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CHAPTER 9

Abandonment or Closing of Streets, Roads or Highways

**SECTION 57‑9‑10.** Petition to abandon or close street, road or highway; notice thereof.

Any interested person, the State or any of its political subdivisions or agencies may petition a court of competent jurisdiction to abandon or close any street, road or highway whether opened or not. Prior to filing the petition, notice of intention to file shall be published once a week for three consecutive weeks in a newspaper published in the county where such street, road or highway is situated. Notice also shall be sent by mail requiring a return receipt to the last known address of all abutting property owners whose property would be affected by any such change, and posted by the petitioning party along the street, road, or highway, subject to approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway. The Department of Transportation shall promulgate regulations which once effective will establish the minimum mandatory size, language, and specific positioning of signs pursuant to this section.

HISTORY: 1962 Code Section 33‑521; 1962 (52) 2183; 2012 Act No. 184, Section 1, eff June 7, 2012.

Effect of Amendment

The 2012 amendment added the posting requirement at the end of the third sentence and add the fourth sentence relating to regulations.

**SECTION 57‑9‑20.** Court shall make determination.

If the court shall determine that it is to be the best interest of all concerned that such street, road or highway be abandoned or closed, the court shall then determine in whom the title thereto shall be vested and issue an appropriate order.

HISTORY: 1962 Code Section 33‑522; 1962 (52) 2183.

**SECTION 57‑9‑30.** Recording of court order.

The clerk of court or register of deeds of the county where the property is situated shall record the order of the court and index the same in the book of deeds to real property.

HISTORY: 1962 Code Section 33‑523; 1962 (52) 2183.

Code Commissioner’s Note

1997 Act No. 34, Section 1, directed the Code Commissioner to change all references to “Register of Mesne Conveyances” to “Register of Deeds” wherever appearing in the 1976 Code of Laws.

**SECTION 57‑9‑40.** Chapter construed as cumulative to other laws.

This chapter shall not be construed to repeal any other provision of law but shall be cumulative thereto.

HISTORY: 1962 Code Section 33‑524; 1962 (52) 2183.