

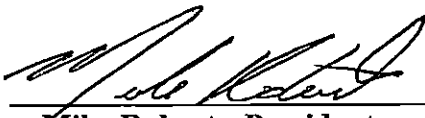
**ORDER: OPEN PUBLIC HEARING IN ABANDONMENT OF A 900'
PORTION OF THE SOUTH END OF LAFAYETTE
COUNTY ROAD 238**

Motion was made by Larry Gillespie, duly seconded by Chad McLarty, to open Public Hearing in abandonment of a 900' portion of the south end of Lafayette CR 238

The vote on the motion was as follows:

Supervisor Brent Larson, voted yes
Supervisor Larry Gillespie, voted yes
Supervisor David Rikard, voted yes
Supervisor Chad McLarty, voted yes
Supervisor Mike Roberts, voted yes

After the vote, President Roberts, declared the motion carried, this the 2nd day of March, 2020.



Mike Roberts, President
Board of Supervisors



Sherry Wall, Chancery Clerk

Lisa Carwyle

From: David O'Donnell <dodonnell@claytonodonnell.com>
Sent: Sunday, March 1, 2020 1:39 PM
To: Mike Roberts; Chad McLarty; David Rikard; Brent Larson; Larry Gillespie
Cc: Lisa Carwyle
Subject: March 2, 2020 Meeting Agenda Items 14 & 15 -- Road Closure/Abandonment Hearing

Items 14 and 15 on Monday's agenda concern the proposed abandonment/closure of a portion of County Road 238. Miss. Code Ann. § 65-7-121 controls the circumstances, and related procedure, of when the BOS may close a public road. This Section requires the Board to hold a public hearing, with prior two week notice, concerning whether the road section should be abandoned based on the assessment of the following independent factors:

1. The section of the road does not provide primary access to occupied properties,
2. Traffic on the section of road has for a period of at least the previous ten years been intermittent and of such low volume that no substantial public purpose is being served thereby,
3. The BOS has, for a period of at least the previous five years, not maintained such section of the road as part of the county road system,
4. For any reason, the public interest or convenience does not require the section of the road to remain open to the public or that it is in the public interest or convenience to close, vacate and abandon the road.

At the close of the hearing, the BOS may pass a resolution abandoning the section of the road, take the matter under advisement for later decision or motion to deny the closure. Under this provision, the BOS has the discretion to determine whether one, all or none of the factors have been satisfied. In fact, the discretion is very broad, as factor 4 suggests that closure may be deemed proper "for any reason" bearing upon public convenience/interest.

If the Board decides to abandon the road, it merely abrogates the right-of-way easement, but the abandonment "does not affect any other private easements." (Section 65-17- 121(4)).

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