



County Road Abandonment

Dear Resident:

Thank you for your interest in abandoning a county road. The enclosed ordinance will explain the legal procedures for abandoning a county-maintained road. A petition is also enclosed for your convenience.

In order to initiate this process, a signed petition by all persons owning property on that portion of roadway being closed or abandoned must be submitted to Anderson County Roads and Bridges. Upon receipt of the signed petition with appropriate signatures, the Engineering Department will begin abandonment procedures. Public notification sign(s) will be posted adjacent to the road for 30 days. Anderson County will conduct a full investigation to determine if it is in the public's best interest to abandon the road. If all criteria for abandonment are met, the request for abandonment will be provided to Anderson County Council for approval. You will be notified in writing of Council's approval.

If residents desire to abandon only a section of a road, they will be required to install a cul-de-sac turn-around on their property at property owner's expense, regardless if the road has an existing cul-de-sac or turn-around. This is to ensure adequate turn-around for emergency service vehicles and school buses.

Please note: Anderson County can only abandon its interest in a county-maintained road. To obtain legal title to this road, property owners must petition a South Carolina Circuit Court to formally approve and declare this abandonment through a judicial abandonment at the owners' expense. The owner's attorney may file with the Circuit Court.

Owners must submit a copy of the official judicial abandonment court order to Anderson County Roads and Bridges to finalize the abandonment process. Until this is completed the road will remain under Anderson County maintenance and must remain open to the public.

If you have any questions, please contact Anderson County Roads & Bridges office at 260-4190.

Sincerely,

Shady Agnew | ROADS AND BRIDGES DEPARTMENT
Right of Way Specialist

Tommy Dunn
Chairman, District 5

John B. Wright Jr.
Council District 1

Greg Elgin
Council District 3

Cindy Wilson
Council District 7

Brett Sanders
V. Chairman, District 4

Glenn Davis
Council District 2

Jimmy Davis
Council District 6

Renee D. Watts
Clerk to Council

ANDERSON COUNTY
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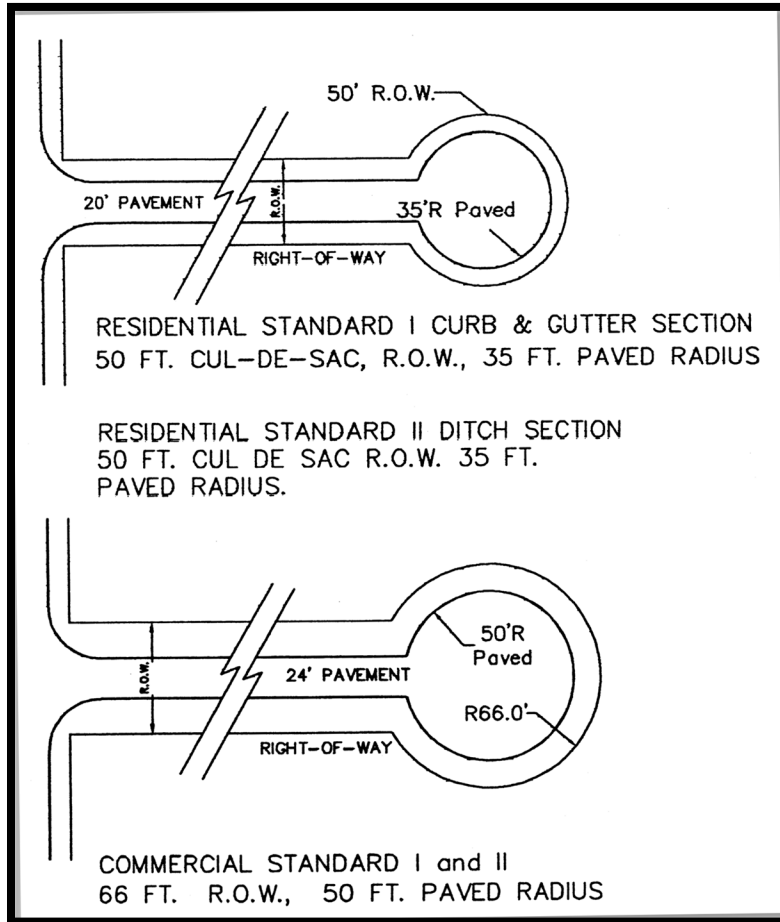
ARTICLE VI - DIVISION 6: ABANDONMENT AND CLOSURE OF PUBLIC ROADS

Sec. 24-1106. Policies and procedures.

- (a) Upon a request for an abandonment and closure of a county public road, county staff shall conduct a thorough investigation of the request, adequate to determine the following:
 - (1) Whether the road in question is, or ever has been, a county road;
 - (2) Whether the road is still in general public use or has been practically abandoned;
 - (3) Whether the county has any documentation relating to the status of the road, such as a dedication of right-of-way, easement, or deed;
 - (4) Whether the road was subject to a prescriptive easement;
 - (5) Whether there is any other information that would assist county council in determining whether the best interests of the county shall be served by consenting to the abandonment and closure of the road in question or by not so consenting.
- (b) As part of the investigation, the county transportation division shall post, adjacent to the road in question, a sign, with letters not less than three inches tall, and otherwise marked so as to be as conspicuous as possible, prominently providing notice that the road, or a portion thereof abutting the sign, is proposed for abandonment and closure, soliciting citizen comments concerning such proposed abandonment and closure, and providing notice of address and telephone number at the transportation division to which concerned citizens may forward comments concerning such proposed abandonment and closure.
- (c) Following the investigation, the county transportation director shall make a recommendation to county council as to whether the request for abandonment and closure should be honored, and shall provide the results of the staff investigation and any public comments received to county council for its use in making a final determination as to whether the county should consent to such abandonment and closure.
- (d) County council shall, in public meeting, after due notice, make a determination as to whether the request for abandonment and closure should be consented to by the county by resolution.
- (e) If county council consents to the abandonment and closure of a county public road, the resolution of consenting to such abandonment and closure shall state, with particularity, the road, or section thereof, to be closed; the basis for county council's decision to consent to the abandonment and closure of the road; and the absolute requirement that, prior to the road, or any portion thereof, being closed, the party(ies) in interest shall fully comply with all applicable law, including, without limitation, section 57-9-10, South Carolina Code, 1976, as amended, and shall provide all required notice and service of process. Only upon the meeting of all such conditions and the fulfillment of such procedures will county council's consent to such abandonment and closure be considered final.

(Code 2000, § 38-721; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-1114. Appendix F.



(Code 2000, ch. 38, art. VI(app. F))

SC Code of Laws

TITLE 57 - CHAPTER 9 Abandonment or Closing of Streets, Roads, or Highways

SECTION 57-9-10. Petition to abandon or close street, road, or highway; notice.

Any interested person, the State or any of its political subdivisions or agencies may petition a court of competent jurisdiction to abandon or close any street, road or highway whether opened or not. Prior to filing the petition, notice of intention to file shall be published once a week for three consecutive weeks in a newspaper published in the county where such street, road or highway is situated. Notice also shall be sent by mail requiring a return receipt to the last known address of all abutting property owners whose property would be affected by any such change, and posted by the petitioning party along the street, road, or highway, subject to approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway. The Department of Transportation shall promulgate regulations which once effective will establish the minimum mandatory size, language, and specific positioning of signs pursuant to this section.

HISTORY: 1962 Code Section 33-521; 1962 (52) 2183; 2012 Act No. 184, Section 1, eff June 7, 2012.

SECTION 57-9-20. Court shall make determination.

If the court shall determine that it is to be the best interest of all concerned that such street, road or highway be abandoned or closed, the court shall then determine in whom the title thereto shall be vested and issue an appropriate order.

HISTORY: 1962 Code Section 33-522; 1962 (52) 2183.

SECTION 57-9-30. Recording of court order.

The clerk of court or register of deeds of the county where the property is situated shall record the order of the court and index the same in the book of deeds to real property.

HISTORY: 1962 Code Section 33-523; 1962 (52) 2183.

SECTION 57-9-40. Cumulative effect of chapter.

This chapter shall not be construed to repeal any other provision of law but shall be cumulative thereto.

HISTORY: 1962 Code Section 33-524; 1962 (52) 2183.

