

EXECUTIVE SUMMARY

POWERS AND DUTIES OF THE CONDEMNATION COMMISSION

I. General Powers

The Condemnation Commission exercises the powers and performs the duties in respect to the condemnation of land and the assessment of damages and benefits arising only out of the construction of highways, sewers and public parking. Charter Section 157.

II. Highway

Whenever the Commissioner of Public Works deems it necessary to take any land for the layout, alteration, extension, widening, change of grade or improvement of any highway in the Town and no agreement can be reached with the owners of such land as to the damages which will be sustained or the benefits which will accrue to such owners from such taking, the Commissioner of Public Works submits the matter with the proposed plan to the Condemnation Commission for action.

The Commission notifies the owners of the land of a hearing on the proposed taking. The Commission conducts a hearing and upon its finding that it is necessary to take such land the owners of such land are paid by the Town for all damages.

The assessment of such damages and of such benefits made by the Condemnation Commission is filed with the Town Clerk, and at any time thereafter the Commissioner of Public Works may commence the taking.

Any person claiming to be aggrieved by assessment of special damages or of special benefits by the Condemnation Commission may, within thirty (30) days after such assessment shall have been so filed, apply to the Superior Court for Fairfield County for a reassessment of such special damages or special benefits so far as they affect such applicant. Charter Sections 157-162.

III. Highway Drainage

When any ditch, drain, gutter or other construction is required for the purpose of draining any highway in the Town, or for any other drainage purpose, the same procedure used for takings for highway construction is followed. Charter Section 163.

IV. Sewers

Whenever the Commissioner deems it necessary to take any land, building, easement and other property for the construction of any sewer, sewerage system, sewage disposal plant or trunk sewer, and the Commissioner is unable to obtain the same by purchase at a price considered to be reasonable by the Commissioner and the Board of Estimate and Taxation, the Commissioner applies to the Condemnation Commission for the condemnation of such land, building, easement and other property required for such purpose, and for an assessment of damages. The Condemnation Commission notifies all persons claiming interests in such property of a hearing on such proposed

taking under the same provisions as are provided for the taking of any land found necessary by the Commissioner of Public Works

If the Board of Estimate and Taxation approves an appropriation for the construction of a sewer or sewerage system, the Board determines the present and future benefits and the portion of the cost to be reimbursed to the Town. The RTM in approving the appropriation may also increase the amount to be reimbursed to the Town by benefitted property owners.

All or such part of the cost of the construction of such sewer or sewerage system, which is to be assessed against the property within an area of benefit, is apportioned by the Condemnation Commission against the property in the proportion to the benefit each lot or parcel derives therefrom as outlined in the Charter.

The Condemnation Commission files in the office of the Town Clerk a detailed map of the area benefitted and its proposed apportionment and assessment of benefits with reference to the map of the benefitted area.

After making and filing such map and apportionment, the Condemnation Commission serves on each property owner a notice of the completion and filing, and the Condemnation Commission meets to hear objections and may modify and correct the same, with the final versions being filed in the office of the Town Clerk..

The Condemnation Commission assesses against each lot or parcel of land within an area of benefit the amount of the benefits apportioned to each such lot or parcel, and the assessments are set forth in the "Sewer Assessment List" with references to the map of the benefitted area, and the same is filed in the office of the Town Clerk.

Appeals of the assessment of damages or benefits may be taken to the Superior Court for Fairfield County.

In the event that any property at any time derives a material increase in benefits due to an increase in the use of a sewer or sewerage system or as a result of a connection of any sewer or sewerage system with any other sewer or sewerage system, the Condemnation Commission may make an additional assessment against such property so served or benefitted in an amount which reflects the value of the increase in benefits to such property resulting from such increased use. Charter Sections 248, 256-259.

V. Public Parking

The Condemnation Commission acts similarly in the taking of areas for public parking and the assessment of damages and benefits. Charter Sections 128, 130-133.

VI. Flood & Erosion Control

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. 7/31/2018