

72-6-113 Acquisition and improvement of land for preservation of scenic beauty -- Authority of department.

- (1) The department is authorized to acquire and improve strips of land necessary for the restoration, preservation, and enhancement of scenic beauty within and adjacent to a federal-aid highway of this state, including acquisition of publicly owned and controlled rest and recreation areas, sanitary, and other facilities within or adjacent to the highway right-of-way reasonably necessary to accommodate the traveling public.
- (2) Acquisition may be by gift, purchase, or exchange but may not be by condemnation.
- (3) The interest in any land authorized to be acquired and maintained under this section may be fee simple or any lesser interest, as determined by the department to be reasonably necessary to accomplish the purposes of this section.
- (4)
 - (a) Real property, or any interest in real property, acquired under this section is part of the adjacent or nearest highway and is under the jurisdiction of the department.
 - (b) The department may enter into an agreement with any state agency for maintenance of land acquired in accordance with this section.

Renumbered and Amended by Chapter 270, 1998 General Session