

MEMORANDUM

FROM: OFFICE OF THE CITY ATTORNEY  
MIDDLETOWN, CONNECTICUT 06457

TO: Mayor Stephen Gionfriddo

DATE: October 6, 1993

RE: Subdivision - Cenacle Property - Legal Opinion

In accordance with Paragraph 4. of the Real Estate Purchase and Sales Agreement among the City of Middletown and the Bristol Savings Bank and Wadsworth Development Ltd., a legal opinion from the City Attorney is required, within thirty (30) days of the execution of the Agreement, which Agreement was executed on September 23, 1993, as to whether a subdivision of the Cenacle parcel is necessary in order to transfer a portion of that parcel to the City of Middletown.

ISSUE:

Whether a subdivision of the Cenacle parcel is necessary in order to convey to the City of Middletown the parcel described in Paragraph 1. of the Real Estate Purchase and Sales Agreement hereinabove mentioned?

DISCUSSION:

In title searching the Middletown Land Records, it was discovered that the original parcel owned by Colonel Wadsworth contained approximately 343 acres, which acreage was transferred to the Rockfall Corporation on September 28, 1942, in accordance with the first codicil to Clarence S. Wadsworth's will. Over the years, the Rockfall Corporation began subdividing and selling portions of the 343 acres resulting in approximately twenty cuts of the original acreage between the years 1943 through 1956. The Cenacle parcel, as it is known today, was deeded to the Religious Order of the Cenacle, Inc. by the Rockfall Corporation on March 17, 1947. The Cenacle parcel was a portion of the original approximately 343 parcel owned by Colonel Wadsworth and transferred, upon his death, to the Rockfall Corporation.


It appears that none of the subdivisions of the original 343 acre parcel were done with the approval of the Middletown Planning and Zoning Commission even though the Middletown Subdivision Regulations became effective in November, 1941.

§8-18, C.G.S., as amended, defines "subdivision" as "the division

of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of the subdivision regulations by the commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision;". "Resubdivision" is defined in §8-18 C.G.S., as amended, as "a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map;".

CONCLUSION:

Since it is my understanding that the Cenacle parcel is to be divided into four separate parcels, the largest of which is to be deeded to the City and the three remaining parcels to be retained by the Bristol Savings Bank and/or the Wadsworth Development Ltd. for future sale or building development, a subdivision, as that term is defined in the General Statutes, of the land is necessary and an application to subdivide the Cenacle parcel must be filed with the Planning and Zoning Commission for the City of Middletown prior to the deeding of the approximately newly subdivided 95 acre parcel to the City of Middletown.

  
Trina A. Solecki  
City Attorney

TAS/es

cc: William Warner, Director, Planning & Zoning