

HOUSE BILL NO. HB0220

Establishment of public roads.

Sponsored by: Representative(s) Olsen and Senator(s)
Cooper

A BILL

for

1 AN ACT relating to the establishment of highways; exempting
2 agriculture roads on public lands from procedure; and
3 providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 24-1-101(a) is amended to read:

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9 **24-1-101. Public highways defined and established;**
10 **creation by adverse possession.**

11

12 (a) On and after January 1, 1924, all roads within
13 this state shall be highways, which have been or may be
14 declared by law to be state or county highways. It shall be
15 the duty of the several boards of county commissioners,
16 within their respective counties, prior to said date, to

1 determine what, if any, such roads now or heretofore
2 travelled but not heretofore officially established and
3 recorded, are necessary or important for the public use as
4 permanent roads, and to cause such roads to be recorded, or
5 if need be laid out, established and recorded, and all
6 roads recorded as aforesaid, shall be highways. No other
7 roads, except roads located on federal public lands prior
8 to October, 1976 which provide access for a private
9 residence or agricultural operation, shall be highways
10 unless and until lawfully established as such by official
11 authority. Except, nothing contained herein shall be
12 construed as preventing the creation or establishment of a
13 public highway right-of-way with reference to state and
14 county highways under the common-law doctrines of adverse
15 possession or prescription either prior to or subsequent to
16 the enactment hereof. If any such board shall resolve the
17 creation or establishment of a public highway right-of-way
18 based upon the common-law doctrines of adverse possession
19 or prescription, it shall, following the filing of a plat
20 and accurate survey required in accordance with the terms
21 and provisions of W.S. 24-3-109, proceed with the
22 publication of the proposed road for three (3) successive
23 weeks in three (3) successive issues of some official
24 newspaper published in the county, if any such there be,

1 and if no newspaper be published therein, such notice shall
 2 be posted in at least three (3) public places along the
 3 line of the proposed road, which notice shall be exclusive
 4 of all other notices and may be in the following form:

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6 To all whom it may concern: The board of county
 7 commissioners of county has resolved the creation and
 8 establishment of a public highway right-of-way under the
 9 common-law doctrine of prescription in that the road was
 10 constructed or substantially maintained by the (either the
 11 state or county) for general public use for a period of
 12 (ten years or longer) said road commencing at in
 13 county, Wyoming, running thence (here describe in general
 14 terms the points and courses thereof), and terminating at
 15

16

17 All objections thereto must be filed in writing with
 18 the county clerk of said county before noon on the day
 19 of A.D.,, or such road will be established
 20 without reference to such objections.

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23

County Clerk

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Dated A.D.

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2 **Section 2.** This act is effective July 1, 2007.

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(END)