

# **Town of Ellington**

## **Policies & Procedures**

### **PROCEDURE FOR ACQUIRING REAL ESTATE**

1. If the First Selectman determines that a parcel of land should be acquired, whether by purchase or acceptance of a donation, or upon direction of the Board of Selectmen to acquire a parcel of land, the First Selectman shall pursue the acquisition in accordance with the procedures set forth herein. At the Board's election, such a determination may be held in Executive Session.
2. The First Selectman shall designate a staff member or official to discuss the availability of the property and the terms of acquisition with the owner. A description of the parcel under consideration shall be obtained and should include at least a copy of the Assessor's map of location, a copy of the Assessor's card which should include the correct name of the present owner, and a copy of the deed from the town records. Notwithstanding the foregoing, in the event of land being donated to the Town in connection with a land use approval, the Town's designated staff member shall be the Town Planner and, in addition to the information to be provided, a copy of the applicable approved land use plans shall be obtained.
3. The Assessor shall be requested by the First Selectman to establish the fair market value of the property and submit same, in writing to the First Selectman. This step shall not be required in the case of a donation of land to the Town.
4. Upon receipt of the terms of acquisition of the property satisfactory to the First Selectman, s/he shall instruct the Town Attorney to prepare an Option to Purchase Agreement, or Contract to Purchase (with appropriate contingencies, including due diligence, appraisal, appropriations, and Town approval contingencies), setting forth the terms of the proposed acquisition. The Town Attorney shall thereafter be the negotiator on behalf of the Town. This step shall not be required in the case of a donation of land to the Town.
5. Upon full execution of the Option or Contract, or upon notice by the donor of its intent to donate land to the Town, as the case may be, the Town shall investigate the property to determine whether it should or should not be acquired. The First Selectman shall refer the matter to the following Town staff for comments or recommendations:
  - a) Town Planner
  - b) Director of Public Works/WPCA Administrator
  - c) Building Official
  - d) Assessor
  - e) Tax Collector
  - f) Planning and Zoning Commission pursuant to CGS §8-24 (unless the property is proposed to be donated in connection with a land use approval)

- g) Permanent Building Committee, in accordance with Section 913 of the Town Charter, if necessary
- h) Any additional department, town staff or consultant that the First Selectman may deem necessary.

The First Selectman may decide if an appraisal is necessary and, if so, obtain the same.

The First Selectman may retain an environmental consultant to verify that the property is free of hazardous material, i.e., contaminated soil, abandoned oil tanks, asbestos, etc.

6. When the First Selectman has received all of the aforementioned comments, including the reports of the Planning and Zoning Commission and/or Permanent Building Committee if necessary, then s/he shall place the matter on the agenda of a Board of Selectmen's meeting for review. The First Selectman shall make a recommendation to the Board about whether to consummate the proposed acquisition in accordance with the Option or Contract, or the donor's offer of donation, as the case may be. The Board shall thereafter determine whether to consummate the acquisition. At the Board's election, these discussions may be held in Executive Session.
7. If the Board elects not to proceed with the acquisition, the First Selectman shall promptly notify the seller or donor and take necessary steps to terminate any Option or Contract, as the case may be, within the stated contingency periods so as to obtain a return of any deposit paid.
8. If the Board elects to proceed with the acquisition, it shall determine if any associated expenditure of funds requires Board of Finance approval and, if so, refer the matter to the Board of Finance for consideration.

If Board of Finance approval is required and the Board of Finance does not approve an additional appropriation for the purchase of the property, the First Selectman shall promptly notify the seller and take necessary steps to terminate any Option or Contract, as the case may be, within the stated contingency periods so as to obtain a return of any deposit paid.

If Board of Finance approval is required and the Board of Finance does approve an additional appropriation for the purchase of the property, the Board of Selectmen shall determine if a Town Meeting is required for either the additional appropriation or the acquisition of the property and, if so, shall schedule the same. Any Town Meeting shall be published and held as per the provisions of the Charter.

If the appropriation or acquisition is rejected at the Town Meeting, the First Selectman shall promptly notify the seller and take necessary steps to terminate any Option or Contract, as the case may be, within the stated contingency periods so as to obtain a return of any deposit paid.

If the appropriation or acquisition is approved at the Town Meeting, or if a Town Meeting is not required, the First Selectman shall proceed to close or otherwise conclude the acquisition with the Town Attorney and seller or donor, as the case may be.

9. The Town Attorney shall determine whether a Certificate of Title or Title Insurance Policy is required, and with the consent of the First Selectman, shall obtain and provide the same. Notwithstanding the foregoing, in the case of a donation of land in connection with a land use approval, the donor shall be required to provide the Certificate of Title or Title Insurance Policy, in form satisfactory to the Town Attorney.

The Town Attorney is authorized to accept the deed of the property from the owner and record same and arrange for payment of the purchase price. Notwithstanding the foregoing, in the case of a donation of land in connection with a land use approval, the donor shall be required to arrange for recordation of the deed to the Town and provided evidence of the same to the Town Planner.

After recording of the deed in the Land Records, the original deed and all other documents of Title, Certificate of Title or Title Insurance shall be submitted to the Town Clerk for permanent storage.

10. Upon completion of the acquisition, the following staff shall be notified:

- a) Tax Collector
- b) Assessor
- c) Town Planner
- d) Director of Public Works/WPCA Administrator
- e) Building Official
- f) Such other staff as the First Selectman may deem appropriate.

BOS Adopted: 08/17/1992

BOS Revised: 05/19/2014

BOS Revised: 04/12/2021