

1 **Chapter 8 - ACQUISITION OR DISPOSITION OF REAL PROPERTY**

2 **8-01 General Provisions**

3 (a) Definitions: The following terms shall have the meaning ascribed to them below.

4 (1) **Real Property:** The term "Real Property," as defined herein, shall include any town-
5 owned parcel of land, structure, or interest in such land or structures. The term **Real**
6 **Property** shall not include parcels with an appraised value of less than \$20,000 nor
7 leases that have terms, with options, of less than 5 years.

8 (2) **Acquisition:** The term "Acquisition" shall include, without limitation, the

9 (i) Receipt of real property as a result of non-payment of taxes or **property exchanges,**

10 (ii) Acceptance of gifts, with or without conditions,

11 (iii) **Acceptance of a leasehold,** or

12 (iv) Purchase of real property.

13 (3) **Disposition:** The term "Disposition" shall include the sale, **exchange,** abandonment, or
14 other disposition of **Real Property** and shall also include any decision to permit leases
15 of **Real Property**. The **Disposition of Real Property** shall be restricted to:

16 (i) **Real Property** that is **excess land** not needed for municipal purposes now or in the
17 foreseeable future,

18 (ii) **Real Property** that is required to facilitate the acquisition of improved or
19 unimproved **Real Property** for a project already funded, or

20 (iii) **Real Property** that is not under the management of another **Town Body,** as
21 provided for in this Charter.

22 (b) The **Town** shall have all the powers set forth in the General Statutes and in this Charter to
23 acquire and dispose of **Real Property.** **Detailed processes or procedures for the**
24 **Acquisition and Disposition of Real Property** shall be provided for in **Town ordinances.** **If**
25 **such ordinances are not available, the Legislative Council shall initiate the creation of such**
26 **ordinances within 60 days of the effective date of this Charter. Such ordinances shall include**
27 **the be consistant with** requirements provided in Sections 8-05 and 8-10. **The Town shall**
28 **also have regulations for** parcels with a value of less than \$20,000 or leases that have
29 terms, with options, of less than 5 years **Sections 8-05 and 8-10 need not apply. If such**
30 **regulations are not available, the Town shall provide such regulations within 180 days of**
31 **the effective date of this Charter.**

32 (c) If the transfer of **Real Property** provides consideration, in whole or in part, for the
33 acquisition of other real property, the appraised value of the transferred **Real Property**
34 shall be included for the purpose of making an appropriation as if it were a cash payment.

35 **8-05 Acquisition of Real Property**

36 (a) A recommendation to acquire real property shall be initiated by the First Selectman, with
37 the approval of the Board of Selectmen, and presented to the Legislative Council.

38 (b) The Legislative Council, subject to the availability of appropriations for the specific purpose,
39 may authorize the **Acquisition** of real property **for all Town purposes** with **a majority**

40 consisting of at least six (6) affirmative votes. Exceptions to the power of the Legislative
41 Council to acquire real property include the following:

- 42 (1) The Planning and Zoning Commission shall have the power to accept on behalf of the
43 **Town** all open spaces, parks, playgrounds, real property for the purpose of widening or
44 realignment of existing public highways, conservation easements, conservation
45 restrictions, and easements for drainage, slope or similar purposes that it requires to be
46 provided by a subdivider as a condition of subdivision approval. Title of said property
47 shall be free and clear of all encumbrances that are unacceptable to the Planning and
48 Zoning Commission.
- 49 (2) The Board of Selectmen shall have the power to acquire real property for public
50 highways and related purposes as provided in Subsection 2-115(d)(7).
- 51 (c) Prior to a Legislative Council vote to acquire real property, the following shall be completed.
- 52 (1) The Finance Director shall prepare and submit a Financial Impact Statement to the
53 Board of Finance and Legislative Council, as provided in Section 7-25, for all property
54 **Acquisitions** other than those excepted in Subsection 8-05(b) and
- 55 (2) ~~The Legislative Council shall obtain a~~ An appraisal of said real property from an
56 appraiser licensed or certified by the State of Connecticut is required.
- 57 (d) If the real property proposed to be acquired is for purposes for which a mandatory referral
58 is required by Section 8-24 of the General Statutes, said referral shall be made before any
59 action is taken.
- 60 (e) As provided in Section 6-35, if the real property proposed to be acquired requires an
61 appropriation of \$1,500,000 or more, said **Acquisition** shall require approval of a
62 referendum.
- 63 (f) Following the approval of the Legislative Council or referendum to acquire real property,
64 the Board of Selectmen shall authorize an officer, board or commission to act on behalf of
65 the **Town** in such **Acquisition**.

66 8-10 Disposition of Real Property

- 67 (a) The First Selectman, with the approval of the Board of Selectmen, and the Legislative
68 Council by a majority vote of its membership, may propose the **Disposition of Real**
69 **Property**.
- 70 ~~(a)(b)~~ Real property acquired for non-payment of taxes shall be sold unless the Legislative
71 Council by a majority of at least six (6) affirmative votes to retain said property.
- 72 ~~(b)(c)~~ After the proposal to dispose of Real Property is made the Town Before any other action
73 to is taken subsequent to the proposal to dispose of Real Property, the Town shall:
- 74 (1) Post a sign conspicuously on said **Real Property** within 14 days of the proposal and for
75 the duration of the Disposition,
- 76 (2) Provide warning public notice of the availability of said **Real Property** according to
77 Subsection 1-25(b) within 14 days of the proposal,
- 78 (3) Have all properties affected in the proposed **Disposition**, both before and after if
79 properties are exchanged, appraised by an appraiser licensed or certified by the State of
80 Connecticut. to ascertain their values both before and after the transaction.

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- 81 | (4) ~~Circulate, within 5 days, Circulate~~ the proposal for comment to all boards and
82 | commissions having an interest in the **Disposition** of said **Real Property**.
- 83 | (5) Comply with General Statutes, when applicable, concerning the **Disposition** of public
84 | property, including but not limited to holding a public hearing [Section 7-163e of the
85 | General Statutes] and referring the proposed **Disposition** to the Planning and Zoning
86 | Commission [Section 8-24 of the General Statutes].
- 87 | ~~(d)~~(d) Upon meeting said requirements of Subsection 8-05(b), the Legislative Council may vote
88 | to sell or otherwise dispose of said **Real Property** as required by the General Statutes, if
89 | applicable, or by majority vote.
- 90 | (1) The Legislative Council may recommend that the Board of Selectmen consider factors
91 | other than obtaining the highest price, such as considering the buyer's binding
92 | commitment to use the property for a specific purpose ~~deemed and where there is a~~
93 | beneficial-benefit to the **Town**.
- 94 | ~~(d)~~(e) Where the Legislative Council votes to sell or otherwise dispose of **Real Property** having
95 | an appraised value of \$1,500,000 or more said action shall require approval of a
96 | referendum.
- 97 | ~~(e)~~(f) Following the approval of the Legislative Council or referendum, if needed, to dispose of
98 | **Real Property**, the First Selectman is authorized to take all steps necessary to carry out the
99 | sale or other disposition, including:
- 100 | (1) If the **Disposition** is to sell the **Real Property**, the First Selectman shall determine the
101 | method of sale that is in the best interest of the **Town**, including public auction or
102 | private sale – with or without listing the property for sale with a real estate broker. If
103 | the decision is made to sell the **Real Property** by private sale, the price and terms of the
104 | contract of sale shall be established by the First Selectman with the approval of the
105 | Board of Selectmen and confirmed by an affirmative vote of at least eight (8) members
106 | of the Legislative Council.
- 107 | (2) If the **Disposition** is to permit the lease of **Real Property**, the First Selectman shall:
- 108 | (i) Authorize an officer, board, ~~or Commission~~commission or authority, if needed, to
109 | negotiate the term(s) of the lease(s),
- 110 | (ii) Present the negotiated lease(s) to the Board of Selectmen for approval, and
- 111 | (iii) Present the approved lease(s) to ~~(s)~~ the Legislative Council for approval.