



General Assembly

February Session, 2018

***Raised Bill No. 517***

LCO No. 2868



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***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2 repealed and the following is substituted in lieu thereof (*Effective*  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 a copy of the same, postage prepaid, and,  
24 at any time after such assessment has been made by the commissioner,  
25 the physical construction of such layout, alteration, extension,  
26 widening, maintenance storage area or garage, change of grade or  
27 other improvement may be made. If notice cannot be given to any  
28 person entitled thereto because such person's whereabouts or existence  
29 is unknown, notice may be given by publishing a notice at least twice  
30 in a newspaper published in the judicial district and having a daily or  
31 weekly circulation in the town in which the property affected is  
32 located. Any such published notice shall state that it is a notice to the  
33 last owner of record or such owner's surviving spouse, heirs,  
34 administrators, assigns, representatives or creditors if he or she is  
35 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	<i>October 1, 2018</i>	13a-73(b)

**Statement of Purpose:**

To permit the Commissioner of Transportation to provide notice to the agent for service of process of a person having an interest of record in a proceeding commenced pursuant to section 13a-73.

*[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.]*