

SB42 ENROLLED



1 SB42
2 MSS8J11-2
3 By Senator Melson
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 04-Feb-25



SB42 Enrolled

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

(2) ~~If should the county or municipality fail or refuse~~fails or refuses to acquire said rights-of-way, the Director of Transportation ~~shall have authority to~~ may acquire



SB42 Enrolled

such rights-of-way as ~~first above~~ authorized in subdivision
(1). Rights-of-way acquired ~~under the provision of~~ pursuant to
this section shall be paid for in the manner prescribed by
law.

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

(2) The petition shall be granted unless: (i) a
property owner of the adjacent property to the road would no
longer have road access to his or her property if ownership
reverts back to the petitioning owner; (ii) the road provides
access to, reasonably may be developed to grant access to, or
is otherwise any existing or planned greenway trail as defined
in Section 41-10-860, and outlined in its master plan, that is
recognized by the state, county, or municipality, pursuant to
the Alabama Sweet Water Trails Project, Chapter 10 of Title
41; or (iii) the governing county or municipal body can



SB42 Enrolled

57 articulate a future use of the property consistent with the
58 use articulated at the time the property was purchased.

59 (3) This subsection does not apply to the State of
60 Alabama or the State Department of Transportation."

61 Section 2. This act shall become effective on June 1,
62 2025.



SB42 Enrolled

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB42

Senate 18-Feb-25

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 07-May-25

Senate concurred in House amendment 14-May-25

By: Senator Melson