



Senate

General Assembly

File No. 554

February Session, 2018

Substitute Senate Bill No. 517

Senate, April 17, 2018

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROVISION OF NOTICE OF CONDEMNATION AND ASSESSMENT OF DAMAGES FROM THE COMMISSIONER OF TRANSPORTATION TO A PERSON HAVING AN INTEREST OF RECORD.

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

1 Section 1. Subsection (b) of section 13a-73 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

4 (b) The commissioner may take any land the commissioner finds
5 necessary for the layout, alteration, extension, widening, change of
6 grade or other improvement of any state highway or for a highway
7 maintenance storage area or garage and the owner of such land shall
8 be paid by the state for all damages, and the state shall receive from
9 such owner the amount or value of all benefits resulting from such
10 taking, layout, alteration, extension, widening, change of grade or
11 other improvement. The use of any site acquired for highway

12 maintenance storage area or garage purposes by condemnation shall
13 conform to any zoning ordinance or development plan in effect for the
14 area in which such site is located, provided the commissioner may be
15 granted any variance or special exception as may be made pursuant to
16 the zoning ordinances and regulations of the town in which any such
17 site is to be acquired. The assessment of such damages and of such
18 benefits shall be made by the commissioner and filed by the
19 commissioner with the clerk of the superior court for the judicial
20 district in which the land affected is located. The commissioner shall
21 give notice of such assessment to each person having an interest of
22 record therein, or such person's designated agent for service of
23 process, by mailing to [each] such person a copy of the same, postage
24 prepaid, and, at any time after such assessment has been made by the
25 commissioner, the physical construction of such layout, alteration,
26 extension, widening, maintenance storage area or garage, change of
27 grade or other improvement may be made. If notice cannot be given to
28 any person entitled thereto because such person's whereabouts or
29 existence is unknown, notice may be given by publishing a notice at
30 least twice in a newspaper published in the judicial district and having
31 a daily or weekly circulation in the town in which the property
32 affected is located. Any such published notice shall state that it is a
33 notice to the last owner of record or such owner's surviving spouse,
34 heirs, administrators, assigns, representatives or creditors if he or she
35 is deceased, and shall contain a brief description of the property taken.
36 Notice shall also be given by mailing to [each] such person at his or her
37 last-known address, by registered or certified mail, a copy of such
38 notice. If, after a search of the land and probate records, the address of
39 any interested party cannot be found, an affidavit stating such facts
40 and reciting the steps taken to establish the address of any such person
41 shall be filed with the clerk of the court and accepted in lieu of service
42 of such notice by mailing the same to the last-known address of such
43 person. Upon filing an assessment with the clerk of the court, the
44 commissioner shall forthwith sign and file for record with the town
45 clerk of the town in which such real property is located a certificate
46 setting forth the fact of such taking, a description of the real property

47 so taken and the names and residences of the owners from whom it
 48 was taken. Upon the filing of such certificate, title to such real property
 49 in fee simple shall vest in the state of Connecticut, except that, if it is so
 50 specified in such certificate, a lesser estate, interest or right shall vest in
 51 the state. The commissioner shall permit the last owner of record of
 52 such real property upon which an owner-occupied residence or owner-
 53 operated business is situated to remain in such residence or operate
 54 such business, rent free, for a period of ninety days after the filing of
 55 such certificate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	13a-73(b)

Statement of Legislative Commissioners:

In Section 1(b), "mailing to each" was changed to "mailing to [each] such person" for clarity and consistency with other provisions in the bill.

JUD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The provision in the bill is technical and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 517*****AN ACT CONCERNING THE PROVISION OF NOTICE OF CONDEMNATION AND ASSESSMENT OF DAMAGES FROM THE COMMISSIONER OF TRANSPORTATION TO A PERSON HAVING AN INTEREST OF RECORD.*****SUMMARY**

This bill allows the Department of Transportation (DOT) commissioner to serve process to the designated agent of a person who has an interest of record in land involved in an eminent domain-related proceeding.

By law, DOT may take a person's land for a number of reasons, including when it is needed for the layout, alteration, extension, widening, or other improvement of a state highway ("eminent domain"). However, the state must pay the property owner for all damages. The DOT commissioner must (1) assess the damages, (2) file the assessment with the Superior Court for the judicial district where the land is located, and (3) sign and file a certificate with the town clerk to record the taking of the property.

Under current law, the commissioner must give notice of the assessment to each person who has an interest of record in the land. The bill allows the commissioner to send such notice to the person or the person's designated agent.

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (04/02/2018)