



SPONSOR: Sen. Hansen & Rep. Matthews  
Sens. Hocker, Pettyjohn, Walsh, Wilson; Reprs. Carson,  
Gray

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 76

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO VACATION OF PUBLIC ROADS BY ADMINISTRATIVE ACTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §1311, Title 17 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 1311. Vacation of public roads by administrative action of department; procedure.

4 (6) Notwithstanding the foregoing, the Department may vacate a portion of a public road or right of way by  
5 way of a resolution signed by the Secretary without the necessity of undertaking public notice nor hearing when such  
6 portion to be vacated is only subject to newly improved or alternate roadway realignment of an existing public road  
7 and does not result in such public road being vacated or abandoned altogether. The Department shall document the  
8 appropriateness and reasonableness of the administrative action procedure for a proposed road vacation or  
9 abandonment of said road. The Department may issue a document suitable for recording to accomplish the particular  
10 vacation. Such document may include a deed, resolution, or easement extinguishment, as the individual circumstances  
11 may require. Said document shall be recorded in the Office of the Recorder of Deeds in and for the county where the  
12 vacated portion of such public road lies and shall provide for the disposition of the property rights of the vacated road  
13 portion or right of way, with such disposition to occur as otherwise provided herein. The order of the Department and  
14 realigned portions shall be entered in the road books or records of the county in which the public road is located.

SYNOPSIS

This Act amends §1311, Title 17 of the Delaware Code to allow for the Delaware Department of Transportation to vacate an old right of way of a newly realigned section of road by resolution.

Author: Senator Hansen