



General Assembly

February Session, 2008

Raised Bill No. 5891

LCO No. 3090

03090_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.

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

1 Section 1. (*Effective from passage*) (a) Notwithstanding any provision
2 of the general statutes, the Commissioner of Transportation shall
3 convey to the Historical Society of the town of Greenwich a parcel of
4 land located in the town of Greenwich, at a cost equal to the
5 administrative costs of making such conveyance. Said parcel of land
6 has an area of approximately .44 acre and is identified as Parcel No. 6
7 on one Department of Transportation Map and Lot 16 Strickland Road
8 W20A by the town of Greenwich. The conveyance shall be subject to
9 the approval of the State Properties Review Board.

10 (b) The Historical Society of the town of Greenwich shall use said
11 parcel of land for parking purposes. If the Historical Society of the
12 town of Greenwich:

- 13 (1) Does not use said parcel for said purposes;
14 (2) Does not retain ownership of all of said parcel; or

15 (3) Leases all or any portion of said parcel,
16 the parcel shall revert to the state of Connecticut.

17 (c) The State Properties Review Board shall complete its review of
18 the conveyance of said parcel of land not later than thirty days after it
19 receives a proposed agreement from the Department of
20 Transportation. The land shall remain under the care and control of
21 said department until a conveyance is made in accordance with the
22 provisions of this section. The State Treasurer shall execute and deliver
23 any deed or instrument necessary for a conveyance under this section,
24 which deed or instrument shall include provisions to carry out the
25 purposes of subsection (b) of this section. The Commissioner of
26 Transportation shall have the sole responsibility for all other incidents
27 of such conveyance.

28 Sec. 2. Section 31 of special act 07-11 is amended to read as follows
29 (*Effective from passage*):

30 (a) The Commissioner of Transportation, with the advice and
31 consent of the Secretary of the Office of Policy and Management and
32 the State Properties Review Board, may sell, lease and convey, in the
33 name of the state, or otherwise dispose of, or enter into agreements
34 concerning, any land and buildings owned by the state and obtained
35 for or in connection with the Route 6 Expressway, which real property
36 is not necessary for such purposes. The commissioner shall notify the
37 chief elected official of the municipality in which said property is
38 located and the state representative and the state senator representing
39 the municipality in which said property is located not later than one
40 year after the date a determination is made that the property is not
41 necessary for highway purposes and that the department intends to
42 dispose of the property. [No such determination shall be made without
43 the commissioner first holding a public hearing concerning such
44 proposed disposition and the approval of the Federal Highway
45 Administration.]

46 (b) The Department of Transportation shall obtain a full appraisal
47 on excess property prior to its sale pursuant to this section. Except as
48 provided in subsection (c) of this section, transfers to other state
49 agencies and municipalities for purposes specified by the department
50 shall be exempt from the appraisal requirement. The department shall
51 obtain a second appraisal if such property is valued over one hundred
52 thousand dollars and is not to be sold through public bid or auction. If
53 a second appraisal is obtained, the sale price shall be the average of the
54 two appraisals. Any appraisals or value reports shall be obtained prior
55 to the determination of a sale price of the excess property.

56 (c) Notwithstanding the provisions of sections 3-14b and 4b-21 of
57 the general statutes, no property, whether or not a structure is situated
58 upon it at the time it is obtained by the department for highway
59 purposes, may be sold or transferred pursuant to this section not later
60 than twenty-five years after the date of its acquisition without the
61 department first offering the owner or owners of the property at the
62 time of its acquisition a right of first refusal to purchase the property at
63 the amount of its appraised value as determined in accordance with
64 the provisions of subsection (b) of this section, except for property
65 offered for sale to municipalities prior to the effective date of this
66 section. Notice of such offer shall be sent to each such owner by
67 registered or certified mail, return receipt requested, not later than one
68 year after the date a determination is made that such property is not
69 necessary for highway purposes. Any such offer shall be terminated by
70 the department if it has not received written notice of the owner's
71 acceptance of the offer not later than ninety days after the date it was
72 mailed. Whenever the offer is not so accepted, the department shall
73 offer parcels which meet local zoning requirements for residential or
74 commercial use to other state agencies and shall offer parcels which do
75 not meet local zoning requirements for residential or commercial use
76 to all abutting landowners in accordance with department regulations.
77 If the sale or transfer of the property pursuant to this section results in
78 the existing property of an abutting landowner becoming a
79 nonconforming use as to local zoning requirements, the commissioner

80 may sell or transfer the property to that abutter without public bid or
81 auction. The commissioner shall adopt regulations, in accordance with
82 the provisions of chapter 54 of the general statutes, establishing
83 procedures for the disposition of excess property pursuant to the
84 provisions of this subsection in the event such property is owned by
85 more than one person.

86 (d) Where the department has in good faith and with reasonable
87 diligence attempted to ascertain the identity of persons entitled to
88 notice under subsection (c) of this section and mailed notice to the last-
89 known address of record of those ascertained, the failure to in fact
90 notify those persons entitled thereto shall not invalidate any
91 subsequent disposition of property pursuant to this section.

92 Sec. 3. (NEW) (*Effective from passage*) (a) For the purpose of this
93 section, "abandoned cemetery" means a cemetery in which no burial
94 has been made during the previous forty years and in which the lots or
95 graves have not been maintained during the previous ten years except
96 for maintenance rendered by the municipality in which such cemetery
97 is located.

98 (b) Any municipality may acquire an abandoned cemetery,
99 including ownership of any unoccupied lots or grave sites in such
100 cemetery. Such municipality may cause a survey of such cemetery to
101 be completed in order to ascertain the extent of such cemetery. The
102 municipality shall use due diligence in identifying any owners of the
103 abandoned cemetery or any of the cemetery's unoccupied lots or grave
104 sites and shall provide notice to such owners of the municipality's
105 intention to acquire the abandoned cemetery. In the event that a
106 municipality is unable to locate such an owner, the municipality shall
107 publish notice of its intention to acquire the abandoned cemetery in a
108 newspaper having a general circulation in such municipality. Such
109 notice shall be published for a period of three successive weeks.

110 (c) The notice described in subsection (b) of this section shall give a
111 basic description of the abandoned cemetery, by reference to the

112 municipality's tax maps, and shall set a date and place where
113 objections to the acquisition of the cemetery by the municipality will be
114 heard.

115 (d) Any owner who receives notice pursuant to subsection (b) of this
116 section may reassert his or her right of ownership over the abandoned
117 cemetery, unoccupied lot or grave site, as applicable, by sending
118 written notice of his or her objection to the municipality not later than
119 fourteen days after his or her receipt of notice pursuant to subsection
120 (b) of this section. Any owner who reasserts his or her rights pursuant
121 to this subsection shall promptly comply with all municipal ordinances
122 concerning such abandoned cemetery, unoccupied lot or grave site.

123 (e) In the event that no objection is received by the municipality
124 pursuant to subsection (d) of this section within fifteen days of the last
125 date of publication of the notice described in subsections (b) and (c) of
126 this section, title to such abandoned cemetery and any unoccupied lots
127 or graves shall vest in such municipality. Whenever title vests in a
128 municipality pursuant to this subsection, such municipality shall
129 record a confirmation of such vesting, including a basic description of
130 the cemetery, in the registry of deeds within the town that such
131 cemetery is located.

132 (f) If title to an abandoned cemetery vests with a municipality
133 pursuant to subsection (e) of this section, such municipality shall
134 maintain title to such cemetery and shall not transfer title to such
135 cemetery. For any such cemetery, the municipality that gains title
136 pursuant to subsection (e) of this section shall maintain the
137 characteristics of such cemetery and make no changes in the use of
138 such cemetery land.

139 Sec. 4. Section 6 of special act 90-37, as amended by special act 91-4,
140 is amended to read as follows (*Effective from passage*):

141 (a) Notwithstanding any provision of the general statutes, [to the
142 contrary,] the commissioner of correction shall convey to the town of

143 East Lyme, subject to the approval of the state properties review board
144 and for a cost equal to the administrative costs of making such
145 conveyance, a parcel of land located in the town of East Lyme, having
146 an area of approximately ten acres and shown on a map on file in the
147 office of the town clerk in East Lyme, entitled "Town of East Lyme
148 Proposed Site for AHEPA Elderly Housing Complex, Connecticut
149 Route 156 and Roxbury Rd., East Lyme, Connecticut, Scale 1" = 40'
150 January 1990."

151 (b) The town of East Lyme shall use said parcel of land for an
152 elderly housing project, provided said town may convey the parcel to
153 AHEPA 250, INC., for such purpose. If the mortgage loan to AHEPA
154 250, INC., from the Secretary of Housing and Urban Development for
155 construction of an elderly housing project on said parcel is not closed
156 on or before April 1, 1992, or if said parcel is not used for an elderly
157 housing project at any time after the maturity of the loan, the title to
158 said parcel shall revert to the state of Connecticut. Notwithstanding
159 the provisions of this subsection, said parcel shall not revert to the
160 state of Connecticut if said Secretary acquires title by foreclosure or by
161 a deed in lieu of foreclosure. For any mortgage secured by said parcel
162 and insured by said secretary, the foreclosure by a third party on such
163 note or the granting of a deed in lieu of such foreclosure shall not
164 result in the reversion of said parcel to the state of Connecticut.

165 (c) The state properties review board shall complete its review of the
166 conveyance of said parcel of land not later than thirty days after it
167 receives a proposed agreement from the department of correction. The
168 land shall remain under the care and control of said department until a
169 conveyance is made in accordance with the provisions of this section.
170 The state treasurer shall execute and deliver any deed or instrument
171 necessary for a conveyance under this section and the commissioner of
172 correction shall have the sole responsibility for all other incidents of
173 such conveyance.

174 Sec. 5. (*Effective from passage*) Notwithstanding a certain restriction

175 contained in a quit claim deed from the state of Connecticut,
176 Department of Transportation, to the city of Norwalk, dated May 22,
177 1961, and recorded in the city of Norwalk Land Records in volume ____,
178 page ____, that the parcels of land designated as parcels 19, 20, 21 and
179 22 on Connecticut Department of Transportation Map 478 be used for
180 highway purposes only, said parcels may be used for other than
181 highway purposes and said restriction is released and relinquished
182 and shall have no further force and effect.

183 Sec. 6. (*Effective from passage*) (a) Notwithstanding any provision of
184 the general statutes, the Commissioner of Transportation shall convey
185 to the city of Norwalk a parcel of land located in the city of Norwalk,
186 at a cost equal to the administrative costs of making such conveyance.
187 Said parcel of land has an area of approximately 0.386 acre and is
188 identified as "AREAS TO BE QUIT CLAIMED BY THE STATE OF
189 CONNECTICUT TO THE CITY OF NORWALK" on a map entitled
190 "Compilation Survey For Crescent Street Road Abandonment Purposes
191 Prepared For 95/7 Ventures LLC and the City of Norwalk and the
192 State of Connecticut, Reed Putnam Project, Norwalk, Connecticut,
193 Scale 1"=40', January 28, 2008, William W. Seymour & Associates, P.C."
194 The conveyance shall be subject to the approval of the State Properties
195 Review Board.

196 (b) The State Properties Review Board shall complete its review of
197 the conveyance of said parcel of land not later than thirty days after it
198 receives a proposed agreement from the Department of
199 Transportation. The land shall remain under the care and control of
200 said department until a conveyance is made in accordance with the
201 provisions of this section. The State Treasurer shall execute and deliver
202 any deed or instrument necessary for a conveyance under this section.
203 The Commissioner of Transportation shall have the sole responsibility
204 for all other incidents of such conveyance.

205 Sec. 7. (*Effective from passage*) Notwithstanding any provision of the
206 general statutes, the city of Norwalk shall grant to the State of

207 Connecticut, at a cost equal to the administrative costs of making such
208 easement, a full and perpetual drainage right-of-way according to the
209 terms that govern an existing thirty-foot right-of-way reserved by the
210 State of Connecticut in Volume 1046, Page 60 and depicted on map
211 number 8212 of the Norwalk Land Records. Such easement is
212 identified as "AREA OF EASEMENT TO BE GRANTED BY THE CITY
213 OF NORWALK TO THE STATE OF CONNECTICUT" on a map
214 entitled "Compilation Survey For Crescent Street Road Abandonment
215 Purposes Prepared For 95/7 Ventures LLC and the City of Norwalk
216 and the State of Connecticut, Reed Putnam Project, Norwalk,
217 Connecticut, Scale 1"=40', January 28, 2008, William W. Seymour &
218 Associates, P.C." The grant of such easement shall be subject to
219 approval by the State Properties Review Board.

220 Sec. 8. (*Effective from passage*) Notwithstanding any provision of the
221 general statutes, the Commissioner of Transportation shall enter into
222 an agreement with the city of Norwalk for the exchange of two parcels
223 of land located in the city of Norwalk, simultaneously and each in
224 consideration of the other. The parcel of land to be conveyed by the
225 Commissioner of Transportation in said exchange is identified as
226 "AREA TO BE CONVEYED BY THE STATE OF CONNECTICUT TO
227 THE CITY OF NORWALK" on a map entitled "Compilation Survey
228 For Crescent Street Road Abandonment Purposes Prepared For 95/7
229 Ventures LLC and the City of Norwalk and the State of Connecticut,
230 Reed Putnam Project, Norwalk, Connecticut, Scale 1"=40', January 28,
231 2008, William W. Seymour & Associates, P.C." Said parcel has an area
232 of approximately .149 acre. The parcel of land to be conveyed by the
233 city of Norwalk in said exchange is identified as "AREA TO BE
234 CONVEYED BY THE CITY OF NORWALK TO THE STATE OF
235 CONNECTICUT" on a map entitled "Compilation Survey For Crescent
236 Street Road Abandonment Purposes Prepared For 95/7 Ventures LLC
237 and the City of Norwalk and the State of Connecticut, Reed Putnam
238 Project, Norwalk, Connecticut, Scale 1"=40', January 28, 2008, William
239 W. Seymour & Associates, P.C." Said parcel has an area of
240 approximately .176 acre. The city of Norwalk shall pay the

241 administrative costs incurred by the state in the exchange of said
242 parcels of land. The Commissioner of Transportation shall pay the
243 costs of any survey of either of said parcels of land that is prepared for
244 the purposes of said exchange. Said exchange shall be subject to the
245 approval of the State Properties Review Board.

246 (b) The State Properties Review Board shall complete its review of
247 the exchange of said parcels of land not later than thirty days after it
248 receives a proposed agreement from the Department of
249 Transportation. The state land shall remain under the care and control
250 of said department until a conveyance is made in accordance with the
251 provisions of this section. The State Treasurer shall execute and deliver
252 any deed or instrument necessary for a conveyance under this section.
253 The Commissioner of Transportation shall have the sole responsibility
254 for all other incidents of such conveyance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	SA 07-11, Sec. 31
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	SA 90-37, Sec. 6
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section

Statement of Purpose:

To convey certain parcels of state land and establish standards for the acquisition of abandoned cemeteries by municipalities.

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