

**§61. Vacation, sale or lease of acquired land**

**1. Land acquired may be vacated.** The Department of Transportation may vacate any land or part of land or rights in land which have been taken or acquired for transportation purposes by executing and recording a deed, and that action shall vest the title to the lands or rights so vacated in the person in whom it was vested at the time of the taking, their heirs and assigns. The value at the time of vacation may be pleaded in mitigation of damages in any proceeding on account of that taking.  
[PL 1985, c. 13 (NEW).]

**2. Land acquired may be sold.** The Governor, on recommendation of the department, may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase for transportation purposes and deemed no longer necessary for those purposes.  
[PL 1985, c. 13 (NEW).]

**2-A. Easements may be conveyed.** The Department of Transportation may grant or otherwise transfer easements over property taken or acquired for transportation purposes when the department in its sole discretion determines that the conveyance of such easements is appropriate and necessary.  
[PL 1999, c. 753, §1 (NEW).]

**3. Lease and use of property.** The department may make advantageous use of property acquired or taken pending that use for transportation purposes, including, but not limited to, the leasing of those interests. All such property and interests shall be deemed to be for transportation purposes and shall be exempt from taxation.  
[PL 1985, c. 13 (NEW).]

**4. Proceeds from sale, lease or vacating.** The State's share of all gross proceeds from a sale, lease or vacating of property shall be deposited into the Highway Fund and shall only be expended upon allocation by the Legislature. The Federal Government's share shall be deposited in the account from which it originated.  
[PL 1987, c. 735, §39 (RPR).]

**SECTION HISTORY**

PL 1971, c. 593, §22 (AMD). PL 1975, c. 194 (AMD). PL 1975, c. 771, §234A (AMD). PL 1985, c. 13 (RPR). PL 1987, c. 735, §39 (AMD). PL 1999, c. 753, §1 (AMD).

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