

§224. Abandonment of highway; sale by department; acquisition by governing authority; ratification

A. When the secretary determines that certain sections of the state highway system cease to be used by the public to the extent that the original public purpose is no longer being served, he may by appropriate declaration, accompanied by a plat or sketch duly recorded in the parish where the property is located, declare that the highway is to be abandoned.

B. Prior to declaring the abandonment of a highway or highway section, the secretary shall notify the governing authority or authorities as well as all public utilities with recorded right-of-way agreements or permits and/or recorded holders of right-of-way permits affected by such abandonment through which the highway or highway section passes, of his intention. The secretary shall also notify each member of the legislature in whose district the highway or highway section is located. The governing authority or authorities shall indicate a willingness and desire to accept the highway or highway section proposed to be abandoned and to operate and maintain the highway as part of the governing authority's system and shall issue a resolution stating the conditions of the acceptance.

C. If the governing authority or authorities are unwilling to accept and maintain the highway or highway section to be abandoned, or in the event of the abandonment of any property acquired and used for right-of-way purposes, the realignment of which has been changed so as to make the right-of-way no longer needed for the original purpose, the secretary may at his discretion dispose of the property at either public or private sale. Private sale shall be limited to the original vendor of the property or his successors in title. If the sale is to the original vendor of the property, the consideration for the private sale shall be the original cost to the department or its appraised market value, whichever is greater. If the sale is to the successors in title to the original vendor, the consideration for the private sale shall be the present appraised value. If sold, notice of abandonment of the roadway shall be posted in accordance with Subsection E of this Section. If the property cannot be sold at either public or private sale, then abandonment may be accomplished as provided in Subsection E of this Section or transferred to the Department of Natural Resources, state lands section.

D. However, nothing in this Section nor in Section 221 shall be construed as requiring the department to abandon or sell any property or property right, especially where local service or frontage roads, or the closing or portions of lanes in multilane highways are concerned. Further, where the secretary determines there is no market for any area owned by the department or over which it has a servitude, that portion may be abandoned in accordance with the general laws of the state.

E. When the governing authority or authorities are unwilling to accept and maintain the highway or highway section to be abandoned and the department has only a servitude, abandonment by the department by providing proper legal notice, recordation of the declaration of abandonment as provided herein and posting of adequate signs shall constitute abandonment. The department shall have no further obligation or liability in connection with the servitude.

F. Abandonment of highways or highway sections previously made to public entities other than parish governing authorities are hereby ratified.

Amended by Acts 1977, No. 291, § 1; Acts 1980, No. 536, § 1; Acts 1985, No. 489, § 1; Acts 1992, No. 349, § 1, eff. June 17, 1992.