



General Assembly

Substitute Bill No. 5448

February Session, 2014



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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13a-49 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014, and*
3 *applicable to discontinuances or partial discontinuances considered or*
4 *approved on or after said date*):

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

13 (2) Whenever the selectmen of a town meet to consider the
14 discontinuance or partial discontinuance of a highway or private way,
15 or land dedicated as such, at a regular or special town meeting on or
16 after October 1, 2014, they shall provide written notice of the meeting
17 to each owner of property that bounds the highway or private way, or
18 land dedicated as such. Such notice shall be provided by mailing a
19 notice of the date, time, place and subject of such meeting to each such
20 owner's address, as shown in the last-completed grand list of the town,

21 by first class mail, postmarked at least fifteen days prior to the date of
22 such meeting. If, in the opinion of the selectmen, the boundary lines or
23 limits of such highway or private way have become lost or uncertain,
24 the selectmen shall make reasonable efforts to identify the boundary
25 lines or limits of such highway or private way, and shall give notice of
26 such meeting to each owner of property that bounds such identified
27 boundary line or limit in accordance with this subdivision. Such
28 reasonable efforts need not include an examination of title or abstracts
29 thereof or a land survey.

30 (3) If the selectmen vote to approve such discontinuance or partial
31 discontinuance at a regular or special town meeting on or after October
32 1, 2014, they shall cause to be recorded on the land records of the town
33 a notice of such approval, which notice shall include (A) a listing of
34 each parcel of property identified pursuant to subdivision (2) of this
35 subsection to bound (i) such highway or private way, or land
36 dedicated as such, or (ii) such identified boundary line or limit, and (B)
37 the name of the owner of each such parcel of property as shown in the
38 last-completed grand list of the town.

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

43 (b) Whenever a petition has been presented to the selectmen for
44 such discontinuance or partial discontinuance of any land dedicated as
45 a highway or private way but which has not been actually used,
46 worked or accepted [,] as a highway [,] by the town, and such
47 discontinuance or partial discontinuance has not been made by the
48 selectmen and approved by the town within twelve months after such
49 presentation, any person aggrieved may [be relieved by application]
50 apply to said court [, to be made and proceeded with] in the manner
51 prescribed in section 13a-62.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014, and applicable to discontinuances or partial discontinuances considered or approved on or after said date</i>	13a-49

Statement of Legislative Commissioners:

In section 1(a)(1), "portion thereof" was changed to "part thereof" for consistency, and in the new language, references to "or portion thereof" were deleted because they were unnecessary.

JUD *Joint Favorable Subst. -LCO*