
DEDICATION - RHODE ISLAND

Ucci v. Town of Coventry

Supreme Court of Rhode Island - June 21, 2018 - A.3d - 2018 WL 3059827

Purported property owners filed a complaint against town seeking a declaratory judgment that they were fee simple owners of disputed strip of land.

Town filed a motion for summary judgment and purported property owners filed a cross-motion for summary judgment. The Superior Court granted purported property owners summary judgment. Town appealed.

The Supreme Court of Rhode Island held that:

- Town conceded that it had never accepted original property owners' offer of dedication, and
- Town forfeited its right to accept the offer of dedication of property.

Town failed to preserve for appellate review its claim that purported property owners' failure to join abutting landowners to their declaratory judgment action, which sought a declaration as to ownership of strip of property, was fatal to their claims, where town, in its affirmative defenses, included a single sentence addressing purported property owners' failure to join an indispensably party but failed to flush out the issue or identify who should have been joined as a party.

Town conceded that it had never accepted original property owners' offer of dedication of strip of property, either by public use or by official action, and thus town was not the fee simple owner of property, in purported property owners' action seeking a declaration they were fee simple owners of property.

Town forfeited its right to accept the offer of dedication of property, where the offer of dedication was made 67 years ago, and town was required to accept an offer of dedication within a reasonable period of time or it would be deemed to have forfeited its right to accept the purported offer.

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