



General Assembly

January Session, 2007

Amendment

LCO No. 7907

HB0572907907SRO

Offered by:
SEN. MCKINNEY, 28th Dist.

To: Subst. House Bill No. 5729 File No. 412 Cal. No. 564

"AN ACT CONCERNING THE SALE, LEASE OR TRANSFER OF MUNICIPAL PROPERTY."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 8-193 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2007*):

5 (a) After approval of the development plan as provided in this
6 chapter, the development agency may proceed by purchase, lease,
7 exchange or gift with the acquisition or rental of real property within
8 the project area and real property and interests therein for rights-of-
9 way and other easements to and from the project area. The
10 development agency may, with the approval of the legislative body,
11 and in the name of the municipality, acquire by eminent domain real
12 property located within the project area and real property and interests
13 therein for rights-of-way and other easements to and from the project
14 area, in the same manner that a redevelopment agency may acquire
15 real property under sections 8-128 to 8-133, inclusive, as if said sections

16 specifically applied to development agencies, except that the
17 development agency may not acquire owner-occupied residential real
18 property consisting of four or fewer dwelling units by eminent domain
19 if the development project will be under the sole ownership or control
20 of a private enterprise. The development agency may, with the
21 approval of the legislative body and, of the commissioner if any grants
22 were made by the state under section 8-190 or 8-195 for such
23 development project, and in the name of such municipality, transfer by
24 sale or lease at fair market value or fair rental value, as the case may
25 be, the whole or any part of the real property in the project area to any
26 person, in accordance with the project plan and such disposition plans
27 as may have been determined by the commissioner, except that
28 residential real property acquired by eminent domain that consisted of
29 four or fewer dwelling units at the time of acquisition may not be
30 transferred by sale until it is first offered for sale to the person from
31 whom the property was acquired, or the person's known or
32 ascertainable heirs, successors or assigns, for a price not greater than
33 the amount paid to acquire the property, less the value of any
34 structures or improvements removed from the property by the
35 development agency or its designee after the real property was
36 acquired.

37 (b) A development agency shall have all the powers necessary or
38 convenient to undertake and carry out development plans and
39 development projects, including the power to clear, demolish, repair,
40 rehabilitate, operate, or insure real property while it is in its
41 possession, to make site improvements essential to the preparation of
42 land for its use in accordance with the development plan, to install,
43 construct or reconstruct streets, utilities and other improvements
44 necessary for carrying out the objectives of the development project,
45 and, in distressed municipalities, as defined in section 32-9p, to lend
46 funds to businesses and industries in a manner approved by the
47 commissioner.

48 Sec. 502. Section 8-200 of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective October 1, 2007*):

50 (a) A development plan may be modified at any time by the
51 development agency, provided, if modified after the lease or sale of
52 real property in the development project area, the modification must
53 be consented to by the lessees or purchasers of such real property or
54 their successor or successors in interest affected by the proposed
55 modification. Where the proposed modification will substantially
56 change the development plan as previously approved, the
57 modification must be approved in the same manner as the
58 development plan.

59 (b) If after three years from the date of approval of the development
60 plan the development agency has been unable to transfer by sale or
61 lease at fair market value or fair rental value, as the case may be, the
62 whole or any part of the real property acquired in the project area to
63 any person in accordance with the project plan, and no grant has been
64 made for such project pursuant to section 8-195, the municipality may,
65 by vote of its legislative body, abandon the project plan and such real
66 property may be conveyed free of any restriction, obligation or
67 procedure imposed by the plan but shall be subject to all other local
68 and state laws, ordinances or regulations, including, but not limited to,
69 any offer of sale required under subsection (a) of section 8-193, as
70 amended by this act.

71 Sec. 503. Section 8-128 of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective October 1, 2007*):

73 (a) Within a reasonable time after its approval of the redevelopment
74 plan as [hereinbefore] provided in section 8-127, the redevelopment
75 agency may proceed with the acquisition or rental of real property by
76 purchase, lease, exchange or gift. The redevelopment agency may
77 acquire real property by eminent domain with the approval of the
78 legislative body of the municipality and in accordance with the
79 provisions of sections 8-129 to 8-133, inclusive, and this section, except
80 that the redevelopment agency may not acquire owner-occupied
81 residential real property consisting of four or fewer dwelling units by
82 eminent domain if the redevelopment project will be under the sole

83 ownership or control of a private enterprise. The legislative body in its
84 approval of a project under section 8-127 shall specify the time within
85 which real property is to be acquired. The time for acquisition may be
86 extended by the legislative body in accordance with section 48-6, upon
87 request of the redevelopment agency, provided the owner of the real
88 property consents to such request. Real property may be acquired
89 previous to the adoption or approval of the project area redevelopment
90 plan, provided the property acquired shall be located within an area
91 designated on the general plan as an appropriate redevelopment area
92 or within an area whose boundaries are defined by the planning
93 commission as an appropriate area for a redevelopment project, and
94 provided such acquisition shall be authorized by the legislative body.
95 The redevelopment agency may clear, repair, operate or insure such
96 property while it is in its possession or make site improvements
97 essential to preparation for its use in accordance with the
98 redevelopment plan.

99 (b) Any residential real property acquired by eminent domain that
100 consisted of four or fewer dwelling units at the time of acquisition may
101 not be transferred by sale until it is first offered for sale to the person
102 from whom the property was acquired, or the person's known or
103 ascertainable heirs, successors or assigns, for a price not greater than
104 the amount paid to acquire the property, less the value of any
105 structures or improvements removed from the property by the
106 redevelopment agency or its designee after the real property was
107 acquired.

108 Sec. 504. Section 32-224 of the general statutes is repealed and the
109 following is substituted in lieu thereof (*Effective October 1, 2007*):

110 (a) Any municipality which has a planning commission may, by
111 vote of its legislative body, designate an implementing agency to
112 exercise the powers granted under sections 32-220 to 32-234, inclusive.
113 Any municipality may, with the approval of the commissioner,
114 designate a separate implementing agency for each municipal
115 development project undertaken by such municipality pursuant to

116 said sections.

117 (b) The implementing agency may initiate a municipal development
118 project by preparing and submitting a development plan to the
119 commissioner. Such plan shall include: (1) A legal description of the
120 real property within the boundaries of the project area; (2) a
121 description of the present condition and uses of such real property; (3)
122 a description of the types and locations of land uses or building uses
123 proposed for the project area; (4) a description of the types and
124 locations of present and proposed streets, sidewalks and sanitary,
125 utility and other facilities and the types and locations of other
126 proposed project improvements; (5) statements of the present and
127 proposed zoning classification and subdivision status of the project
128 area and the areas adjacent to the project area; (6) a plan for relocating
129 project area occupants; (7) a financing plan; (8) an administrative plan;
130 (9) an environmental analysis, marketability and proposed land use
131 study, or building use study if required by the commissioner; (10)
132 appraisal reports and title searches if required by the commissioner;
133 (11) a description of the economic benefit of the project, including the
134 number of jobs which the implementing agency anticipates would be
135 created or retained by the project, estimated property tax benefits and
136 the number and types of existing housing units in the municipality in
137 which the project would be located, and in contiguous municipalities,
138 which would be available to employees filling such jobs and (12) a
139 finding that (A) the land and buildings within the boundaries of the
140 project area will be used principally for manufacturing or other
141 economic base business purposes or business support services; (B) the
142 plan is in accordance with the plan of development for the
143 municipality, if any, adopted by its planning commission and the plan
144 of development of the regional planning agency, if any, for the region
145 within which the municipality is located; (C) the plan is not inimical to
146 any state-wide planning program objectives of the state or state
147 agencies as coordinated by the Secretary of the Office of Policy and
148 Management; and (D) the project will contribute to the economic
149 welfare of the municipality and the state and that to carry out and

150 administer the project, public action under sections 32-220 to 32-234,
151 inclusive, is required. The provisions of this subsection with respect to
152 submission of a development plan to and approval by the
153 commissioner and with respect to a finding that the plan is not
154 inimical to any state-wide planning program objectives of the state or
155 its agencies shall not apply to a project for which no financial
156 assistance has been given and no application for financial assistance is
157 to be made under section 32-223. Any plan which has been prepared
158 under chapters 130, 132 or 588a may be submitted by the
159 implementing agency to the legislative body of the municipality and to
160 the commissioner in lieu of a plan initiated and prepared in accordance
161 with this section, provided all other requirements of sections 32-220 to
162 32-234, inclusive, for obtaining the approval of the commissioner of the
163 development plan are satisfied. Any action taken in connection with
164 the preparation and adoption of such plan shall be deemed effective to
165 the extent such action satisfies the requirements of said sections.

166 (c) No plan shall be adopted unless the planning commission of the
167 municipality finds that the plan is in accord with the plan of
168 development, if any, for the municipality and the regional planning
169 agency, if any, organized under chapter 127 for the region within
170 which such municipality is located finds that such plan is in accord
171 with the plan of development, if any, for such region. If the regional
172 planning agency fails to make a finding concerning the plan within
173 thirty-five days of receipt thereof, by such agency, it shall be presumed
174 that such agency does not disapprove of the plan. The implementing
175 agency shall hold at least one public hearing on the plan and shall
176 cause notice of the time, place, and subject of any public hearing to be
177 published at least once in a newspaper of general circulation in the
178 municipality not less than one week nor more than three weeks prior
179 to the date of such public hearing. Upon adoption the implementing
180 agency shall submit the plan to the legislative body of the municipality
181 for approval or disapproval. Any approval by the implementing
182 agency and legislative body of the municipality made under this
183 section shall specifically provide for approval of any findings

184 contained therein. After approval of the plan by the legislative body of
185 the municipality, such plan shall be submitted to the commissioner for
186 his approval. If the commissioner requires a substantial modification
187 of the plan as a condition of approval, the plan shall be subject to a
188 public hearing and approval by the implementing agency and the
189 legislative body of the municipality in accordance with the provisions
190 of this subsection.

191 (d) A development plan may be modified at any time by the
192 implementing agency, provided, if modified after the lease or sale of
193 real property in the project area, the lessees or purchasers of such real
194 property or their successor or successors in interest affected by the
195 proposed modification shall consent to such modification. If the
196 proposed modification will substantially alter the development plan as
197 previously approved, the modification shall be subject to the approval
198 of the local legislative body of the municipality and the commissioner
199 in the same manner as approval of the development plan. The
200 municipality may, by vote of its legislative body, abandon the
201 development plan and convey such real property within the
202 boundaries of the project area free of any restriction, obligation or
203 procedure imposed by the plan subject to all other local and state laws,
204 ordinances or regulations if after three years from the date of approval
205 of the plan the implementing agency has not transferred by sale or
206 lease all or any part of the real property acquired in the project area to
207 any person in accordance with the development plan and no grant of
208 financial assistance under sections 32-220 to 32-234, inclusive, has been
209 given for such project other than for activities related to the planning
210 of the project pursuant to section 32-222. Notwithstanding any
211 provision of this section, no residential real property condemned
212 pursuant to this section that consisted of four or fewer dwelling units
213 at the time of condemnation may be transferred by sale until it is first
214 offered for sale to the person whose property was condemned, or the
215 person's known or ascertainable heirs, successors or assigns, for a price
216 not greater than the amount paid to condemn the property, less the
217 value of any structures or improvements removed from the property

218 by the implementing agency or its designee after the real property was
219 condemned.

220 (e) The implementing agencies of two or more municipalities may,
221 after approval by each legislative body thereof, jointly initiate a
222 development project if the project area is to be located in one or more
223 of such municipalities. Such implementing agencies, after approval by
224 the commissioner of the development plan for the project if any state
225 aid is to be requested under section 32-223, may enter into and amend
226 subject to the approval of the commissioner, an agreement to jointly
227 carry out the development plan. Such agreement may include
228 provisions for furnishing municipal services to the project and sharing
229 costs of and revenues from the project, including property tax and
230 rental receipts. The development plan shall include a proposed form of
231 the agreement to be entered into by the municipalities. Each
232 municipality which is a party to an agreement may make
233 appropriations and levy taxes in accordance with the provisions of the
234 general statutes and may issue bonds in accordance with section 32-
235 227 to further its obligations under the agreement.

236 (f) As used in this subsection, "public service facility" includes any
237 sewer, pipe, main conduit, cable, wire, pole, tower, building or utility
238 appliance owned or operated by an electric, gas, telephone, telegraph
239 or water company. Whenever an implementing agency determines
240 that the closing of any street or public right-of-way is provided for in a
241 development plan adopted and approved in accordance with sections
242 32-220 to 32-234, inclusive, or where the carrying out of such a
243 development plan, including the construction of new improvements,
244 requires the temporary or permanent readjustment, relocation or
245 removal of a public service facility from a street or public right-of-way,
246 the implementing agency shall issue an appropriate order to the
247 company owning or operating such facility. Such company shall
248 permanently or temporarily readjust, relocate or remove the public
249 service facility promptly in accordance with such order, provided an
250 equitable share of the cost of such readjustment, relocation or removal,
251 including the cost of installing and constructing a facility of equal

252 capacity in a new location, shall be borne by the implementing agency.
253 Such equitable share shall be fifty per cent of such cost after the
254 deduction hereinafter provided. In establishing the equitable share of
255 the cost to be borne by the implementing agency, there shall be
256 deducted from the cost of the readjusted, relocated or removed
257 facilities a sum based on a consideration of the value of materials
258 salvaged from existing installations, the cost of the original installation,
259 the life expectancy of the original facility and the unexpired term of
260 such life use. The books and records of the company shall be made
261 available for inspection by the implementing agency to determine the
262 equitable share of the cost of such readjustment, relocation or removal.
263 When any facility is removed from a street or public right-of-way to a
264 private right-of-way, the implementing agency shall not pay for such
265 private right-of-way. If the implementing agency and the company
266 owning or operating such facility cannot agree upon the share of the
267 cost to be borne by the implementing agency, such agency or the
268 company may apply to the superior court for the judicial district
269 within which the street or public right-of-way is situated, or, if the
270 court is not in session, to any judge thereof, for a determination of the
271 cost to be borne by the implementing agency. The court or the judge,
272 after causing notice of the pendency of such application to be given to
273 the other party, shall appoint a state referee to make such
274 determination. The referee, having given at least ten days' notice to the
275 interested parties of the time and place of the hearing, shall hear both
276 parties, take such testimony as he may deem material and thereupon
277 determine the amount of the cost to be borne by the implementing
278 agency. The referee shall immediately report the amount to the court.
279 If the report is accepted by the court, such determination shall, subject
280 to right of appeal as in civil actions, be conclusive upon such parties.

281 (g) After approval of the development plan pursuant to sections 32-
282 220 to 32-234, inclusive, the implementing agency may by purchase,
283 lease, exchange or gift acquire or rent real property necessary or
284 appropriate for the project as identified in the development plan and
285 real property and interests therein for rights-of-way and other

286 easements to and from the project area. The implementing agency
287 may, with the approval of the legislative body of the municipality, and
288 in the name of the municipality, condemn in accordance with section
289 8-128 to 8-133, inclusive, any real property necessary or appropriate for
290 the project as identified in the development plan, including real
291 property and interests in land for rights-of-way and other easements to
292 and from the project area, except that the implementing agency may
293 not condemn owner-occupied residential real property consisting of
294 four or fewer dwelling units if the project will be under the sole
295 ownership or control of a private enterprise."