
HIGHWAYS - MARYLAND

Bay City Property Owners Association, Inc. v. County Commissioners of Queen Anne's County

Appellate Court of Maryland - October 2, 2024 - A.3d - 2024 WL 4368287

Subdivision owners association brought action for declaratory judgment and to quiet title to intersection in subdivision.

Neighboring landowner, which sought to use the intersection for access to proposed development, alleged establishment of a public road by prescription.

The Circuit Court entered judgment for neighboring landowner, and association appealed.

The Appellate Court held that:

- Evidence was sufficient to support finding that disputed intersection in subdivision had been in continuous public use for at least 20 years, and
- Evidence was sufficient to support finding that the public's use disputed intersection was adverse, rather than permissive.

Evidence in subdivision's quiet title action was sufficient to support finding that disputed intersection in subdivision had been in continuous public use for at least 20 years, as required to establish a public right to use the intersection; several witnesses testified that they, and other members of the public, traveled freely through the intersection without having to request permission, and testimony and exhibits demonstrated that the county had improved and maintained the intersection, including construction, resurfacing, and plowing, for decades.

Evidence in subdivision's quiet title action was sufficient to support finding that the public's use of disputed intersection in subdivision was adverse, rather than permissive, as required to establish a public road by prescription; there was some evidence that members of the public had traversed the intersection in conjunction with their use of road whenever they saw fit and without asking leave of subdivision, there was no evidence in the record of any member of the public asking permission, paying a fee, or believing permission could be withheld with regard to their use of the intersection, and there was evidence that no public use had ever been restricted through signage or barricades.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com