

Rule No.: 941 - 8401 - 07100

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005 Supercedes Rule:

Division: Right of Way

Rule Title: Sale of Surplus Right of Way and Uneconomic Remnant Property

The person to be contacted regarding the proposed rule is: Facility and Records Management Director

Name of person originating the proposed rule: Daniel B. Smith

Name of supervisor or person who approved the proposed rule: Daniel B. Smith

Purpose:

Establish rules for sale of surplus property and uneconomic remnant property.

Summary:

Rules for the sale of surplus right of way and uneconomic remnant (x-deed) property.

The full text of the proposed rule is:

All cites herein refer to the most current version of the cited document.

The sale of surplus right of way and uneconomic remnant (x-deed) property is subject to the requirements as set forth in Section 65-1-123 of the Mississippi Code Annotated (1972), as amended.

A transaction fee shall be added to the amount accepted by the Mississippi Transportation Commission for the sale of surplus property or uneconomic remnant property. The transaction fee shall be ten percent (10%) of the amount accepted. The transaction fee shall apply to each request for surplus property or for uneconomic remnant property, except for those transactions defined as "pre-Whitworth" transactions.

Pre-Whitworth easements are defined as all those interests in property acquired by the State Highway Commission of Mississippi through Warranty Deed, Special Warranty Deed, Quitclaim Deed or other monument of title prior to September 14, 1949. The interest of the Mississippi Transportation Commission in any pre-Whitworth property is valued as an easement; therefore, title to the underlying fee interest of the subject property must be confirmed. The requestor must file suit to quiet and confirm title of the underlying fee interest.

According to an ORDER dated November 12, 2002 and recorded in Minute Book 19 at Page 1222 and 1223 of the official minutes of said Commission, any pre-Whitworth easement when released at the request of the adjoining landowner or underlying fee title holder, an amount equal to thirty percent (30%) of the fair market value of the property shall be paid by the person making such request.

All cites to the Mississippi Code are available at www.state.ms.us.