



General Assembly

January Session, 2009

Committee Bill No. 336

LCO No. 5052

05052SB00336GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT AMENDING THE PROCESS FOR THE SALE OF LAND OBTAINED BY THE STATE FOR HIGHWAY PURPOSES INCLUDING THE PROPERTY BY THOSE ABUTTING ROUTE 6.

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

1 Section 1. Section 13a-80 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) The commissioner, with the advice and consent of the Secretary
4 of the Office of Policy and Management and the State Properties
5 Review Board may sell, lease and convey, in the name of the state, or
6 otherwise dispose of, or enter into agreements concerning, any land
7 and buildings owned by the state and obtained for or in connection
8 with highway purposes or for the efficient accomplishment of the
9 foregoing purposes or formerly used for highway purposes, which real
10 property is not necessary for such purposes. The commissioner shall
11 notify the state representative and the state senator representing the
12 municipality in which said property is located within one year of the
13 date a determination is made that the property is not necessary for
14 highway purposes and that the department intends to dispose of the

15 property.

16 (b) The Department of Transportation shall obtain a full appraisal
17 on excess property prior to its sale. Except as provided in subsection
18 (c) of this section, transfers to other state agencies and municipalities
19 for purposes specified by the department shall be exempt from the
20 appraisal requirement. [The department shall obtain a second
21 appraisal if such property is valued over one hundred thousand
22 dollars and is not to be sold through public bid or auction.] Any
23 appraisals or value reports shall be obtained prior to the determination
24 of a sale price of the excess property.

25 (c) Notwithstanding the provisions of sections 3-14b and 4b-21, no
26 residential property upon which a single-family dwelling is situated at
27 the time it is obtained by the department for highway purposes may be
28 sold or transferred pursuant to this section within twenty-five years of
29 the date of its acquisition without the department's first offering the
30 owner or owners of the property at the time of its acquisition a right of
31 first refusal to negotiate the purchase of the property at or below the
32 amount of its appraised value as determined in accordance with the
33 provisions of subsection (b) of this section, except for property offered
34 for sale to municipalities prior to July 1, 1988. Notice of such offer shall
35 be sent to each such owner by registered or certified mail, return
36 receipt requested, within one year of the date a determination is made
37 that such property is not necessary for highway purposes. Any such
38 offer shall be terminated by the department if it has not received
39 written notice of the owner's acceptance of the offer to negotiate the
40 purchase of the property within sixty days of the date it was mailed.

41 (d) If the department receives written notice of the owner's
42 acceptance of the offer to negotiate the purchase of the property
43 pursuant to subsection (a) of this section, the department shall notify
44 the owner of the department's receipt of the acceptance. The
45 department shall immediately commence such negotiations and such
46 negotiations shall conclude not later than one hundred twenty days

47 after the department's notification of the receipt of such acceptance.

48 (e) Whenever the offer to negotiate is not so accepted by the owner
49 pursuant to subsection (c) of this section or the department and owner
50 are unable to negotiate the purchase of the property, the department
51 shall offer parcels which meet local zoning requirements for residential
52 or commercial use to other state agencies and shall offer parcels which
53 do not meet local zoning requirements for residential or commercial
54 use to all abutting landowners in accordance with department
55 regulations. If the sale or transfer of the property pursuant to this
56 section results in the existing property of an abutting landowner
57 becoming a nonconforming use as to local zoning requirements, the
58 Commissioner of Transportation may sell or transfer the property to
59 that abutter without public bid or auction. The commissioner shall
60 adopt regulations, in accordance with the provisions of chapter 54,
61 establishing procedures for the disposition of excess property pursuant
62 to the provisions of this subsection in the event such property is
63 owned by more than one person.

64 [(d)] (f) Where the department has in good faith and with
65 reasonable diligence attempted to ascertain the identity of persons
66 entitled to notice under subsection (c) of this section and mailed notice
67 to the last known address of record of those ascertained, the failure to
68 in fact notify those persons entitled thereto shall not invalidate any
69 subsequent disposition of property pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	13a-80

Statement of Purpose:

To create a process whereby an original owner may be allowed to negotiate the repurchase of property taken for highway purposes and later deemed unnecessary.

[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.]

Co-Sponsors: SEN. DEFRONZO, 6th Dist.; SEN. PRAGUE, 19th Dist.

S.B. 336