

Condemnation Commission Questions for June 14 6pm

QUESTIONS FOR DISCUSSION AT 6/14 meeting

1. What is the Town's procedure for condemnation for schools, public buildings or parks? Specifically, what Town entity would hold a hearing to decide
 - o whether to take
 - o what to take and
 - o how much to compensate (JC)
2. Presently the Condemnation Commission is set as a check/balance against potential overreaching executive power as they decide whether to take, only after the administration determines the need. The Flood Board determines the need and can plow ahead without further check until they need funds. [is this the Proper interpretation?] (JC)
3. The summary states "*The Condemnation Commission does not exercise the power of eminent domain regarding flood control*" That is exercised by the Flood and Erosion Control Board. Charter Section 47.
 - o [Sec 47](#) says "*Whenever the (Flood and Erosion Control) Board is unable to agree with the owner of any such property as to the compensation to be paid for the taking thereof, the board, in the name of the Town, may bring condemnation proceedings in accordance with the procedure provided by the General Statutes for condemnation by municipal corporation.*"
 - o Is this procedure not managed through the Condemnation Commission? If not, what code governs it?
4. The Summary states:
"The owners of such land are paid by the Town for all damages and the Town receives from such owners the amount or value of all benefits resulting from the improvement." (p1 parag3).
My understanding is that just compensation does not consider the benefits the Town receives - The fair measure of damages to the condemnee is the value in its hands at the time of the taking and not the value to the condemnor. [City of Norwich v. Styx Investors in Norwich, LLC](#), 92 Conn.App. 801, 806 (2006). [is this the Proper interpretation?] (JC)
5. What is the distinction between areas "*presently benefitted by sewer construction and assessment with respect to present benefits*" and "*future areas of benefit and assessments of benefits against property for future benefit?*" ([246a](#)) (JE)
6. The sewer assessment list and maps ([§247](#)) are assumedly drawn up by DPW but who approves the Map as stated in [§247?](#) "*Upon approval of each such map in the manner above provided, the Comptroller shall forthwith file the same in the office of the Town Clerk*"
 - o Similarly, the Condemnation Commission is required ([131](#), [256b](#)) to file a map (and assume make) with the Town Clerk. Does the Commission need this skill in one of their members? (JE)
7. The summary notes say that "*The Commission exercises eminent domain for the taking and assessment of damages and benefits. Charter Sections [128](#), [130-133](#)."* but the only references to "eminent domain" in the municipal code are in section [128a](#) which identify only instances where the Condemnation Commission may **not** exercise eminent domain. How are we to understand this? (JE)
8. [§244](#) Seems to state that the Commissioner of DPW has final say on whether the Town needs a sewer system, yet the Condemnation Commission seems to have the ability to block this if it deems the taking of property "unnecessary" ([248b](#)). Does a context need to be defined within which the

Condemnation Commission needs to understand its role? (see also Parking [128b](#), Highway and Drainage [159b](#)) (JE)

9. Parking: ([129b](#)) indicates that the Comptroller certifies costs to be assessed the Condemnation Commission but that costs to be taxed are certified to the Assessor. What is the distinction that needs to be understood here? (JE)
10. [Sec. 136](#). - Parking: Collection of assessment states "*The Tax Collector shall, upon warrant from the Condemnation Commission, have authority to collect the assessments and interest by foreclosure of the liens or by such other remedies as may be available to him for the collection of any Town taxes.*"
 - o Under what circumstances would the Condemnation Commission meet to determine whether a warrant should be issued? What is the process? Is this consistent with the purpose of the Condemnation Commission?
11. In reviewing the code section 157(b) it is unclear who "Assessor" refers to in the final sentence - it seems that it should refer to the condemnation commission but it is not clear given the capitalization. (KH) (check reference)
12. What is the difference between Allotments (125) and appropriations I(124) by the Board of Estimate and Taxation

Appropriation vs allotment?

Appropriation:

the action of taking something for one's own use, typically without the owner's permission: *the appropriation of parish funds*. • the artistic practice or technique of reworking images from well-known paintings, photographs, etc., in one's own work. **2** a sum of money or total of assets devoted to a special purpose.

Allotment:

the amount of something allocated to a particular person: *the gadget shuts off the television set when a kid has used up his allotment*. • *US, chiefly historical* a piece of land deeded by the government to a Native American, as part of the division of tribally held land. • *British* a plot of land rented by an individual for growing vegetables or flowers. • the action of allotting: *the allotment of equity securities*.