

Real Property Chapter 8

Concern that Chapter 8 is too complicated and that an attorney will be needed.

1. Most of the Charter deals with relations among Town agencies and not property rights. Buying and selling real property with third parties deserves a clear procedure to protect the Town.

2. The procedure has been revised to flow from start to finish. No jumping back and forth (choppy) as now. Actions flow one direction, starting with a decision to start the sale process through to the sale itself. A layman should be able to follow the flow of Chapter 8 without an attorney, but where the purchase is substantial it is likely that the purchaser will want an attorney anyway

3. Minor purchases and sales of property having a value of \$20,000 or less are exempted from the procedure so the 25 by 100 foot lots in the so-called "waterfront developments" taken for taxes will be easy to sell. Routine lot line revisions are also exempted by the \$20,000 upset limit unless the property is really unusual.

4. All relevant boards and commissions will have an opportunity to comment. No one will be able to complain that they did not have a chance to put in their two cents. In an analogous situation I represented a subdivider in a court case. Failure to expose the proposed subdivision to comment by the Conservation Commission was one of the points the environmental intervenor complained about. The Conservation Commission did not get asked. The case went all the way to the Connecticut Supreme Court. Certainly selling Town land is as important as action on a subdivision.

5. **But the real point is that the charter provides protection. An ordinance is too easy to change.** I propose changes in zoning and subdivision regulations all the time where they may prohibit or limit what my client wants to do. I do not always get it, but it is an available course of action. If this charter were an ordinance instead of a charter, a buyer of Town real estate might ask the LC to amend the ordinance to eliminate the requirement that the appraiser be licensed, or maybe that no appraisal is needed at all. Then you could get a hack who is not really an appraiser at all but is friendly with the buyer. ETC. It might never happen, but **why not make the protections permanent.**

We operate under a rule of law and not personalities. Present company may never think they would ever let something bad happen, but I only need to mention First Selectman Rod McKenzie and his tires to prove my point that persons in power can abuse it. We are not writing a charter to make it easier to do so.