

Bond Case Briefs

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MUNICIPAL ORDINANCE - MISSISSIPPI

Hopkins v. City of Mendenhall

Court of Appeals of Mississippi - October 6, 2015 - So.3d - 2015 WL 5797809

Citizens sought review of city's adoption of an ordinance to close portion of a road. The Circuit Court affirmed the board's decision and the citizens appealed. The Court of Appeals held that the record was insufficient for appellate review and reversed and remanded. After remand, the city made factual findings, and the Circuit Court upheld the ordinance. Citizens appealed.

The Court of Appeals held that:

- Citizens had standing to challenge the ordinance, and
- City's closure of the street was for the public good and was not arbitrary, capricious, or without substantial evidence.

Citizens of city had standing to challenge city's ordinance that closed portion of a street, where citizens owned property in the city located near the closed street, and alleged that the closure would have an adverse impact.

Substantial evidence supported city's finding that closing portion of road, which had church as only abutting landowner, was for the public good, and not for the sole private benefit of the church, and therefore closing the road was authorized. Church would benefit from closed street, but not through ownership, and testimony of six out of nine persons before city board in favor of closing supported the city's findings that the street needed to be closed for safety reasons.