



Discontinued Roads

Municipal Perspectives

Easements 101

- Many created automatically & historically – Prior to 1976 automatic fee simple after 1977 all roads are taken by eminent domain principles.
- Public Easements – State, County, & Town
 - Towns Ways
 - Private Ways
 - Winter Roads
 - Bridle paths
 - Trails
 - Landings
 - Public Parking
 - Recreational Easement
- Common Law
 - Navigable Waters
 - Great ponds
 - Cemeteries
 - Lateral Support
 - Drainage
 - Covenants
- Party Asserting Easement by Prescription Must Prove Continuous Use for 20 years
 - “open and hostile”

Discontinuance of Easement

Public has expressed a clear desire to terminate the access

Citizens may currently petition the termination of an easement

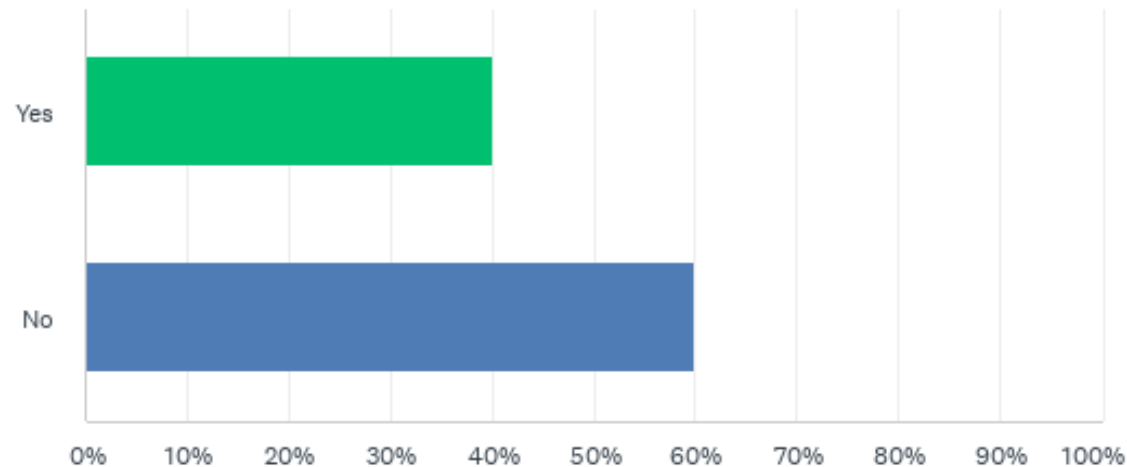
Statute of limitations for the easement have passed (paper roads) also “vacation” before that time limit falls into this.

Since 1990 Installment of public utilities easement not available unless explicitly stated.

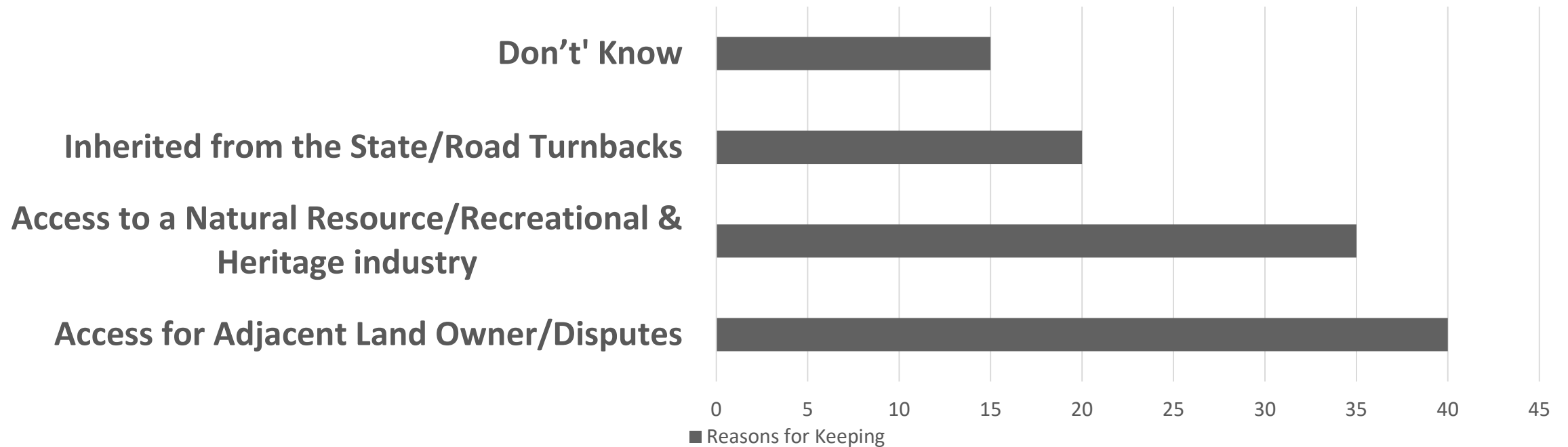
Paper streets before September 1987 deemed vacated on this date or 15 years after the roads are record unless accepted.

Municipal Awareness of Abandoned Roads

Q28 Are you aware of any discontinued or abandoned roads in your community that have retained a public easement?

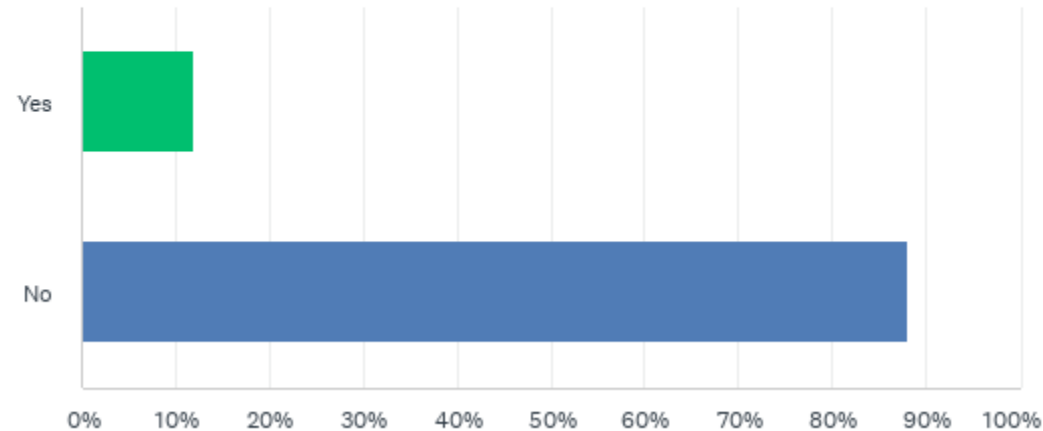


Reasons For Keeping Easements



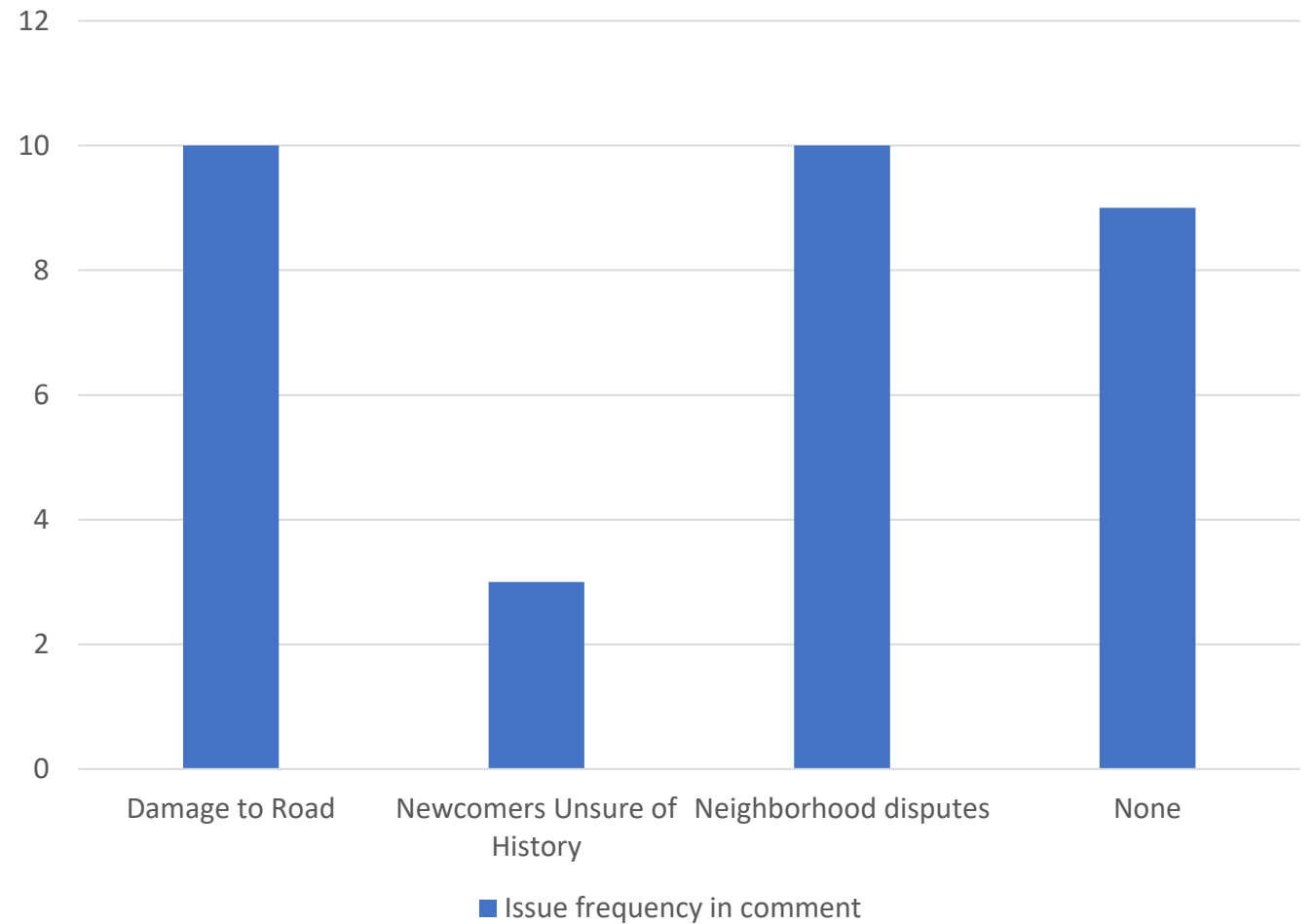
Does the Municipality Use the Easement

Q31 Does your community use these public easements for public events, nature-based activities, or other municipal programs?



What Types of Complaints Do you Receive?

Issue frequency in comments



Would your municipality welcome restrictions on Activity on Easements?

Q32 Would your community welcome restrictions on how public easements can be used by municipalities or the requirement for the municipality to post a road with permitted activity in conjunction with abutting property owner agreement?

