

FD #34



Tobin, Carberry, O'Malley, Riley & Selinger, P.C.

43 Broad Street | P.O. Box 58
New London, CT 06320-0058
Tel: (860) 447-0335
Fax: (860) 442-3469
www.tcors.com

RECEIVED

JUL 27 2026

Land Use Department

July 24, 2026

Liz Burdick
Director of Land Use & Planning
Town of Ledyard
741 Colonel Ledyard Highway
Ledyard, CT 06339

RE: Title Opinion
Former Niles Road, Ledyard, Connecticut

Ms. Burdick:

The undersigned has been retained by EG Home LLC in connection with certain title matters related to the 72-unit multi-family development proposed for 1947 Center Groton Road (Connecticut Route 117) in Ledyard, Connecticut which is currently pending approval before the Town of Ledyard Planning & Zoning Commission. While Connecticut planning and zoning commissions do not have the legal authority to adjudicate matters of title, it is my understanding that your office has requested a legal opinion concerning the possible rights of others to a former roadway known as "Niles Road" (also known as "Old Center Groton Road") as shown on the existing conditions survey submitted for this property.

Based on research conducted by the project surveyor and available title records, Niles Road was an ancient highway used by the public running south from Ledyard Center toward Groton and crossing through the subject property. There is no title record of any dedication or conveyance of the land under Niles Road to the Town of the Ledyard, which is not unusual for many older public roadways located throughout Southeastern Connecticut. In the early 1940s, public use of a section of Niles Road running through the subject property ended with the construction of a new "Center Groton Road" which was located to the east and is the present-day location Connecticut Route 117.

Over the past 80 years, the section of Niles Road which was replaced by Center Groton Road was abandoned and physically disappeared. Today it is no longer passable or maintained and is revegetated with mature forest. The status of Niles Road as legally abandoned was further confirmed by the unanimous affirmative resolution of the Ledyard Town Council on February 24, 2010 and after a positive CGS 8-24 referral to the Ledyard Planning & Zoning Commission on November 5, 2009.

Members of the public in general have no legal right to an abandoned roadway. However,

pursuant to Connecticut General Statutes § 13a-55, a property owner abutting an abandoned roadway enjoys a private right-of-way over it for access purposes *out to the nearest or most accessible public roadway (emphasis added)*. The purpose of this statutory provision is to ensure that properties along an abandoned roadway do not become landlocked and maintain a direct means of access and egress to the nearest public roadway. Other than the subject property, the only other properties affected by the abandonment of this section of Niles Road are 1939 Center Groton Road located directly to the south, which is occupied by a dog grooming business, and 1949 Center Groton Road located directly to the north, which is occupied by a gas station/convenience store. It is notable that both abutting properties already currently possess and utilize existing frontage along Connecticut Route 117 for access and egress. In other words, no access over former Niles Road is necessary or required for either property to reach the nearest public road. Moreover, the configuration of the existing driveway for 1939 Center Groton Road already uses a portion of the abandoned section of Niles Road and the gas station/convenience store development at 1949 Center Groton Road was built atop former Niles Road, obstructing any use of the roadbed to the south to access Connecticut Route 117.

For these reasons, to the extent either abutting property may have statutory rights over former Niles Road, use of the portion of the abandoned roadway upon the subject parcel would not and cannot provide access to the *nearest or most accessible public roadway*. Both properties already have existing and readily usable access to Connecticut Route 117. **Consequently, it is my legal opinion that neither abutting property, nor any members of the public in general, enjoy any right of access over the subject property along former Niles Road.**

This title opinion is limited solely to your office and the Town of Ledyard Planning & Zoning Commission. No other person or parties may rely on the content of this title opinion or the representations and opinions set forth herein for any other purpose.

If I may be any further assistance in this regard, please do not hesitate to contact me.

Very truly yours,

Joseph J. Selinger

Joseph J. Selinger, Esq.