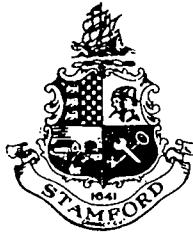


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October 31, 2000

Representative Carmen Domonkos
President
Board of Representatives

Representative James A. Shapiro
Chair
Urban Redevelopment Committee
Board of Representatives

Re: Land Disposition Agreement entitled "Contract for Exchange
of Land for Private Development Reuse Parcel 21" ("Agreement")

Dear Representatives Domonkos and Shapiro:

In response to a request from the Urban Redevelopment Committee of the Board of Representatives for a legal opinion from the Law Department in relation to the above-referenced Agreement, I am writing to inform you that I have reviewed the applicable laws and have prepared the following opinion for your consideration. During last Thursday's meeting of the Urban Redevelopment Committee, two legal questions were raised by the committee.

Those questions, as paraphrased herein, are the subject of this opinion. The first question is whether the Urban Redevelopment Commission has the authority to acquire title in fee simple to the properties known as 8 and 10 West Park Place prior to the Board of Representatives' vote on the proposed Mill River Corridor Project Plan. The second question is whether the Agreement contains any language that requires the approval of the Mill River Corridor Project Plan by the Board of Representatives. For the sake of clarity, both questions will be addressed separately in this opinion.

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1. Whether the Urban Redevelopment Commission has the authority to acquire title in fee simple to the properties known as 8 and 10 West Park Place prior to the Board of Representatives' vote on the proposed Mill River Corridor Project Plan?

Pursuant to the provisions of Section 8-128 of the Connecticut General Statutes, a redevelopment agency may acquire real property in redevelopment areas. That statute specifically provides, in relevant part, that "[r]eal property may be acquired previous to the adoption or approval of the project area redevelopment plan, provided the property acquired shall be located within an area designated on the general plan as an appropriate redevelopment area or within an area whose boundaries are defined by the planning commission as an appropriate area for a redevelopment project, and provided such acquisition shall be authorized by the legislative body." Consequently, it is clear that the Urban Redevelopment Commission has the power to acquire title in fee simple to the properties located at 8 and 10 West Park Place before the proposed Mill River Corridor Plan is voted on by the Board of Representatives as long as the properties are located in a plan area that meets the criteria proscribed by such section of the statutes and the acquisition is approved by the Board of Representatives.

The Planning Board has determined that the proposed Mill River Corridor Project Plan, including the land use concepts contained therein, is consistent with the Master Plan. The Planning Board transmitted its findings that the area is an appropriate redevelopment location by correspondence to the Urban Redevelopment Commission dated September 28, 2000. Consequently, at this juncture, only Board of Representatives approval would be needed before the Urban Redevelopment Commission could acquire these properties.

Although the Urban Redevelopment Commission may acquire real property in this fashion, nothing in any provision of Section 8-124 et seq. of the Connecticut General Statutes (which is the enabling authority for redevelopment) mandates that a legislative body must adopt or approve a proposed redevelopment plan. It is, of course, true that a legislative body such as the Board of Representatives may adopt such a plan if it deems the approval to be in the best interests of the city. It is equally true that no redevelopment plan can be valid absent the approval of the Board of Representatives. This fact is evidenced by Section 8-127 of the Connecticut General Statutes, which provides, in relevant part, that the legislative body's "...approval of a redevelopment plan may be given." (Emphasis added.) Therefore, the Board of Representatives is not legally required to adopt or approve the proposed Mill River Corridor Project Plan or any other redevelopment plan for that matter. Any such adoption or approval would be purely within the discretion of the Board of Representatives. Consequently, the answer to the question above is yes; the Urban Redevelopment Commission has the authority to acquire title in fee simple to the properties known as 8 and 10 West Park Place before the Board of Representatives votes on the Mill River Corridor Project Plan.

2. Whether the above-referenced Agreement contains any language that requires the approval of the proposed Mill River Corridor Project Plan by the Board of Representatives.

Although the Agreement contains references to the proposed Mill River Corridor Project Plan, those references do not bind or obligate the Board of Representatives to approve the proposed plan. The Board of Representatives' vote on the Agreement is independent of its vote on the proposed Mill River Corridor Project Plan. Therefore, the Board of Representatives' vote on the Agreement would not be considered to be a vote on or approval of the proposed Mill River Corridor Project Plan. Consequently, the answer to the question presented above is no. The Board of Representatives' vote on the Agreement and the Board of Representatives' vote on the proposed Mill River Corridor Project Plan are separate votes, and approval of the Agreement may not be used to infer the approval of the Mill River Corridor Project Plan.

I trust this opinion sufficiently answers your questions, but if you require additional information, please do not hesitate to contact us.

Very truly yours,


ANDREW J. MCDONALD
DIRECTOR OF LEGAL AFFAIRS

By: 

Sybil V. Richards
Deputy Corporation Counsel

cc: Mayor Dannel P. Malloy
Bruce Goldberg, Acting Dir. & General Counsel, Urban
Redevelopment Commission
Stephen Osman, Chairman, Urban Redevelopment Commission