

HOUSE BILL NO. HB0079

Establishment of private roads.

Sponsored by: Representative(s) Buchanan, Botten and Brown

A BILL

for

1 AN ACT relating to establishment of private roads;
2 requiring notice of proposed alternative routes; amending
3 time periods; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 24-9-101(b), (c) and (e) is amended
8 to read:

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10 **24-9-101. Petition; initial hearing; appointment of**
11 **viewers and appraisers; bond; rules; certification to**
12 **district court.**

13

14 (b) Within ten (10) days after filing an application
15 with the board, the applicant shall give notice in writing
16 by certified mail, with return receipt, to the affected
17 parties of all lands over which any private road is applied

1 for, of his pending application for a private road. The
2 notice shall include a complete copy of the original
3 application and any amendments thereto. Each affected
4 party receiving notice under this subsection shall, within
5 twenty (20) days of receiving notice, provide written
6 notice to the board and the applicant of the location and
7 description, in the manner described in paragraphs (a)(iv)
8 and (v) of this section, of any alternate routes proposed
9 by the affected party.

10
11 (c) The board shall review the application within
12 ~~thirty (30)~~ forty-five (45) days of its receipt and if the
13 board finds the application contains the information
14 required by subsection (a) of this section and notice has
15 been provided in accordance with subsection (b) of this
16 section, it shall schedule a hearing to determine whether
17 the applicant has no legally enforceable access to his
18 land. The hearing shall be scheduled at a date that allows
19 the applicant time to give all notice required under this
20 section.

21
22 (e) After the board has scheduled a hearing date
23 under subsection (c) of this section, the applicant shall
24 give written notice of the date, time and place of the

1 hearing on the application, by certified mail with return
2 receipt, to all affected parties named in the original
3 application, all landowners affected by any alternative
4 routes proposed as provided in subsection (b) of this
5 section and any other landowners the board believes may be
6 affected by the application or by any alternative route
7 which may be considered by the board. ~~or the viewers and~~
8 ~~appraisers.~~ The written notice shall include a copy of the
9 original application and any amendments thereto and shall
10 be provided at least sixty (60) days prior to the pending
11 hearing. If any affected party, including any landowner
12 affected by any alternative route proposed as provided in
13 subsection (b) of this section, is a nonresident, and there
14 is no resident agent upon which personal service can be
15 had, then the notice may be published once a week for three
16 (3) weeks in a newspaper published in the county. The first
17 publication shall be at least sixty (60) days prior to the
18 hearing.

19

20 **Section 2.** This act is effective July 1, 2011.

21

22 (END)