



General Assembly

Substitute Bill No. 5092

January Session, 2015



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 Section 13a-49 of the general statutes is repealed and the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, 2015, and*
3 *applicable to discontinuances or partial discontinuances considered on or after*
4 *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. [Any]

13 (2) Whenever the selectmen of a town meet to take final action on
14 the discontinuance or partial discontinuance of a highway or private
15 way, or land dedicated as such, the selectmen shall provide written
16 notice of their meeting to each owner of property that bounds the
17 highway or private way, or land dedicated as such. Such notice shall
18 be provided by mailing a notice of the date, time, place and subject of

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

30 (3) If the selectmen vote to discontinue or partially discontinue the
31 highway or private way, or land dedicated as such, and such
32 discontinuance or partial discontinuance is approved by a majority
33 vote at any regular or special town meeting held on or after October 1,
34 2015, the selectmen shall cause to be recorded on the land records of
35 the town a notice of such discontinuance or partial discontinuance,
36 which notice shall include (A) a listing of each parcel of property
37 identified pursuant to subdivision (2) of this subsection to bound (i)
38 such highway or private way, or land dedicated as such, or (ii) such
39 identified boundary line or limit, and (B) the name of the owner of
40 each such parcel of property as shown in the last-completed grand list
41 of the town.

42 (4) (A) Except as provided in subparagraph (B) of this subdivision,
43 any person aggrieved [may be relieved by application] by a
44 discontinuance or partial discontinuance under this subsection may,
45 not later than six months after notice of discontinuance or partial
46 discontinuance is recorded on the land records of the town pursuant to
47 subdivision (3) of this subsection, apply to the [Superior Court, to be
48 made and proceeded with in the manner prescribed in section 13a-62]
49 superior court for the judicial district in which such town is located.

50 (B) Any owner of property who is aggrieved by the failure to
51 receive the meeting notice required under subdivision (2) of this

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

68 (b) Whenever a petition has been presented to the selectmen for
69 such discontinuance or partial discontinuance of any land dedicated as
70 a highway or private way but which has not been actually used,
71 worked or accepted [,] as a highway [,] by the town, and such
72 discontinuance or partial discontinuance has not been made by the
73 selectmen and approved by the town within twelve months after such
74 presentation, any person aggrieved may [be relieved by application]
75 apply to said court [, to be made and proceeded with] in the manner
76 prescribed in section 13a-62, as amended by this act.

77 Sec. 2. Section 13a-62 of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective October 1, 2015*):

79 Any person aggrieved by the doings of the selectmen in laying out a
80 highway may, within [eight] six months after the survey thereof has
81 been accepted by the town, apply to the superior court for the judicial
82 district in which such town is located for relief, causing such selectmen
83 to be cited to show cause why such relief should not be granted. Such
84 application shall be heard and determined by a committee of three

85 disinterested persons to be appointed by the court. If such committee
86 finds that such highway is not of common convenience and necessity,
87 said court shall set aside such layout, and, if said court sets aside such
88 layout, the costs shall be paid by the town; but, if such committee finds
89 that such highway is of common convenience and necessity, the
90 application shall be dismissed with costs. The report of such committee
91 may be set aside by the court for any irregularity or improper conduct
92 on its part. Proceedings under this section shall not prevent or delay
93 the opening or occupation of such highway.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015, and applicable to discontinuances or partial discontinuances considered on or after said date</i>	13a-49
Sec. 2	<i>October 1, 2015</i>	13a-62

Statement of Legislative Commissioners:

In section 1(a)(4), "notice of approval" was changed to "notice of discontinuance or partial discontinuance" for consistency.

PD *Joint Favorable Subst.*