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March, 1998
Willimantic Railroad Right of Way Survey
CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys
SURVEY REPORT OVERVIEW

The purpose of this survey was to determine the property limits and define the extent of interest under the control and custody of the Connecticut Department of Transportation, Office of Rails. The scope of work covered by this report is from Bridge Street, westerly along the railroad right of way, to station 4600 + 70 ± on the Penn Central stationing system. We were also requested to include the Connecticut Eastern Chapter of the National Railway generated from Microstation CADD and includes all available, pertinent mapping in this area.

Deed research for this survey was obtained from several sources. This work represents a complete package of information that was used to verify ownership, agreements, rights and easements for the scope of this survey.

We feel that this survey includes all ownership and usage issues pertaining to this portion of the railroad right of way. The CADD mapping system provides an opportunity for updates and revisions as may arise in the future. This report is intended to document the mapping and research, providing a better understanding of the information shown on the maps and the effort that they represent.

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Willimantic Railroad Right of Way Survey
CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys
DEED RESEARCH

This survey represents a thorough review of all deeds, leases, easements and agreements pertaining to the subject area. The railroad right of way corridors were researched from their origin to the present.

The sources of information used for our research were:

Town of Windham Land Records
Connecticut State Library
The Thomas J. Dodd Research Center, University of Connecticut
The Bailey - Howe Library and Archives, University of Vermont
Connecticut Department of Transportation, Office of Rails

Since their origin, the railroad corridors have been expanded. Portions were released, easements obtained, and rights and agreements were granted. To further complicate the rights, title and interest issues, the railroad companies owning and/or operating on the right of way have been ever changing.

All aspects of ownership including buying, selling, mergers, foreclosures, bankruptcies and name changes were included in our research. The chain of title of what is now Department of Transportation, Office of Rails property and Central Vermont Railroad Co. property are shown on the following “Chain of Title Summary” sheets.
CHAIN OF TITLE SUMMARY
STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

1848
Hartford & Providence Railroad Co.

1849
Hartford, Providence & Fishkill Railroad

1870
New Haven, Middletown & Willimantic Railroad Co.

1875

1875
Boston & New York Air Line Railroad Co.

1875
Boston, Hartford & Erie Railroad Co.

1895
New England Railroad Co.

1895
Willimantic Traction Co.

1902
Trolley Lines

1907
New York, Subsidiary
Hartford Railway Co.

1905
Consolidated
Railway Co.

1908
New Haven, Subsidiary
Hartford Railroad Co.

1968
Penn Central Co.

1914
The Connecticut Co.

1981
State of Connecticut Department of Transportation (Present)

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Willimantic Railroad Right of Way Survey
CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys
CHAIN OF TITLE SUMMARY
CENTRAL VERMONT RAILROAD CO.

1848
New London, Willimantic & Springfield Railroad

1849

New London, Willimantic & Palmer Railroad

1861

New London Northern Railroad Co.

1951

Central Vermont Railroad Co.
(Present)

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CONNECTICUT DEPARTMENT OF TRANSPORTATION
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DEED RESEARCH (continued)

For each of the railroad companies shown on the previous chain of title summaries, grantee and grantor checks were made for the period of time each particular company owned the right of way. The grantee/grantor check also allowed easements, leases, agreements and a host of irrelevant documents to surface. We made over 400 copies of instruments for further review and for our files. We excluded many times that amount through our extensive review and examination.

The railroad corridor for the scope of this survey is a result of the involvement of several rail companies over the past 150 years. The initial right of way was established in the 1840's by both the Hartford & Providence Railroad and the New London, Willimantic & Springfield Railroad companies. These railroad companies produced a separate series of property acquisitions and their own valuation maps with different stationing systems. Typically, the individual acquisitions were comprised of land purchases deeded by the owner, or taken by condemnation. Land lying outside of the right of way corridors was generally released. Apparently, there was an immediate need to define the division line between these two railroad companies and their successors. The 1853 agreement was established for this purpose. This agreement, which split the corridor and defined joint ownerships and switch agreements, was in effect until the 1983 agreement superseded portions of it. For areas outside the scope of the 1983 agreement, the original 1853 division is still in effect.

The 1983 agreement and map between the Connecticut Department of Transportation and the Central Vermont Railroad Company did much to establish boundaries and condense agreements. However, it is limited to the two parties and does not include rights, title and interest relating to the historic effects on the present right of way.

The intent of our current survey described by this report is to be all-inclusive. The survey plans, sheets 1 through 6, are a complete and accurate representation of the Connecticut Department of Transportation Office of Rails ownership and interests within the scope of this survey. This work can be readily revised if there are future changes in ownership or agreements between parties, but the maps stand alone as a complete survey of this section of railroad right of way corridor.

We have included examples of research documents in Appendix B of this report. A complete set of digital and paper files is catalogued at the Connecticut Department of Transportation, District 2 Surveys office, and copies of any of the above are available upon request, should any questions arise.

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District 2 Surveys
MAP COMPILATION

The plans covered by this report, sheets 2 through 6, were compiled on our CADD system using Microstation software. The base map was coordinated on the Connecticut Coordinate Grid (NAD 27). This was accomplished by computing the perimeter of the City of Willimantic property and the base lines for the Central Vermont and Penn Central valuation maps. The point files created were then merged into a common file.

This CADD file was expanded upon to include several computed easements and additional adjacent surveys. The compilation included portions of five sets of railroad valuation maps as they affect the present right of way corridor. Having established a base map of all pertinent boundary data, which was capable of being computed, physical features were added to the file.

The locations of existing tracks are considered critical to this survey. We chose the "City of Willimantic, Railroad Interceptor Sewer" plans to provide the locations of the tracks in this area. These maps are fairly recent, are on the Connecticut Coordinate Grid System, and were compiled from photogrammetry on a 1" = 40' scale. Locations of the tracks, some of the buildings, and limits of roadway were digitized from these plans. Additional physical features were added from the map features shown on the valuation, acquisition and private survey maps adjacent to the right of way. A detailed list of maps is included in this report. All details of the plans have been carefully field edited to verify locations of tracks, buildings, roadways, etc. with applicable revisions as required.

Town of Windham assessor's maps were used to show adjacent property lines and roadways. This information was digitized and added to the map file.

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District 2 Surveys
MAP COMPILATION, continued

The 1983 agreement between the Central Vermont railway and the Department of Transportation established the boundary between the two properties in this area. The property division line is defined as an equidistant split between the existing track centerlines. This line was plotted on the 1" = 100' scale, 1917 valuation maps, which accompanied the agreement. The lines were then dimensioned.

We do not agree with the metes and bounds placed on this division line by the 1983 agreement. The equidistant split between existing tracks from our compilation produces a different set of dimensions, which more accurately represents the division line. Although further refinements to these dimensions are possible, the governing factor determining the location of this property line on the ground is the average lines produced by one-half the distance between existing tracks.

Samples of mapping used for this survey are included in Appendix A of this report.

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Willimantic Railroad Right of Way Survey
CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys
MAP REFERENCES:

1. "RIGHT OF WAY AND TRACK MAP, THE NEW YORK, NEW HAVEN AND HARTFORD R.R. CO., OPERATED BY THE NEW YORK, NEW HAVEN AND HARTFORD R.R. CO., FROM PROVIDENCE TO WILLIMANTIC, STATION 4543 + 60 TO STATION 4596 + 40, TOWN OF WINDHAM, STATE OF CONNECTICUT", SCALE 1" = 50', DATED JUNE 30, 1915 BY THE OFFICE OF VALUATION ENGINEER, BOSTON MASS.

2. "RIGHT OF WAY AND TRACK MAP, NEW LONDON NORTHERN R.R. CO., OPERATED BY THE CENTRAL VERMONT RAILWAY CO., STATION 1584 + 00 TO STATION 1634 + 80", SCALE 1" = 100', DATED JUNE 30, 1917, OFFICE OF VALUATION ENGINEER, ST. ALBANS VERMONT.

3. "MAP OF BOSTON AND NEW YORK AIR LINE RAILROAD EXTENSION IN WILLIMANTIC", DATED DEC. 23, 1880, SCALE 1" = 50'.


6. "MAP SHOWING LAND OF THE PENN CENTRAL TRANSPORTATION CO. TO BE CONVEYED TO THE CITY OF WILLIMANTIC, WILLIMANTIC, CONN.", SCALE 1" = 100', DATED JANUARY 22, 1975, REVISED TO MAY 5, 1975 BY C. ROGER FERGUSON, LAND SURVEYOR, MANSFIELD CENTER, CONNECTICUT.


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Willimantic Railroad Right of Way Survey
CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys
MAP REFERENCES: (continued)

8. "STATE OF CONNECTICUT, WATER RESOURCES COMMISSION, JOHN J. CURRY, DIRECTOR, WILLIMANTIC RIVER CHANNEL ENCHROACHMENT LINES, WINDHAM, CONNECTICUT", PROJECT NO. W-133, DWG NO. 3 OF 21, DATED MARCH 1971 BY DEGEN & KROPPER, CONSULTING ENGINEERS.

9. "NEW YORK NEW HAVEN & HARTFORD RAILROAD REAL ESTATE & RIGHT OF WAY DEPARTMENT, LAND IN WINDHAM, CONN., TO BE CONVEYED TO WILLIAM J. THORNTON", SCALE 1" = 100', DATED JAN. 1951.


11. "NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO., OFFICE OF ENGINEER - REAL ESTATE SURVEYS, LAND IN WILLIMANTIC, CONN. TO BE CONVEYED TO CITY OF WILLIMANTIC", SCALE 1" = 50', DATED APRIL 1955, REVISED TO MAY 1955.

12. "NEW YORK, NEW HAVEN & HARTFORD RAILROAD REAL ESTATE & RIGHT OF WAY DEPARTMENT LAND IN WILLIMATIC, CONN. TO BE CONVEYED TO THE CALLAHAN OIL CO." , SCALE 1" = 40', DATED JAN. 1940.

13. "CITY OF WILLIMANTIC, CONNECTICUT SEWAGE WORKS IMPROVEMENTS, RAILROAD INTERCEPTOR SEWER, STATION 0 + 00 TO STATION 61 + 20", SCALE 1" = 40', DATED MAY 1970, REVISED THROUGH 3-77.


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District 2 Surveys
MAP REFERENCES: (continued)

15. "TRACK MAP, NEW LONDON NORTHERN R.R. CO., OPERATED BY THE CENTRAL VERMONT R.R. CO., STATION 1531 + 20 TO STATION 1584 + 00, V-1/30-A, STATION 1584 + 00 TO STATION 1635 + 80 V-1/31-A AND V-1/31-B", SCALE 1" = 100', DATED JUNE 30, 1917 BY THE OFFICE OF VALUATION ENGINEER, ST. ALBANS, VERMONT REVISED TO JUNE 14, 1983, SHOWING OPERATING AGREEMENT, TRACKAGE RIGHTS AGREEMENT, LAND AGREEMENT & SALES AGREEMENT.

16. "CENTRAL VERMONT RAILWAY CO., WILLIMANTIC CONN., STATION 1478 + 00 TO STATION 1647 + 00", SCALE 1" = 100', DATED MAY 1924, OFFICE OF CHIEF ENGINEER, ST. ALBANS, VT., REVISED TO APRIL 1932.

17. "NEW YORK, NEW HAVEN & HARTFORD RAILROAD REAL ESTATE & RIGHT OF WAY DEPARTMENT, LAND IN WILLIMANTIC, CONN. TO BE CONVEYED TO ARTHUR FONTAINE", SCALE 1" = 40', DATED MAY 1944.

18. "NEW YORK, NEW HAVEN & HARTFORD RAILROAD REAL ESTATE & RIGHT OF WAY DEPARTMENT, LAND IN WILLIMANTIC, CONN. TO BE CONVEYED TO JOHN KOZELKA, JR.", SCALE 1" = 40', DATED NOV. 1944.


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SKETCH SHOWING PARCELS
ADJACENT TO BRIDGE STREET

NOT TO SCALE

March, 1998
Willimantic Railroad Right of Way Survey
CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys
BRIDGE STREET VICINITY, PARCEL ANALYSIS

PARCEL - A

Owned by the State of Connecticut Department of Transportation

The "Boston and New York Airline Rail Road" was intended to be a direct (airline) route from New York to Boston. This controversial company acquired land and laid tracks along this route, which included a Connecticut River crossing. This effort ended in Willimantic. The subject parcel was a portion of one of the last acquisitions by this company before bankruptcy. Its holdings were subsequently absorbed by the New York, New Haven and Hartford Railroad Co.

The original corridor purchased by the Boston and New York Airline Railroad Co. at this location included all land from the southerly side of Main street to the northerly edge of the then existing railroad right of way. Most excess land with frontage on Main street was sold off with very reproducible descriptions and mapping. Parcel - A is the remaining portion of this excess land.

The strip of land designated as Parcel - A was never developed for railroad use. This land simply followed the chain of title of the New York, New Haven and Hartford Railroad Co. and was inherited by the Department of Transportation through their acquisition of Penn Central holdings.

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District 2 Surveys
BRIDGE STREET VICINITY, PARCEL ANALYSIS

PARCEL - B  Owned by the State of Connecticut Department of Transportation

This parcel is a result of several property transfers. The railroad corridor was originally established as a 40' strip described as Parcel - C of this report. The corridor was increased by an additional 10' wide strip of land which was south of, and adjacent to, the 40' strip. This 10' strip was acquired from the Windham Cotton Manufacturing Co. by the New York and New England Railroad Co. (Volume 49, page 366) in 1880. In 1892, there was another addition to the railroad land from Windham Cotton Manufacturing Co. to the New York, New Haven and Hartford Railroad Co. (Volume 59, page 635). This additional parcel extended from the 10' strip, southerly to the Willimantic River.

This land remained railroad property until 1975 when some of the land was quit claimed to the City of Willimantic (Volume 244, page 256). The land conveyed to the city is well defined by description and survey that accompanied the deed. Parcel - B is the remaining land between the 40' jointly owned strip (Parcel - C) and the land deeded to the City of Willimantic.

PARCEL - C  Jointly Owned by the State of Connecticut, Department of Transportation and the Central Vermont Railroad Co.

This is the only parcel within the survey scope which remains jointly owned. The origin of this parcel was the acquisition of land of the Windham Cotton Manufacturing Co.. This property was acquired jointly by the Hartford, Providence and Fishkill Railroad Co. and the New London, Willimantic and Palmer Railroad Co.. It was acquired in 1851 as a 40' strip of land (Volume 49, page 62) which extended westerly from Bridge Street and continued beyond its current boundary. The current westerly boundary is fixed by the 1983 agreement between the Central Vermont Railroad Co. and the Department of Transportation. This strip is the easterly portion of the original railroad corridor at this location with later additions to its width by individual companies as described in the analysis of Parcel - B.

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CONNECTICUT EASTERN CHAPTER OF THE NATIONAL RAILWAY HISTORICAL SOCIETY

The extent of the above organization's interests in lands within and adjacent to the railroad right of way corridor are well documented on the plans for this survey. The parcel which the Penn Central Co. deeded to the City of Willimantic is now leased to the National Railway Historical Society in its entirety. This parcel comprises the bulk of the leased holdings and is shown on a Class A-2 Survey (map reference no. 6).

The National Railway Historical Society also has leased a portion of railroad right of way from the Connecticut Department of Transportation. The Town of Windham and the Department of Transportation have rights over the leased land in the form of access, sanitary sewer easements and track operation. The leased land is also subject to other utility easements and Flood Encroachment Boundaries. There is a separate map for a proposed lease from the Connecticut Department of Environmental Protection to the National Railroad Historical Society currently under review. This map was also prepared by District 2 Surveys and shows the proposed lease area which is just beyond the limits of this survey fronting on Route 66.

The boundaries of the National Railway Historical Society’s leased property are well defined by maps produced by this survey and the A-2 survey (map reference no. 6). These boundaries could be readily established on the ground should the need arise.

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CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys
APPENDIX A

SAMPLE REFERENCED MAPPING

PLATE 1
CONVEYANCE OF EXCESS RAILROAD PROPERTY

PLATE 2
CONVEYANCE OF EXCESS RAILROAD PROPERTY

PLATE 3
VALUATION MAP, CENTRAL VERMONT RAILWAY CO.

PLATE 4
VALUATION MAP, NEW YORK & NEW ENGLAND RAILROAD CO.

PLATE 5
MAP OF THE BOSTON & NEW YORK AIRLINE RAILROAD EXTENSION

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CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys
MAIN STREET

Gas Sta.

Area = 19,494 sq. ft.

Tanks

Land of N.Y. N.H. & H. R.R.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD
REAL ESTATE & RIGHT OF WAY DEPARTMENT

LAND IN WILLIMANTIC, CONN.
TO BE CONVEYED TO THE CALLAHAN OIL CO.

SCALE, 1 IN. = 40 FT.
JAN. 1940
Land now or formerly of The Callahan Oil Co.

AREA = 16185 SQ. FT.


To Hudson River

Center Line of Location

To Boston

NEW YORK, NEW HAVEN & HARTFORD RAILROAD
REAL ESTATE & RIGHT OF WAY DEPARTMENT

LAND IN WILLIMANTIC, CONN.
TO BE CONVEYED TO
ARTHUR FONTAINE

SCALE: 1 IN. = 40 FT.

MAY, 1944

I hereby certify that this map is substantially correct.

[Signature]
MAP OF
Boston & New York Air Line Rail Road
EXTENSION
in WILLIAMANTIC
DEC. 26, 1869.
APPENDIX B

SAMPLE DEED RESEARCH

ORIGINAL ACQUISITIONS

. . . . .  B1 - B5

ADDITIONS AND AGREEMENTS

. . . . .  B6 - B11

BANKRUPTCY AND FORECLOSURES

. . . . .  B12 - B14
To the People of the State of Iowa, in the County of...
To all people to whom these presents shall come:

Know ye that I, George W. Phelps, of the town of Middletown, in the County of Middletown, for the consideration of One hundred and forty dollars, received of the said(sic) John M. Childs, do give, grant, bargain, sell, and convey unto the said(sic) John M. Childs, a certain tract of land, being a strip of land 60 feet in width, with 600 feet, parallel to and seven-tenths from the center of the tract, land of said(sic) John M. Childs, being a strip of land 60 feet in width, with 600 feet, parallel to and seven-tenths from the center of the tract, land of said(sic) John M. Childs, as follows:

Commencing from Station 9084, to Station 9088, being about 1000 feet, in length, and the width of the breadth of said(sic) John M. Childs.

Three hundred and fifty-five feet, from the said(sic) John M. Childs.

To the said(sic) John M. Childs.

And for the consideration and consideration of the premises aforesaid, the said(sic) John M. Childs, do agree to pay, maintain, and maintain the aforesaid premises, as follows:

1. To construct a common roadway, and maintain the same, as follows:

2. To pay all reasonable expenses incurred in connection with the aforesaid premises.

In witness whereof, I, George W. Phelps, have hereunto set my hand and seal this 29th day of September, 1849.

George W. Phelps

Middletown County, in Middletown, Sept. 29, 1849.

Notary Public

Thos. W. Brown

Middletown County, in Middletown, Sept. 29, 1849.}

Thos. W. Brown

Notary Public
It is hereby declared, that the said Corporation, and each of them, shall be permitted to use, occupy, and enjoy all the lands, waters, and other immunities within the limits of the said Corporation, and each of them, and to make, use, and enjoy such other improvements as the Corporation, and each of them, may from time to time, in their discretion, determine to make, use, and enjoy.

And the said Corporation, and each of them, shall have and enjoy all the lands, waters, and other immunities within the limits of the said Corporation, and each of them, and to make, use, and enjoy such other improvements as the Corporation, and each of them, may from time to time, in their discretion, determine to make, use, and enjoy.

And the said Corporation, and each of them, shall have and enjoy all the lands, waters, and other immunities within the limits of the said Corporation, and each of them, and to make, use, and enjoy such other improvements as the Corporation, and each of them, may from time to time, in their discretion, determine to make, use, and enjoy.

And the said Corporation, and each of them, shall have and enjoy all the lands, waters, and other immunities within the limits of the said Corporation, and each of them, and to make, use, and enjoy such other improvements as the Corporation, and each of them, may from time to time, in their discretion, determine to make, use, and enjoy.

And the said Corporation, and each of them, shall have and enjoy all the lands, waters, and other immunities within the limits of the said Corporation, and each of them, and to make, use, and enjoy such other improvements as the Corporation, and each of them, may from time to time, in their discretion, determine to make, use, and enjoy.

And the said Corporation, and each of them, shall have and enjoy all the lands, waters, and other immunities within the limits of the said Corporation, and each of them, and to make, use, and enjoy such other improvements as the Corporation, and each of them, may from time to time, in their discretion, determine to make, use, and enjoy.

And the said Corporation, and each of them, shall have and enjoy all the lands, waters, and other immunities within the limits of the said Corporation, and each of them, and to make, use, and enjoy such other improvements as the Corporation, and each of them, may from time to time, in their discretion, determine to make, use, and enjoy.
The new regulations and administration changes made by the company have a significant impact on the employees. The president's office has announced an immediate reduction in pay for all employees. The new policy was designed to increase efficiency and reduce costs. This decision has been met with mixed reactions from the workforce. While some employees are disappointed with the changes, others believe it is necessary for the company's survival.

The new pay structure will go into effect immediately. Employees will receive a notification of their new pay rates within the next week. The president has emphasized the importance of this change in a recent meeting with the management team.

The company's board of directors has been actively discussing ways to improve employee morale and retention. They have expressed their commitment to maintaining a positive work environment and are eager to hear feedback from the employees on the new changes.
To all People of whom these presents shall come:
Whereas the New Haven Railroad Company, a Corporation, which has specially authorized to erect and maintain a line of railway, in the Providence, Hartford, and New Haven Railroad Company, the New London, Willington and Palmer Railroad; and the New London, Willington and Palmer Railroad, on the 15th day of June, 1857, did agree to convey to the Norwalk Town and Norwalk Railroad Company, a Corporate body, for the sum of five hundred dollars, and the further stipulation of this indenture, the following and herein described real estate

To wit: All that part of the land hereby conveyed and on which the railroa...
To Have and to Hold the above granted and beguinable premises on the appearance, thereof unto the said grantor its successors and assigns, and their heirs and assigns forever, and also the said grantor does for itself, its successors, and assigns, and their heirs and assigns forever, bind and will it, as well during the lives of the premises as also under a good and valuable bargain and sale, the same in manner and form, to the said John C. Peck, and assigns forever. And further, the said grantor does by these present deeds, bind itself, and its successors forever, to Wm. N. Watson, and defend the said grant and beguinable premises and the said grant, its successors and assigns, against all claims and demands.

For Wm. N. Watson, We have hereunto set our hand and seal this 19th day of January, in the year of our Lord, one thousand eight hundred and fifty three.

John B. Peck

Thomas M. Millard

Robert W. Watson, Treasurer

State of Rhode Island & Providence County of Providence January 19th A.D. 1853

Personally appeared Robert W. Watson, and personally known to me, and sworn to be the true and correct copy of the within instrument and executed by the said Robert W. Watson, Treasurer of the Wm. N. Watson Cotton Manufacturing Company.

Commissioner of Corporations

Received the foregoing for record January 21st 1853

H. N. W. tax collector

Certified Map of this premises
in file in the office of this book.

H. N. Watson, tax collector
agree to sell the same to the said Captain, their successors or assigns, any other person claiming by, from, or under said Captain or any of them, as their successors; and that the said Smith and Company, or any of their officers or agents, may, at any time, enter on the said premises, and make or break said works, or any part of them, and do or cause to be done any other thing or thing necessary to the possession, use, or enjoyment of the same, or any part of the same, and to defend the same, and to recover the same, and to recover or retain the same or any part of the same, or any of the said premises, and to recover or retain the said premises, or any part of the same, or any of the said premises. The said Smith and Company, or any of their successors or assigns, may, at any time, enter on the said premises, and make or break said works, or any part of them, or any part of the said premises, and do or cause to be done any other thing or thing necessary to the possession, use, or enjoyment of the same, or any part of the same, or any part of the said premises, or any part of the said premises.
Land hereby conveyed a crossing continuous with the East Crossing of the Grantee provided for in said deeds of 1851 and 1856, until said Railroad Company shall construct said West crossing a suitable foot bridge for the use of the Grantee and its assigns.

And further receiving to the grantor the lot house and lot that on said described premises to be removed therefrom by the Grantee within a reasonable time, and further receiving to the Grantee and its assigns the use of the office building on the above described land free of rent for a period not exceeding two years.

IV. To Have and to Hold the above granted and bargained premises with the appurtenances thereof unto the said Grantee, its successors and assigns forever to and for and their heirs, personal and assigns.

And all the said Grantee, for itself and its successors hereby waives with the said Grantee its successors and assigns that at and until the indulgence of these presents it is well edged of the premises as a good and indefeasible estate in fee simple, and have good right to bargain and sell the same in manner and form as is above written and that the same is free from all incumbrances whatsoever except lands now covered by water.

And, furthermore, the said Grantee does by these presents find it self and its successors forever to warrant and defend the above granted and bargained premises to the said Grantee its successors and assigns against all claims and demands that may ever hereafter arise in the premises.

And the undersigned, Thomas Harris of the City of Providence in the State of Rhode Island, mortgagee in trust, under a certain mortgage from said Wincham Cotton Manufacturing Company dated December 1, 1890, for and in consideration of the full purchase price of this indented conveyance by said Harris to such Trustee duly received, does hereby declare and forever quit claim to said New York, New Haven, and Hartford Railroad Company its successors and assigns, the premises above granted by this present deed subject to the reservations herein contained but without prejudice to the lien of said mortgage and the power, assignments and foreclosures of the same as to the remaining lands and property covered by such mortgage.

And the undersigned, Mary A. Allen, widow of the City of Providence, in the State of Rhode Island and as second mortgagee for and in consideration of the sum paid as appears in the foregoing release from Thomas Harris, Trustee, and pursuant to the agreement in this behalf in the said second Mortgage by her made and in consideration of the sum of One Dollar to her paid, does hereby declare and forever quit claim to said New York, New Haven, and Hartford Railroad Company its successors and assigns, the premises above granted by this present deed subject to the reservations herein contained but without prejudice to the lien of the said second mortgage and the power, assignments and foreclosures of the same as to the remaining lands and property covered by said second mortgage.

In Witness Whereof We, said Wincham Cotton Manufacturing Company, by Robert W. Watson, its Treasurer, thereunto duly authorized hath hereunto set its corporate name and seal; and said Thomas Harris as Trustee as foregoer hath signed and sealed these presents, and said Mary A. Allen, heretofore and now deceased, does hereby declare and seal this present deed to be her last will and testament.

Signed and sealed in presence of:
Joseph G. Ball
Tebahn D. Smith
and Wm. F. G. Jepson
Gilman P. W. M.
Mary A. Allen

Wincham Cotton Manufacturing Company
Robert W. Watson, Trustee.
United States of America
In the District Court of the United States for the district of Massachusetts
In the Matter of The Boston and Erie Rail Road Company
Bankrupt Corporation in Bankruptcy
District of Massachusetts 13.

Now all men by these Presents, That
Charles J. Bradley of Providence in the State of Rhode Island, Charles R.
Chapman of Hartford in the State of Connecticut and George
M. Barnard of Boston in the County of Suffolk and State of
Massachusetts in said district have been duly appointed Assessors
in said Matter, Now therefore I J. S. Satterly Thorndike
Register in Bankruptcy of said district in virtue of the authority
vested in me by the 14th section of an act of Congress
entitled "An Act to establish a Uniform System of Bankruptcy
throughout the United States" approved March 2, 1870, do hereby
Convey and assign to the said Charles J. Bradley, Charles
R. Chapman and George M. Barnard respectively
all the Corporate Estate Real and Personal of the said Boston
Hartford and Erie Rail Road Company-Bankrupt
Corporation aforesaid, including all the Property of whatever
kind of which it was possessed or in which it was
interested or entitled to have on the twenty first day of October
A.D. 1870 with all its debts Books and papers relating
thereto, excepting such property as is exempted from
the operation of this Assignment by the provisions of
said fourteenth Section of said Act
To have and to hold all the foregoing premises to the said
Charles J. Bradley, Charles R. Chapman and George M.
Barnard and their heirs forever. In Trust Respective for
the use and purposes with the powers and subject to the
Conditions and limitations set forth in said Act.
This instrument Whereas I the said Register have hereunto set my
hand, and caused the Seal of said Court to be affixed this
eighteenth day of March A.D. 1871

[Signature]

J. S. Satterly Thorndike
Register in Bankruptcy

Rec'd the above deed for Record August 30th 1871 at 3 o'clock
in the afternoon

Attest: Allen Lincoln Town Clerk
To All People to Whom these Presents Shall Come — Greeting.

Know Ye, that E. William E. Raymond, Treasurer of the State of Connecticut and as such授权于在前

a certain Mortgage Deed, dated May 24, 1879, executed by the New-Haven, Middletown and Willimantic Rail Road Company, a Corporation, incorporated by said State, to the Trustees of said State and his Executors in said office of Treasurer of said State to secure an intended Loan of Bonds of said Company in the amount of Thirty Millions of Dollars, which Mortgage has since been foreclosed by a Bill of Equity brought by in the Supreme Court for New Haven County at its May Term 1875, as herein for the Consideration of Two Hundred Thousand Dollars for my Service as such Trustee under said Mortgage, Receiving to me full Satisfaction of the Boston and New York Air Line Railroad Company, a Corporation chartered by the State of Connecticut by a Resolution passed at the May Session 1875 of the General Assembly, Incorporating the New-Haven, Middletown, and Willimantic Railroad Company as the Boston and New York Air Line Railroad Company and pursuant to the provisions of said chartered Act, hereby, in consideration of Two Hundred Thousand Dollars for my Service as such Trustee under said Mortgage, Received to me full Satisfaction of the Boston and New York Air Line Railroad Company.

A Corporation Chartered by the State of Connecticut by a Resolution passed at the May Session 1875 of the General Assembly Incorporating the New-Haven, Middletown, and Willimantic Railroad Company as the Boston and New York Air Line Railroad Company, pursuant to the provisions of said chartered Act, hereby, in consideration of Two Hundred Thousand Dollars for my Service as such Trustee under said Mortgage, Received to me full Satisfaction of the Boston and New York Air Line Railroad Company.

And now, to effectuate the Conveyance on demand of said last named Company, and on Satisfactory proof that a Majority of said first Mortgage Bonds have been surrendered to me in Exchange for the Preferred Stock of said Company and document claims upon the said Boston and New York Air Line Railroad Company in Corporate as trustee and in succession and assigns forever all the Estate, Title, Interest, Claim, and demand whatsoever, as by said Rilevors have or ought to have under said Mortgage, and understand, accept, and foreclose under which said Mortgage Title became absolute on the twenty-fifth day of June, 1875, and to all and singular the Railways, properties owned by the New-Haven, Middletown, and Willimantic Rail Road Company, from a point in the City of New Haven to the Village of Willimantic in the State of Connecticut as the same is now herein and by

hereinafter described, Constructive, or improved and all the road way and lands, that are or may be included in the Location of said Railways, and that were ever acquired by the said last named Company for the purpose of said Railroad, within the several points of revenue, together and singular the railways, rails, bridges, fences, station houses, shops, buildings, structures, turns, Cars, Engines, Equipment, Machinery, fuel, Materials, supplies, appendages, appurtenances, and Property Real and Personal which herebelonged to said last named Company, and were or are used as a part of said Railways, or were or are, appurtenant thereto or necessary for the Construction Operation or Security therefor, and also in and to all the Property Rights and Interests therein.
CONVEYANCE

Belonging to said last named company under its charter and by such acts and things together with the title in some
and every estate, thing and all rights to receive the same
and every thing necessary for the completion and operation
of the said railroad. There is hereby conveyed to the
Boston and New York Air Line Railroad Company and its
successors and assigns in fee simple, all said right, title
and interest in and to the premises mentioned in said
writing, mortgage and to said railroad company in said release its
successors and assigns in fee simple including all the rights
and privileges hereinafter granted by this deed, and the
said amendment deeds to the New Haven, Middlesex,
and Waterbury Railroad Company, and all improvements
on, about, and applicable to said railroad company's
and all situated by mortgage, who are or may have been in
possession of said railroad, to have and to hold the premises
with all its appurtenances unto the said railroad company
and successors and assigns forever to it and their sole use
and benefit, to the said railroad company's
successors and assigns forever to it and
their sole use and benefit, to the
said railroad company's successors
and assigns forever to it and their
sole use and benefit.

This instrument of conveyance is
intended to be for my heirs, executors,
administrators, or assigns, and to the
premises or any part thereof or any
thereof, and they are by these presents forever barred and released
and forever held by virtue of this conveyance discharged forever
and all trust, according to the provisions of said resolution
of the corporation of the
New Haven Air Line Railroad
Company.

On the 8th day of July, in the year of our Lord one thousand eight hundred
and seventy-five, the 

William E. Raymond, Esq.

John B. Mills

New Haven, Conn., July 8th, 1875.

Note: The deeds are recorded in the office of the
Register of Deeds, New Haven County, Connecticut.

John B. Mills

Notary Public

Albert, Registrar

John Clerk
APPENDIX C

CONNECTICUT GENERAL STATUTES

GOVERNING RAILROADS

March, 1998
Willimantic Railroad Right of Way Survey
CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys
take a lease of the property or franchises of, or lease its property or franchises to, any such company.

(1949 Rev., S. 5447.)

History: In 1981 Sec. 16-57 transferred to Sec. 13b-206.

See Sec. 13b-288 re consideration of section as part of railroad company charter.

Annotations to former section 16-57:
Lessor is not usually exempt from liability for negligence of lessee in operating railroad. 65 C. 230. Right of lessee of franchise to construct and operate. 73 C. 179. See 77 C. 418.

Sec. 13b-207. (Formerly Sec. 16-58). Leases to be approved by stockholders. No lease of any railroad shall be binding on either of the contracting parties for a period of more than twelve months, unless approved by the stockholders of the companies that are parties to the lease, by a vote of two-thirds of the stock represented at a meeting of the stockholders called for that purpose. At least one month's notice of such meeting shall be given by advertising twice a week for four weeks in a daily paper published in the state and also by mailing a copy of the call and of the lease to each stockholder. Such notice and call shall state that at the meeting the lease will be submitted for the approval of the stockholders.

(1949 Rev., S. 5448.)

History: In 1981 Sec. 16-58 transferred to Sec. 13b-207.

Sec. 13b-208. (Formerly Sec. 16-59). Record of conveyance or lease. All conveyances by any railroad company or its assigns of any interest in the location of its railroad, to be used or enjoyed for railroad purposes, may, and if in the nature of a lease for more than one year shall, be filed for record by the grantee or lessee in the office of the Secretary of the State. Certificates of the assignment, release or foreclosure of any interest or lien in or upon the location of any railroad, acquired under any such conveyance, as is specified in this section, or by virtue of the general laws of the state, may be filed for record in like manner and with like effect.

(1949 Rev., S. 5449.)

History: In 1981 Sec. 16-59 transferred to Sec. 13b-208.

Sec. 13b-209. (Formerly Sec. 16-59a). Elimination of passenger train service. A railroad company which has scheduled and operated a passenger train on a regular schedule for twelve consecutive months or more, except for holidays or interruptions caused by storms or other causes beyond its control, shall not discontinue the operation of such train or trains or cut out or eliminate more than ten per cent of its station stops, except with the written approval of the Commissioner of Transportation after public hearing, notice of which hearing and proposed discontinuance shall be posted by the railroad company at the stations involved for a period of thirty days immediately preceding such hearing, and all persons, including employees of the railroad company,
state the manner in which such snow or ice shall be removed and may be revoked by the commissioner of transportation upon fifteen days' written notice. Any person, firm or corporation violating any provision of this section shall be fined not more than two hundred dollars and shall reimburse the state for any expense incurred in the removal of such snow or ice from any such highway, plus fifteen per cent of such expense.

(1949 Rev., S. 5460; 1969, P.A. 768, S. 212.)

History: 1969 act substituted "commissioner of transportation" for "highway commissioner"; in 1981 Sec. 16-70 transferred to Sec. 13b-222.

Sec. 13b-222. (Formerly Sec. 16-71). Payment of fare not to be evaded. No person shall fraudulently evade or attempt to evade the payment of any fare lawfully established by a railroad company. No person who does not, upon demand, pay such fare, shall be entitled to be transported over any railroad; but conductors or employees of railroad companies shall not put a passenger off a train between stations.

(1949 Rev., S. 5461.)

History: In 1981 Sec. 16-71 transferred to Sec. 13b-222.

Annotations to former section 16-71:
Conductor may remove passenger who refuses to pay. 28 C. 89. Company upheld in removing passenger for refusing to pay amount greater than cost of ticket, though ticket could not be obtained. 24 C. 249. Passenger is entitled to reasonable time to find misplaced ticket. 38 C. 559.

Sec. 13b-223. (Formerly Sec. 16-73). Recovery of forfeitures to state. All forfeitures, not otherwise provided for, accruing to the state from any railroad company by reason of its neglect or refusal to comply with the orders of the Commissioner of Transportation, shall be recovered by the State Treasurer in an action upon the respective statutes providing for such forfeitures.

(1949 Rev., S. 5463; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 571, 610.)

History: P.A. 75-486 substituted "public utilities control authority" for "commission", i.e. public utilities commission, effective December 1, 1975; P.A. 77-614 substituted "commissioner of transportation" for "public utilities control authority", effective January 1, 1979; in 1981 Sec. 16-73 transferred to Sec. 13b-223.

Sec. 13b-224. (Formerly Sec. 16-74). General penalty. Any person who violates any provision of sections 13b-200 to 13b-223, inclusive, for which no other penalty is prescribed or provision made, shall be fined not more than five hundred dollars.

(1949 Rev., S. 5464.)

History: In 1981 Sec. 16-74 transferred to Sec. 13b-224.

Sec. 13b-225. (Formerly Sec. 16-75). Record of acquisition, consolidation or merger of railroad or railway companies. Whenever any railroad or railway company, pursuant to any authority contained in its charter, has acquired any of the franchises of any other corporation or consolidated or merged with or in any other corporation, such railroad or railway company shall, upon consummation of such acquisition, consolidation or merger, file with the Secretary of the State a certificate, signed and sworn to by its president or its secretary, setting forth the fact of such acquisition, consolidation or merger and, in case of consolidation or merger, the name of the consolidated or merged corporation.

(1949 Rev., S. 5435.)

History: In 1981 Sec. 16-75 transferred to Sec. 13b-225.
Britain, designated state project number 131-156; (B) U.S. Route 1 over railroad track in Fairfield, designated state project number 50-6H05; (C) Route 729 over railroad track in North Haven, designated state project number 100-149; (D) Grove Street over railroad tracks in Hartford, designated state project number 63-376; (E) Route 1 over railroad tracks in Milford, designated state project number 173-117; (F) Ingham Hill Road over railroad tracks in Old Saybrook, designated state project number 105-164; (G) Ellis Street over railroad tracks in New Britain, designated state project number 88-114; or (H) Route 100 over the railroad tracks in East Haven, bridge number 01294 shall be eighteen feet and (4) the minimum overhead clearance for those structures carrying (A) Fair Street, bridge number 03870; (B) Crown Street, bridge number 03871 and (C) Chapel Street, bridge number 03872, over railroad tracks in New Haven shall be sever teen feet, six inches.

(b) For the purposes of this section, "overhead clearance" means the distance from the plane formed by the top of the rails to a structure or obstruction above the rail and "deck replacement" means the removal and replacement of the bridge deck an supporting members.

(c) Any proposed legislation which grants an exemption from the minimum overhead clearance requirements in subsection (a) shall be accompanied by a written statement from the Department of Transportation which shall include the following information: (1) The impacts associated with raising the bridge to meet the clearance requirements; (2) the estimated cost of raising the bridge to meet the clearance requirements and (3) an assessment, including the estimated cost, of the feasibility of increasing the clearance by undercutting at least one track of the railroad or by a combination of undercutting and raising the bridge to meet the clearance requirements.

(P.A. 78-28, S. 1; P.A. 83-68, S. 1; P.A. 86-344, S. 1, 3; 86-403, S. 126, 132; PA. 87-218; P.A. 88-364, S. 23, 123 P.A. 89-59; P.A. 90-230, S. 81, 101.)

History: In 1981 Sec. 16-82a transferred to Sec. 13b-251; P.A. 83-68 amended Subsec. (a) to allow certain construction (work beginning after the commissioner submits the railroad lines overhead clearances report required under section 2 the act, which is not codified, to be done without raising the Structure's minimum overhead clearance beyond its existing overhead clearance and amended Subsec. (b) to define "deck replacement"; P.A. 86-344 provided that the minimum height for structures which are built over railroad tracks on or after October 1, 1926, shall be twenty feet, except that m m widening or deck replacement may be done at a structure's existing height, required the minimum height of structure crossing tracks over which trains are operated by means of overhead wires to be twenty-two feet, six inches and provided exceptions for existing state projects; P.A. 86-403 amended Subsec. (a) by changing state project number "50-6H13" to "50-6H05"; P.A. 87-218 amended Subsec. (a) by adding state project number 88-114 to the exemptions to the minimum height requirement and amended Subsec. (b) by defining "deck replacement"; P.A. 88-364 in Subsec. (b) corrected the word "place" to read "plane"; P.A. 89-59 added Subpara. (H) to Subdiv. (F) re the exemptions for Route 100 of minimum height requirements, added Subdiv. (4) providing certain bridges with minimum height exemption of seventeen feet, six inches and added a new Subsec. (c) re approval of exemption from the minimum height requirements; P.A. 90-230 made technical change in Subsec. (e).

Sec. 13b-252. (Formerly Sec. 1.6-82b). Structures exempted from overhead clearance requirement. Section 13b-251 shall not apply to any structure for which construction is authorized by or begun pursuant to any special act.

(P.A. 78-28, S. 2.)

History: In 1981 Sec. 16-82b transferred to Sec. 13b-252.

Sec. 13b-253. (Formerly Sec. 16-83). Land cut off from access to highway. When any company takes land for railroad purposes and the effect of such taking is to cut off other land from practical access to the highway, such company may, with the approval of the Commissioner of Transportation, take additional land sufficient for a convenient way from the land so cut off to the highway and shall provide for the use of the owner of the land cut off a suitable way over such additional land to the highway. Such way shall remain a private way for the use of the owner of the land cut off and the
town or city in which it is situated shall not be liable for its maintenance or responsible for its defects. For the purposes of this section, lands may be acquired in the manner provided by law for the taking of land by railroad companies.

(1949 Rev., S. 5472; P.A. 75-486, S. 1,69; P.A. 77-614, S. 571, 610.)

History: P.A. 75-486 substituted "public utilities control authority" for public utilities "commission", effective December 1, 1975; P.A. 77-614 substituted "commissioner of transportation" for "public utilities control authority", effective January 1, 1979; in 1981 Sec. 16-83 transferred to Sec. 13b-233.

See Sec. 13b-288 re inclusion of provisions of section as part of railroad company's charter.

Annotations to former section 16-83:

Cutting off land from all access to highway held a taking, 66 C. 224. Commissioners' approval settles necessity and extent of taking, 69 C. 437.

Sec. 13b-254. (Formerly Sec. 16-84). Layout through cemetery. No company shall lay out or locate its road, or any part thereof, through any cemetery or any approach in common use from the highway thereto, and within one-quarter of a mile thereof, unless the Commissioner of Transportation, when called upon to approve the proposed layout of such road, finds that such cemetery, or the approach thereto, was located for the purpose of obstructing such layout, or unless said commissioner approves such layout or location.


History: P.A. 75-486 substituted "public utilities control authority" for public utilities "commission" and "authority" for "commission" thereafter, effective December 1, 1975; P.A. 77-614 and P.A. 78-303 substituted "commissioner of transportation" for "public utilities control authority" and "commissioner" for "authority", effective January 1, 1979; in 1981 Sec. 16-84 transferred to Sec. 13b-254.

Sec. 13b-255. (Formerly Sec. 16-85). Land for electrification of railroad. Any railroad company, with the approval of the Commissioner of Transportation, may take land for the purpose of locating, constructing and maintaining piers, catenary bridges, foundations, posts, poles and wires and all appurtenances thereto necessary for the operation outfits railroad by electricity, provided this section shall not be construed as conferring upon any railroad company power to take any water privilege in connection with such land.

(1949 Rev., S. 5474; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 571, 610.)

History: P.A. 75-486 substituted "public utilities control authority" for public utilities "commission", effective December 1, 1975; P.A. 77-614 substituted "commissioner of transportation" for "public utilities control authority", effective January 1, 1979; in 1981 Sec. 16-85 transferred to Sec. 13b-255.

Sec. 13b-256. (Formerly Sec. 16-86). Procedure for appraisal of land taken.

When any company has the right to take real estate for railroad purposes and cannot obtain it by agreement with the parties interested therein, it may apply to any judge of the Superior Court for the appointment of appraisers to estimate all damages that may arise to any person from taking and occupation of such real estate for railroad purposes. After reasonable notice of such application has been given to all parties in interest, such judge shall appoint three appraisers, who shall be sworn and give reasonable notice to such parties in regard to the time and place of making such estimate and shall view the premises and estimate such damages, but shall not include in such estimate the expense of return an appraisal of such damages in writing, under their hands, to the clerk of the superior court for the judicial district where the estate lies, who shall record it. When so returned and recorded, such appraisal shall have the effect of a judgement, and execution may issue at the end of sixty days from the time of such return in favor of the persons respectively to whom damages may be appraised; and such appraisers shall be
such company for the time actually spent in making such appraisal and return. No rail-road shall be worked upon, or opened across, any real estate, until the damages appraised to any person interested therein have been paid or secured to his satisfaction or deposited for his use with the State Treasurer:

(1949 Rev., S. 5475; P.A. 78-280, S. 2, 127.)
History: P.A. 78-280 substituted "for the judicial district" for "for the county" following "superior court"; in 1981 Sec. 16-86 transferred to Sec. 13b-256.
See Sec. 13b-288 re inclusion of provisions of section as part of railroad company's charter.

Annotations to former section 16-86:
Appraisal does not establishcollectible or taxable debt until the sixty days have expired. 41 C. 210. Appraisal should include all damage that may arise from the taking or occupation. 66 C. 225; but must not include danger to adjacent land of fire from locomotives. See note to section 13b-364. Quantity of land taken should be determined before assessment of damages, but not necessarily before appointment of appraisers. 13 C. 117; 13 C. 406. Grant of power of eminent domain to private corporations to be construed strictly; incidental injuries to property, which do not constitute a taking, may be basis for damages. 21 C. 294. Company does not acquire such an interest in land as to prevent adjoining owner from crossing. 23 C. 110. Right of mortgagee in damages awarded is not recognized by the statute which regulates the proceedings. 32 C. 283. Damage for taking not to include incidental injury caused by railroad to other disconnected land of same owner. 61 C. 451. Inability of parties to agree is a question of fact for court to determine before appraisers are appointed. 69 C. 424. Landowner cannot raise question of constitutionality of act apportioning payment of damages between company and city. 72 C. 481. Duty of judge in first instance is simply to ascertain whether petitioner has right to take land, and cannot agree with owners; all parties interested in land must be notified of hearings; form of application. 79 C. 526. Inability to agree necessary fact; evidence as to, may be informal. 80 C. 38. Wrongful entry on land by petitioner and suits pending for damages no defense. 86 C. 36. Presumption after long user that compensation has been made. 92 C. 360. See note to section 13b-247.
Annotations to present section:
Cited. 207 C. 683, 695.

Sec. 13b-257. (Formerly Sec. 16-87). Land in highway or private way. Whenever such company has acquired the right to take any land used for a public highway or a private way, it shall, before taking possession of the same, apply to a judge of the superior court, as provided in section 13b-256, for the appointment of appraisers to ascertain all damages that may arise to any person in consequence of such taking. The appraisers so appointed shall be sworn and shall give notice of the time and place of their meeting by posting on a signpost of the town where the highway or private way is situated, if any, or at some other exterior place near the office of the town clerk, and also by advertising once a week for four consecutive weeks in a newspaper published in such town or, if no newspaper is published in such town, in a newspaper published in the county. They shall also give reasonable notice, in writing, to the persons owning the land occupied by the highway or private way. At the meeting of the appraisers, any person claiming that he will be damaged by the taking and occupation of such highway or private way shall be heard, whether he is the owner of the land or not; and the appraisers shall award such damages as seem to them just and reasonable. Further proceedings in connection with the condemnation of such land shall be as prescribed by section 13b-256.

(1949 Rev., S. 5476; P.A. 84-146, S. 11.)
History: In 1981 Sec. 16-87 transferred to Sec. 13b-257; P.A. 84-146 included a reference to posting of notice on a place other than a signpost.

Sec. 13b-258. (Formerly Sec. 16-88). Abandonment of road; damages. When any land has been taken for railroad purposes and the damages have been
have suffered in consequence of such taking, or for any unreasonable delay in opening and working such road.

(1949 Rev., S. 5477.)

History: In 1981 Sec. 16-88 transferred to Sec. 13b-258.

See Sec. 13b-288 re inclusion of provisions of section in railroad company's charter.

Sec. 13b-259. Formerly Sec. 16-89). Owner may require description of land. When any company takes any property for the purpose of its railroad, the owner of such property may, at any time within three years thereafter, demand in writing of the treasurer of the company a written description of the property so taken, and such company shall, within thirty days, deliver to him such description; and, if it fails to do so, all its rights to enter upon or use such property, except for making surveys, shall be suspended until it has delivered such description.

(1949 Rev., S. 5478.)

History: In 1981 Sec. 16-89 transferred to Sec. 13b-259.

See Sec. 13b-288 re inclusion of provisions of section as part of railroad company's charter.

Sec. 13b-260. (Formerly Sec. 16.90). Plan of road to be deposited with town clerk. Within ninety days after the railroad of any company has been laid out in any town and approved by the Commissioner of Transportation, such company shall deposit with the town clerk a correct plan, signed by its president, of so much of such railroad as lies in such town, drawn on a scale of at least five inches to the mile, upon which shall be accurately delineated the direction and length of each course and the width of the land taken.

(1949 Rev., S. 5479; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 571, 610.)

History: P.A. 75-486 substituted "public utilities control authority" for public utilities "commission", effective December 1, 1975; P.A. 77-614 substituted "commissioner of transportation" for "public utilities control authority", effective January 1, 1979; in 1981 Sec. 16-90 transferred to Sec. 13b-260.

Sec. 13b-261. (Formerly Sec. 16-91). Statement of location filed with secretary. Each company shall, within six months after the final location of its road, file with the Secretary of the State a statement of such location, defining the courses and distances.

(1949 Rev., S. 5480.)

History: In 1981 Sec. 16-91 transferred to Sec. 13b-261.

Sec. 13b-262. (Formerly Sec. 16-92). Security from contractors for labor; liability of company. Each company, in making contracts for the building of its road, shall require sufficient security from the contractors for the payment for all labor thereafter to be performed in constructing the road by persons in their employ; and the company shall be liable to the laborers employed for labor actually performed on the road if, within twenty days after the completion of such labor, they notify its treasurer, in writing, that they have not been paid by the contractors.

(1949 Rev., S. 5481.)

History: In 1981 Sec. 16-92 transferred to Sec. 13b-262.

Sec. 13b-263. (Formerly Sec. 16-93). Crossing of one railroad by another. Any company may, in the construction of its railroad, cross the railroad of any other company or connect with the same. If it cannot agree with such other company as to such crossing or connection, the Commissioner of Transportation may determine the place and manner of such crossing or connection, after reasonable notice to the companies in interest to appear and be heard in relation to the matter, and may make such orders as to bridges,
is not bound to make future change by reason of increased travel. 45 C. 331. Where company built bridge, and injury resulted because borough raised highway beneath, company was not liable. 54 C. 591. Where municipal right under charters and railroad rights under general statutes in streets conflict, railroad rights prevail. 66 C. 223. Commission may discontinue old highway and lay out new one. 76 C. 58.

Sec. 13b-266. (Formerly Sec. 16-96). Land for change of highway. When any highway or street is altered by any railroad company with the consent of the Commissioner of Transportation, and it is necessary to take any land for a highway to which such company has not obtained title, and over which neither such company nor the town in which such alteration is made has any right-of-way, and such company is unable to agree with the owner thereof in regard to the amount of damages to be paid therefor, the same proceedings shall be had for the purpose of procuring the required right-of-way as are provided in section 13b-256 for taking land for railroad purposes.

(1949 Rev., S. 5485; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 571, 610.)

History: P.A. 75-486 substituted "public utilities control authority" for "commission", i.e. public utilities commission, effective December 1, 1975; P.A. 77-614 substituted "commissioner of transportation" for "public utilities control authority", effective January 1, 1979; in 1981 Sec. 16-96 transferred to Sec. 13b-266.

See Sec. 13b-238 re inclusion of section's provisions as part of railroad company's charter.

Annotation to former section 16-96:

Cited. 168 C. 478.

Sec. 13b-267. (Formerly Sec. 16-97). Construction over highway at grade restricted. Each company which locates and constructs a railroad across any highway shall construct it so as to cross over or under the same and may, under the direction of the Commissioner of Transportation, raise or lower the same at such crossing or change the location thereof and shall make and maintain such bridges, abutments, tunnels, arches, excavations, embankments and approaches as the commissioner orders and the convenience and safety of the public travel upon such highway may require; but the commissioner may, upon notice to such company and to the selectmen of the town or mayor of the city in which such crossing is situated, direct such company to construct its railroad at such crossing upon a level with the highway; but no such direction shall be given in any case except for special reasons, which shall be recorded in the records of the commissioner.

(1949 Rev., S. 5486; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 571, 610.)

History: P.A. 75-486 substituted "public utilities control authority" for "commission", i.e. public utilities commission, and "authority" for "commission" hereafter, effective December 1, 1975; P.A. 77-614 substituted "commissioner of transportation" for "public utilities control authority" and "commissioner" for "authority" where appearing, effective January 1, 1979; in 1981 Sec. 16-97 transferred to Sec. 13b-267.

Annotations to former section 16-97:

Change in highway wholly to save expense to company unauthorized. 25 C. 402. Term "bridge," as used in city charter, held to exclude approaches and embankments. 39 C. 128. Company not liable for accident caused by borough's raising highway after completion of overhead bridge. 54 C. 591. This section construed with section 7 of the act of 1889-90 C. 496. This section controls where city charter conflicts with it. 66 C. 222. City has no appeal from order of commissioners fixing bridge supports at curve. 57 C. 85. Purpose of this section. 91 C. 475.

Sec. 13b-268. (Formerly Sec. 16-98). New highway across railroad; expense. Creation of at grade crossing. (a) When a new highway is constructed across a railroad, such highway shall pass over or under the railroad as the Commissioner of Transportation directs. The company operating such railroad shall construct such crossing to the approval of the commissioner and may take land for the purposes of this section in the manner provided by section 13b-256. The expense of such crossing construction shall be borne by either the town, city or borough constructing such highway, or by the company constructing the same, or by a sharing of the cost between the town, city or borough and the company, as the commissioner directs.
(1949 Rev., S. 5500; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 571, 610.)

History: P.A. 75-486 substituted "public utilities control authority" for "public utilities commission" and "authority" for "commission" where appearing, effective December 1, 1975; P.A. 78-303 substituted "commissioner of transportation" for "public utilities control authority" and "commissioner" for "authority" where appearing, effective January 1, 1979; in 1981 Sec. 16-115 transferred to Sec. 13b-287.

Sec. 13b-288. (Formerly Sec. 16-116). Statutes made part of charters. The provisions of sections 13b-206, 13b-247, 13b-248, 13b-249, 13b-250, 13b-253, 13b-256, 13b-258, 13b-259, 13b-263, 13b-265, 13b-266, 13b-285, 13b-289 and 13b-368 shall be deemed a part of the charter of every company authorized to construct, own or operate any railroad within this state, and all powers and privileges conferred and all duties and obligations imposed upon such companies by said sections are conferred or imposed upon such companies in the same manner and to the same extent as if the provisions of said sections were parts of the charters of such companies.

(1949 Rev., S. 5501.)

History: In 1981 Sec. 16-115 transferred to Sec. 13b-288.

See Sec. 13b-264 reconsideration of provisions re branch lines as addition to and amendment of all railroad companies charters.

See note to Sec. 13b-298.

Sec. 13b-289. (Formerly Sec. 16-117). Easements and private crossings may be condemned. The owner of any private crossing at grade of the tracks of a railroad company, or of any right, title, interest, easement or privilege in land used by a company for railroad purposes, or any such company whose land is encumbered by any such private rights, may bring a written petition to the Commissioner of Transportation for the condemnation of such rights, alleging that public safety requires the elimination of such encumbrance. The commissioner shall thereupon appoint a time and place for hearing the petition, and shall give such notice thereof as he judges reasonable to the owner of such rights, to the company and to the owners of land adjoining the highway to be laid out as a substitute for such private crossing, as hereinafter provided, if any such highway is to be laid out. Upon the hearing of such petition, if public safety so requires, the commissioner shall authorize the company to condemn such private rights, and thereupon the company may proceed to condemn the same in the manner provided by law for the taking of lands by such companies. Upon the hearing of such petition, if the commissioner is of the opinion that public convenience and necessity require a highway on account of the elimination of such private rights in the land of the railroad company, he may lay out a highway sufficient to satisfy public convenience, but such highway shall not be laid out if the land of a private owner, with which the encumbrance is associated, is already connected with a public highway. If the commissioner orders a new highway, he shall assess the expense of making the same, including the damages to any person whose land is taken, proportionately, upon the person and parties especially benefited thereby, but at least one-half of such expense shall be paid by the company. The commissioner may order the elimination of any private crossing at grade by the substitution of an overhead or underneath crossing, in which case the expense of making such change, including land damages, shall be paid by the company.


History: P.A. 75-486 substituted "public utilities control authority" for "public utilities commission" and "authority" for "commission" where appearing, effective December 1, 1975; P.A. 77-614 and P.A. 78-303 substituted "commissioner of transportation" for "public utilities control authority" and "commissioner" for "authority" where appearing, effective January 1, 1979; in 1981 Sec. 16-117 transferred to Sec. 13b-289.
Sec. 13b-290. (Formerly Sec. 16-118). Highway crossing discontinued. When the use of a highway crossing over a railroad has been abandoned for fifteen years, such crossing shall be deemed discontinued.

(1949 Rev., S. 5503.)
History: In 1981 Sec. 16-118 transferred to Sec. 13b-290.

Sec. 13b-291. (Formerly Sec. 16-119). Private crossing to be restored. When a private crossing has been removed by a railroad company without the consent of the owner or owners, the company from whose tracks such crossing has been removed shall restore the same in good order upon the written request of the owner or owners, and for failure so to do, such company shall forfeit five dollars per day to the person or persons owning or having a right to use such crossing, such forfeiture to begin thirty days from the date of such notice.

(1949 Rev., S. 5504.)
History: In 1981 Sec. 16-119 transferred to Sec. 13b-291.

Sec. 13b-292. (Formerly Sec. 16-119a). Private crossings; protection requirements. (a) A private crossing is defined as any private way, private drive or any facility other than a public highway for use of pedestrians, motor vehicles or other types of conveyances, which crosses at grade any railroad track. On and after June 20, 1961, no private crossing shall be established, except that the Commissioner of Transportation may authorize the establishment of a private crossing if it is deemed necessary for the economic welfare of the community but only after imposing specific requirements for the protection of persons using the crossing. The cost of meeting such protection requirements shall be borne by the party requesting such private crossing or the town, city or borough in which such crossing is located may, in its discretion, assume all or part of such cost. This section shall not apply to a private crossing to be used by a railroad company in connection with its operation or for access to its facilities.

(b) Each town, city or borough shall erect and maintain traffic control devices within the limits of the railroad right-of-way at each private crossing, or each town, city or borough shall require the person, association or corporation that owns or has the right to use such crossing to erect and maintain such traffic control devices at each private crossing. Such order shall specify the time within which such protective measures shall be installed. Upon failure of a person, association or corporation to comply with an order issued pursuant to this subsection, the required installation shall be made by the authority issuing such order and the expense thereof shall be a lien on premises owned by such person, association or corporation. If under the provisions of subsection (d) the Commissioner of Transportation and the State Traffic Commission order the erection of traffic control devices at a private crossing and the town, city or borough within which such crossing is located fails to erect or have erected such devices within one hundred and eighty days of such order, the Commissioner of Transportation and the State Traffic Commission shall order the railroad to erect such devices and the expense thereof shall be a lien on premises owned by the person, association or corporation that owns or has the right to use such crossing. If the Commissioner of Transportation and the State Traffic Commission prescribe traffic control measures in addition to traffic control devices, the town, city or borough shall invoke the provisions of this subsection for the purpose of complying with such order, and the cost thereof, if one
ACKNOWLEDGEMENTS

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March, 1998
Willimantic Railroad Right of Way Survey
CONNECTICUT DEPARTMENT OF TRANSPORTATION
District 2 Surveys