

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 433
HOUSE BILL 876

AN ACT TO VEST TITLE TO ABANDONED RAILROAD EASEMENTS IN
ADJOINING PROPERTY OWNERS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1 of the General Statutes is amended by adding a new section to read:

"§ 1-44.2. **Presumptive ownership of abandoned railroad easements.**—(a)

Whenever a railroad abandons a railroad easement, all right, title and interest in the strip, piece or parcel of land constituting the abandoned easement shall be presumed to be vested in those persons, firms or corporations owning lots or parcels of land adjacent to the abandoned easement, with the presumptive ownership of each adjacent landowner extending to the centerline of the abandoned easement. In cases where the railroad easement adjoins a public road right-of-way, the adjacent property owner's right, title and interest in the abandoned railroad easement shall extend to the nearest edge of the public road right-of-way.

The side boundaries of each parcel so presumptively vested in the adjacent property owner shall be determined by extending the side property lines of the adjacent parcels to the centerline of the abandoned easement, or as the case may be, the nearest edge of the public road right-of-way. In the event the side property lines of two adjacent property owners intersect before they meet the centerline or nearest edge of the public road right-of-way, as the case may be, such side property lines shall join and run together from the point of intersection to the centerline of the easement or nearest edge of the public road right-of-way, as the case may be, perpendicular to said centerline or edge.

(b) Persons claiming ownership contrary to the presumption established in this section shall have a period of one year from the date of enactment of this statute or the abandonment of such easement, whichever later occurs, in which to bring any action to establish their ownership. The presumption established by this section is rebuttable by showing that a party has good and valid title to the land.

(c) This section has no application to railroad easements which were granted to a corporation by charter, condemnation, deed or other instrument occurring or dated prior to the adoption of the North Carolina Constitution of 1868."

Sec. 2. This act is effective upon ratification, but shall not apply to pending litigation.

In the General Assembly read three times and ratified this the 19th day of June, 1987.