

Bond Case Briefs

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Newton County v. Deerfield Estates Subdivision Property Owners Association, LLC

Supreme Court of Mississippi - May 9, 2024 - So.3d - 2024 WL 2075094

Subdivision property owners association brought action seeking a declaratory judgment that subdivision roads were county roads and injunctive relief requiring county to add roads to official maps and mandating county to allocate funds for repair of roads.

County filed motion for summary judgment, alleging that claims were barred by the doctrine of laches or by the general statute of limitations and, in the alternative, arguing substantively that the roads were private roads.

The Chancery Court granted summary judgment in part, and, following bench trial, entered judgment declaring that roads were public roads by reason of express dedication and acceptance and requiring their inclusion on county maps. County appealed.

The Supreme Court held that:

- County had accepted common law dedication of subdivision roads at public meeting, and
- As a matter of first impression, county could not invoke the doctrine of laches or the general three-year statute of limitations to bar request for a declaratory judgment that roads were public.

County had accepted common law dedication of subdivision roads at public meeting, even though the minutes did not include a statement that the public interest or convenience required acceptance of the dedication and roads only served subdivision and county failed to add the roads to the registry and the county map in a timely manner; subdivision developer had sought to dedicate the roads to the county, minutes reflected that county had unanimously voted to accept the two roads into the county road system, and entry of acceptance of the dedication was a formal act of the proper authority competent to speak and act for the public.

County could not invoke the doctrine of laches or the general three-year statute of limitations to bar subdivision property owners association's request for a declaratory judgment that subdivision roads were public roads pursuant to an accepted dedication; minutes of meeting where county accepted the dedication operated as the controlling official record, and county had not complied with statutory requirements for abandoning county roads.