

**From:** [J.R. McMullen](#)  
**To:** [Rosenson, Valerie](#)  
**Subject:** Parks and Recreation Committee - Item PR30.025 (Lease of Southfield Beach Park)  
**Date:** Thursday, July 18, 2019 8:19:31 AM  
**Attachments:** [image.png](#)  
[image.png](#)  
[image.png](#)

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Hi Valerie,

I have copied Board members but could you please add this to the links from Item PR30.025. We have a Legal Opinion from Corporation Counsel that conflicts the Charter and these definitions.

I am providing this information to Board members in preparation for the discussion surrounding the Parks and Rec item PR30.025. It appear this item is not properly before the Board of Representatives. The Charter calls for a public referendum for a piece of property this size that is designated for use as park land.

I have provided the sections of the Charter that apply and definitions for the terms "Lease" and "Conveyance" as found in Black's Law Dictionary.

I am hoping members will get a chance to review this information and be ready to discuss it.

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FROM THE CHARTER:

- This section sets Park land up as a special class and differentiates it from other City owned property:

Link: [https://library.municode.com/ct/stamford/codes/code\\_of\\_ordinances?nodeId=CH\\_PT6BOCO\\_DIV4OTBOCO\\_SDEPARECO\\_SC6-120-3TOREDILAUSPAPU](https://library.municode.com/ct/stamford/codes/code_of_ordinances?nodeId=CH_PT6BOCO_DIV4OTBOCO_SDEPARECO_SC6-120-3TOREDILAUSPAPU)

Sec. C6-120-3. - To Restrict Disposition of Land Used for Park Purposes.  
SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF  
SECTIONSEMAIL SECTIONCOMPARE VERSIONS

No property consisting of more than 20,000 square feet owned by the City and used for park purposes may be sold or otherwise transferred except after approval for such sale or transfer by public referendum.

(Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

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From Black's Law Dictionary (link: <https://thelawdictionary.org/lease/> )

# The Law Dictionary

Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.

A B C D E F G ▾ L M N O P Q R S T Z ▾ US Law La

## What is LEASE?

A conveyance of lands or tenements to a person for life, for a term of years, at will, in consideration of a return of rent some other recompense. The person who so conveys such lands or tenements is termed the "lessor," and the person to whom they are conveyed, the "lessee;" and when the lessor so conveys lands or tenements to a lessee, he is said to lease, demise, or let them. 4 Cruise, Dig. 5S. A conveyance of any lands or tenements, (usually in consideration of rent or other annual recompense,) made for life, for years, or at will, but always for a less time than the lessor has in the premises; for, if it be for the whole interest, it is more properly an assignment than a lease. 2 Bl. Comm. 317; Shep. Touch. 266; Watk. Con v. 220. And see Sawyer v. Hansen, 24 Me. 545; Thomas v. West Jersey R. C., 101 U. S. 78, 25 L. Ed. 050; Jackson v. Harsen, 7 Cow. (N. Y.) 326, 17 Am. Dec. 517; Lacey v. Newcomb, 95 Iowa, 287, 63 N. W. 704; Mayberry v. Johnson, 15 N. J. Law, 121; Milliken v. Faulk, 111 Ala. 658, 20 South. 594; Craig v. Summers, 47 Minn. 189, 49 N. W. 742, 15 L. R. A. 236; Harley v. O'Donnell, 9 Pa. Co. Ct. R. 56. A contract in writing, under seal, whereby a person having a legal estate in hereditaments, corporeal or incorporeal, conveys a portion of his interest to another, in consideration of a certain annual rent or render, or other recompense. Arclib. Landl. & Ten. 2. "Lease" or "hire" is a synallagmatic contract, to which consent alone is sufficient, and by which one party gives to the other the enjoyment of a thing, or his labor, at a fixed price. Civil Code La. art. 2669. When the contract is bipartite, the one part is called the "lease," the other the "counterpart." In the United States, it is usual that both papers should be executed by both parties; but in England the lease is executed by the lessor alone, and given to the lessee, while the counterpart is executed by the lessee alone, and given to the lessor.

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From Black's Law Dictionary (link: <https://thelawdictionary.org/ordinary-conveyance/> )

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## What is ORDINARY CONVEYANCE?

The term used for the transferring of property that is carried out voluntarily and not by a court order.

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From Black's Law Dictionary (link: <https://thelawdictionary.org/bundle-of-rights-theory/> )  
( Which of these rights is most important to the resident owners of our park land? Which rights are being transferred away from them? )

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## What is **BUNDLE-OF-RIGHTS THEORY**?

The concept that compares property ownership to a bundle of sticks with each stick representing a distinct and separate right of the property owner, e.g., the right to use real estate, to sell it, to lease it, to give it away, or to choose to exercise all or none of these rights.

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Trying to help other people at all times,

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