



General Assembly

January Session, 2021

**Raised Bill No. 6608**

LCO No. 4689



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING REAL ESTATE ABUTTING A RIGHT-OF-WAY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) Every instrument passing  
2 title to real property abutting a right-of-way shall be construed to  
3 include any fee interest of the grantor in such right-of-way, unless:

4 (1) The grantor retains other real property abutting such right-of-  
5 way, in which case: (A) If the retained real property is on the same side  
6 as the right-of-way, the property line between the land granted and the  
7 land retained shall be continued into such right-of-way as far as the  
8 grantor owns; or (B) if the retained real property is on the other side of  
9 such right-of-way between the property lines extended, the title  
10 conveyed shall be to the center line of such right-of-way as far as the  
11 grantor owns;

12 (2) The instrument evidences a different intent by an express  
13 exception or reservation and not alone by bounding by a side line; or

14 (3) Other written evidence establishes that the right-of-way was  
15 expressly dedicated by the grantor to the municipality within which the

16 right-of-way exists.

17 (b) The provisions of this section shall apply to all instruments  
18 executed before, on or after the effective date of this section, provided  
19 this section shall not apply to any person or his or her predecessor in  
20 title who has obtained specific rights in the right-of-way as a result of a  
21 judgment of a court of competent jurisdiction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**Statement of Purpose:**

To clarify the ownership of "orphan" roadways in this state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*