

§ 35-10. Land Acquisition Commission. [Added 10-27-1997]

- A. The Board of Selectmen shall appoint a Land Acquisition Commission consisting of seven members and two alternates to serve terms of four years; provided, however, that at the time of first appointment, three such members and one alternate shall be appointed for a period of two years only. No more than four members and one alternate shall be members of the same political party. An alternate shall sit as a member of the Land Acquisition Commission whenever a regular member is absent or disqualified. **[Amended 1-26-1998]**
- B. Powers and duties.
- (1) The Land Acquisition Commission shall:
 - (a) Expeditiously review and advise the First Selectman regarding proposed expenditures of the Land Acquisition Fund;
 - (b) Develop a comprehensive plan for acquisition of 70 acres of open space for each 1,000 inhabitants of the Town;
 - (c) Analyze all real property owned by the Town;
 - (d) Create an inventory of undeveloped real property within the Town boundaries; and
 - (e) Review requests for land acquisition by other Town governmental bodies.
 - (2) The Land Acquisition Commission may:
 - (a) Advise the First Selectman and other Town officials regarding the purchase, sale or donation of real property and related matters;
 - (b) Solicit informally the acquisition of parcels of real property by purchase or donation;
 - (c) Retain real estate professionals to appraise parcels under consideration; and
 - (d) Undertake other actions which may reasonably enhance the Town's ability to acquire open space.
 - (3) Nothing contained herein shall prevent the Land Acquisition Commission from holding closed executive sessions pursuant to and within the purview of the Connecticut Freedom of Information Act.¹

§ 35-11. Land Acquisition Fund. [Added 10-27-1997]

- A. Pursuant to Connecticut General Statutes § 7-131r, the Town hereby establishes a Land Acquisition Fund to be used for the sole purpose of acquiring Town-owned property and property rights. The Land Acquisition Fund:

1. Editor's Note: See C.G.S. § 1-210 et seq.

- (1) May accept donations from public and private individuals and entities.
 - (2) Shall accept contributions required by the Town Plan and Zoning Commission, the Conservation Commission and the Inland Wetlands Agency as a condition for approval of applications before such Commissions or Agency.
 - (3) May receive funds through an appropriation in the annual budget as allowed by Connecticut General Statutes § 7-131r.
 - (4) As may be appropriated, receive up to 10% of the unspent balance in the Town budget for each fiscal year at the end of each such year as determined by the Chief Fiscal Officer, commencing with the fiscal year ending June 30, 1997, through the fiscal year ending June 30, 2002.
- B. Moneys paid to the Land Acquisition Fund and interest earned thereon shall be used solely by the Town for the acquisition of real property, including development rights and conservation easements by the Town, provided that all such expenditures shall be approved by all necessary Town boards and commissions and the Representative Town Meeting. The criteria for purchasing such property shall include, but not be limited to, the criteria specified in § 35-4E of this Code and information developed pursuant to § 35-10B.
- C. Nothing herein shall prevent or limit the Town from the purchase of real property through other channels, including, but not limited to, bonding.

§ 35-12. Designation of use of acquired land. [Added 10-25-1999]

- A. Legislative findings. The RTM finds that there is no clear process in state statutes, the Town Charter or the Town Code for designating property as to use upon acquisition, determining administrative responsibility for such property and changing such use designation and administration, as necessary, in the future. Therefore, the RTM desires to establish such a process.
- B. Definition. For purposes of this § 35-12, "open space" means land which may be used for any of the following purposes:
- (1) Recreation, including, but not limited to, children's play, such as playgrounds, ice skating and sledding; land sports, such as baseball, football, soccer, tennis, track, golf and climbing; water sports, such as fishing, boating, swimming and waterskiing; and passive recreation, such as strolling, hiking, horseback riding, sitting, sunbathing, picnicking and nature study.
 - (2) Conservation, including, but not limited to, natural and scenic resources, wildlife habitat, water supply and other natural resources; the protection of soil from erosion; the conservation of historic areas; and the conservation of people and man-made structures from the dangers of floods.
 - (3) Preservation of community character, including, but not limited to, the protection and enhancement of the desirable physical and visual character of

the Town and preservation of appropriate lands from future development.

C. Designation of use.

- (1) Property acquired before June 22, 1998. Any property acquired before June 22, 1998, which carries a designation as to use on the Town Plan and Zoning Commission Map of the Town of Fairfield Public Lands shall continue to have the use designation shown on such map.
- (2) Property acquired after June 22, 1998, and before enactment of § 35-12. All properties acquired by the Town through purchase or donation after June 22, 1998, and before enactment of this § 35-12 shall be designated "open space," as defined herein, unless otherwise required by state or federal law, any valid municipal law, a valid rule or regulation of the Town Plan and Zoning Commission or by a valid deed restriction on use of the property. Such property shall be administered by the commission or department specified at the time of acquisition, but if no specific designation was made, such property shall be administered by the Conservation Commission.
- (3) Property acquired from and after enactment of § 35-12. All property acquired by purchase or donation after the enactment § 35-12 shall be designated as directed by the RTM in the resolution authorizing the acquisition of such property, consistent with any requirements of state or federal law, any valid municipal law, a valid rule or regulation of the Town Plan and Zoning Commission or any valid deed restriction regarding the use of the property. If no other designation is made, the property shall be designated "open space," as defined in Subsection B, and shall be administered, subject to other designation by the RTM, by the Conservation Commission.

D. Change in use. If the use or administration of any Town property, including open space, as defined in Subsection B is proposed to be changed, such change shall be conditioned upon the approval of the RTM. The RTM may request the recommendation of the board or commission administering the property before approving the change.