

ORDINANCE RESTRICTING EMINENT DOMAIN

WHEREAS: The Town of Seymour recognizes that the right to quiet enjoyment of private property is a sacred and historic American guarantee.

WHEREAS: The Town of Seymour recognizes that it may exercise the power of eminent domain to acquire private property in accordance with The Connecticut General Statutes (Sec. 7-178, Sec. 48-6) and Connecticut Common Law.

WHEREAS: The Town of Seymour recognizes that the exercise of eminent domain is a harsh proceeding which has the effect of bringing into question the ownership security of all private citizens.

IT IS THEREFORE ORDAINED:

That the Town of Seymour shall establish the following restrictions and requirements for the Towns exercise of eminent domain:

A. The Board of Selectmen must find that the taking of a private parcel of land has a significant and logical nexus to the safety health and/or welfare of its citizens and is within the scope of the municipal powers granted as enumerated in Connecticut General Statutes (Sec 7-78) prior to the scheduling of a Town meeting to discuss and act upon the eminent domain proceedings.

B. The Board of Selectmen must acquire 2 independent appraisals of the property sought to acquire prior to its negotiations to purchase with the owner.

C. The Board of Selectmen must demonstrate that it has engaged in good faith negotiations with the owner of the subject property prior to the scheduling of a town meeting to discuss and act upon the eminent domain proceedings.

D. The mere showing that the Town may enjoy a revenue tax benefit from a particular taking will not be, in and of itself, adequate justification to proceed to an eminent domain proceeding. The Board of Selectmen must demonstrate and enumerate all benefits to the common good of the citizens of Seymour prior to its scheduling a Town meeting to discuss the eminent domain proceedings.

E. The Town shall not sell, lease, transfer or in any other way convey any private premises taken by it to a private individual or business entity. Any property taken by eminent domain must be used for the stated purpose unless it becomes impracticable or impossible to so use such property. In the event that the said property cannot be used for the stated purpose then said property shall be offered for sale to the original owner for an amount paid by the Town under the eminent domain proceedings. If the owner is not available or declines the offer under this section the subject property shall be offered at a public auction within two months of the determination that said owner is not available or declines the offer.

F. Eminent domain shall not be employed for the sole purpose of obtaining open spaces or restricting housing development.

G. . Effective Date.

This Ordinance shall be effective immediately upon action of the Board of Selectmen.

Adopted this day of 2005 by the Seymour Board of Selectmen.

Robert J. Koskelowski
First Selectman