

Bond Case Briefs

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American Tower Asset Sub, LLC v. Marshall County

Supreme Court of Mississippi - September 2, 2021 - So.3d - 2021 WL 3926009

Objector appealed decision of the county board of supervisors to approve applicant's request for special exception to build 290-foot tower on a plot designated an agricultural zone.

The Circuit Court granted motion to dismiss brought by county. Objector appealed.

The Supreme Court held, as matter of first impression, that objector's failure to deliver copy of notice of appeal to president of the board of supervisors was procedural defect that could be remedied.

Objector's failure to deliver copy of notice of appeal of decision of the county board of supervisors to approve applicant's request for special exception to build tower on plot designated agricultural zone to president of the board of supervisors was procedural defect that could be remedied; despite statutory requirement that copy of notice of appeal be delivered to president, statute did not specify exact method of service or delivery that was required, notice of appeal initiated the appeal, and filing of the notice established appellate jurisdiction in circuit court.