

Must a town execute a quitclaim deed when discontinuing a highway, or is the notice of discontinuance sufficient?

Nineteen V.S.A. § 710 states, “If the [selectboard] decide[s] to discontinue a highway, the discontinuance shall be in writing setting forth a completed description of the highway.” There is no requirement in the law that any form of deed be executed and recorded in order to make a highway discontinuance legally effective. Why gum up the works with something that the law doesn’t require? Simply execute the notice of discontinuance and make sure it is properly recorded wherever your town records its highway records, and is properly indexed.

- Brian Monaghan, Attorney, VLCT Municipal Assistance Center

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