

1 H.469

2 Introduced by Representative Klein of East Montpelier

3 Referred to Committee on

4 Date:

5 Subject: Highways; certificate of highway completion; evidence of public
6 highway

7 Statement of purpose: This bill proposes to reverse the Vermont supreme
8 court's decision in Austin v. Town of Middlesex by providing that for
9 highways allegedly created prior to 1850, the lack of any specific reference
10 that the highway was laid out by act of selectman or another official authority
11 shall not constitute conclusive evidence that a highway is not public, provided
12 that the highway is on the official town highway map and made out in a survey
13 recorded in the town records and signed by the surveyor of the town.

14 An act relating to evidence of the creation of public highways

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. LEGISLATIVE INTENT

17 This act is intended to reverse the recent Vermont supreme court ruling in
18 Austin v. Town of Middlesex.

1 Sec. 2. 19 V.S.A. § 717(a) is amended to read:

2 (a) ~~The lack of a certificate of completion of a highway~~ Neither subdivision

3 (1) nor (2) of this section nor both shall ~~not alone~~ constitute conclusive

4 evidence that a highway is not public;

5 (1) the lack of a certificate of completion of a highway; or

6 (2) for highways alleged to be created prior to 1850, the lack of any

7 specific reference that the highway was officially laid out by act of the

8 selectboard or another official body, if the highway is on the official town

9 highway map and made out in a survey recorded in the town records and

10 signed by the surveyor of the town.