

2014 -- H 7231

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LC003668  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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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~~ that shall be final and conclusive; and, thereupon, the title  
7 of the land upon which the highway or driftway or part thereof existed shall revert to its owner;  
8 and the town shall be no longer liable to repair the highway or driftway; provided, however, that  
9 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  
14 that part of the highway or driftway ~~which~~ that has been abandoned who is known to reside  
15 within this state ~~but~~ Nothing contained in this chapter shall, in any manner, affect any private  
16 right-of-way over the land so adjudged to be useless as a highway or driftway; if the right had  
17 been acquired before the taking of the land for a highway or driftway. Provided, however, that the  
18 town of Coventry and any community with a population of not less than one hundred thousand  
19 (100,000), receiving a request for the abandonment of a highway or driftway from an abutting

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

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- 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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