

**SB42 ENGROSSED**



1 SB42

2 I4FXZWW-2

3 By Senator Melson

4 RFD: Agriculture, Conservation, and Forestry

5 First Read: 04-Feb-25



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to highways, roads, and bridges; to amend Section 23-1-45, Code of Alabama 1975; to allow a surrounding land owner to petition a governing body to deed abandoned, condemned property which was used to construct a road back to the land owner when the road is no longer being used for the original purpose it was purchased and conditions have rendered the road useless.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 23-1-45, Code of Alabama 1975, is amended to read as follows:

"§23-1-45

(a) (1) Any other provision of law to the contrary notwithstanding, the Director of Transportation shall have authority to acquire the rights-of-way deemed necessary by the State Department of Transportation for the construction of a state road, either by purchase or by the exercise of the right of eminent domain in condemnation proceedings as provided under the laws of this state, or the county or municipality in which such road ~~deemed necessary by the Director of~~ Transportation is located shall acquire such rights-of-way



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29 deemed necessary by the Director of Transportation, when  
30 requested to do so by said Director of Transportation.

31 (2) If ~~Should~~ the county or municipality ~~fail or~~  
32 ~~refuse~~ fails or refuses to acquire said rights-of-way, the  
33 Director of Transportation ~~shall have authority to~~ may acquire  
34 such rights-of-way as ~~first above~~ authorized in subdivision  
35 (1). Rights-of-way acquired ~~under the provision of~~ pursuant to  
36 this section shall be paid for in the manner prescribed by  
37 law.

38 (b) (1) If at any point the road that was constructed on  
39 a right-of-way at the direction of the Director of  
40 Transportation is abandoned, the property owner of the  
41 adjacent property that has the abandoned road running through  
42 his or her parcel may petition the governing state, county, or  
43 municipal body that owns the road to deed the property on  
44 which the road is situated back to the owner if: (i) the  
45 governing body had acquired the right-of-way from the private  
46 owner of the adjacent property on both sides of the road in  
47 order to construct a road; (ii) the original owner or current  
48 owner owns both sides of the road; (iii) the constructed road  
49 has been abandoned and no longer serves the original purpose  
50 for which it was purchased due to certain unforeseeable  
51 conditions rendering the road unusable; and (iv) the property  
52 owner can close to the midline of the right-of-way.

53 (2) The petition shall be granted unless the governing  
54 state, county, or municipal body can articulate a future use  
55 of the property consistent with the use articulated at the  
56 time the property was purchased."



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57                   Section 2. This act shall become effective on October  
58   1, 2025.



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59  
60  
61 Senate

62 Read for the first time and referred .....04-Feb-25  
63 to the Senate committee on  
64 Agriculture, Conservation, and  
65 Forestry

66  
67 Read for the second time and placed .....12-Feb-25  
68 on the calendar:  
69 0 amendments

70  
71 Read for the third time and passed .....18-Feb-25  
72 as amended  
73 Yeas 32  
74 Nays 0  
75 Abstains 0

76  
77  
78 Patrick Harris,  
79 Secretary.  
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