

Bond Case Briefs

Municipal Finance Law Since 1971

HIGHWAYS - CONNECTICUT

Marchesi v. Board of Selectmen of Town of Lyme

Supreme Court of Connecticut - April 24, 2018 - A.3d - 328 Conn. 6152018 WL 1903197

Homeowner brought administrative appeal from decision of town board of selectmen, determining the lost or uncertain boundaries of highway.

The Superior Court granted summary judgment to owner. Board and town appealed. The Appellate Court affirmed. Board and town appealed. The Supreme Court reversed and remanded with directions. Following trial de novo to determine the length and width of the highway, the Superior Court rendered judgment dismissing owner's appeal, and confirmed the board's findings. Owner appealed.

The Supreme Court of Connecticut held that:

- Board of selectmen had jurisdiction to define highway's boundaries, even absent a prior judicial determination regarding highway's legal status;
- Alleged errors that did not implicate notice to the public were not jurisdictional;
- A jurisdictionally valid petition did not require the signature of every adjoining proprietor; and
- Determination of what contradicting expert testimony to credit was for the trial court at trial de novo.