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## **OLR Bill Analysis**

**sHB 5448 (as amended by House "A")\***

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

#### **SUMMARY:**

This bill requires town selectmen to notify owners of abutting properties when the selectmen meet to act on the discontinuance of all or part of a highway, private way, or land dedicated for this use. It requires the selectmen to record certain information on the land records if, by a majority vote, they approve the discontinuance. These provisions apply to any regular or special town meeting held on or after October 1, 2014 where the selectmen meet regarding a discontinuance.

By law, with limited exceptions, selectmen can discontinue all or part of a highway, private way, or land dedicated to these uses. The discontinuance is subject to approval by majority vote at a regular or special town meeting.

The bill allows any aggrieved property owner who does not receive the required meeting notice to apply to the Superior Court for relief within 24 months after the approval notice is recorded on the town's land records. Under existing law, any person aggrieved by the discontinuance or partial discontinuance may apply to the Superior Court for the judicial district in which the town is located.

Lastly, the bill makes technical changes.

\*House Amendment "A" replaces the original file with similar provisions. It also (1) specifies that acting on or approving a discontinuance requires approval by a majority vote, (2) provides judicial relief for a property owner who does not receive the required meeting notice, and (3) makes minor technical changes.

EFFECTIVE DATE: October 1, 2014, and applicable to discontinuances or partial discontinuances considered or approved on or after that date.

### **MEETING TO ACT ON A DISCONTINUACE**

Under the bill, starting October 1, 2014, whenever the selectmen, with approval by a majority vote, meet to act on a discontinuance, they must send written notification of their meeting to the owner of each property that bounds the highway, private way, or dedicated land. The notice must (1) include the date, time, place, and subject of the meeting and (2) be sent by first class mail at least 15 days before the meeting to each property owner's address, as shown on the most recent grand list (see BACKGROUND). If the selectmen believe that the boundary lines of a highway or private way have become lost or are uncertain, they must make reasonable efforts to identify the lines and notify the owners using these lines. The reasonable efforts do not have to include (1) examining titles or abstracts or (2) a land survey.

### **RECORDING AN APPROVED DISCONTINUANCE**

If the selectmen approve a discontinuance by a majority vote at a meeting on or after October 1, 2014, the bill requires them to cause a notice of the approval to be recorded in the land records. The approval notice must include (1) a listing of each parcel that bounds the affected highway, private way, or dedicated land or the lines identified by the selectmen and (2) the name of each owner of the affected parcels, as shown in the most recent grand list.

### **JUDICIAL RELIEF**

The bill allows any aggrieved property owner who does not receive the required meeting notice to apply to the Superior Court for relief within 24 months after the approval notice is recorded on the town's land records. Under the bill, the discontinuance or partial discontinuance may not be invalidated on the basis of the selectmen's failure to provide the required meeting notice if the town establishes that (1) the notice was mailed to the owner's address as shown on the most recent grand list or (2) the selectmen (a) made a good-faith effort to identify the parcels of property that bound the highway, private

way, or dedicated land, or the identified boundary lines and (b) mailed notice to each owner, as shown on the most recent grand list.

## **BACKGROUND**

### ***Grand List***

The grand list is a listing of all real estate parcels within a municipality. The listing generally includes (1) property owner's address, (2) property location, and (3) appraised value.

### ***Related Law***

The law gives property owners bounding a partially or completely discontinued or abandoned highway a right-of-way to the nearest or most accessible highway (CGS § 13a-55).

## **COMMITTEE ACTION**

### Judiciary Committee

Joint Favorable

Yea 35 Nay 0 (04/01/2014)

### Planning and Development Committee

Joint Favorable

Yea 19 Nay 1 (04/25/2014)