

1 SB57
2 208456-3
3 By Senator Melson
4 RFD: Agriculture, Conservation and Forestry
5 First Read: 02-FEB-21
6 PFD: 01/20/2021

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to eminent domain; to amend Section 18-3-1,
12 Code of Alabama 1975, to further provide for the acquisition
13 of private rights-of-way.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 18-3-1, Code of Alabama 1975, is
16 amended to read as follows:

17 "§18-3-1.

18 "The owner of any tract or body of land, no part of
19 which tract or body of land is adjacent or contiguous to any
20 public road or highway, shall have and may acquire a
21 convenient right-of-way, not exceeding in width 30 feet, over
22 the lands intervening and lying between such tract or body of
23 land and the public road nearest or most convenient thereto
24 ~~provided~~, subject to the following requirements:

25 "(1) If the land is located within a municipality,
26 the owner shall obtain written approval ~~is obtained~~ from the
27 municipal government and the planning board of ~~such the~~ the

1 municipality prior to filing an application pursuant to
2 Section 18-3-3.

3 "(2) If the subject land is adjacent to public
4 unused land, as defined in Section 9-15-1, which is managed by
5 the Department of Conservation and Natural Resources and is
6 located between the subject land and a public road or highway,
7 the probate court shall grant a convenient right-of-way over
8 the public unused lands to the public road or highway;
9 provided, the right-of-way does not substantially impair or
10 impede the future planned development of the unused lands. A
11 right-of-way granted under this subdivision is subject to
12 approval by the State Lands Division of the Department of
13 Conservation and Natural Resources. If no fixed access point
14 exists from the public unused land onto the public road or
15 highway, approval of a new access point to be utilized as
16 authorized herein shall be obtained from the governmental
17 entity with supervision and control of the road or highway.
18 Notwithstanding the foregoing, nothing in this subdivision
19 shall apply to land subject to the Forever Wild Land Trust or
20 sixteenth section land."

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Agriculture, Conservation and For-
estry..... 02-FEB-21

Read for the second time and placed on the calen-
dar 2 amendments..... 10-FEB-21

Read for the third time and passed as amended 11-MAR-21

Yeas 29
Nays 0

Patrick Harris,
Secretary.