



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 25, 2025

Mr. Sean Dunlap
Grants Administrator and Community Affairs Officer
Wayne County Board of Supervisors
609 Azalea Drive
Waynesboro, Mississippi 39067

Re: Mississippi Code Annotated Section 65-7-91

Dear Mr. Dunlap:

The Office of the Attorney General has received your request for an official opinion.

Questions Presented

1. Under Mississippi Code Annotated Section 65-7-91, what is the maximum amount of land that the county can purchase as a “station for the working of the public roads,” including the storage of building or repair materials for staging purposes?
2. What are the reasonable and appropriate uses of any land purchased as “a station for the working of the public roads” under state law? Can any unused portion of said property be set aside for other uses, such as public recreation?
3. If a parcel of land purchased for use as “a station for the working of the public roads” is no longer needed for such purpose, is the county “beat” required to declare the land as surplus and sell it to the highest bidder, or can the property be repurposed for some other public use?

Brief Response

1. The maximum amount of land a “beat” system county can purchase as a “station for the working of the public roads” under Section 65-7-91 is ten (10) acres.
2. The only “reasonable and appropriate” use of property purchased according to Section 65-7-91 is as “a station for the working of the public roads.”

3. Section 19-7-3 governs the disposal of county real estate no longer being used for county purposes.

Applicable Law and Discussion

As an initial matter, this opinion is written with the understanding that Wayne County operates under the traditional district or “beat” system of county road maintenance, pursuant to Mississippi Code Annotated Section 19-2-5.

As to your first question, Section 65-7-91 provides:

The board of supervisors may purchase or lease land upon which to establish stations for the working of the public roads, and may erect on the land barns, sheds, and other necessary buildings for the working of the public roads; but *the board shall not purchase over ten (10) acres of land for any one (1) station*. If the board is unable to purchase or lease, upon terms satisfactory to it, a site selected by it for a station, or in case it is unable to agree with any landowner as to the amount of compensation he shall receive for any land so selected, then the board may proceed to obtain not more than two (2) acres of said site by eminent domain, and the right of eminent domain for no more than two (2) acres is hereby conferred upon the boards of supervisors for said purposes.

(emphasis added).

The statute limits the maximum amount of land the County can purchase for any one road-working station to ten (10) acres.

As to your second question, Section 65-7-91 does not authorize any other uses of the road-working station property by the county, nor are we aware of any other statute permitting such. County boards of supervisors “can only exercise such powers as are expressly conferred by statute, or which are necessarily implied.” *State ex rel. Patterson v. Board of Sup’rs of Warren County*, 102 So. 2d 198, 208 (Miss. 1958) (internal citations omitted). Therefore, it is the opinion of this office that the sole “reasonable and appropriate” use of a property purchased under Section 65-7-91 is as a station for the working of the public roads, upon which may be erected “barns, sheds, and other necessary buildings for the working of the public roads. . . .” Miss. Code Ann. § 65-7-91.

As to your third question, Section 19-7-3 governs the procedures for the disposal of county real estate no longer being used for county purposes and prescribes various publication and bidding requirements. We note, however, that under their general jurisdiction, or “Home Rule,” the Board of Supervisors may enter into an agreement “for the operation and/or management [of public property] in lieu of selling, conveying, or leasing the property pursuant to its general contracting authority provided in Section 19-3-41.” MS AG Op., *Webb* at * 4 (Sept. 18, 2024).

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Caleb A. Pracht*

Caleb A. Pracht
Special Assistant Attorney General

OFFICIAL OPINION