



General Assembly

Amendment

January Session, 2007

LCO No. 8501

SB0016708501SR0

Offered by:

SEN. CALIGIURI, 16th Dist.
SEN. CAPIELLO, 24th Dist.
SEN. DEBICELLA, 21st Dist.
SEN. DELUCA, 32nd Dist.
SEN. FASANO, 34th Dist.
SEN. FREEDMAN, 26th Dist.
SEN. GUGLIELMO, 35th Dist.
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SEN. MCKINNEY, 28th Dist.
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REP. BACCHIOCHI, 52nd Dist.
REP. AMAN, 14th Dist.
REP. CANDELORA, 86th Dist.
REP. MINER, 66th Dist.
REP. RYAN, 141st Dist.

To: Subst. Senate Bill No. 167

File No. 560

Cal. No. 449

"AN ACT REVISING THE PROCESS FOR THE TAKING OF REAL PROPERTY BY MUNICIPALITIES FOR REDEVELOPMENT AND ECONOMIC DEVELOPMENT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subparagraph (A) of subdivision (3) of subsection (c) of
4 section 7-148 of the general statutes is repealed and the following is
5 substituted in lieu thereof (*Effective from passage and applicable to*
6 *property acquired on or after said date*):

7 (3) (A) Take or acquire by gift, purchase, grant, including any grant
8 from the United States or the state, bequest or devise and hold,

9 condemn, lease, sell, manage, transfer, release and convey such real
10 and personal property or interest therein absolutely or in trust as the
11 purposes of the municipality or any public use or purpose, including
12 that of education, art, ornament, health, charity or amusement,
13 cemeteries, parks or gardens, or the erection or maintenance of statues,
14 monuments, buildings or other structures [or the encouragement of
15 private commercial development,] require. Any lease of real or
16 personal property or any interest therein, either as lessee or lessor, may
17 be for such term or any extensions thereof and upon such other terms
18 and conditions as have been approved by the municipality, including
19 without limitation the power to bind itself to appropriate funds as
20 necessary to meet rent and other obligations as provided in any such
21 lease.

22 Sec. 2. Section 8-125 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective from passage and*
24 *applicable to property acquired on or after said date*):

25 As used in this chapter:

26 [(a)] (1) "Redevelopment" means improvement by the rehabilitation
27 or demolition of structures, by the construction of new structures,
28 improvements or facilities, by the location or relocation of streets,
29 parks and utilities, by replanning or by two or more of these methods;

30 [(b)] (2) "Redevelopment area" means an area within the state which
31 is deteriorated, deteriorating, substandard or detrimental to the safety,
32 health, morals or welfare of the community. An area may consist
33 partly or wholly of vacant or unimproved land or of land with
34 structures and improvements thereon, and may include structures not
35 in themselves substandard or insanitary which are found to be
36 essential to complete an adequate unit of development, if the
37 redevelopment area is deteriorated, deteriorating, substandard or
38 detrimental. An area may include properties not contiguous to each
39 other. An area may include all or part of the territorial limits of any fire
40 district, sewer district, fire and sewer district, lighting district, village,

41 beach or improvement association or any other district or association,
42 wholly within a town and having the power to make appropriations or
43 to levy taxes, whether or not such entity is chartered by the General
44 Assembly. As used in this subdivision, "deteriorating" or
45 "deteriorated" means (A) any dwelling that is unfit for human
46 habitation because it is dilapidated, unsanitary, unsafe, vermin-
47 infested or lacks facilities and equipment required by the municipal
48 housing code; (B) a structure that is a fire hazard or otherwise
49 dangerous to the safety of people or property; (C) a structure unfit for
50 its intended use because of disconnected, destroyed, removed or
51 ineffective utilities, plumbing, heating, sewerage, or other facilities; (D)
52 a vacant or unimproved lot or parcel in a predominantly developed
53 neighborhood that by neglect or lack of maintenance is a location
54 where trash and debris accumulate or is a haven for rodents or vermin;
55 or (E) a structure or vacant or unimproved lot that has been deemed a
56 public nuisance under any provision of the general statutes or local
57 ordinance;

58 [(c)] (3) A "redevelopment plan" [shall include: (1)] means a plan
59 that includes: (A) (i) A description of the redevelopment area and the
60 condition, type and use of the structures therein, (ii) identification of
61 each parcel that is deteriorating or deteriorated and the reasons for
62 such identification, and (iii) specification of each parcel proposed to be
63 taken by eminent domain; [(2)] (B) the location and extent of the land
64 uses proposed for and within the area, such as housing, recreation,
65 business, industry, schools, civic activities, open spaces or other
66 categories of public and private uses; [(3)] (C) the location and extent
67 of streets and other public utilities, facilities and works within the area;
68 [(4)] (D) schedules showing the number of families displaced by the
69 proposed improvement, the method of temporary relocation of such
70 families and the availability of sufficient suitable living
71 accommodations at prices and rentals within the financial reach of
72 such families and located within a reasonable distance of the area from
73 which they are displaced; [(5)] (E) present and proposed zoning
74 regulations in the redevelopment area; [(6)] and (F) any other detail

75 including financial aspects of redevelopment which, in the judgment
76 of the redevelopment agency authorized herein, is necessary to give it
77 adequate information;

78 [(d)] ~~(4)~~ "Planning agency" means the existing city or town plan
79 commission or, if such agency does not exist or is not created, the
80 legislative body or agency designated by it;

81 [(e)] ~~(5)~~ "Redeveloper" means any individual, group of individuals
82 or corporation or any municipality or other public agency including
83 any housing authority established pursuant to chapter 128;

84 [(f)] ~~(6)~~ "Real property" means land, subterranean or subsurface
85 rights, structures, any and all easements, air rights and franchises and
86 every estate, right or interest therein.

87 Sec. 3. Section 8-127 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective from passage and*
89 *applicable to property acquired on or after said date*):

90 (a) The redevelopment agency may prepare, or cause to be
91 prepared, a redevelopment plan and any redeveloper may submit a
92 redevelopment plan to the redevelopment agency, and such agency
93 shall immediately transmit such plan to the planning agency of the
94 municipality for its study. The planning agency may make a
95 comprehensive or general plan of the entire municipality as a guide in
96 the more detailed and precise planning of redevelopment areas. Such
97 plan and any modifications and extensions thereof shall show the
98 location of proposed redevelopment areas and the general location and
99 extent of use of land for housing, business, industry, communications
100 and transportation, recreation, public buildings and such other public
101 and private uses as are deemed by the planning agency essential to the
102 purpose of redevelopment. Appropriations by the municipality of any
103 amount necessary are authorized to enable the planning agency to
104 make such comprehensive or general plan. The redevelopment agency
105 shall request the written opinion of the planning agency on all
106 redevelopment plans prior to approving such redevelopment plans.

107 Such written opinion shall include a determination on the consistency
108 of the plans with the plan of conservation and development of the
109 municipality adopted under section 8-23. Before approving any
110 redevelopment plan, the redevelopment agency shall hold a public
111 hearing thereon, notice of which shall be published at least twice in a
112 newspaper of general circulation in the municipality, the first
113 publication of notice to be not less than two weeks before the date set
114 for the hearing. At least thirty-five days prior to any public hearing the
115 redevelopment agency shall post the draft plan on the Internet web
116 site of the redevelopment agency, if any. The redevelopment agency
117 may approve any such redevelopment plan if, following such hearing,
118 it finds that: [(a)] (1) The area in which the proposed redevelopment is
119 to be located is a redevelopment area; [(b)] (2) the carrying out of the
120 redevelopment plan will result in materially improving conditions in
121 such area; [(c)] (3) sufficient living accommodations are available
122 within a reasonable distance of such area or are provided for in the
123 redevelopment plan for families displaced by the proposed
124 improvement, at prices or rentals within the financial reach of such
125 families; [and (d)] (4) the redevelopment plan is satisfactory as to site
126 planning, relation to the [comprehensive or general plan] plan of
127 conservation and development of the municipality adopted under
128 section 8-23 and, except when the redevelopment agency has prepared
129 the redevelopment plan, the construction and financial ability of the
130 redeveloper to carry it out; (5) the planning agency has made a finding
131 that the redevelopment plan is consistent with the plan of conservation
132 and development of the municipality adopted under section 8-23; and
133 (6) (A) public benefits resulting from the redevelopment project will
134 outweigh any private benefits; (B) existing use of the real property
135 cannot be feasibly integrated into the overall development plan for the
136 project; (C) acquisition by eminent domain is reasonably necessary to
137 successfully achieve the objectives of such development plan; and (D)
138 the redevelopment project will have public benefits that do not include
139 consideration of the effects of the project on local tax revenues. No
140 redevelopment plan for a project which consists predominantly of
141 residential facilities shall be approved by the redevelopment agency in

142 any municipality having a housing authority organized under the
143 provisions of chapter 128 except with the approval of such housing
144 authority. The approval of a redevelopment plan may be given by the
145 legislative body. [or by such agency as it designates to act in its behalf.]
146 The redevelopment agency shall cause notice of the approval of the
147 plan to be published in a newspaper having general circulation in the
148 municipality. The plan shall be effective for a period of ten years after
149 the date of adoption. Thereafter, it shall be reviewed by the
150 redevelopment agency at least once every ten years and may be
151 adopted again or amended in accordance with this section.

152 (b) Any owner of property located in the redevelopment area may
153 appeal the findings of the agency under subdivision (6) of subsection
154 (a) of this section to the superior court for the judicial district in which
155 the municipality is located. The appeal shall be commenced by
156 service of process not more than fifteen days from the date that notice
157 of the approval of the plan was published as required by the this
158 section. The appeal shall be returned to the court in the same manner
159 and within the same period of time as prescribed for civil actions
160 brought to that court. Upon an appeal taken under this section, the
161 burden of proof shall be on the redevelopment agency to prove, by
162 clear and convincing evidence and based upon the evidence in the
163 record compiled before such agency, that the findings in the plan from
164 which such appeal is taken and the reasons cited for such findings are
165 supported by sufficient evidence in the record. If the redevelopment
166 agency does not satisfy the burden of proof under this section, the
167 court shall order the agency to wholly or partly revise, modify or
168 remand the findings from which the appeal was taken in a manner
169 consistent with the evidence in the record before it.

170 (c) Any property identified in the plan as property to be acquired by
171 eminent domain must be so acquired by a date that is five years after
172 the date of approval of the initial plan unless the redevelopment
173 agency approves an extension of the time for acquisition. An extension
174 shall be for a period of five years. No property may be acquired more
175 than ten years after adoption of the initial plan.

176 Sec. 4. Section 8-128 of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective from passage and*
178 *applicable to property acquired on or after said date*):

179 (a) (1) Within a reasonable time after its approval of the
180 redevelopment plan as [hereinbefore] provided in section 8-127, as
181 amended by this act, the redevelopment agency may proceed with the
182 acquisition or rental of real property by purchase, lease, exchange or
183 gift. The redevelopment agency may acquire real property by eminent
184 domain. [with the approval of the legislative body of the municipality
185 and in accordance with the provisions of sections 8-129 to 8-133,
186 inclusive, and this section. The legislative body in its approval of a
187 project under section 8-127 shall specify the time within which real
188 property is to be acquired. The time for acquisition may be extended
189 by the legislative body in accordance with section 48-6, upon request
190 of the redevelopment agency, provided the owner of the real property
191 consents to such request.]

192 (2) No owner-occupied property may be acquired by eminent
193 domain unless the redevelopment agency makes a finding that the
194 redevelopment plan cannot be implemented without acquisition of
195 such property by eminent domain. The redevelopment agency shall
196 provide to the owner of the property proposed to be acquired a copy
197 of all information, including engineering studies and surveys,
198 architectural drawings and planning reports, considered by the agency
199 in making its finding.

200 (3) The redevelopment agency shall conduct a public hearing on the
201 proposed acquisition by eminent domain. The agency shall cause
202 notice of the time, place and subject of the hearing to be published in a
203 newspaper having a substantial circulation in the municipality not
204 more than ten days before the date set for the hearing. Not less than
205 ten days before the date of the hearing, the agency shall send, by first
206 class mail, notice of the time, place and subject of the hearing to the
207 owners of record of the real property and to all owners of real property
208 within one hundred feet of the real property to be acquired by eminent

209 domain.

210 (4) (A) No parcel of real property may be acquired by eminent
211 domain under this section except upon approval by vote of at least
212 two-thirds of the members of the legislative body of the
213 redevelopment agency. Such approval shall be by (i) separate vote on
214 each parcel of real property to be acquired, or (ii) a vote on one or
215 more groups of such parcels, provided each parcel to be acquired is
216 identified for the purposes of a vote on a group of such parcels under
217 this subparagraph.

218 (B) The redevelopment agency shall cause notice of any approved
219 acquisition under this subdivision to be published in a newspaper
220 having a substantial circulation in the municipality not more than ten
221 days after such approval.

222 (5) The owner-occupant of property acquired under this section may
223 appeal the decision of the redevelopment agency to the superior court
224 for the judicial district in which the municipality is located. The appeal
225 shall be commenced by service of process not more than fifteen days
226 from the date that notice of the approved acquisition was published
227 under subparagraph (B) of this subsection. The appeal shall be
228 returned to court in the same manner and within the same period of
229 time as prescribed for civil actions brought to that court. Upon an
230 appeal taken under this section, the burden of proof shall be on the
231 redevelopment agency to prove, by clear and convincing evidence
232 based on the record compiled before such agency, that the plan cannot
233 be implemented without acquisition of the property by eminent
234 domain and that acquisition of the property is consistent with the
235 provisions of subdivision (6) of section 8-127, as amended by this act. If
236 the redevelopment agency does not satisfy the burden of proof under
237 this section, the court shall order the agency to reverse its decision.

238 (b) (1) On and after the effective date of this section, on the date a
239 certificate of taking is filed pursuant to section 8-129, as amended by
240 this act, for property acquired by eminent domain pursuant to this

241 section, the redevelopment agency shall record with the certificate of
242 taking separate findings that itemize the value of the real property and
243 any structures or improvements on the real property so acquired.

244 (2) (A) If real property acquired on or after the effective date of this
245 section is not used for the purpose for which it was acquired or for
246 some other public use and is subsequently offered for sale, the real
247 property shall be first offered for sale pursuant to subparagraph (B) of
248 this subdivision to the person from whom the real property was
249 acquired, or heirs of the person designated pursuant to subparagraph
250 (B) of this subdivision, if any, for a price not greater than the value
251 documented in the recorded findings, less (i) the value of any
252 structures or improvements removed from the real property by the
253 development agency or its designee after the real property was
254 acquired as set forth in the recorded findings, (ii) the value of any
255 improvements the agency made to the property, and (iii) the amount
256 of any depreciation, as defined in section 45a-542z. After the
257 municipality provides notice pursuant to subparagraph (B) of this
258 subdivision, the municipality may not sell such property to a third
259 party unless the municipality has permitted the person or named heirs
260 six months during which to exercise the right to purchase the property,
261 and an additional six months to finalize the purchase if the person or
262 named heirs provide the municipality with notice of intent to purchase
263 the property within the initial six-month period.

264 (B) For the purposes of any offer of sale pursuant to this
265 subdivision, the municipality shall provide a form to any person
266 whose property is acquired pursuant to this section to permit such
267 person to provide an address for notice of sale to be sent, or to provide
268 the name and address of an agent to receive such notice. Such form
269 shall be designed to permit the person to designate heirs of the person
270 who shall be eligible to purchase such property pursuant to this
271 subdivision. The person or agent shall update information in the form
272 in writing. If the person or agent does not provide or update the
273 information in the form in a manner that permits the municipality to
274 send notice of sale pursuant to this subsection, no such notice shall be

275 required.

276 (c) Real property may be acquired previous to the adoption or
277 approval of the project area redevelopment plan, provided the
278 property acquired shall be located within an area designated on the
279 general plan as an appropriate redevelopment area or within an area
280 whose boundaries are defined by the planning commission as an
281 appropriate area for a redevelopment project, and provided such
282 acquisition shall be authorized by the legislative body. The
283 redevelopment agency may clear, repair, operate or insure such
284 property while it is in its possession or make site improvements
285 essential to preparation for its use in accordance with the
286 redevelopment plan.

287 Sec. 5. Section 8-129 of the general statutes is repealed and the
288 following is substituted in lieu thereof (*Effective from passage and*
289 *applicable to property acquired on or after said date*):

290 (a) (1) The redevelopment agency shall determine the compensation
291 to be paid to the persons entitled thereto for [such] real property [and]
292 to be acquired by eminent domain pursuant to section 8-128, as
293 amended by this act.

294 (2) The redevelopment agency shall pay the reasonable cost of two
295 independent appraisals conducted on the real property. One of the
296 appraisers shall be selected by the redevelopment agency and one shall
297 be selected by the property owner. Each appraiser shall provide a copy
298 of the appraisal to the redevelopment agency and the property owner.
299 The Ombudsman for Property Rights shall select the appraisal to be
300 used to determine the amount of compensation, which shall be the
301 appraisal which is closest to the fair market value of the property. The
302 amount of compensation shall be one hundred per cent of the fair
303 market value, reduced by reasonably foreseeable environmental clean-
304 up costs, and increased by reasonable attorney fees and costs, except
305 that the amount of compensation for residential property or owner-
306 occupied commercial property in substantial compliance with building

307 and housing codes shall be one hundred twenty-five per cent of the
308 fair market value. If acquisition of the property is more than five years
309 after the date of adoption of the initial plan, such amount shall be
310 increased by five per cent each year until ten years after the date of
311 adoption of the initial plan. If there is an active business on the
312 property, upon a finding by the Ombudsman for Property Rights that
313 the good will of the business cannot be transferred, the amount of
314 compensation shall be one hundred per cent of fair market value and
315 shall be adjusted to reflect lost good will. The ombudsman shall
316 determine and quantify the amount of such adjustment. The owner of
317 the business may appeal the amount of the adjustment to the superior
318 court for the judicial district in which such business is located. For
319 purposes of this subsection, "good will" means the benefits that accrue
320 to a business that are unique to its location. Each appraisal shall be
321 conducted by a state certified real estate appraiser without
322 consultation with the appraiser conducting the other independent
323 appraisal, and shall be conducted in accordance with generally
324 accepted standards of professional appraisal practice as described in
325 the Uniform Standards of Professional Appraisal Practice issued by the
326 Appraisal Standards Board of the Appraisal Foundation pursuant to
327 Title XI of FIRREA and any regulations adopted pursuant to section
328 20-504.

329 (3) The redevelopment agency shall file a statement of
330 compensation, containing a description of the property to be taken and
331 the names of all persons having a record interest therein and setting
332 forth the amount of such compensation, and a deposit as provided in
333 section 8-130, with the clerk of the superior court for the judicial
334 district in which the property affected is located.

335 (b) Upon filing such statement of compensation and deposit, the
336 redevelopment agency shall forthwith cause to be recorded, in the
337 office of the town clerk of each town in which the property is located, a
338 copy of such statement of compensation, such recording to have the
339 same effect and to be treated the same as the recording of a lis
340 pendens, and shall forthwith give notice, as provided in this section, to

341 each person appearing of record as an owner of property affected
342 thereby and to each person appearing of record as a holder of any
343 mortgage, lien, assessment or other encumbrance on such property or
344 interest therein [(a)] (1) in the case of any such person found to be
345 residing within this state, by causing a copy of such notice, with a copy
346 of such statement of compensation, to be served upon each such
347 person by a state marshal, constable or indifferent person, in the
348 manner set forth in section 52-57 for the service of civil process, and
349 [(b)] (2) in the case of any such person who is a nonresident of this
350 state at the time of the filing of such statement of compensation and
351 deposit or of any such person whose whereabouts or existence is
352 unknown, by mailing to each such person a copy of such notice and of
353 such statement of compensation, by registered or certified mail,
354 directed to [his] such person's last-known address, and by publishing
355 such notice and such statement of compensation at least twice in a
356 newspaper published in the judicial district and having daily or
357 weekly circulation in the town in which such property is located. Any
358 such published notice shall state that it is notice to the widow or
359 widower, heirs, representatives and creditors of the person holding
360 such record interest, if such person is dead. If, after a reasonably
361 diligent search, no last-known address can be found for any interested
362 party, an affidavit stating such fact, and reciting the steps taken to
363 locate such address, shall be filed with the clerk of the superior court
364 and accepted in lieu of mailing to the last-known address.

365 (c) Not less than [twelve] thirty-five days or more than ninety days
366 after such notice and such statement of compensation have been so
367 served or so mailed and first published, the redevelopment agency
368 shall file with the clerk of the superior court a return of notice setting
369 forth the notice given and, upon receipt of such return of notice, such
370 clerk shall, without any delay or continuance of any kind, issue a
371 certificate of taking setting forth the fact of such taking, a description
372 of all the property so taken and the names of the owners and of all
373 other persons having a record interest therein. The redevelopment
374 agency shall cause such certificate of taking to be recorded in the office

375 of the town clerk of each town in which such property is located. Upon
376 the recording of such certificate, title to such property in fee simple
377 shall vest in the municipality, and the right to just compensation shall
378 vest in the persons entitled thereto. At any time after such certificate of
379 taking has been so recorded, the redevelopment agency may repair,
380 operate or insure such property and enter upon such property, and
381 take any action that is proposed with regard to such property by the
382 project area redevelopment plan.

383 (d) The notice [referred to above] required in subsection (b) of this
384 section shall state that (1) not less than [twelve] thirty-five days or
385 more than ninety days after service or mailing and first publication
386 thereof, the redevelopment agency shall file, with the clerk of the
387 superior court for the judicial district in which such property is
388 located, a return setting forth the notice given, (2) upon receipt of such
389 return, such clerk shall issue a certificate for recording in the office of
390 the town clerk of each town in which such property is located, (3) upon
391 the recording of such certificate, title to such property shall vest in the
392 municipality, the right to just compensation shall vest in the persons
393 entitled thereto and the redevelopment agency may repair, operate or
394 insure such property and enter upon such property and take any
395 action that may be proposed with regard thereto by the project area
396 redevelopment plan, and (4) such notice shall bind the widow or
397 widower, heirs, representatives and creditors of each person named
398 [therein] in the notice who then or thereafter may be dead.

399 (e) When any redevelopment agency acting on behalf of any
400 municipality has acquired or rented real property by purchase, lease,
401 exchange or gift in accordance with the provisions of this section, or in
402 exercising its right of eminent domain has filed a statement of
403 compensation and deposit with the clerk of the superior court and has
404 caused a certificate of taking to be recorded in the office of the town
405 clerk of each town in which such property is located as provided in
406 this section, any judge of such court may, upon application and proof
407 of such acquisition or rental or such filing and deposit and such
408 recording, order such clerk to issue an execution commanding a state

409 marshal to put such municipality and the redevelopment agency, as its
410 agent, into peaceable possession of the property so acquired, rented or
411 condemned. The provisions of this [section] subsection shall not be
412 limited in any way by the provisions of chapter 832.

413 Sec. 6. Section 8-132 of the general statutes is repealed and the
414 following is substituted in lieu thereof (*Effective from passage and*
415 *applicable to property acquired on or after said date*):

416 (a) Any person claiming to be aggrieved by the statement of
417 compensation filed by the redevelopment agency may, at any time
418 within six months after the [same] statement of compensation has been
419 filed, apply to the superior court for the judicial district in which such
420 property is situated for a review of such statement of compensation so
421 far as [the same] it affects such applicant. The court, after causing
422 notice of the pendency of such application to be given to the
423 redevelopment agency, may, with the consent of the parties or their
424 attorneys, appoint a judge trial referee to make a review of the
425 statement of compensation, except that the court shall, upon the
426 motion of each party or their attorneys, refer the application to a judge
427 appointed by the Chief Court Administrator to hear tax appeals
428 pursuant to section 12-39l. For the purposes of such application,
429 review and appeal therefrom, and for the purposes of sections 52-192a
430 to 52-195, inclusive, as amended by this act, such applicant shall be
431 deemed a counterclaim plaintiff.

432 (b) If the court appoints a judge trial referee, the judge trial referee,
433 after giving at least ten days' notice to the parties interested of the time
434 and place of hearing, shall hear the applicant and the redevelopment
435 agency, shall view the property and take such testimony as the judge
436 trial referee deems material and shall thereupon revise such statement
437 of compensation in such manner as the judge trial referee deems
438 proper and forthwith report to the court. Such report shall contain a
439 detailed statement of findings by the judge trial referee, sufficient to
440 enable the court to determine the considerations upon which the judge
441 trial referee's conclusions are based. The report of the judge trial

442 referee shall take into account any evidence relevant to the fair market
443 value of the property, including evidence of environmental condition
444 and required environmental remediation. The judge trial referee shall
445 make a separate finding for remediation costs and the property owner
446 shall be entitled to a set-off of such costs in any pending or subsequent
447 action to recover remediation costs for the property. The court shall
448 review the report, and may reject it for any irregular or improper
449 conduct in the performance of the duties of the judge trial referee. If
450 the report is rejected, the court may appoint another judge trial referee
451 to make such review and report. If the report is accepted, its statement
452 of compensation shall be conclusive upon such owner and the
453 redevelopment agency.

454 (c) If the court does not appoint a judge trial referee, the court, after
455 giving at least ten days' notice to the parties interested of the time and
456 place of hearing, shall hear the applicant and the redevelopment
457 agency and take such testimony as [it] the court deems material, may
458 view the subject property, and shall make a finding regarding the
459 statement of compensation. The findings of the court shall take into
460 account any evidence relevant to the fair market value of the property,
461 including evidence of environmental condition and required
462 environmental remediation. The court shall make a separate finding
463 for remediation costs and the property owner shall be entitled to a set-
464 off of such costs in any pending or subsequent action to recover
465 remediation costs for the property. The findings of the court shall be
466 conclusive upon such owner and the redevelopment agency.

467 (d) If no appeal to the Appellate Court is filed within the time
468 allowed by law, or if an appeal is filed and the proceedings have
469 terminated in a final judgment finding the amount due the property
470 owner, the clerk shall send a certified copy of the statement of
471 compensation and of the judgment to the redevelopment agency,
472 which shall, upon receipt thereof, pay such property owner the
473 amount due as compensation. The pendency of any such application
474 for review shall not prevent or delay any action that is proposed with
475 regard to such property by the project area redevelopment plan.

476 Sec. 7. Section 8-189 of the general statutes is repealed and the
477 following is substituted in lieu thereof (*Effective from passage*):

478 (a) The development agency may initiate a development project by
479 preparing a project plan [therefor] in accordance with regulations [of]
480 adopted by the commissioner pursuant to section 8-198. The project
481 plan shall meet an identified public need and include: [(a)] (1) A legal
482 description of the land within the project area; [(b)] (2) a description of
483 the present condition and uses of such land or building; [(c)] (3) a
484 description of the process utilized by the agency to prepare the plan
485 and a description of alternative approaches considered to achieve
486 project objectives; (4) a description of the types and locations of land
487 uses or building uses proposed for the project area; [(d)] (5) a
488 description of the types and locations of present and proposed streets,
489 sidewalks and sanitary, utility and other facilities and the types and
490 locations of other proposed site improvements; [(e)] (6) statements of
491 the present and proposed zoning classification and subdivision status
492 of the project area and the areas adjacent to the project area; [(f)] (7) a
493 plan for relocating project-area occupants; [(g)] (8) a financing plan;
494 [(h)] (9) an administrative plan; [(i)] (10) a marketability and proposed
495 land-use study or building use study if required by the commissioner;
496 [(j)] (11) appraisal reports and title searches; [(k)] a statement of [(12) a
497 description of the public benefits of the project including, but not
498 limited to, (A) the number of jobs which the development agency
499 anticipates would be created by the project; [and] (B) the estimated
500 property tax benefits; (C) the number and types of existing housing
501 units in the municipality in which the project would be located, and in
502 contiguous municipalities, which would be available to employees
503 filling such jobs; [and (l)] (D) a general description of infrastructure
504 improvements, including public access, facilities or use, that the
505 development agency anticipates may be needed to implement the
506 development plan; (E) a general description of the development
507 agency's goals for blight remediation or, if known, environmental
508 remediation; (F) a general description of any aesthetic improvements
509 that the development agency anticipates may be generated by the

510 project; (G) a general description of the project's intended role in
511 increasing or sustaining market value of land in the municipality; (H) a
512 general description of the project's intended role in assisting residents
513 of the municipality to improve their standard of living; and (I) a
514 general statement of the project's role in maintaining or enhancing the
515 competitiveness of the municipality; (13) findings that (A) the land and
516 buildings within the project area will be used principally for industrial
517 or business purposes; [that] (B) the plan is in accordance with the plan
518 of development for the municipality adopted by its planning
519 commission under section 8-23, and the plan of development of the
520 regional planning agency adopted under section 8-35a, if any, for the
521 region within which the municipality is located; [that] (C) the plan [is
522 not inimical to any] was prepared giving due consideration to the state
523 plan of conservation and development adopted under chapter 297 and
524 any other state-wide planning program objectives of the state or state
525 agencies as coordinated by the Secretary of the Office of Policy and
526 Management; [that] and (D) the project will contribute to the economic
527 welfare of the municipality and the state; and that to carry out and
528 administer the project, public action under this chapter is required;
529 and (14) a preliminary statement describing the proposed process for
530 acquiring each parcel of real property, including findings that (A)
531 public benefits resulting from the project will outweigh any private
532 benefits; (B) existing use of the real property cannot be feasibly
533 integrated into the overall development plan for the project; (C)
534 acquisition by eminent domain is reasonably necessary to successfully
535 achieve the objectives of such development plan; and (D) the project
536 will have public benefits that do not include consideration of the
537 project on local tax revenues. Any plan [which] that has been prepared
538 by a redevelopment agency under chapter 130 may be submitted by
539 the development agency to the legislative body and to the
540 commissioner in lieu of a plan initiated and prepared in accordance
541 with this section, provided all other requirements of this chapter for
542 obtaining the approval of the commissioner of the project plan are
543 satisfied.

544 (b) The development agency shall cause notice of the approval of
545 the plan to be published in a newspaper having general circulation in
546 the municipality. The plan shall be effective for a period of ten years
547 after the date of adoption. Thereafter, it shall be reviewed by the
548 redevelopment agency at least once every ten years and may be
549 adopted again or amended in accordance with this section.

550 (c) Any owner of property located in the project area may appeal the
551 findings of the agency under subdivision (14) of subsection (b) of this
552 section to the superior court for the judicial district in which the
553 municipality is located. The appeal shall be commenced by service of
554 process not more than fifteen days from the date that notice of the
555 approval of the plan was published as required by the general statutes.
556 The appeal shall be returned to the court in the same manner and
557 within the same period of time as prescribed for civil actions brought
558 to that court. Upon an appeal taken under this section, the burden of
559 proof shall be on the development agency to prove, by clear and
560 convincing evidence and based upon the evidence in the record
561 compiled before such agency, that the findings in the plan from which
562 such appeal is taken and the reasons cited for such findings are
563 supported by sufficient evidence in the record. If the development
564 agency does not satisfy the burden of proof under this section, the
565 court shall order the agency to wholly or partly revise, modify or
566 remand the findings from which the appeal was taken in a manner
567 consistent with the evidence in the record before it.

568 (d) Any property identified in the plan as property to be acquired
569 by eminent domain must be so acquired by a date that is five years
570 after the date of approval of the initial plan unless the legislative body
571 of the municipality approves an extension of the time for acquisition.
572 An extension shall be for a period of five years. No property may be
573 acquired more than ten years after adoption of the initial plan.

574 Sec. 8. Section 8-191 of the general statutes is repealed and the
575 following is substituted in lieu thereof (*Effective from passage*):

576 (a) Before the development agency adopts a plan for a development
577 project, (1) the planning commission of the municipality shall find that
578 the plan is in accord with the plan of development for the
579 municipality; and (2) the regional planning agency, if any, for the
580 region within which such municipality is located shall find that such
581 plan is in accord with the plan of development for such region, or if
582 such agency fails to make a finding concerning [said] the plan within
583 thirty-five days of receipt [thereof] of the plan by such agency, it shall
584 be presumed that such agency does not disapprove of [such] the plan;
585 and (3) the development agency shall hold at least one public hearing
586 [thereon] on the plan. At least thirty-five days prior to any public
587 hearing the development agency shall post the draft plan on the
588 Internet web site of the development agency, if any. Upon approval by
589 the development agency, the agency shall submit [such] the plan to the
590 legislative body which shall vote to approve or disapprove the plan.
591 After approval of the plan by the legislative body, the development
592 agency shall submit the plan for approval to the commissioner. Notice
593 of the time, place and subject of any public hearing held under this
594 section shall be published once in a newspaper of general circulation in
595 [such town] the municipality, such publication to be made not less
596 than one week nor more than three weeks prior to the date set for the
597 hearing. In the event the commissioner requires a substantial
598 modification of the project plan before giving approval, then upon the
599 completion of such modification such plan shall first have a public
600 hearing and then be approved by the development agency and the
601 legislative body. Any legislative body, agency or commission in
602 approving a plan for a development project shall specifically approve
603 the findings made [therein] in the plan.

604 (b) The provisions of subsection (a) of this section with respect to
605 submission of a development project to and approval by the
606 commissioner shall not apply to a project for which no grant has been
607 made under section 8-190 and no application for a grant is to be made
608 under section 8-195.

609 Sec. 9. Section 8-193 of the general statutes is repealed and the

610 following is substituted in lieu thereof (*Effective from passage and*
611 *applicable to property acquired on or after said date*):

612 (a) After approval of the development plan as provided in this
613 chapter, the development agency may proceed by purchase, lease,
614 exchange or gift with the acquisition or rental of real property within
615 the project area and real property and interests therein for rights-of-
616 way and other easements to and from the project area.

617 (b) The development agency may, with the approval of the
618 legislative body, and in the name of the municipality, acquire by
619 eminent domain real property located within the project area and real
620 property and interests therein for rights-of-way and other easements to
621 and from the project area, in the same manner that a redevelopment
622 agency may acquire real property under sections 8-128 to 8-133,
623 inclusive, as amended by this act, as if said sections specifically applied
624 to development agencies.

625 (1) No owner-occupied property may be acquired by eminent
626 domain unless the redevelopment agency submits information to the
627 legislative body sufficient for such legislative body to determine by
628 clear and convincing evidence that the redevelopment plan cannot be
629 implemented without acquisition of the property by eminent domain.
630 Such information shall include, but not be limited to, surveys,
631 engineering studies, architectural drawing and planning reports. The
632 redevelopment agency shall provide to the owner of the property a
633 copy of all information submitted to the redevelopment agency.

634 (2) Before the legislative body approves any acquisition by eminent
635 domain pursuant to this section, the legislative body shall conduct a
636 public hearing on the acquisition. The municipality shall cause notice
637 of the time, place and subject of the hearing to be published in a
638 newspaper having a substantial circulation in the municipality not
639 more than ten days before the date set for the hearing. Not less than
640 ten days before the date of the hearing, the legislative body shall send,
641 by first class mail, notice of the time, place and subject of the hearing to

642 the owners of record of the real property and to all owners of real
643 property within one hundred feet of the real property to be acquired
644 by eminent domain.

645 (3) (A) No parcel of real property may be acquired by eminent
646 domain under this section except upon approval by vote of at least
647 two-thirds of the members of the legislative body of the municipality.
648 Such approval shall be by (i) separate vote on each parcel of real
649 property to be acquired, or (ii) a vote on one or more groups of such
650 parcels, provided each parcel to be acquired is identified for the
651 purposes of a vote on a group of such parcels under this
652 subparagraph.

653 (B) The municipality shall cause notice of any approved acquisition
654 under this subdivision to be published in a newspaper having a
655 substantial circulation in the municipality not more than ten days after
656 such approval.

657 (c) The development agency may, with the approval of the
658 legislative body and, of the commissioner if any grants were made by
659 the state under section 8-190 or 8-195 for such development project,
660 and in the name of such municipality, transfer by sale or lease at fair
661 market value or fair rental value, as the case may be, the whole or any
662 part of the real property in the project area to any person, in
663 accordance with the project plan and such disposition plans as may
664 have been determined by the commissioner.

665 [(b)] (d) A development agency shall have all the powers necessary
666 or convenient to undertake and carry out development plans and
667 development projects, including the power to clear, demolish, repair,
668 rehabilitate, operate, or insure real property while it is in its
669 possession, to make site improvements essential to the preparation of
670 land for its use in accordance with the development plan, to install,
671 construct or reconstruct streets, utilities and other improvements
672 necessary for carrying out the objectives of the development project,
673 and, in distressed municipalities, as defined in section 32-9p, to lend

674 funds to businesses and industries in a manner approved by the
675 commissioner.

676 (e) (1) On and after the effective date of this section, on the date a
677 certificate of taking is filed pursuant to section 8-129, as amended by
678 this act, for property acquired by eminent domain pursuant to this
679 section, the development agency shall record with the certificate of
680 taking separate findings that itemize the value of the real property and
681 any structures or improvements on the real property so acquired.

682 (2) (A) If real property acquired on or after the effective date of this
683 section is not used for the purpose for which it was acquired or for
684 some other public use and is subsequently offered for sale, the real
685 property shall be first offered for sale pursuant to subparagraph (B) of
686 this subdivision to the person from whom the real property was
687 acquired, or heirs of the person designated pursuant to subparagraph
688 (B) of this subdivision, if any, for a price not greater than the amount of
689 compensation paid for such real property, after any appeal or
690 settlement, less (i) the value of any structures or improvements
691 removed from the real property by the development agency or its
692 designee after the real property was acquired as set forth in the
693 recorded findings, (ii) the value of any improvements the agency made
694 to the property, and (iii) the amount of any depreciation, as defined in
695 section 45a-542z. After the municipality provides notice pursuant to
696 subparagraph (B) of this subdivision, the municipality may not sell
697 such property to a third party unless the municipality has permitted
698 the person or named heirs six months to exercise the right to purchase
699 the property, and an additional six months to finalize the purchase if
700 the person or named heirs provide the municipality with notice of
701 intent to purchase the property within the initial six-month period.

702 (B) For the purposes of any offer of sale pursuant to this
703 subdivision, the municipality shall provide a form to any person
704 whose property is acquired pursuant to this section to permit such
705 person to provide an address for notice of sale to be sent, or to provide
706 the name and address of an agent to receive such notice. Such form

707 shall be designed to permit the person to designate heirs of the person
708 who shall be eligible to purchase such property pursuant to this
709 subdivision. The person or agent shall update information in the form
710 in writing. If the person or agent does not provide or update the
711 information in the form in a manner that permits the municipality to
712 send notice of sale pursuant to this subsection, no such notice shall be
713 required.

714 (f) The owner-occupant of property acquired under this section may
715 appeal the decision of the development agency to the superior court
716 for the judicial district in which the municipality is located. The
717 appeal shall be commenced by service of process not more than fifteen
718 days from the date that notice of the approved acquisition was
719 published under subparagraph (B) of subdivision (4) of subsection (a)
720 of section 8-128, as amended by this act. The appeal shall be returned
721 to court in the same manner and within the same period of time as
722 prescribed for civil actions brought to that court. Upon an appeal taken
723 under this section, the burden of proof shall be on the development
724 agency to prove, by clear and convincing evidence based the record
725 compiled before such agency, that acquisition of the property is
726 consistent with the provisions of subdivision (14) of section 8-189, as
727 amended by this act. If the development agency does not satisfy the
728 burden of proof under this section, the court shall order the agency to
729 reverse its decision.

730 Sec. 10. Section 8-200 of the general statutes is repealed and the
731 following is substituted in lieu thereof (*Effective from passage and*
732 *applicable to property acquired on or after said date*):

733 (a) A development plan may be modified at any time by the
734 development agency, provided, if modified after the lease or sale of
735 real property in the development project area, the modification must
736 be consented to by the lessees or purchasers of such real property or
737 their successor or successors in interest affected by the proposed
738 modification. Where the proposed modification will substantially
739 change the development plan as previously approved, the

740 modification must be approved in the same manner as the
741 development plan.

742 (b) If after three years from the date of approval of the development
743 plan the development agency has been unable to transfer by sale or
744 lease at fair market value or fair rental value, as the case may be, the
745 whole or any part of the real property acquired in the project area to
746 any person in accordance with the project plan, and no grant has been
747 made for such project pursuant to section 8-195, the municipality may,
748 by vote of its legislative body, abandon the project plan and such real
749 property may be conveyed free of any restriction, obligation or
750 procedure imposed by the plan but shall be subject to all other local
751 and state laws, ordinances or regulations, including, but not limited to,
752 any offer of sale required under subsection (e) of section 8-193, as
753 amended by this act.

754 Sec. 11. Section 8-268 of the general statutes is repealed and the
755 following is substituted in lieu thereof (*Effective from passage and*
756 *applicable to property acquired on or after said date*):

757 (a) Whenever a program or project undertaken by a state agency or
758 under the supervision of a state agency will result in the displacement
759 of any person on or after July 6, 1971, the head of such state agency
760 shall make payment to any displaced person, upon proper application
761 as approved by such agency head, for (1) actual reasonable expenses in
762 moving himself, his family, business, farm operation or other personal
763 property, (2) actual direct losses of tangible personal property as a
764 result of moving or discontinuing a business or farm operation, but not
765 to exceed an amount equal to the reasonable expenses that would have
766 been required to relocate such property, as determined by the state
767 agency, and (3) actual reasonable expenses in searching for a
768 replacement business or farm, provided, whenever any tenant in any
769 dwelling unit is displaced as the result of the enforcement of any code
770 to which this section is applicable by any town, city or borough or
771 agency thereof, the landlord of such dwelling unit shall be liable for
772 any payments made by such town, city or borough pursuant to this

773 section or by the state pursuant to subsection (b) of section 8-280, and
774 the town, city or borough or the state may place a lien on any real
775 property owned by such landlord to secure repayment to the town,
776 city or borough or the state of such payments, which lien shall have the
777 same priority as and shall be filed, enforced and discharged in the
778 same manner as a lien for municipal taxes under chapter 205.

779 (b) Any displaced person eligible for payments under subsection (a)
780 of this section who is displaced from a dwelling and who elects to
781 accept the payments authorized by this subsection in lieu of the
782 payments authorized by subsection (a) of this section may receive a
783 moving expense allowance, determined according to a schedule
784 established by the state agency, not to exceed three hundred dollars
785 and a dislocation allowance of two hundred dollars.

786 (c) Any displaced person eligible for payments under subsection (a)
787 of this section who is displaced from [his] the person's place of
788 business or from [his] the person's farm operation and who elects to
789 accept the payment authorized by this subsection in lieu of the
790 payment authorized by subsection (a) of this section, may receive a
791 fixed payment in an amount equal to the average annual net earnings
792 of the business or farm operation, except that such payment shall not
793 be less than two thousand five hundred dollars nor more than ten
794 thousand dollars. In the case of a business, (1) no payment shall be
795 made under this subsection unless the state agency is satisfied that the
796 business [(1)] (A) cannot be relocated without a substantial loss of its
797 existing patronage, and [(2)] (B) is not a part of a commercial enterprise
798 having at least one other establishment not being acquired by the state,
799 which is engaged in the same or similar business; and (2) payments
800 under this subsection shall be adjusted to reflect any increase or
801 decrease in good will and such increase or decrease in good will shall
802 be calculated separately. For purposes of this subsection, [the term]
803 "average annual net earnings" means one half of any net earnings of
804 the business or farm operation, before federal, state and local income
805 taxes, during the two taxable years immediately preceding the taxable
806 year in which such business or farm operation moves from the real

807 property acquired for such project, or during such other period as such
808 agency determines to be more equitable for establishing such earnings,
809 and includes any compensation paid by the business or farm operation
810 to the owner, [his] the owner's spouse or [his] the owner's dependents
811 during such period; and "good will" means the benefits that accrue to a
812 business that are unique to its location.

813 (d) Notwithstanding the provisions of this section, the head of the
814 state agency shall make relocation payments as provided under the
815 federal Uniform Relocation Assistance and Real Property Acquisition
816 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent
817 amendments thereto and regulations promulgated thereunder if
818 payments under said act and regulations would be greater than
819 payments under this section and sections 8-269 and 8-270, as amended
820 by this act.

821 Sec. 12. Section 8-269 of the general statutes is amended by adding
822 subsection (c) as follows (*Effective from passage and applicable to property*
823 *acquired on or after said date*):

824 (NEW) (c) Notwithstanding the provisions of this section, the head
825 of the state agency shall make relocation payments as provided under
826 the federal Uniform Relocation Assistance and Real Property
827 Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any
828 subsequent amendments thereto and regulations promulgated
829 thereunder if payments under said act and regulations would be
830 greater than payments under this section and sections 8-268 and 8-270,
831 as amended by this act.

832 Sec. 13. Section 8-270 of the general statutes is repealed and the
833 following is substituted in lieu thereof (*Effective from passage and*
834 *applicable to property acquired on or after said date*):

835 (a) In addition to amounts otherwise authorized by this chapter, a
836 state agency shall make a payment to or for any displaced person
837 displaced from any dwelling not eligible to receive a payment under
838 section 8-269, as amended by this act, which dwelling was actually and

839 lawfully occupied by such displaced person for not less than ninety
840 days prior to the initiation of negotiations for acquisition of such
841 dwelling under the program or project which results in such person
842 being displaced. Such payment shall be either (1) the amount necessary
843 to enable such displaced person to lease or rent for a period not to
844 exceed four years, a decent, safe, and sanitary dwelling of standards
845 adequate to accommodate such person in areas not generally less
846 desirable [in] with regard to public utilities and public and commercial
847 facilities, and reasonably accessible to [his] such displaced person's
848 place of employment, but not to exceed four thousand dollars, or (2)
849 the amount necessary to enable such displaced person to make a down
850 payment, including reasonable expenses incurred by such displaced
851 person for evidence of title, recording fees, and other closing costs
852 incident to the purchase of a decent, safe, and sanitary dwelling of
853 standards adequate to accommodate such person in areas not
854 generally less desirable [in] with regard to public utilities and public
855 and commercial facilities, but not to exceed four thousand dollars,
856 except that if such amount exceeds two thousand dollars, such person
857 must equally match any such amount in excess of two thousand
858 dollars in making the downpayment, and provided, whenever any
859 tenant in any dwelling unit is displaced as the result of the
860 enforcement of any code to which this section is applicable by any
861 town, city or borough or agency thereof, the landlord of such dwelling
862 unit shall be liable for any payments made by such town, city or
863 borough pursuant to this section or by the state pursuant to subsection
864 (b) of section 8-280, and the town, city or borough or the state may
865 place a lien on any real property owned by such landlord to secure
866 repayment to the town, city or borough or the state of such payments,
867 which lien shall have the same priority as and shall be filed, enforced
868 and discharged in the same manner as a lien for municipal taxes under
869 chapter 205.

870 (b) Notwithstanding the provisions of this section, the head of the
871 state agency shall make relocation payments as provided under the
872 federal Uniform Relocation Assistance and Real Property Acquisition

873 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent
874 amendments thereto and regulations promulgated thereunder if
875 payments under said act and regulations would be greater than
876 payments under this section and sections 8-268 and 8-269, as amended
877 by this act.

878 Sec. 14. Section 32-224 of the general statutes is repealed and the
879 following is substituted in lieu thereof (*Effective from passage and*
880 *applicable to property acquired on or after said date*):

881 (a) Any municipality which has a planning commission may, by
882 vote of its legislative body, designate an implementing agency to
883 exercise the powers granted under sections 32-220 to 32-234, inclusive.
884 Any municipality may, with the approval of the commissioner,
885 designate a separate implementing agency for each municipal
886 development project undertaken by such municipality pursuant to
887 said sections.

888 (b) The implementing agency may initiate a municipal development
889 project by preparing and submitting a development plan to the
890 commissioner. Such plan shall meet an identified public need and
891 include: (1) A legal description of the real property within the
892 boundaries of the project area; (2) a description of the present
893 condition and uses of such real property; (3) a description of the
894 process utilized by the agency to prepare the plan and a description of
895 alternative approaches considered to achieve project objectives; (4) a
896 description of the types and locations of land uses or building uses
897 proposed for the project area; [(4)] (5) a description of the types and
898 locations of present and proposed streets, sidewalks and sanitary,
899 utility and other facilities and the types and locations of other
900 proposed project improvements; [(5)] (6) statements of the present and
901 proposed zoning classification and subdivision status of the project
902 area and the areas adjacent to the project area; [(6)] (7) a plan for
903 relocating project area occupants; [(7)] (8) a financing plan; [(8)] (9) an
904 administrative plan; [(9)] (10) an environmental analysis, marketability
905 and proposed land use study, or building use study if required by the

906 commissioner; [(10)] (11) appraisal reports and title searches if
907 required by the commissioner; [(11)] (12) a description of the
908 [economic] public benefit of the project, including, but not limited to,
909 (A) the number of jobs which the implementing agency anticipates
910 would be created or retained by the project, (B) the estimated property
911 tax benefits, [and] (C) the number and types of existing housing units
912 in the municipality in which the project would be located, and in
913 contiguous municipalities, which would be available to employees
914 filling such jobs, [and (12)] (D) a general description of infrastructure
915 improvements, including public access, facilities or use, that the
916 implementing agency anticipates may be needed to implement the
917 development plan, (E) a general description of the implementing
918 agency's goals for blight remediation or, if known, environmental
919 remediation, (F) a general description of any aesthetic improvements
920 that the implementing agency anticipates may be generated by the
921 project, (G) a general description of the project's intended role in
922 increasing or sustaining market value of land in the municipality, (H) a
923 general description of the project's intended role in assisting residents
924 of the municipality to improve their standard of living, and (I) a
925 general statement of the project's role in maintaining or enhancing the
926 competitiveness of the municipality; (13) a finding that (A) the land
927 and buildings within the boundaries of the project area will be used
928 principally for manufacturing or other economic base business
929 purposes or business support services; (B) the plan is in accordance
930 with the plan of development for the municipality, if any, adopted by
931 its planning commission under section 8-23, and the plan of
932 development of the regional planning agency adopted under section 8-
933 35a, if any, for the region within which the municipality is located; (C)
934 the plan [is not inimical to any] was prepared giving due consideration
935 to the state plan of conservation and development adopted under
936 chapter 297 and other state-wide planning program objectives of the
937 state or state agencies as coordinated by the Secretary of the Office of
938 Policy and Management; and (D) the project will contribute to the
939 economic welfare of the municipality and the state and that to carry
940 out and administer the project, public action under sections 32-220 to

941 32-234, inclusive, is required; and (14) a preliminary statement
942 describing the proposed process for acquiring each parcel of real
943 property, including findings that (A) public benefits resulting from the
944 project will outweigh any private benefits; (B) existing use of the real
945 property cannot be feasibly integrated into the overall plan for the
946 project; (C) acquisition by eminent domain is reasonably necessary to
947 successfully achieve the objectives of such plan; and (D) the project
948 will have public benefits that do not include consideration of the
949 effects of the project on local tax revenues. The provisions of this
950 subsection with respect to submission of a development plan to and
951 approval by the commissioner and with respect to a finding that the
952 plan [is not inimical to any] was prepared giving due consideration to
953 the state plan of conservation and development and state-wide
954 planning program objectives of the state or its agencies shall not apply
955 to a project for which no financial assistance has been given and no
956 application for financial assistance is to be made under section 32-223.
957 Any plan [which] that has been prepared under chapters 130, 132 or
958 588a may be submitted by the implementing agency to the legislative
959 body of the municipality and to the commissioner in lieu of a plan
960 initiated and prepared in accordance with this section, provided all
961 other requirements of sections 32-220 to 32-234, inclusive, for obtaining
962 the approval of the commissioner of the development plan are
963 satisfied. Any action taken in connection with the preparation and
964 adoption of such plan shall be deemed effective to the extent such
965 action satisfies the requirements of said sections.

966 (c) No plan shall be adopted unless the planning commission of the
967 municipality finds that the plan is in accord with the plan of
968 development, if any, for the municipality and the regional planning
969 agency, if any, organized under chapter 127 for the region within
970 which such municipality is located finds that such plan is in accord
971 with the plan of development, if any, for such region. If the regional
972 planning agency fails to make a finding concerning the plan within
973 thirty-five days of receipt thereof, by such agency, it shall be presumed
974 that such agency does not disapprove of the plan. The implementing

975 agency shall hold at least one public hearing on the plan and shall
976 cause notice of the time, place, and subject of any public hearing to be
977 published at least once in a newspaper of general circulation in the
978 municipality not less than one week nor more than three weeks prior
979 to the date of such public hearing. At least thirty-five days prior to the
980 public hearing the implementing agency shall post the draft plan on
981 the Internet web site of the implementing agency, if any. Upon
982 adoption of the plan the implementing agency shall submit the plan to
983 the legislative body of the municipality for approval or disapproval.
984 Any approval by the implementing agency and legislative body of the
985 municipality made under this section shall specifically provide for
986 approval of any findings contained therein. After approval of the plan
987 by the legislative body of the municipality, [such] the plan shall be
988 submitted to the commissioner for his approval. If the commissioner
989 requires a substantial modification of the plan as a condition of
990 approval, the plan shall be subject to a public hearing and approval by
991 the implementing agency and the legislative body of the municipality
992 in accordance with the provisions of this subsection. The implementing
993 agency shall cause notice of the approval of the plan to be published in
994 a newspaper having general circulation in the municipality. The plan
995 shall be effective for a period of five years after the date of adoption.
996 Thereafter, it shall be reviewed by the implementing agency at least
997 once every five years and may be adopted again or amended in
998 accordance with this section.

999 (d) The implementing agency shall cause notice of the approval of
1000 the plan to be published in a newspaper having general circulation in
1001 the municipality. Any owner of property located in the project area
1002 may appeal the findings of the agency under subdivision (14) of this
1003 section to the superior court for the judicial district in which the
1004 municipality is located. The appeal shall be commenced by service of
1005 process not more than fifteen days from the date that notice of the
1006 approval of the plan was published as required by this section. The
1007 appeal shall be returned to the court in the same manner and within
1008 the same period of time as prescribed for civil actions brought to that

1009 court. Upon an appeal taken under this section, the burden of proof
1010 shall be on the implementing agency to prove, by clear and convincing
1011 evidence and based upon the evidence in the record compiled before
1012 such agency, that the findings in the plan from which such appeal is
1013 taken and the reasons cited for such findings are supported by
1014 sufficient evidence in the record. If the implementing agency does not
1015 satisfy the burden of proof under this section, the court shall order the
1016 agency to wholly or partly revise, modify or remand the findings from
1017 which the appeal was taken in a manner consistent with the evidence
1018 in the record before it.

1019 ~~[(d)]~~ (e) A development plan may be modified at any time by the
1020 implementing agency, provided, if modified after the lease or sale of
1021 real property in the project area, the lessees or purchasers of such real
1022 property or their successor or successors in interest affected by the
1023 proposed modification shall consent to such modification. If the
1024 proposed modification will substantially alter the development plan as
1025 previously approved, the modification shall be subject to the approval
1026 of the local legislative body of the municipality and the commissioner
1027 in the same manner as approval of the development plan. The
1028 municipality may, by vote of its legislative body, abandon the
1029 development plan and convey such real property within the
1030 boundaries of the project area free of any restriction, obligation or
1031 procedure imposed by the plan subject to all other local and state laws,
1032 ordinances or regulations, including, but not limited to, any offer of
1033 sale required under subsection (i) of this section, if after three years
1034 from the date of approval of the plan the implementing agency has not
1035 transferred by sale or lease all or any part of the real property acquired
1036 in the project area to any person in accordance with the development
1037 plan and no grant of financial assistance under sections 32-220 to 32-
1038 234, inclusive, has been given for such project other than for activities
1039 related to the planning of the project pursuant to section 32-222.

1040 ~~[(e)]~~ (f) The implementing agencies of two or more municipalities
1041 may, after approval by each legislative body thereof, jointly initiate a
1042 development project if the project area is to be located in one or more

1043 of such municipalities. Such implementing agencies, after approval by
1044 the commissioner of the development plan for the project if any state
1045 aid is to be requested under section 32-223, may enter into and amend
1046 subject to the approval of the commissioner, an agreement to jointly
1047 carry out the development plan. Such agreement may include
1048 provisions for furnishing municipal services to the project and sharing
1049 costs of and revenues from the project, including property tax and
1050 rental receipts. The development plan shall include a proposed form of
1051 the agreement to be entered into by the municipalities. Each
1052 municipality which is a party to an agreement may make
1053 appropriations and levy taxes in accordance with the provisions of the
1054 general statutes and may issue bonds in accordance with section 32-
1055 227 to further its obligations under the agreement.

1056 [(f)] (g) As used in this subsection, "public service facility" includes
1057 any sewer, pipe, main conduit, cable, wire, pole, tower, building or
1058 utility appliance owned or operated by an electric, gas, telephone,
1059 telegraph or water company. Whenever an implementing agency
1060 determines that the closing of any street or public right-of-way is
1061 provided for in a development plan adopted and approved in
1062 accordance with sections 32-220 to 32-234, inclusive, or where the
1063 carrying out of such a development plan, including the construction of
1064 new improvements, requires the temporary or permanent
1065 readjustment, relocation or removal of a public service facility from a
1066 street or public right-of-way, the implementing agency shall issue an
1067 appropriate order to the company owning or operating such facility.
1068 Such company shall permanently or temporarily readjust, relocate or
1069 remove the public service facility promptly in accordance with such
1070 order, provided an equitable share of the cost of such readjustment,
1071 relocation or removal, including the cost of installing and constructing
1072 a facility of equal capacity in a new location, shall be borne by the
1073 implementing agency. Such equitable share shall be fifty per cent of
1074 such cost after the deduction hereinafter provided. In establishing the
1075 equitable share of the cost to be borne by the implementing agency,
1076 there shall be deducted from the cost of the readjusted, relocated or

1077 removed facilities a sum based on a consideration of the value of
1078 materials salvaged from existing installations, the cost of the original
1079 installation, the life expectancy of the original facility and the
1080 unexpired term of such life use. The books and records of the company
1081 shall be made available for inspection by the implementing agency to
1082 determine the equitable share of the cost of such readjustment,
1083 relocation or removal. When any facility is removed from a street or
1084 public right-of-way to a private right-of-way, the implementing agency
1085 shall not pay for such private right-of-way. If the implementing agency
1086 and the company owning or operating such facility cannot agree upon
1087 the share of the cost to be borne by the implementing agency, such
1088 agency or the company may apply to the superior court for the judicial
1089 district within which the street or public right-of-way is situated, or, if
1090 the court is not in session, to any judge thereof, for a determination of
1091 the cost to be borne by the implementing agency. The court or the
1092 judge, after causing notice of the pendency of such application to be
1093 given to the other party, shall appoint a state referee to make such
1094 determination. The referee, having given at least ten days' notice to the
1095 interested parties of the time and place of the hearing, shall hear both
1096 parties, take such testimony as he may deem material and thereupon
1097 determine the amount of the cost to be borne by the implementing
1098 agency. The referee shall immediately report the amount to the court.
1099 If the report is accepted by the court, such determination shall, subject
1100 to right of appeal as in civil actions, be conclusive upon such parties.

1101 [(g)] (h) After approval of the development plan pursuant to
1102 sections 32-220 to 32-234, inclusive, the implementing agency may by
1103 purchase, lease, exchange or gift acquire or rent real property
1104 necessary or appropriate for the project as identified in the
1105 development plan and real property and interests therein for rights-of-
1106 way and other easements to and from the project area.

1107 (i) (1) The implementing agency may, with the approval of the
1108 legislative body of the municipality, and in the name of the
1109 municipality, condemn in accordance with section 8-128 to 8-133,
1110 inclusive, as amended by this act, any real property necessary or

1111 appropriate for the project as identified in the development plan,
1112 including real property and interests in land for rights-of-way and
1113 other easements to and from the project area. The legislative body shall
1114 not approve the use of condemnation by the implementing agency
1115 unless the legislative body has (A) considered the benefits to the public
1116 and any private entity that will result from the municipal development
1117 project and determined that the public benefits outweigh any private
1118 benefits, (B) determined that the current use of the real property
1119 cannot be feasibly integrated into the overall development plan, and
1120 (C) determined that the acquisition of the real property by
1121 condemnation is reasonably necessary to successfully achieve the
1122 objectives of the development plan. No owner occupied property may
1123 be acquired by eminent domain unless the implementing agency
1124 submits information to the legislative body sufficient for such
1125 legislative body to determine by clear and convincing evidence that
1126 the redevelopment plan cannot be implemented without acquisition of
1127 the property by eminent domain. Such information shall include, but
1128 not be limited to, surveys, engineering studies, architectural drawing
1129 and planning reports. The implementing agency shall provide to the
1130 owner of the property a copy of all information submitted to the
1131 legislative body.

1132 (2) Before the legislative body approves any acquisition by
1133 condemnation pursuant to this subsection, the legislative body shall
1134 conduct a public hearing on the acquisition. The municipality shall
1135 cause notice of the time, place and subject of the hearing to be
1136 published in a newspaper having a substantial circulation in the
1137 municipality not more than ten days before the date set for the hearing.
1138 Not less than ten days before the date of the hearing, the legislative
1139 body shall send, by first class mail, notice of the time, place and subject
1140 of the hearing to the owners of record of the real property and to all
1141 owners of real property within one hundred feet of the real property to
1142 be acquired by condemnation.

1143 (3) (A) No parcel of real property may be acquired by condemnation
1144 under this subsection except upon approval by vote of at least two-

1145 thirds of the members of the legislative body of the municipality. Such
1146 approval shall be by (i) separate vote on each parcel of real property to
1147 be acquired, or (ii) a vote on one or more groups of such parcels,
1148 provided each parcel to be acquired is identified for the purposes of a
1149 vote on a group of such parcels under this subparagraph.

1150 (B) The municipality shall cause notice of any approved acquisition
1151 under this subdivision to be published in a newspaper having a
1152 substantial circulation in the municipality not more than ten days after
1153 such approval.

1154 (4) Any property identified in the plan as property to be acquired by
1155 eminent domain must be so acquired by a date that is five years after
1156 the date of approval of the initial plan unless the legislative body of the
1157 municipality approves an extension of the time for acquisition. An
1158 extension shall be for a period of five years. No property may be
1159 acquired more than ten years after adoption of the initial plan.

1160 (j) (1) On and after the effective date of this section, on the date a
1161 certificate of taking is filed pursuant to section 8-129, as amended by
1162 this act, for property acquired by eminent domain pursuant to this
1163 section, the development agency shall record with the certificate of
1164 taking separate findings that itemize the value of the real property and
1165 any structures or improvements on the real property so acquired.

1166 (2) (A) If real property acquired on or after the effective date of this
1167 section is not used for the purpose for which it was acquired or for
1168 some other public use and is subsequently offered for sale, the real
1169 property shall be first offered for sale pursuant to subparagraph (B) of
1170 this subdivision to the person from whom the real property was
1171 acquired, or heirs of the person designated pursuant to subparagraph
1172 (B) of this subdivision, if any, for a price not greater than the amount of
1173 compensation paid for such real property, after any appeal or
1174 settlement, less (i) the value of any structures or improvements
1175 removed from the real property by the development agency or its
1176 designee after the real property was acquired as set forth in the

1177 recorded findings, (ii) the value of any improvements the agency made
1178 to the property, and (iii) the amount of any depreciation, as defined in
1179 section 45a-542z. After the municipality provides notice pursuant to
1180 subparagraph (B) of this subdivision, the municipality may not sell
1181 such property to a third party unless the municipality has permitted
1182 the person or named heirs six months during which to exercise the
1183 right to purchase the property, and an additional six months to finalize
1184 the purchase if the person or named heirs provide the municipality
1185 with notice of intent to purchase the property within the initial six-
1186 month period.

1187 (B) For the purposes of any offer of sale pursuant to this
1188 subdivision, the municipality shall provide a form to any person
1189 whose property is acquired pursuant to this section to permit such
1190 person to provide an address for notice of sale to be sent, or to provide
1191 the name and address of an agent to receive such notice. Such form
1192 shall be designed to permit the person to designate heirs of the person
1193 who shall be eligible to purchase such property pursuant to this
1194 subdivision. The person or agent shall update information in the form
1195 in writing. If the person or agent does not provide or update the
1196 information in the form in a manner that permits the municipality to
1197 send notice of sale pursuant to this subsection, no such notice shall be
1198 required.

1199 (k) The owner-occupant of property acquired under this section
1200 may appeal the decision of the implementing agency to the superior
1201 court for the judicial district in which the municipality is located . The
1202 appeal shall be commenced by service of process not more than fifteen
1203 days from the date that notice of the approved acquisition was under
1204 subparagraph (B) of subdivision (4) of subsection (a) of section 8-128.
1205 The appeal shall be returned to the court in the same manner and
1206 within the same period of time as prescribed for civil actions brought
1207 to that court. Upon an appeal taken under this section, the burden of
1208 proof shall be on the development agency to prove, by clear and
1209 convincing evidence based upon the record compiled before such
1210 agency, that acquisition of the property is consistent with the

1211 provisions of subdivision (14) of subsection (b) of this section. If the
1212 implementing agency does not satisfy the burden of proof under this
1213 section, the court shall order such agency to reverse its decision.

1214 Sec. 15. Section 48-50 of the general statutes is repealed and the
1215 following is substituted in lieu thereof (*Effective from passage*):

1216 (a) There is established an Office of Ombudsman for Property
1217 Rights which shall be within the Office of Policy and Management for
1218 administrative purposes only. The Office of Ombudsman for Property
1219 Rights shall be under the direction of an Ombudsman for Property
1220 Rights who shall be appointed in accordance with section 48-51.

1221 (b) The Office of Ombudsman for Property Rights shall:

1222 (1) Develop and maintain expertise in, and understanding of, the
1223 (A) provisions of the federal and state constitutions governing the
1224 taking of private property and provisions of state law authorizing a
1225 public agency to take private property, and (B) case law interpreting
1226 such provisions;

1227 (2) At the request of a public agency, assist the public agency in
1228 applying constitutional and statutory provisions concerning eminent
1229 domain;

1230 (3) At the request of a public agency, provide assistance in
1231 analyzing actions that have potential eminent domain implications;

1232 (4) At the request of a private property owner, provide assistance
1233 concerning eminent domain procedures;

1234 (5) Identify state or local governmental actions that have potential
1235 eminent domain implications and, if appropriate, advise the
1236 appropriate public agency about such implications;

1237 (6) Provide information to private citizens, civic groups and other
1238 interested parties about eminent domain law and their rights with
1239 respect to eminent domain;

1240 (7) Mediate disputes between private property owners and public
1241 agencies concerning the use of eminent domain or related relocation
1242 assistance as provided in section 48-52, and the Office of Ombudsman
1243 for Property Rights may, within available appropriations, hire an
1244 independent real estate appraiser to assist in such mediation; [and]

1245 (8) Recommend to the General Assembly changes that, in the
1246 opinion of the Ombudsman for Property Rights, should be made to the
1247 general statutes related to eminent domain powers and procedures;
1248 and

1249 (9) Select the appraisal to be used to determine and quantify the
1250 amount of compensation to property owners, pursuant to section 8-
1251 129, as amended by this act, for property acquired by eminent domain
1252 by a redevelopment agency under section 8-128, as amended by this
1253 act.

1254 (c) For the purposes of this section and sections 48-51 to 48-57,
1255 inclusive, "public agency" means a public agency, as defined in section
1256 1-200, with the power to acquire property through eminent domain
1257 and includes an entity authorized to acquire property through eminent
1258 domain on behalf of the public agency.

1259 Sec. 16. Section 52-192a of the general statutes is repealed and the
1260 following is substituted in lieu thereof (*Effective from passage and*
1261 *applicable to applications filed on or after said date*):

1262 (a) After commencement of any civil action based upon contract or
1263 seeking the recovery of money damages, whether or not other relief is
1264 sought, the plaintiff may, not earlier than one hundred eighty days
1265 after service of process is made upon the defendant in such action but
1266 not later than thirty days before trial, file with the clerk of the court a
1267 written offer of compromise signed by the plaintiff or the plaintiff's
1268 attorney, directed to the defendant or the defendant's attorney,
1269 offering to settle the claim underlying the action for a sum certain. For
1270 the purposes of this section, such plaintiff includes a counterclaim
1271 plaintiff under section 8-132, as amended by this act. The plaintiff shall

1272 give notice of the offer of compromise to the defendant's attorney or, if
1273 the defendant is not represented by an attorney, to the defendant
1274 himself or herself. Within thirty days after being notified of the filing
1275 of the offer of compromise and prior to the rendering of a verdict by
1276 the jury or an award by the court, the defendant or the defendant's
1277 attorney may file with the clerk of the court a written acceptance of the
1278 offer of compromise agreeing to settle the claim underlying the action
1279 for the sum certain specified in the plaintiff's offer of compromise.
1280 Upon such filing and the receipt by the plaintiff of such sum certain,
1281 the plaintiff shall file a withdrawal of the action with the clerk and the
1282 clerk shall record the withdrawal of the action against the defendant
1283 accordingly. If the offer of compromise is not accepted within thirty
1284 days and prior to the rendering of a verdict by the jury or an award by
1285 the court, the offer of compromise shall be considered rejected and not
1286 subject to acceptance unless refiled. Any such offer of compromise and
1287 any acceptance of the offer of compromise shall be included by the
1288 clerk in the record of the case.

1289 (b) In the case of any action to recover damages resulting from
1290 personal injury or wrongful death, whether in tort or in contract, in
1291 which it is alleged that such injury or death resulted from the
1292 negligence of a health care provider, an offer of compromise pursuant
1293 to subsection (a) of this section shall state with specificity all damages
1294 then known to the plaintiff or the plaintiff's attorney upon which the
1295 action is based. At least sixty days prior to filing such an offer, the
1296 plaintiff or the plaintiff's attorney shall provide the defendant or the
1297 defendant's attorney with an authorization to disclose medical records
1298 that meets the privacy provisions of the Health Insurance Portability
1299 and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended
1300 from time to time, or regulations adopted thereunder, and disclose any
1301 and all expert witnesses who will testify as to the prevailing
1302 professional standard of care. The plaintiff shall file with the court a
1303 certification that the plaintiff has provided each defendant or such
1304 defendant's attorney with all documentation supporting such
1305 damages.

1306 (c) After trial the court shall examine the record to determine
1307 whether the plaintiff made an offer of compromise which the
1308 defendant failed to accept. If the court ascertains from the record that
1309 the plaintiff has recovered an amount equal to or greater than the sum
1310 certain specified in the plaintiff's offer of compromise, the court shall
1311 add to the amount so recovered eight per cent annual interest on said
1312 amount, except in the case of a counterclaim plaintiff under section 8-
1313 132, as amended by this act, the court shall add to the amount so
1314 recovered eight per cent annual interest on the amount of the rejected
1315 offer. The interest shall be computed from the date the complaint in the
1316 civil action or application under section 8-132, as amended by this act,
1317 was filed with the court if the offer of compromise was filed not later
1318 than eighteen months from the filing of such complaint or application.
1319 If such offer was filed later than eighteen months from the date of
1320 filing of the complaint or application, the interest shall be computed
1321 from the date the offer of compromise was filed. The court may award
1322 reasonable attorney's fees in an amount not to exceed three hundred
1323 fifty dollars, and shall render judgment accordingly. This section shall
1324 not be interpreted to abrogate the contractual rights of any party
1325 concerning the recovery of attorney's fees in accordance with the
1326 provisions of any written contract between the parties to the action.

1327 Sec. 17. (NEW) (*Effective from passage*) (a) No person who negotiates
1328 the acquisition or rental of real property may represent in such
1329 negotiation that the person has the power to acquire the property by
1330 eminent domain unless the person has such power. The provisions of
1331 this section shall not apply to the chief executive official of a
1332 municipality.

1333 (b) Any violation of subsection (a) of this section shall be deemed an
1334 unfair or deceptive trade practice under subsection (a) of section 42-
1335 110b of the general statutes.

1336 Sec. 18. Section 13a-73 of the general statutes is repealed and the
1337 following is substituted in lieu thereof (*Effective from passage and*
1338 *applicable to property acquired on or after said date*):

1339 (a) As used in this section:

1340 (1) "Real property" [, as used in this section, includes] means land
1341 and buildings and any estate, interest or right in land; and

1342 (2) "Business value" means the price of a specific business interest at
1343 which a willing seller will sell and a willing buyer will buy when
1344 neither is compelled to sell or buy and both have reasonable
1345 knowledge of relevant circumstances.

1346 (b) The commissioner may take any land he finds necessary for the
1347 layout, alteration, extension, widening, change of grade or other
1348 improvement of any state highway or for a highway maintenance
1349 storage area or garage and the owner of such land shall be paid by the
1350 state for all damages, and the state shall receive from such owner the
1351 amount or value of all benefits, resulting from such taking, layout,
1352 alteration, extension, widening, change of grade or other
1353 improvement. The use of any site acquired for highway maintenance
1354 storage area or garage purposes by condemnation shall conform to any
1355 zoning ordinance or development plan in effect for the area in which
1356 such site is located, provided the commissioner may be granted any
1357 variance or special exception as may be made pursuant to the zoning
1358 ordinances and regulations of the town in which any such site is to be
1359 acquired. The assessment of such damages and of such benefits shall
1360 be made by he commissioner and filed by him with the clerk of the
1361 superior court for the judicial district in which the land affected is
1362 located. The commissioner shall give notice of such assessment to each
1363 person having an interest of record therein by mailing to each a copy
1364 of the same, postage prepaid, and, at any time after such assessment
1365 has been made by the commissioner, the physical construction of such
1366 layout, alteration, extension, widening, maintenance storage area or
1367 garage, change of grade or other improvement may be made. If notice
1368 cannot be given to any person entitled thereto because his
1369 whereabouts or existence is unknown, notice may be given by
1370 publishing a notice at least twice in a newspaper published in the
1371 judicial district and having a daily or weekly circulation in the town in

1372 which the property affected is located. Any such published notice shall
1373 state that it is a notice to the last owner of record or his surviving
1374 spouse, heirs, administrators, assigns, representatives or creditors if he
1375 is deceased, and shall contain a brief description of the property taken.
1376 Notice shall also be given by mailing to each such person at his last-
1377 known address, by registered or certified mail, a copy of such notice.
1378 If, after a search of the land and probate records, the address of any
1379 interested party cannot be found, an affidavit stating such facts and
1380 reciting the steps taken to establish the address of any such person
1381 shall be filed with the clerk of the court and accepted in lieu of service
1382 of such notice by mailing the same to the last known address of such
1383 person. Upon filing an assessment with the clerk of the court, the
1384 commissioner shall forthwith sign and file for record with the town
1385 clerk of the town in which such real property is located a certificate
1386 setting forth the fact of such taking, a description of the real property
1387 so taken and the names and residences of the owners from whom it
1388 was taken. Upon the filing of such certificate, title to such real property
1389 in fee simple shall vest in the state of Connecticut, except that, if it is so
1390 specified in such certificate, a lesser estate, interest or right shall vest in
1391 the state. The commissioner shall permit the last owner of record of
1392 such real property upon which a residence is situated to remain in
1393 such residence, rent free, for a period of one hundred twenty days after
1394 the filing of such certificate.

1395 (c) The commissioner may purchase any land and take a deed
1396 thereof in the name of the state when such land is needed in
1397 connection with the layout, construction, repair, reconstruction or
1398 maintenance of any state highway or bridge, and any land or buildings
1399 or both, necessary, in the commissioner's opinion, for the efficient
1400 accomplishment of the foregoing purpose, and may further, when the
1401 commissioner determines that it is in the best interests of the state,
1402 purchase, lease or otherwise arrange for the acquisition or exchange of
1403 land or buildings or both for use as a highway maintenance storage
1404 area or garage, provided any purchase of such land or land and
1405 buildings in an amount in excess of the sum of one hundred thousand

1406 dollars shall be approved by a state referee. The commissioner, with
1407 the advice and consent of the Attorney General, may settle and
1408 compromise any claim by any person, firm or corporation claiming to
1409 be aggrieved by such layout, construction, reconstruction, repair or
1410 maintenance by the payment of money, the transfer of other land
1411 acquired for or in connection with highway purposes, or otherwise.

1412 (d) The commissioner may purchase or take in the name of the state
1413 any land, buildings, interest in land, easements or other rights he finds
1414 necessary for the layout, construction, maintenance or use of roads or
1415 bridges authorized by section 13a-5, under the provisions of this title
1416 relating to the purchase and taking of land for state highways. Any
1417 person aggrieved by any such action of the commissioner shall have
1418 the same rights of appeal as provided in this title in relation to the
1419 taking of land by the commissioner for highway purposes.

1420 (e) The commissioner may take any land (1) which is necessary for
1421 the construction of any ditch, drain, gutter or other structure which is
1422 required for the purpose of draining any state highway; or (2) which is
1423 required for the purpose of preserving any historical monument or
1424 memorial, the removal of which is made necessary by the construction
1425 or reconstruction of a state highway. The commissioner may assess
1426 benefits and damages caused by any such construction and for the
1427 taking of any such land under the provisions of subsection (b) of this
1428 section and sections 13a-74, 13a-76, 13a-77 and 13a-78 and any person
1429 aggrieved by the assessment of any such benefits or damages shall be
1430 entitled to the relief provided for in said sections.

1431 (f) The commissioner may take or purchase rights of access to and
1432 egress from land abutting any highway or land taken or purchased as
1433 right-of-way therefor, or any other highway for the purpose of
1434 protecting the functional characteristics of any state highway or state
1435 highway appurtenances or safety of the traveling public to and from
1436 any state highway or state highway appurtenances when in his
1437 judgment such limitation of access is necessary to permit the
1438 convenient, safe and expeditious flow of traffic. Such taking or

1439 purchase shall be in the same manner and with like powers as
1440 authorized and exercised by said commissioner in taking or
1441 purchasing real property for state highway purposes.

1442 (g) When the Commissioner of Transportation finds it necessary
1443 that real property, the title to which is in the state of Connecticut and
1444 which is under the custody and control of any state department,
1445 commission or institution, be taken for the purpose of drainage,
1446 construction, alteration, reconstruction, improvement, relocation,
1447 widening and change of grade of any highway to be constructed under
1448 his supervision, he shall petition the Secretary of the Office of Policy
1449 and Management that custody of such real property be transferred to
1450 him as Commissioner of Transportation. Such petition shall set forth
1451 the necessity for such transfer and control. The Secretary of the Office
1452 of Policy and Management shall present such petition to the
1453 department, commission or institution having custody and control of
1454 such real property, and, upon the recommendation of, and subject to
1455 such consideration as may be required by, such department,
1456 commission or institution and with the approval of the Secretary of the
1457 Office of Policy and Management, such department, commission or
1458 institution shall transfer the custody and control of such real property
1459 to the Commissioner of Transportation for the purposes required.

1460 (h) All sales or exchanges of surplus property by the Department of
1461 Transportation and matters dealing with the initial acquisition of any
1462 existing mass transit system or the purchase or sale of properties
1463 acquired in connection with any state highway system or mass transit
1464 system shall be subject to review and approval of the State Properties
1465 Review Board except that those acquisitions and administrative
1466 settlements relating to such properties which involve sums not in
1467 excess of five thousand dollars shall be reported to the board by the
1468 Commissioner of Transportation but shall not be subject to such
1469 review and approval. The Commissioner of Public Works shall be
1470 informed for inventory purposes of any transfer effectuated in
1471 connection with this section. The State Properties Review Board shall
1472 not grant such approval if the Department of Transportation has failed

1473 to comply with any applicable statutes in connection with the
1474 proposed action.

1475 (i) (1) Whenever the commissioner proposes to take an outdoor
1476 advertising structure, the commissioner shall notify the State
1477 Properties Review Board. The board shall acquire such outdoor
1478 advertising structures on behalf of the commissioner. Such outdoor
1479 advertising structure shall be acquired by the board in accordance
1480 within the procedures provided in this section.

1481 (2) The board shall determine the amount of compensation to the
1482 owners of the outdoor advertising structure as follows: (A) If such
1483 structure can be relocated, compensation shall be based on
1484 replacement costs, or (B) if the outdoor advertising structure cannot be
1485 located, compensation shall include an amount equal to the business
1486 value of the outdoor advertising structure."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to property acquired on or after said date</i>	7-148(c)(3)(A)
Sec. 2	<i>from passage and applicable to property acquired on or after said date</i>	8-125
Sec. 3	<i>from passage and applicable to property acquired on or after said date</i>	8-127
Sec. 4	<i>from passage and applicable to property acquired on or after said date</i>	8-128
Sec. 5	<i>from passage and applicable to property acquired on or after said date</i>	8-129

Sec. 6	<i>from passage and applicable to property acquired on or after said date</i>	8-132
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Sec. 9	<i>from passage and applicable to property acquired on or after said date</i>	8-193
Sec. 10	<i>from passage and applicable to property acquired on or after said date</i>	8-200
Sec. 11	<i>from passage and applicable to property acquired on or after said date</i>	8-268
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Sec. 13	<i>from passage and applicable to property acquired on or after said date</i>	8-270
Sec. 14	<i>from passage and applicable to property acquired on or after said date</i>	32-224
Sec. 15	<i>from passage</i>	48-50
Sec. 16	<i>from passage and applicable to applications filed on or after said date</i>	52-192a
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage and applicable to property acquired on or after said date</i>	13a-73