



General Assembly

**Amendment**

January Session, 2013

LCO No. 8652

**\*HB0663708652HDO\***

Offered by:

REP. FOX, 146<sup>th</sup> Dist.

REP. ORANGE, 48<sup>th</sup> Dist.

To: House Bill No. 6637

File No. 669

Cal. No. 462

**"AN ACT CONCERNING THE DISCONTINUANCE OF HIGHWAYS  
AND PRIVATE WAYS BY MUNICIPALITIES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 13a-49 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2013, and*  
5 *applicable to discontinuances or partial discontinuances considered or*  
6 *approved on or after said date*):

7 (a) (1) The selectmen of any town may, subject to approval by a  
8 majority vote at any regular or special town meeting, by a writing  
9 signed by them, discontinue any highway or private way, or land  
10 dedicated as such, in its entirety, or may discontinue any portion  
11 thereof or any property right of the town or public therein, except  
12 when laid out by a court or the General Assembly, and except where  
13 such highway is within a city, or within a borough having control of  
14 highways within its limits.

15     (2) Whenever the selectmen of a town meet to consider the  
16 discontinuance or partial discontinuance of a highway or private way,  
17 or land dedicated as such, or portion thereof, at a regular or special  
18 town meeting on or after October 1, 2013, they shall provide written  
19 notice of the meeting to each owner of property that bounds the  
20 highway or private way, or land dedicated as such, or portion thereof.  
21 Such notice shall be provided by mailing a notice of the date, time,  
22 place and subject of such meeting to such owner's address, as shown in  
23 the last-completed grand list of the town, by first class mail,  
24 postmarked at least fifteen days prior to the date of such meeting. If, in  
25 the opinion of the selectmen, the boundary lines or limits of such  
26 highway or private way have become lost or uncertain, the selectmen  
27 shall make reasonable efforts to identify the boundary lines or limits of  
28 such highway or private way, and shall give notice of such meeting to  
29 each owner of property that bounds such identified boundary line or  
30 limit in accordance with this subdivision. Such reasonable efforts need  
31 not include an examination of title or abstracts thereof or a land  
32 survey.

33     (3) If the selectmen vote to approve such discontinuance or partial  
34 discontinuance at a regular or special town meeting on or after October  
35 1, 2013, they shall cause to be recorded on the land records of the town  
36 a notice of such approval, which notice shall include (A) a listing of  
37 each parcel of property identified pursuant to subdivision (2) of this  
38 subsection to bound (i) such highway or private way, or land  
39 dedicated as such, or (ii) such identified boundary line or limit, and (B)  
40 the name of the owner of each such parcel of property as shown in the  
41 last-completed grand list of the town.

42     (4) Any person aggrieved by a discontinuance or partial  
43 discontinuance under this subsection may [be relieved by application]  
44 apply to the Superior Court [, to be made and proceeded with] in the  
45 manner prescribed in section 13a-62.

46     (b) Whenever a petition has been presented to the selectmen for  
47 such discontinuance or partial discontinuance of any land dedicated as

48 a highway or private way but which has not been actually used,  
 49 worked or accepted [ ] as a highway [ ] by the town, and such  
 50 discontinuance or partial discontinuance has not been made by the  
 51 selectmen and approved by the town within twelve months after such  
 52 presentation, any person aggrieved may [be relieved by application]  
 53 apply to said court [ , to be made and proceeded with] in the manner  
 54 prescribed in section 13a-62."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013, and applicable to discontinuances or partial discontinuances considered or approved on or after said date</i>	13a-49