



# House of Representatives

General Assembly

**File No. 628**

February Session, 2014

Substitute House Bill No. 5448

*House of Representatives, April 17, 2014*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***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 Section 13a-49 of the general statutes is repealed and the  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*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Municipalities	Cost	Minimal	Minimal

**Explanation**

The bill requires town selectmen to notify each property owner adjoining all or part of a highway or private way when proposing to discontinue such highway or private way.

There is a cost, expected to be minimal, associated with printing and mailing such notifications to property owners.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis**

**sHB 5448**

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

**SUMMARY:**

This bill requires town selectmen to notify abutting property owners when the selectmen propose to discontinue all or part of a highway, private way, or land dedicated for such a use. It requires the selectmen to record certain information on the land records if they vote to approve the discontinuance. These provisions apply only if the selectmen propose or vote on a discontinuance at a regular or special town meeting on or after October 1, 2014.

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. 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 for relief.

Lastly, the bill makes technical changes.

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

**PROPOSING A DISCONTINUANCE**

Under the bill, if the selectmen meet to consider a discontinuance, they must notify 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, 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.

**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)