



General Assembly

January Session, 2003

Raised Bill No. 6603

LCO No. 3751

Referred to Committee on Planning and Development

Introduced by:
(PD)

***AN ACT CONCERNING THE AMOUNT OF COMPENSATION FOR
PROPERTY ACQUIRED BY MUNICIPALITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-129 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The redevelopment agency shall determine the compensation to
4 be paid to the persons entitled thereto for such real property and shall
5 file a statement of compensation, containing a description of the
6 property to be taken and the names of all persons having a record
7 interest therein and setting forth the amount of such compensation,
8 and a deposit as provided in section 8-130, with the clerk of the
9 superior court for the judicial district in which the property affected is
10 located. Upon filing such statement of compensation and deposit, the
11 redevelopment agency shall forthwith cause to be recorded, in the
12 office of the town clerk of each town in which the property is located, a
13 copy of such statement of compensation, such recording to have the
14 same effect as and to be treated the same as the recording of a lis
15 pendens, and shall forthwith give notice, as [hereinafter] provided in
16 this section, to each person appearing of record as an owner of

17 property affected thereby and to each person appearing of record as a
18 holder of any mortgage, lien, assessment or other encumbrance on
19 such property or interest therein [(a)] (1), in the case of any such
20 person found to be residing within this state, by causing a copy of such
21 notice, with a copy of such statement of compensation, to be served
22 upon each such person by a state marshal constable or an indifferent
23 person, in the manner set forth in section 52-57 for the service of civil
24 process and [(b)] (2), in the case of any such person who is a
25 nonresident of this state at the time of the filing of such statement of
26 compensation and deposit or of any such person whose whereabouts
27 or existence is unknown, by mailing to each such person a copy of such
28 notice and of such statement of compensation, by registered or
29 certified mail, directed to his last-known address, and by publishing
30 such notice and such statement of compensation at least twice in a
31 newspaper published in the judicial district and having daily or
32 weekly circulation in the town in which such property is located. Any
33 such published notice shall state that it is notice to the widow or
34 widower, heirs, representatives and creditors of the person holding
35 such record interest, if such person is dead. If, after a reasonably
36 diligent search, no last-known address can be found for any interested
37 party, an affidavit stating such fact, and reciting the steps taken to
38 locate such address, shall be filed with the clerk of the superior court
39 and accepted in lieu of mailing to the last-known address. Not less
40 than twelve days nor more than ninety days after such notice and such
41 statement of compensation have been so served or so mailed and first
42 published, the redevelopment agency shall file with the clerk of the
43 superior court a return of notice setting forth the notice given and,
44 upon receipt of such return of notice, such clerk shall, without any
45 delay or continuance of any kind, issue a certificate of taking setting
46 forth the fact of such taking, a description of all the property so taken
47 and the names of the owners and of all other persons having a record
48 interest therein. The redevelopment agency shall cause such certificate
49 of taking to be recorded in the office of the town clerk of each town in
50 which such property is located. Upon the recording of such certificate,

51 title to such property in fee simple shall vest in the municipality, and
52 the right to just compensation shall vest in the persons entitled thereto.
53 At any time after such certificate of taking has been so recorded, the
54 redevelopment agency may repair, operate or insure such property
55 and enter upon such property, and take whatever action is proposed
56 with regard to such property by the project area redevelopment plan.
57 The notice referred to above shall state (a) that not less than twelve
58 days nor more than ninety days after service or mailing and first
59 publication thereof, the redevelopment agency shall file, with the clerk
60 of the superior court of the judicial district in which such property is
61 located, a return setting forth the notice given, (b) that upon receipt of
62 such return such clerk shall issue a certificate for recording in the office
63 of the town clerk of each town in which such property is located, (c)
64 that upon the recording of such certificate, title to such property shall
65 vest in the municipality, the right to just compensation shall vest in the
66 persons entitled thereto and the redevelopment agency may repair,
67 operate or insure such property and enter upon such property and
68 take whatever action may be proposed with regard thereto by the
69 project area redevelopment plan and (d) that such notice shall bind the
70 widow or widower, heirs, representatives and creditors of each person
71 named therein who then or thereafter may be dead. When any
72 redevelopment agency acting in behalf of any municipality has
73 acquired or rented real property by purchase, lease, exchange or gift in
74 accordance with the provisions of this section, or in exercising its right
75 of eminent domain has filed a statement of compensation and deposit
76 with the clerk of the superior court and has caused a certificate of
77 taking to be recorded in the office of the town clerk of each town in
78 which such property is located as herein provided, any judge of such
79 court may, upon application and proof of such acquisition or rental or
80 such filing and deposit and such recording, order such clerk to issue an
81 execution commanding a state marshal to put such municipality and
82 the redevelopment agency, as its agent, into peaceable possession of
83 the property so acquired, rented or condemned. The provisions of this
84 section shall not be limited in any way by the provisions of chapter

85 832.

86 (b) Notwithstanding the provisions of subsection (a) of this section
87 in the case of real property acquired for economic development
88 purposes of a municipality, the amount of compensation shall be equal
89 to the value of the real property for its highest and best use, provided
90 such amount is not more than three times the market value of the real
91 property. As used in this subsection, "highest and best use" means the
92 use of land that results in the most profitable return of investment
93 selected from reasonable, probable and legal alternatives which are
94 physically possible, appropriately supported and financially feasible.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

Statement of Purpose:

To establish a limit for the determination of compensation for eminent domain.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]