

Senate Bill 438

By: Senators Henson of the 41st and Ramsey, Sr. of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 4 of Title 32 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding state, county, and municipal road systems, so as to
3 provide for definitions; to provide for the exclusive control of public rights of way by
4 abutting property owners; to provide for exceptions; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 4 of Title 32 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding state, county, and municipal road systems, is amended by
10 adding a new Code section to read as follows:

11 "32-4-5.

12 (a) As used in this Code section, the term:

13 (1) 'Abutting property' means a parcel or tract of land which abuts right of way land.

14 (2) 'Base line' means the boundary line dividing the land of an abutting property from the
15 right of way land.

16 (3) 'Private control area' means the portion of the right of way land lying between an
17 abutting property and the roadway, which is bounded by the base line, the two side
18 boundaries at each end of the base line, and the edge of the roadway.

19 (4) 'Right of way land' means all real estate commonly known as the roadway right of
20 way, owned fee simple by a state, county, or municipality where such land is adjacent to
21 a public roadway, but not a limited access highway.

22 (5) 'Side boundary' means a line drawn perpendicular to the roadway which intersects
23 an end of the base line.

24 (6) 'Side boundaries' means straight line extensions of the side boundary lines dividing
25 each abutting property extending from each intersection with the base line, proceeding
26 to the roadway.

27 (b) Subject any statutes, ordinances, or regulations to the contrary, and subject to any
28 public purpose sanctioned or set forth by the owning governmental entity, each owner of
29 abutting property is granted exclusive use and control of the adjacent private control area."

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SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.