

2010 -- H 7585

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HIGHWAYS - ABANDONMENT BY TOWNS

Introduced By: Representatives Kilmartin, Gallison, and Ehrhardt

Date Introduced: February 24, 2010

Referred To: House Municipal Government

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.** -- (a) Whenever, by the
4 judgment of the town council of any town, a highway or driftway in the town, or any part of
5 either, has ceased to be useful to the public the town council of the town is authorized so to
6 declare it by an order or decree which shall be final and conclusive; and thereupon the title of the
7 land upon which the highway or driftway or part thereof existed shall revert to its owner, and the
8 town shall be no longer liable to repair the highway or driftway; provided, however, that the town
9 council shall cause a sign to be placed at each end of the highway or driftway, having thereon the
10 words "Not a public highway", and after the entry of the order or decree shall also cause a notice
11 thereof to be published in a newspaper of general circulation, printed in English at least once each
12 week for three (3) successive weeks in a newspaper circulated within the city or town and a
13 further and personal notice shall be served upon every owner of land abutting upon that part of
14 the highway or driftway which has been abandoned who is known to reside within this state but
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
17 taking of the land for a highway or driftway. Provided, however, that the town of Coventry and
18 any community with a population of not less than one hundred thousand (100,000), receiving a
19 request for the abandonment of a highway or driftway from an abutting property owner, may sell

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

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

14 (c) Notwithstanding any other provision of this chapter or any general or public law to
15 the contrary, no city or town may transfer any highway or driftway to a private entity without
16 prior approval of the general assembly if said highway or driftway is within two hundred feet
17 (200') of a waterway subject to the jurisdiction of the coastal resources management council or
18 the department of environmental management and said highway or driftway provides direct
19 access to the shore.

20 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 require the prior approval of the general assembly before the transfer of
2 any highway or driftway within two hundred feet (200') of a waterway when the coastal
3 resources management council has jurisdiction of said highway or driftway.

4 This act would take effect upon passage.

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