

2023 -- H 5596

LC001623

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HIGHWAYS -- ABANDONMENT BY TOWNS

Introduced By: Representatives Voas, Potter, Diaz, Alzate, Solomon, and Giraldo

Date Introduced: February 15, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 24-6-1 of the General Laws in Chapter 24-6 entitled "Abandonment
2 by Towns" is hereby amended to read as follows:

3 **24-6-1. Order of abandonment — Reversion of title — Notice.**

4 (a) Whenever, by the judgment of the town council of any town, a highway or driftway in
5 the town, or any part of either, has ceased to be useful to the public, the town council of the town
6 is authorized so to declare it by an order or decree that shall be final and conclusive; and, thereupon,
7 the title of the land upon which the highway or driftway or part thereof existed shall revert to its
8 owner and the town shall be no longer liable to repair the highway or driftway; provided, however,
9 that the town council shall cause a sign to be placed at each end of the highway or driftway, having
10 thereon the words "Not a public highway," and after the entry of the order or decree, shall also
11 cause a notice thereof to be published in a newspaper of general circulation, printed in English, at
12 least once each week for three (3) successive weeks in a newspaper circulated within the city or
13 town and a further and personal notice shall be served upon every owner of land abutting upon that
14 part of the highway or driftway that has been abandoned who is known to reside within this state.
15 Nothing contained in this chapter shall, in any manner, affect any private right-of-way over the land
16 so adjudged to be useless as a highway or driftway if the right had been acquired before the taking
17 of the land for a highway or driftway. Provided, however, that the town of Coventry and any
18 community with a population of not less than one hundred thousand (100,000), receiving a request
19 for the abandonment of a highway or driftway from an abutting property owner, may sell the

1 highway or driftway to the abutting owner at fair market value; and provided, further, that the town
2 of North Providence, upon receiving a request for the abandonment of a highway or driftway from
3 an abutting property owner may sell the highway or driftway to the abutting owner, at fair market
4 value; and provided further, that the town of New Shoreham, upon receiving a request for the
5 abandonment of a highway or driftway from an abutting property owner, may sell the highway or
6 driftway to the abutting owner at fair market value; and provided, further, that the town of
7 Barrington, upon receiving a request for the abandonment of a highway or driftway from an
8 abutting property owner, may sell the highway or driftway to the abutting owner at fair market
9 value; and provided, further, that the city of Cranston, upon receipt of a request for abandonment
10 of a highway or driftway within the city of Cranston, where the sale of the highway or driftway to
11 an abutting owner would result in the creation of a new lot that would be in compliance with the
12 minimum-area requirement for construction of a building that is a permitted use, may sell the
13 highway or driftway to the abutting owner at fair market value; and provided, further, that the city
14 of Warwick, upon receiving a request for the abandonment of a highway or driftway from an
15 abutting property owner, may sell the highway or driftway to the abutting owner at fair market
16 value; and provided, further, that the town of Middletown, upon receiving a request for the
17 abandonment of a highway or driftway from an abutting property owner, may sell the highway or
18 driftway to the abutting owner at fair market value; and provided, further, that the town of
19 Cumberland, upon receiving a request for abandonment of a highway or driftway from an abutting
20 property owner, may sell the highway or driftway to the abutting owner at fair market value.

21 (b) Provided, further, that nothing in this section shall apply to private ways regardless of
22 their use or maintenance thereof by any municipal corporation.

23 (c) All abandonments must be recorded in land evidence records by the petitioner(s) in the
24 applicable municipality through the filing of an administrative subdivision in accordance with
25 chapter 23 of title 45. The newly created boundary lines shall be certified to a Class 1 measurement
26 specification pursuant to the rules and regulations promulgated by the Rhode Island board of
27 registration for professional land surveyors in accordance with chapter 8.1 of title 5.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that road abandonments by municipalities be properly recorded in
2 land evidence records.

3 This act would take effect upon passage.

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