

## **ORDINANCE REGARDING LAND ACQUISITION TRUST FUND**

**BE IT ORDAINED** by the Town Council of the Town of Plainville in meeting duly assembled that, pursuant to the charter of the Town and the provisions of Section 7-131r of the Connecticut General Statutes, as amended, the following Ordinance is adopted.

### **1. SECTION 1 - PURPOSE**

- a) After investigation, research and study, the Plainville Conservation Commission has recommended to the Town Council that it is in the best interest of the Town to establish a Land Acquisition Trust Fund. The Town Council has reviewed the information provided to it by the Plainville Conservation Commission and agreed with the recommendations that there is a need for a fund to be used for the acquisition of land to be used for open space or recreation.
- b) The Land Acquisition Trust Fund is for the purpose of funding the acquisition of land to be used for open space or recreation. The acquisition of land shall be at the discretion of the Town Council when it decides that it is in the best interest of the Town to acquire land for open space or recreation.
  - i. Open Space/Recreation – is defined as any parcel or area of land or water, unimproved except for recreational purposes of a noncommercial or non-membership-based nature, and set aside, dedicated, designated, or reserved for the public's recreational use, resource conservation, wildlife habitat, or a combination of these or similar purposes.
- c) Funds in the Land Acquisition Trust Fund shall not lapse at the close of the Town's fiscal year. By allowing funds to accumulate, the Town Council will be able to acquire land when the opportunity arises, and to react quickly.

### **2. SECTION 2 - FUNDING**

- a) The funds and monies held within this Land Acquisition Trust Fund shall accumulate by action and authority of the Town Council, and may be from the following sources:
  1. An appropriation made by the Town Council in the annual budget for the upcoming fiscal year. The amount of the appropriation shall not exceed the amount which would be generated by the imposition of a tax of two (2) mills against the property subject to tax in the Town pursuant to Chapter 203 of the Connecticut General Statutes.
  2. Funds approved by a town wide referendum or special appropriation as provided for in the Town Charter.

3. Grant funds from any source, which grant requests were authorized and approved by the Town Council.
4. Donations from any sources received with the approval of the Town Council.
5. Net proceeds from the sale or disposition of land of the Town, which land had been acquired by use of funds from the Land Acquisition Trust Fund.
6. Income earned from investment of Trust Funds.

**3. SECTION 3 - COMMITTEE APPOINTMENT**

The Town Council shall appoint a committee to be the Land Acquisition Committee to consist of two (2) citizens at large and one member of each of the following: Planning and Zoning Commission, Conservation Commission and Parks and Recreation Commission. The persons appointed shall serve at the pleasure of the Town Council. The Land Acquisition Committee shall elect its chairperson and a secretary and shall meet periodically as needed but not less frequently than quarterly. Its charge shall be to identify potential acquisitions of land or interests in land for open space or recreation and to make recommendations of such land and other proper uses of the Land Acquisition Trust Fund.

**4. SECTION 4 - PAYMENTS FROM THE TRUST FUND**

- a) Payments from the Land Acquisition Trust Fund shall be made following approval by the Town Council in meeting duly assembled. The payments shall be to acquire interests in land to be used for open space or recreation. The Town Council shall determine the type of interest in the land, which the Town shall have. The interest can be a fee interest, a long-term lease, an easement, or such other interest as the Town Council determines to be in the best interest of the Town.

**5. SECTION 5 - MANAGEMENT OF TRUST FUND**

- a) The Land Acquisition Trust Fund shall be administered (as to investments and accounting) by the Town's Finance Director under the general direction and supervision of the Town Manager subject only to limitations imposed by the Town Charter and Connecticut General Statutes.
- b) The Plainville Conservation Commission shall have the authority to interact with the Town Manager and the Town Council in setting policies, goals and aims of the Land Acquisition Trust Fund.

**6. SECTION 6 - SEVERABILITY**

- a) The provisions of this Ordinance are declared to be severable, and the

invalidity of any portion thereof shall not affect the validity of the remainder.

**7. SECTION 7 - EFFECTIVE DATE**

- a) This ordinance shall take effect after passage and thirty (30) days after publication.

Adopted by Town Council April 4, 2005