



General Assembly

Amendment

February Session, 2014

LCO No. 4826

HB0544804826HDO

Offered by:

REP. RITTER M., 1st Dist.
REP. FOX, 146th Dist.
REP. FRITZ, 90th Dist.

REP. ORANGE, 48th Dist.
REP. REBIMBAS, 70th Dist.
REP. SMITH, 108th Dist.

To: Subst. House Bill No. 5448

File No. 628

Cal. No. 398

**"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 Section 13a-49 of the general statutes is repealed and the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, 2014, 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] part
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 act on the
16 discontinuance or partial discontinuance of a highway or private way,
17 or land dedicated as such, pursuant to approval by a majority vote at
18 any regular or special town meeting held on or after October 1, 2014,
19 the selectmen shall provide written notice of their meeting to each
20 owner of property that bounds the highway or private way, or land
21 dedicated as such. Such notice shall be provided by mailing a notice of
22 the date, time, place and subject of such meeting of the selectmen to
23 each such owner's address, as shown in the last-completed grand list
24 of the town, by first class mail, postmarked at least fifteen days prior to
25 the date of such meeting. If, in the opinion of the selectmen, the
26 boundary lines or limits of such highway or private way have become
27 lost or uncertain, the selectmen shall make reasonable efforts to
28 identify the boundary lines or limits of such highway or private way,
29 and shall give notice of such meeting to each owner of property that
30 bounds such identified boundary line or limit in accordance with this
31 subdivision. Such reasonable efforts need not include an examination
32 of title or abstracts thereof or a land survey.

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

43 (4) [Any] (A) Except as provided in subparagraph (B) of this
44 subdivision, any person aggrieved by a discontinuance or partial
45 discontinuance under this subsection may [be relieved by application]
46 apply to the [Superior Court , to be made and proceeded with in the

47 manner prescribed in section 13a-62] superior court for the judicial
48 district in which such town is located.

49 (B) Any owner of property who is aggrieved by the failure to
50 receive the meeting notice required under subdivision (2) of this
51 subsection may apply to the superior court not later than twenty-four
52 months after notice of approval is recorded on the land records of the
53 town pursuant to subdivision (3) of this subsection. No discontinuance
54 or partial discontinuance shall be invalidated on the basis of the
55 selectmen's failure to provide the meeting notice required under
56 subdivision (2) of this subsection to an owner of property if the town
57 establishes that (i) a meeting notice that meets the requirements of
58 subdivision (2) of this subsection was mailed to such owner's address,
59 as shown in the applicable last-completed grand list of the town, or (ii)
60 the selectmen made a good faith effort to identify the parcels of
61 property that bound the highway or private way, or land dedicated as
62 such, or such identified boundary line or limit, in accordance with
63 subdivision (2) of this subsection, and mailed notice to each owner of
64 such identified parcels of property, as shown in the applicable last-
65 completed grand list of the town.

66 (b) Whenever a petition has been presented to the selectmen for
67 such discontinuance or partial discontinuance of any land dedicated as
68 a highway or private way but which has not been actually used,
69 worked or accepted [,] as a highway [,] by the town, and such
70 discontinuance or partial discontinuance has not been made by the
71 selectmen and approved by the town within twelve months after such
72 presentation, any person aggrieved may [be relieved by application]
73 apply to said court [, to be made and proceeded with] in the manner
74 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
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