

2014 -- H 7231

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO HIGHWAYS - ABANDONMENT BY TOWNS - BARRINGTON

Introduced By: Representatives Hearn, and Malik

Date Introduced: January 29, 2014

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 town of Barrington, upon receiving a request for the abandonment of a highway or driftway from
8 an 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 which would be in compliance with
12 the minimum area requirement for construction of a building which is a permitted use, may sell
13 the highway or driftway to the abutting owner at fair market value; and provided, further, that the
14 city 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.

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

19 SECTION 2. If any provision of this act, or the application thereof to the town of
20 Barrington or to any person or circumstances, is deemed invalid for any reason, the remainder of
21 this act, or the application of such provision to said town or other persons or circumstances, shall
22 not be affected thereby and, to this end, the provisions of this act are declared to be severable.

23 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HIGHWAYS - ABANDONMENT BY TOWNS - BARRINGTON

- 1 This act would enable the town of Barrington to sell an abandoned highway or driftway
- 2 to the abutting property owner at fair market value.
- 3 This act would take effect upon passage.

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