

72-5-309 Acceptance of rights-of-way -- Notice of acknowledgment required.

- (1) The governor or the governor's designee may assess whether the grant of the R.S. 2477 has been accepted with regard to any right-of-way so as to vest title of the right-of-way in the state and the applicable political subdivision as provided for in Section 72-5-103.
- (2) If the governor or governor's designee concludes that the grant has been accepted as to any right-of-way, the governor or a designee shall issue a notice of acknowledgment of the acceptance of the R.S. 2477 grant as to that right-of-way.
- (3) A notice of acknowledgment of the R.S. 2477 grant shall include:
 - (a) a statement of reasons for the acknowledgment;
 - (b) a general description of the right-of-way or rights-of-way subject to the notice of acknowledgment, including the county in which it is located, and notice of where a center-line description derived from Global Positioning System data may be viewed or obtained;
 - (c) a statement that the owner of the servient estate in the land over which the right-of-way or rights-of-way subject to the notice runs or any person with a competing dominant estate ownership claim may file a petition with the district court for a decision regarding the correctness or incorrectness of the acknowledgment; and
 - (d) a statement of the time limit provided in Section 72-5-310 for filing a petition.
- (4)
 - (a)
 - (i) The governor or the governor's designee may record a notice of acknowledgment, and any supporting affidavit, map, or other document purporting to establish or affect the state's property interest in the right-of-way or rights-of-way, in the office of the county recorder in the county where the right-of-way or rights-of-way exist.
 - (ii)
 - (A) A notice of acknowledgment recorded in the county recorder's office is not required to be accompanied by a paper copy of the center-line description.
 - (B) A paper copy of each center-line description together with the notice of acknowledgment shall be placed in the state archives created in Section 63A-12-101 and made available to the public upon request in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
 - (C) An electronic copy of the center-line description identified in a notice of acknowledgment shall be available upon request at:
 - (I) the county recorder's office; or
 - (II) the Automated Geographic Reference Center created in Section 63F-1-506.
 - (b) A notice of acknowledgment recorded in the county recorder's office is conclusive evidence of acceptance of the R.S. 2477 grant upon:
 - (i) expiration of the 60-day period for filing a petition under Section 72-5-310 without the filing of a petition; or
 - (ii) a final court decision that the notice of acknowledgment was not incorrect.

Amended by Chapter 97, 2008 General Session
Amended by Chapter 382, 2008 General Session