



General Assembly

Substitute Bill No. 6603

January Session, 2003

**AN ACT CONCERNING COMPENSATION FOR PROPERTY
ACQUIRED BY A MUNICIPALITY BY EMINENT DOMAIN.**

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

1 Section 1. Section 8-132 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any person claiming to be aggrieved by the statement of
4 compensation filed by the redevelopment agency may, at any time
5 within six months after the same has been filed, apply to the superior
6 court for the judicial district in which such property is situated for a
7 review of such statement of compensation so far as the same affects
8 such applicant. The court, after causing notice of the pendency of such
9 application to be given to said redevelopment agency, may appoint a
10 judge trial referee to make a review of the statement of compensation.

11 (b) If the court appoints a judge trial referee, such judge trial referee,
12 after giving at least ten days' notice to the parties interested of the time
13 and place of hearing, shall hear the applicant and said redevelopment
14 agency, shall view the property and take such testimony as such judge
15 trial referee deems material and shall thereupon revise such statement
16 of compensation in such manner as such judge trial referee deems
17 proper and forthwith report to the court. Such report shall contain a
18 detailed statement of findings by the judge trial referee, sufficient to
19 enable the court to determine the considerations upon which the judge

20 trial referee's conclusions are based. The report of the judge trial
21 referee shall take into account any evidence relevant to the fair market
22 value of the property, including evidence of environmental condition
23 and required environmental remediation. In the case of property taken
24 for economic development purposes, the judge trial referee may
25 consider other valuation methods as well as fair market value. The
26 judge trial referee shall make a separate finding for remediation costs
27 and the property owner shall be entitled to a setoff of such costs in any
28 pending or subsequent action to recover remediation costs for the
29 property. The court shall review the report, and may reject it for any
30 irregular or improper conduct in the performance of the duties of such
31 judge trial referee. If the report is rejected, the court may appoint
32 another judge trial referee to make such review and report. If the
33 report is accepted, its statement of compensation shall be conclusive
34 upon such owner and the redevelopment agency.

35 (c) If the court does not appoint a judge trial referee, the court, after
36 giving at least ten days' notice to the parties interested of the time and
37 place of hearing, shall hear the applicant and said redevelopment
38 agency and take such testimony as it deems material, may view the
39 subject property, and shall make a finding regarding the statement of
40 compensation. The findings of the court shall take into account any
41 evidence relevant to the fair market value of the property, including
42 evidence of environmental condition and required environmental
43 remediation. In the case of property taken for economic development
44 purposes, the court may consider other valuation methods as well as
45 fair market value. The court shall make a separate finding for
46 remediation costs and the property owner shall be entitled to a set-off
47 of such costs in any pending or subsequent action to recover
48 remediation costs for the property. The findings of the court shall be
49 conclusive upon such owner and the redevelopment agency.

50 (d) If no appeal to the Appellate Court is filed within the time
51 allowed by law, or if one is filed and the proceedings have terminated
52 in a final judgment finding the amount due the property owner, the
53 clerk shall send a certified copy of the statement of compensation and

54 of the judgment to the redevelopment agency, which shall, upon
55 receipt thereof, pay such property owner the amount due as
56 compensation. The pendency of any such application for review shall
57 not prevent or delay whatever action is proposed with regard to such
58 property by the project area redevelopment plan.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

PD *Joint Favorable Subst.*