



Anderson County

## Roads and Bridges Department

735 Michelin Boulevard, Anderson, SC 29626 • (864) 260-4190 • Fax (864)332-5474

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# Road Abandonment

Dear Resident:

Thank you for your interest in abandoning a county road. The enclosed ordinance will explain the 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 Section will begin abandonment procedures. Our office will then notify the councilperson in whose district the roadway resides, that the road or section of road is proposed for abandonment. Two weeks from the date of notifying the councilperson, proposed abandonment sign(s) will be posted adjacent to the road providing public notice. Sign(s) will be posted for 30 days. 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.

Anderson County can only abandon its interest in maintenance of a county road. To obtain legal title to this road, the party (ies) involved must petition a South Carolina Circuit Court to formally approve and declare this abandonment and closure. Generally, this is done by the party (ies) having their attorney file with the Circuit Court.

In order to finalize this abandonment, Anderson County Roads and Bridges must receive a copy of this official judicial abandonment.

If you have any further questions, please contact our office at 260-4190.

Sincerely,

Jill Sanders  
Information Management Supervisor  
Anderson County Roads and Bridges



Accredited by the  
American Public  
Works Association

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Member of the Anderson County Public Works Division



# Anderson County Roads & Bridges

735 Michelin Boulevard, Anderson, SC 29625  
(864) 260-4190

## Roadway Abandonment Petition

\*Only one signature per household will be counted

Date: \_\_\_\_\_

I am the Contact Person for this road and will be responsible for the expedition of information between the Anderson County Roads & Bridges Engineering Section and the landowners on the proposed road.

Name: \_\_\_\_\_

Mailing \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Road Name: \_\_\_\_\_

Reason for abandonment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

We, the undersigned landowners, do petition Anderson County Roads & Bridges to abandon the road, or portion of road, named above.

Signature (Do not print)

Address

Phone Number

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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## **Sec. 38-721. 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](b) 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](c) 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](d) 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.

(Ord. No. 03-007, § 1, 4-15-03)

South Carolina Code of Laws  
Title 57 – Highways, Bridges and Ferries

CHAPTER 9  
Abandonment or Closing of Streets, Roads or Highways

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

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.

**Effect of Amendment**

The 2012 amendment added the posting requirement at the end of the third sentence and add the fourth sentence relating to regulations.

**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.

**Code Commissioner's Note**

1997 Act No. 34, Section 1, directed the Code Commissioner to change all references to "Register of Mesne Conveyances" to "Register of Deeds" wherever appearing in the 1976 Code of Laws.

**SECTION 57-9-40.** Chapter construed as cumulative to other laws.

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.