

## **CONDEMNATION OF LANDS BY TOWNS/MUNICIPALITIES**

There are a number of Sections in Title 19 V.S.A., which apply to condemnation of land for highways. Those listed below are sections which the Assistant Attorney General's office considers paramount. The selectmen and town attorney should refer to these sections for the complete context. The term "Selectmen" includes Aldermen and Village Trustees and the term "Town includes city or Village.

Section 708 gives the Selectmen authority to alter or lay out highways on their own motion and without a petition from the citizens.

Section 704 and 710 indicate how Selectmen should cause a survey of needed land to be conducted.

Section 35 gives survey parties employed by the Agency or Towns authority to enter on land to conduct a survey.

Section 709 spells out the contents of a Notice of Hearing giving the time limits and the manner of giving notice.

Section 711 sets the time limit after the Hearing within which the Selectmen must make their report and record the same.

Section 712 indicated how the Selectmen offer payment for damages.

Section 713 sets up the time limits for vacating the land for towns.

Section 714 indicates when the possession goes to the town.

Section 715 and 716 indicates how the Selectmen must record and give notice of completion of projects.

If a person objects to the necessity of a project or is dissatisfied with the amount of compensation awarded:

Sections 725 through 733 explain the manner in which arbitration may be used or the aggrieved party may apply to the District Court for appointment of commissioners to appraise the damages.

Sections 740 through 743 explain appeal procedures to the Superior Court as to necessity for taking the land or compensation for damages.

Section 905 makes sidewalks, bicycle paths and footpaths a lawful highway use within the limits of town highways.

In summary, the Selectmen may cause a survey of land needed for a highway, hold a hearing with a thirty-day notice, issue their findings within sixty days after the hearing, and offer their amount of damages. In any case, compensation must be paid or tendered prior to possession. At this point, they may then proceed with construction unless an aggrieved owner has appealed a question of necessity to the Superior Court.

The proceeding information is furnished only as a guide and any town contemplating acquiring land through condemnation should consult an attorney to ensure that the proper notice and procedures are followed according to the Statutes.