

Bond Case Briefs

Municipal Finance Law Since 1971

COUNTIES - MISSISSIPPI

Seyfarth v. Adams County Board of Supervisors

Supreme Court of Mississippi - April 18, 2019 - So.3d - 2019 WL 1722919

Property owner appealed denial by County Board of Supervisors of his petition to abandon portion of county road that dead ended into his property.

The Circuit Court affirmed Board's decisions not to abandon road and not to award damages, but ordered Board to reasonably abate any nuisances to owner. Owner and Board cross-appealed.

The Supreme Court held that:

- It lacked jurisdiction to review any claim for compensation made by property owner, and
- Board did not possess authority to abate any alleged nuisance sustained by property owner by blocking public access to road and providing law enforcement to monitor access point.

Supreme Court lacked jurisdiction to review any claim for compensation made by property owner in connection with the denial by County Board of Supervisors of his petition to abandon portion of county road that dead ended into his property, as he filed bill of exceptions over 16 years after public nature of road was laid out in official county road system registry.

County Board of Supervisors did not possess authority to abate any alleged nuisance sustained by property owner by blocking public access to public road that dead ended into his property and providing law enforcement to monitor access point; Board's full jurisdiction over roads was subject to legislative regulations, which required that public roads be kept open and did not except situations in which some of the public use road to interfere with private property, sheriff of each county was charged with keeping the peace and enforcing the laws, and it was within sheriff's discretion as to how to allocate and deploy resources of his or her office.