

**72-5-107 United States patents -- Patentee and county to assert claims to roads crossing land.**

- (1)
  - (a) If any person acquires title from the United States to any land in this state over which any public highway extends that has not been duly platted, and that has not been continuously used as a public highway for a period of 10 years, the person shall within three months after receipt of the person's patent assert the person's claim for damages in writing to the county executive of the county in which the land is situated.
  - (b) The county legislative body shall have an additional period of three months in which to begin proceedings to condemn the land according to law.
- (2)
  - (a) The highway shall continue open as a public highway during the periods described under Subsection (1).
  - (b) If no action is begun by the county executive within the period described under Subsection (1) (b), the highway shall be considered to be abandoned by the public.
- (3) In case of a failure by the person so acquiring title to public lands to assert his claim for damage during the three months from the time the person received a patent to the lands, the person shall thereafter be barred from asserting or recovering any damages by reason of the public highway, and the public highway shall remain open.

Renumbered and Amended by Chapter 270, 1998 General Session