, having been appointed to the committee to examine and view, layout/mark a road contemplated by the attached petition, hereby submit this report to the Board of Supervisors pursuant to Section 65-7-57.

We find that the general course of the road as petitioned for (is) (is not) practicable as proposed.

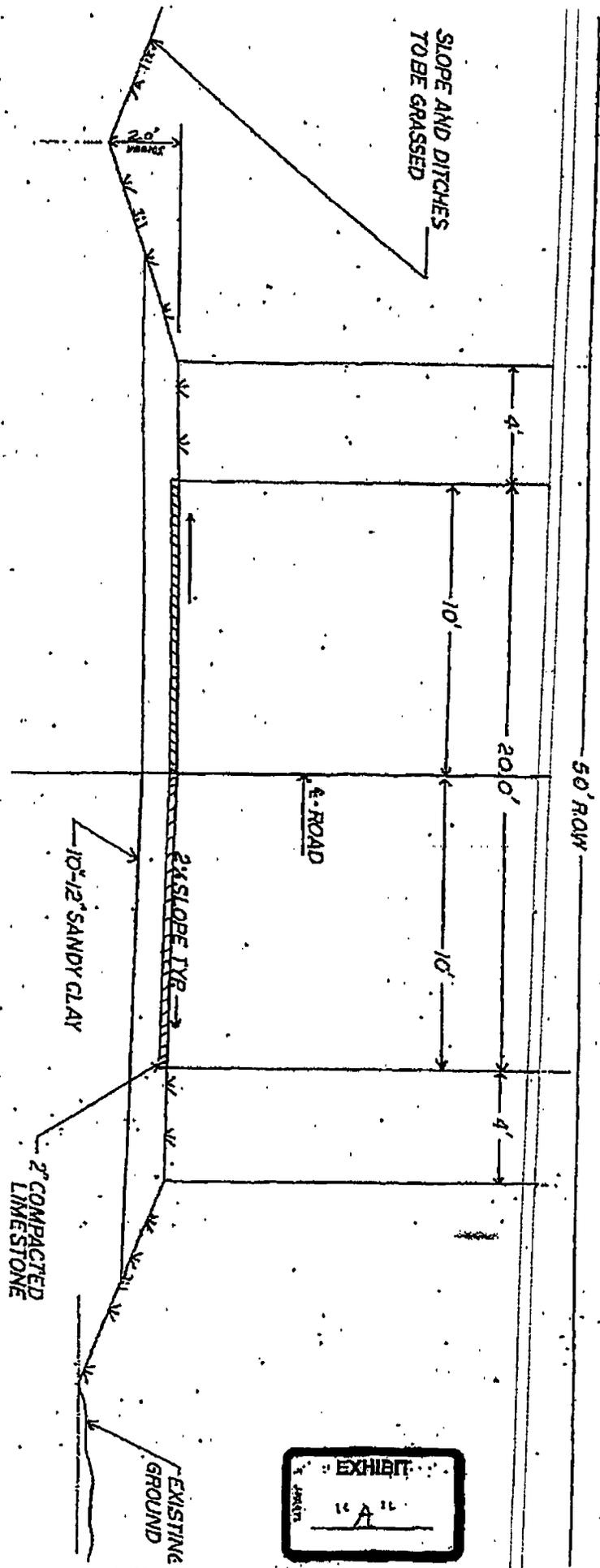
Re:

Recommended Alteration (if any)

Dated, this the _____ day of _____, 201_.

Supervisor, District _____

Supervisor, District _____



TYPICAL ROAD SECTION
 JACKSON COUNTY, MS.

SCALE
 1" = 4'

