

Sub-part 8401 – Right of Way

Chapter 07100 Sale of Surplus Right of Way and Uneconomic Remnant Property

Purpose

- 100 Establish rules for sale of surplus property and uneconomic remnant property.
- 101 Rules for the sale of surplus right of way and uneconomic remnant (x-deed) property.
- 102 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.
- 103 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.
- 104 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.
- 105 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.
- 106 All cites to the Mississippi Code are available at www.state.ms.us.