

HOUSE BILL NO. 588

Introduced: 01/31/83

Referred to committee on highways & Transportation: 01/31/83

Hearing: 2/8/83

Report: 02/10/83, Do Pass

2nd Reading: 02/12/83, Do Pass

3rd Reading: 02/15/83, Do Pass

Transmitted to Senate: 2/15/83

Referred to Committee on Highways & Transportation: 02/16/83

Hearing: 3/15/83

On Motion, Rereferred to Committee on Judiciary: 03/15/83

Died in Senate Committee

1 House BILL NO. 588
2 INTRODUCED BY Swift and Staff
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY PUBLIC
5 OWNERSHIP OF COUNTY ROADS CREATED BY A SUBDIVISION THAT
6 DEDICATES FOREVER THE USE OF THE LAND AS A ROADWAY;
7 PROVIDING FOR ABANDONING SUCH ROADS; AMENDING SECTIONS
8 7-14-2107 AND 7-14-2615, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 7-14-2107, MCA, is amended to read:
12 "7-14-2107. Acquisition of right-of-way. (1) Each
13 board of county commissioners shall contract, agree for,
14 purchase, or otherwise lawfully acquire right-of-way for
15 county roads over private property. It may institute
16 proceedings under Title 70, chapter 30, paying for such
17 right-of-way from the county road fund.
18 (2) Each board shall acquire rights-of-way for county
19 roads and discontinue or abandon them only upon proper
20 petition therefor.
21 (3) By Except when title vests in the public because
22 the land on which the county road is located is created by a
23 subdivision that dedicates forever the use of the land for a
24 road, by taking or accepting interests in real property for
25 county roads, the public acquires only the right-of-way and

1 the incidents necessary to enjoying and maintaining it."
2 Section 2. Section 7-14-2615, MCA, is amended to read:
3 "7-14-2615. Abandonment or vacation of county roads.
4 (1) All county roads once established must continue to be
5 county roads until abandoned or vacated by:
6 (a) operation of law;
7 (b) judgment of a court of competent jurisdiction; or
8 (c) the order of the board.
9 (2) No order to abandon any county road shall be valid
10 unless preceded by notice and public hearing.
11 (3) (a) Except as provided in subsection (3)(b), upon
12 order of abandonment, the land on which the county road is
13 located reverts to the owners of the adjoining land from
14 which the road was taken.
15 (b) The title to the land on which county roads are
16 located that were created by a subdivision in which the
17 recorded plat declared that the land designated for the
18 roadways was dedicated forever to the public remains in the
19 public unless the order to abandon specifically divests the
20 public of its title."

-End-

Approved by Committee
on Highways & Transportation

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AB588

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