

**STATE PROPERTIES REVIEW BOARD**

**Minutes of Meeting Held On February 10, 2020  
450 Columbus Boulevard, Hartford, Connecticut**

The State Properties Review Board held a Meeting at 9:30AM on February 10, 2020 in Suite 2035, 450 Columbus Boulevard, Hartford, Connecticut.

**Members Present:**

Edwin S. Greenberg, Chairman  
Bruce Josephy, Vice Chairman  
John P. Valengavich, Secretary  
Jack Halpert  
Jeffrey Berger  
William Cianci

**Members Absent:**

**Staff Present:**

Dimple Desai  
Thomas Jerram

**Guests Present**

Chairman Greenberg called the meeting to order.

Mr. Valengavich moved and Mr. Berger seconded a motion to enter into Open Session. The motion passed unanimously.

**OPEN SESSION**

**1. ACCEPTANCE OF MINUTES**

Mr. Valengavich and Mr. Berger seconded a motion to approve the minutes of the February 6, 2020 Special Meeting. The motion passed unanimously.

**2. COMMUNICATIONS**

**3. REAL ESTATE- UNFINISHED BUSINESS**

**4. REAL ESTATE – NEW BUSINESS**

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 9:39. The motion passed unanimously.

**EXECUTIVE SESSION**

**PRB #:** 20-009  
**Transaction/Contract Type:** RE/ Purchase & Sale Agreement  
**Origin/Client:** DAS/BOR

**Statutory Disclosure Exemption: 1-210(b)(24)**

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 9:48. The motion passed unanimously.

**OPEN SESSION**

**PRB #** 20-010  
**Transaction/Contract Type:** RE/ Voucher  
**Origin/Client:** DOT/DOT  
**Project Number:** 92-93-68A  
**Grantee:** City of New Haven  
**Property:** New Haven, College Street @ Route 34  
**Project Purpose:** DOT Conveyance of 4.5 acres to City of New Haven  
**Item Purpose:** Legislative Conveyance pursuant to SA 15-1(1)

January 15, 2020 Update:

At its meeting held on September 9, 2019 the State Properties Review Board voted to approve this Legislative Conveyance under PRB #19-188. Subsequent to approval of the QC Deed by the Attorney General's office, the City of New Haven had requested additional language regarding the State's release of any rights as follows:

Together with any right, title and interest the State of Connecticut (D.O.T.) has or may have in any pipes, conduits and underground drainage facilities running on, through, over, or under the above-described premises, including without limitation, the pipes and conduits shown on the above-referenced map.

**RECOMMENDATION:** Staff recommends **APPROVAL** of the legislative conveyance for the following reasons:

1. The Quit Claim deed is consistent with Section 1(a) of Special Act 15-1, which stipulates the conveyance of approximately 4.5 acres of land to the City of New at a cost equal to the administrative cost of the conveyance.
2. Section 1(b) requires the City use the parcel for economic development purposes.
3. Section 1(b)(1) includes a reverter clause if the City of New Haven does not use the land for economic development purposes.
4. Section 1(b)(2) and Section 1(b)(3) permit the sale or lease of the land with any funds received by the City of New Haven be transferred to the State Treasurer for deposit into the Special Transportation Fund.
5. The legal description in the Quit Claim Deed is consistent with the DOT survey map.

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August 28, 2019 Update:

At its meeting held on June 13, 2019 the State Properties Review Board voted to return PRB #19-116, relative to this Legislative Conveyance, pursuant to a DOT request.

DOT has now resubmitted this Legislative Conveyance for review, responding to the following inquiries:

1. Please clarify if the scrivener's errors in the "Recorded Date" column (incorrect date format) on page 2 of the QC Deed need to be corrected (see attached).
  - Corrected. OK.

2. Please clarify if the incorrect date in the "Recorded Date" column on page 3 (Grantor - Alcibiades G. Heris) of the QC Deed should be corrected to read 12/18/1956 (from 12/18/1958).
  - Corrected. OK.
3. On the DOT 'Compilation Map' project 92-93-97 appears on the map as '97/1' and '97/2' but in the "Schedule of Title" blocks it does not reference the two parcels. Please clarify if these should be corrected prior to be consistent with projects 92-93-98 and 92-93-99, both of which included two parcels?
  - Corrected. OK.
4. On page 4 of the quit claim deed adds four paragraphs not referenced in Special Act 15-1(1). Three of the four paragraphs release the State's Rights and the fourth paragraph reserves the State's Rights. Please clarify if these four paragraphs expand, or go beyond, the legislation as approved by the Legislature and signed into law by the Governor.
  - Removed. OK.
5. On the DOT 'Compilation Map' there appear to be ten (10) incorrect data entry points located within the "Schedule of Title" blocks. Please clarify if these should be corrected prior to recording the map in the local land records (see attached).
  - Corrected. OK.
6. Special Act 15-1(1)(b) requires the City of New Haven utilize the 4.5 acres for economic development purposes. Based on media reports, it appears the City of New Haven plans to construct a bridge to extend Temple Street (above a portion of the 4.5 acres) to Congress Avenue. Please clarify if utilizing a portion of this land to construct a bridge qualifies for 'economic development purposes.'
  - I would say that the entire Downtown Crossing project (all phases) is an Economic Development project . A portion of the land is going to be used for development and a portion will be used for infrastructure to get access to the development site. In my mind that is considered economic development. They mention on their website.

**RECOMMENDATION:** Board approval for the conveyance of real estate pursuant to Pursuant to Special Act 15-1, Section 1 is recommended for the following reasons:

1. The conveyance is consistent with Section 1 of Special Act 15-1, which stipulates the transfer of the property to the City of New Haven at the administrative cost of \$1,000.00.
2. As required by statute, the deed specifies that property will revert to the State in the event (a) the property is not used for "*economic development purposes*"
3. The deed description is consistent with the DOT Map.

From June 13, 2019 Meeting:

A summary of the conveyance is as follows:

1. The Quit Claim deed is consistent with Section 1(a) of Special Act 15-1, which stipulates the conveyance of approximately 4.5 acres of land to the City of New at a cost equal to the administrative cost of the conveyance.
2. Section 1(b) requires the City use the parcel for economic development purposes.
3. Section 1(b)(1) includes a reverter clause if the City of New Haven does not use the land for economic development purposes.
4. Section 1(b)(2) and Section 1(b)(3) permit the sale or lease of the land with any funds received by the City of New Haven be transferred to the State Treasurer for deposit into the Special Transportation Fund.
5. The deed description is consistent with the DOT release map.

The Public Act Language is as follows:

Section 1. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the city of New Haven a parcel of land located in the city of New Haven, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately 4.5 acres and is identified as the parcel of land located at 101 College Street, bounded by Church Street, Martin Luther King Jr. Boulevard, College Street and South Frontage Road, and further identified as a portion of the parcel on the map entitled "Connecticut Department of Transportation, Bureau of Highways, Right of Way Map, Town of New Haven, Oak Street Connector, From Howe Street Easterly to the Connecticut Turnpike, dated February 20, 1975, Map Number 92-10, Sheet No. 2 of 3. " The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The city of New Haven shall use said parcel of land to be conveyed for economic development purposes. If the city of New Haven:

- (1) Does not use said parcel for said purposes;
- (2) Does not retain ownership of all of said parcel, except for a sale of said land for economic development purposes; or
- (3) Leases all or any portion of said parcel, except for a lease for economic development purposes,

the parcel shall revert to the state of Connecticut. Any funds received by the city of New Haven from a sale or lease of said parcel for economic development purposes shall be transferred to the State Treasurer for deposit in the Special Transportation Fund.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

In addition to meeting the statutory components of the conveyance, the deed also stipulates the following:

- Together with any rights, title or interest the State of Connecticut (D.O.T.) has or may have in portions of the former Oak Street, Factory Street, Congress Street, Temple Street and Hill Street, as more particularly shown on said map.
- The State of Connecticut, for itself, its successors and assigns waives and relinquishes all rights of enforcement for the former non-access highway line of Present Reverend Dr. Martin Luther King Jr. Boulevard (Formerly North Frontage Road) and Present South Frontage Road, as more particularly shown on said map.
- All rights of Ingress and Egress which were specifically denied, and the right excepted to the State of Connecticut to designate access approaches, as stated in a Quit Claim deed from the State of Connecticut to the City of New Haven (City of New Haven land records Volume 2134, Page 345) are hereby released for the parcel of land shown on this map. The release of these rights is strictly limited to the depicted release area.
- Reserving unto the State of Connecticut, its successors and assigns forever, a full and perpetual easement for existing utilities under, over and across portions of the premises herein conveyed, as more particularly shown on said map.

Staff asked DOT to clarify the following issues:

1. Please clarify if the scrivener's errors in the "Recorded Date" column (incorrect date format) on page 2 of the QC Deed need to be corrected (see attached).
2. Please clarify if the incorrect date in the "Recorded Date" column on page 3 (Grantor - Alcibiades G. Heris) of the QC Deed should be corrected to read 12/18/1956 (from 12/18/1958).
3. On the DOT 'Compilation Map' project 92-93-97 appears on the map as '97/1' and '97/2' but in the "Schedule of Title" blocks it does not reference the two parcels. Please clarify if these should be corrected prior to be consistent with projects 92-93-98 and 92-93-99, both of which included two parcels?

4. On page 4 of the quit claim deed adds four paragraphs not referenced in Special Act 15-1(1). Three of the four paragraphs release the State's Rights and the fourth paragraph reserves the State's Rights. Please clarify if these four paragraphs expand, or go beyond, the legislation as approved by the Legislature and signed into law by the Governor.
5. On the DOT 'Compilation Map' there appear to be ten (10) incorrect data entry points located within the "Schedule of Title" blocks. Please clarify if these should be corrected prior to recording the map in the local land records (see attached).
6. Special Act 15-1(1)(b) requires the City of New Haven utilize the 4.5 acres for economic development purposes. Based on media reports, it appears the City of New Haven plans to construct a bridge to extend Temple Street (above a portion of the 4.5 acres) to Congress Avenue. Please clarify if utilizing a portion of this land to construct a bridge qualifies for 'economic development purposes.'

**RECOMMENDATION:** Pursuant to a June 11, 2019 email from DOT's Supervising Property Agent, Melanie Fador, Staff recommend **return** of this file to DOT.



5. **ARCHITECT-ENGINEER - UNFINISHED BUSINESS**
6. **ARCHITECT-ENGINEER - NEW BUSINESS**
7. **OTHER BUSINESS**
8. **VOTES ON PRB FILE:**

**PRB FILE #20-009** – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #20-009. The motion passed unanimously.

**PRB FILE #20-010** – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #20-009. The motion passed unanimously.

9. **NEXT MEETING** – Thursday, February 13, 2020.

The meeting adjourned.

**APPROVED:**

  
John Valengavich, Secretary

**Date:**



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