

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On January 11, 2021 – remotely via telephone conference –

Pursuant to Governor Lamont's Executive Order No. 7B regarding suspension of In-Person Open Meeting requirements, the State Properties Review Board conducted its Regular Meeting at 9:30AM on January 11, 2021 remotely via telephone conference at (866)-692-4541, passcode 85607781.

Members Present:

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

Members Absent:

Staff Present:

Dimple Desai
Thomas Jerram

Guests Present

At Chairman Greenberg's request, Vice Chairman Josephy led the meeting.

Vice Chairman Josephy called the meeting to order.

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

OPEN SESSION

1. ACCEPTANCE OF MINUTES

Mr. Valengavich moved and Mr. Berger seconded a motion to approve the minutes of the January 7, 2021 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Staff presented the Board with a monthly voucher statement pursuant to CGS 13a-73(h) identifying DOT real estate acquisitions for less than \$5,000.

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB #	#20-230
Transaction/Contract Type:	RE – DROW Exchange
Origin/Client:	DOT/DOT
Project #:	108-65-3B
Grantor/Grantee:	MCG Plainfield Wauregan, LLC (“MCG”)
Property:	Plainfield, Moosup Pond Rd (7) & Putnam Rd (Rt 12)
Project Purpose:	Release Drainage Right of Way in Exchange for new DROW Facility

Item Purpose:**Easement Agreement & Release of Easement Deed****Exchange Price:** \$22,000

Under this proposal, DOT seeks SPRB approval to release two Drainage Right of Ways (DROW) acquired over a total area of 16,400 square feet on a 5.19 acre site. The DROWS were acquired in 1955 and 1978. In exchange for the release of the two DROWS over the entire 5.19 acre site, the Grantee (MCG) will pay a Release Fee of \$22,000. Furthermore, the Grantor (MCG) will then execute an Easement Agreement to benefit the State to provide a drainage "Facility" over an area of 1.64 acres.

The property, as appraised, is comprised of two adjacent parcels totaling 5.19 acres at the intersection of Putnam Road (Route 12) and Moosup Pond Road. The two lots are encumbered by two DROW covering approximately 16,400 square feet. Additionally, Rights of Access have been denied along much of the frontage on both roadways. The property known as Putnum Rd (Lot 7A) is an unimproved 0.87 acre site with frontage on both Putnam Rd and Moosup Pond Rd. The property known as 7 Moosup Pond Rd (Lot 7) is improved with two single-family dwellings (no interior inspections). The dwelling proximate to Putnam Rd appeared occupied and the dwelling proximate to Moosup Pond Rd was described by the Appraiser as being in poor condition.



View looking southeasterly from intersection of Putnam Rd (RT 12) and Moosup Pond Rd (left). The dwelling in the photo was described by the Appraiser as being in poor condition.



Southerly portion of remaining land of Corson.

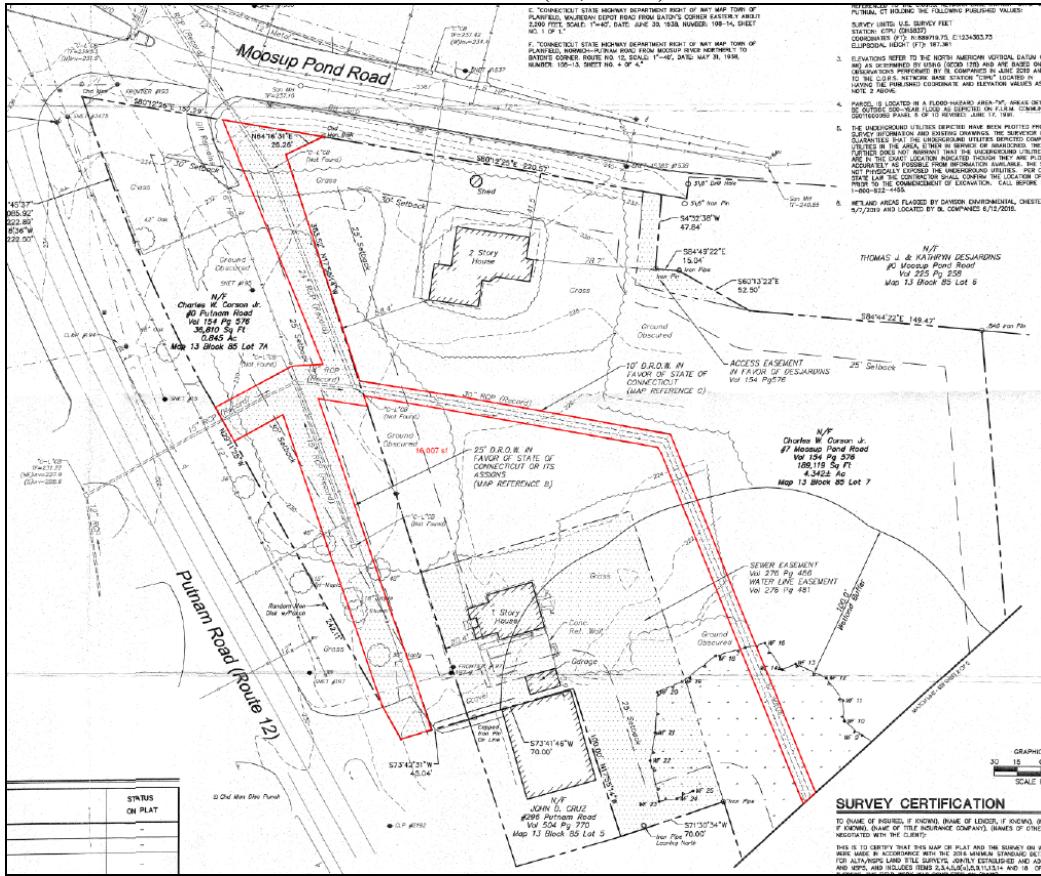
Short Form/Letter Valuation – With the release of this DROW, DOT Appraiser Matthew Malia appraised the entire 5.19 acre (225,929 sf) property, as of March 13, 2020. The Appraiser utilized three sales in Plainfield (2019), Griswold (2018) and Killingly (2020), and concluded the market value of the subject property was \$3.00 (\$677,787 total). The Plainfield Assessor valued the property for a total of \$78,700, or \$0.35/sf (100%), during the last revaluation (2017).

It should be noted that the owner (Corson) of the 5.19 acre site sold a 1.64 acre portion of the site to MCG Plainfield Wauregan, LLC on May 21, 2020, for \$319,000 (\$4.47/sf) as recorded in the Plainfield land records volume 553, beginning on page 10.

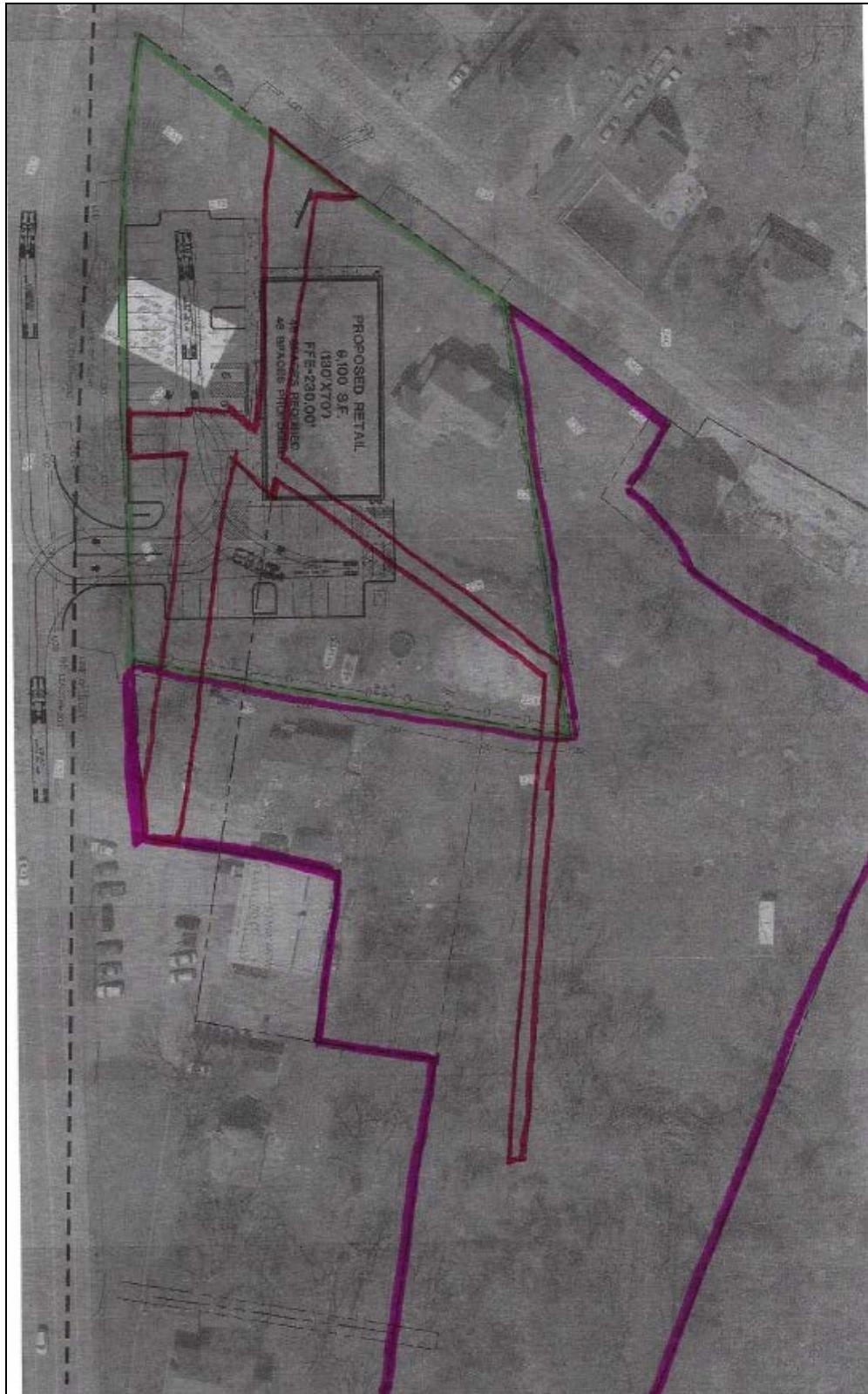
From the Appraisal Report

The property that is the subject of this appraisal is subject to a Drainage Right of Way in favor of the State of Connecticut. According to the aforementioned survey map made available to the appraiser and included in this report, the Drainage Right of Way consists of multiple sections to include 15", 18", 24", and 30" sections of reinforced concrete pipes (RCP) which form a single contiguous area spanning the entire subject property. The Drainage Right of Way square foot area was not provided to the appraiser. To estimate the Drainage Right of Way area, the appraiser outlined the drainage right of way on a pdf copy of the aforementioned survey map and used a mapping program to estimate its total area after ensuring the survey map and outlined area were to the same scale. This resulted in an estimated Drainage Right of Way area is approximately 16,400+/- square feet. It is an extraordinary assumption of this appraisal that this square footage area is accurate. If this extraordinary assumption is proven to be different, the appraiser reserves the right to amend the opinion of value.

Map #1: Survey Map – DROW Outlined in Red
(16,007 sf)



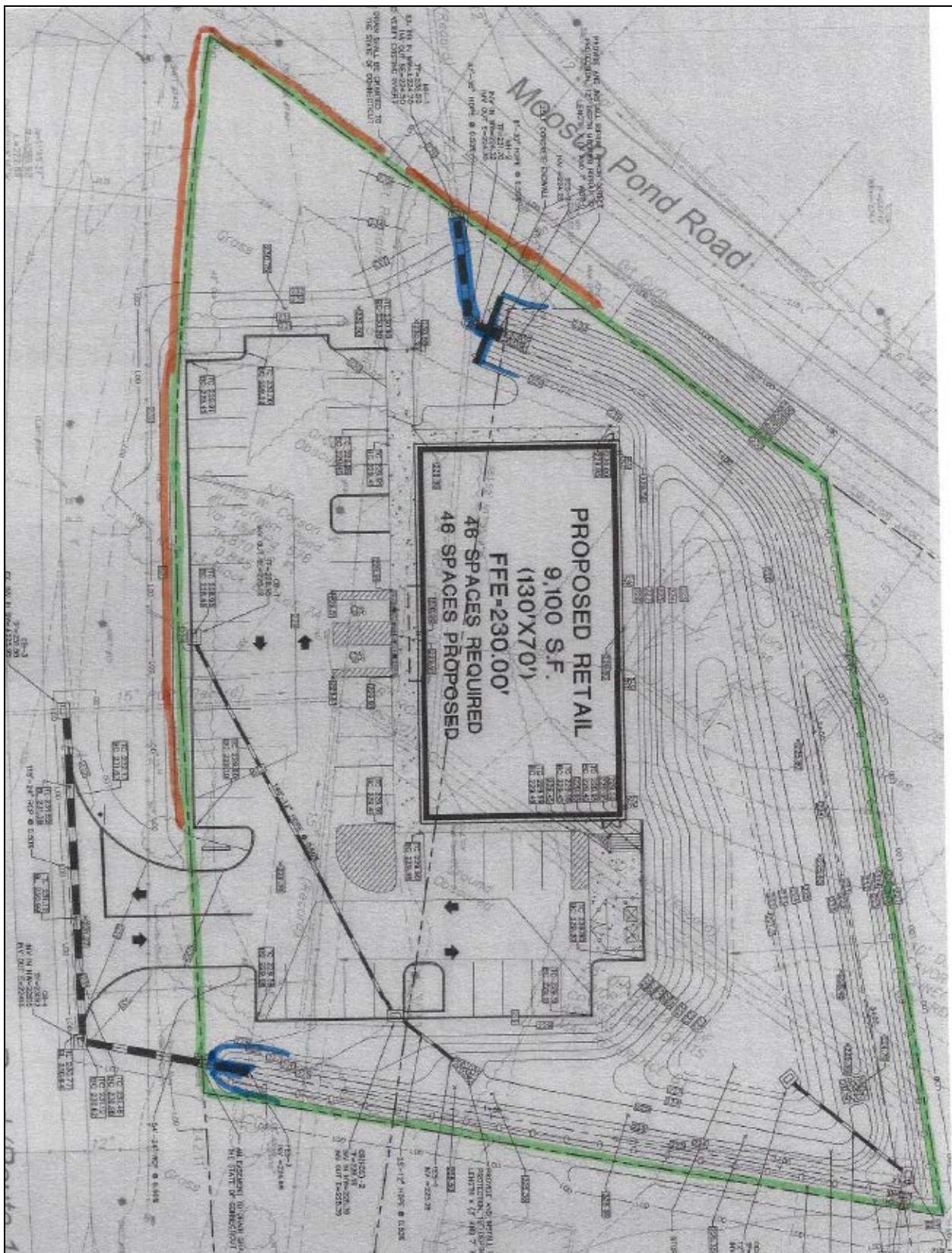
Map #3: Overlay Map
1.64 Acre Development Parcel (Green)
DROW (Red)
Remaining Land of Corson 3.55 Acres (Purple)



Map #4: Development Parcel
1.64 Acre Development Parcel (Green)
DROW (Red)
Rights of Access Denied (Orange)
Various Sized RCP to be Removed (Blue)



Map #5: Development Parcel
1.64 Acre Development Parcel (Green)
New Drainage Facility Acquired by State (Blue)



The Appraiser then calculated the value of the land within the DROW over the entire 5.19 acres, calculated as follows:

Item	Calculation	Value
Drainage Right of Way Release	16,400 sf x \$3.00/sf x 75%	\$34,440
	Rounded	\$34,500

Release Negotiations

Matthew Bruton, P.E. of BL Companies requested the release of Drainage Rights of Way located on property of his client, Mr. Charles Corson. Mr. Corson's property is located on the westerly side of Putnam Road (Route 12) in the town of Plainfield. Mr. Corson has plans to develop this property and is seeking the approval to release the drainage in order to facilitate development of the property.

The Department of Transportation (Department) proposes to release the DROWS in exchange for the acquisition of an Easement to Drain, as a part of an Easement Agreement. The Easement Agreement will defer maintenance of the drainage structures to Mr. Corson while retaining the right for the Department to enter onto the property to access the drainage if necessary.

The release of the two DROW easements was appraised on March 13, 2020, by Staff Appraiser Matthew Malia, who determined the value of the release to be \$34,500.00.

On May 12, 2020, the Department sent a letter to Mr. Bruton with an asking price of \$40,000.00. On May 21, 2020, Mr. Bruton presented the Department with a counteroffer of \$2,500.00, which was not accepted as it is not within a reasonable range of the appraised value. Mr. Bruton submitted another offer on June 2, 2020, on behalf of his client, to pay \$5,000. After extensive negotiations, Mathew Bruton's client agreed to pay \$22,000.00, on July 22, 2020.

In as much as the condition of the drainage facility is unknown and the cost to determine the condition of the facility would be cost prohibitive to the Department due to heavy overgrowth on the property, and the need to excavate and clean the drainage pipes as part of inspection, it is recommended that the offer of \$22,000.00 be accepted. The developer will assume all future maintenance and liability responsibility for the drainage facility to be constructed which provides a cost savings to the State. Furthermore, the proposed development will generate new economic development and tax revenue for the area.

This DOT Proposal was initiated by Matthew Bruton, P.E. of BL Companies, representing the owner of the 5.19 acre parcel – Charles Corson. BL Companies prepared a survey of the property identifying the location of the two DROWS. BL Companies also prepared plans in December 2019 (with subsequent revisions) to be utilized in creating a development parcel of 1.64 acres.

From DOT's narrative it appears that the intent of this Proposal is to release the two DROWS obtained in 1955 and 1978, covering an area of 16,400 square feet (estimated by the DOT Appraiser) to the owner of the 5.19 acre parcel – Corson. The DOT Appraisal valued both parcels (\$3.00/sf) and then determined that the value of the Release was calculated at \$3.00 x 16,400 x 75% = \$34,500 (rounded). DOT then negotiated with the owner a release price of \$22,000.

Neither of the two legal documents presented by DOT reference Corson. The Release of Easement deed releases the two DROWS to MCG Plainfield Wauregan, LLC ("MCG" Grantee) in consideration of \$22,000. However, MCG has only acquired a 1.64 acre portion of the 5.19 acre site owned by Corson. However, within page one the Release of Easement deed both the 1955 and 1978 DROW acquisitions are referenced and the last sentence on page 1 of the Release states:

The purpose of this release being to extinguish those certain easements.

Utilizing Maps #1, #2 and #4, Staff calculated the approximate areas of the DROWS on the 1.64 acre development parcel and the remaining 3.55 acres owned by Corson.

MCG Plainfield Wauregan			Corson		
Lin.FT.	ROW Width	ROW Area	Lin.FT.	ROW Width	ROW Area
240	10	2,400	250	10	2,500
54	25	1,350	75	25	1,875
97	25	2,425	25	10	250
39	25	975	0	25	0
185	25	4,625			4,625
0	0	0			
		11,775			

Based on these calculations, a breakdown of land encumbered with the DROWS is as follows:

Total DROW Area	16,400	% of Total
DROW on MCG Plainfield	11,775	71.80%
DROW on Corson	4,625	28.20%

		% of Total	Release Fee
Total DROW Area	16,400	100.00%	\$34,500
DROW on MCG Plainfield	11,775	71.80%	\$24,771
DROW on Corson	4,625	28.20%	\$9,729

Based on the portions of the DROWS on land of MCG and Corson, as well as the Appraised Value of the Release, and the negotiated release price, it appears that there is a financial benefit to Corson.

Staff inquired with DOT for clarification of the following issue:

- The Release of Easement Deed is granted to MCG in exchange for \$22,000 and references the two DROWS acquired in 1955 and 1978. The last sentence on page 1 of the Release states:

The purpose of this release being to extinguish those certain easements.

- 1) Please clarify how DOT can release to MCG two DROWS acquired over an area of 16,400 sf within a total of 5.19 acres when it appears a portion of the existing DROW is on 3.55 acres of land owned by Corson (outside the boundaries of the 1.64 acre development site).

DOT Response: Both DROW's were approved for release by the Department as the new drainage facility that is being installed on the MCG property will more than adequately handle the water flow (see attached map). In addition, the proposed system is more environmentally friendly and the Department did not need to expend any funds to create this update system nor will it be responsible for future maintenance. We specifically did not define the area in the easement agreement because we don't want to have to go through this again if they ever need to relocate system elsewhere on their property. This gives them the flexibility to flow the water through the property as they see fit.

Staff Response: OK

- 2) Please clarify if the DROW only within the boundaries of the 1.64 acre site sold to MCG Plainfield Wauregan, LLC should be released, permitting DOT to retain the DROW over the remaining land of Corson for future needs.

DOT Response: The intent is to release those portions of the referenced DROW's on the MCG property only. We conferred with the AG on this and he is comfortable with the deed as written.

Staff Response: From the 'Release of Easement' Deed:

*Thousand and 00/100 Dollars, (\$22,000.00), does hereby remise, release, and relinquish all right, title and interest of the State of Connecticut in and to that certain full and perpetual drainage right of way located on the easterly side of Central Village-Danielson Road, Route 12, and situated in the Town of Plainfield, County of Windham, and State of Connecticut, **under, over and across land** of MCG Plainfield Wauregan, LLC, ('Grantee'), a Connecticut limited liability company, having an office in the Town of Torrington, County of Litchfield, and State of Connecticut, two drainage right of ways being referenced in the following: An Instrument dated March 24, 1955 and recorded in Book 74 at Page 84 of the Plainfield Land Records, and being more particularly shown on that certain map filed in the Plainfield Town Clerk's Office, entitled: 'TOWN OF PLAINFIELD MAP SHOWING LAND & EASEMENT ACQUIRED FROM EVA L. BATON BY THE STATE OF CONNECTICUT RELOCATION OF ROUTE 12 SCALE 1" = 40' June 1954 G. Albert Hill HIGHWAY COMMISSIONER Revised November 1954', TOWN NO. 108, PROJECT NO. 65, SERIAL NO. 3, SHEET 1 OF 1. An Instrument dated November 6, 1978 and recorded in Book 131 at Page 1170 of the Plainfield Land Records, and being more particularly shown on that certain map filed in the Plainfield Town Clerk's Office, entitled: 'TOWN OF PLAINFIELD MAP SHOWING LAND RELEASED TO SAM KRANC ET. AL BY THE STATE OF CONNECTICUT ROUTE 12 SCALE 1" = 40' FEBRUARY 1978 KARL F. CRAWFORD TRANSPORTATION CHIEF ENGINEER -BUREAU OF HIGHWAYS', TOWN NO. 108, PROJECT NO. 108-65, SERIAL NO. 3A, SHEET 1 OF 1.*

The purpose of this release being to extinguish those certain easements.

The language in the release deed states "*under, over and across land*" of the Grantee (MCG). The release deed then references the two DROW Maps identifying the DROWS acquired in 1955 and 1978, concluding "*The purpose of this release being to extinguish those certain easements.*" The language, as written, in the release deed appears ambiguous. Can the language be clarified to read:

"The purpose of this release being to extinguish those certain easements, **under, over and across land** conveyed to MCG Plainfield Wauregan, LLC as recorded in a Warranty Deed in Volume 553, page 10 of the Plainfield Land Records."

It should be clarified DOT did state that the AG was consulted and affirmed they are comfortable with the language as written. OK

- 3) If it is the intent of DOT to release the two DROWS over the 16,400 sf, should a second Release of Easement Deed be prepared to include Corson? Should DOT seek compensation from Corson?

DOT Response: If Corson wants the remaining portions of the easement released they would need to approach us and we would have a separate release document for those portions and they will be charged accordingly.

Staff Response: This provides clarity from DOT that it is their intent to only release the DROW from the 1.64 acre development site, not the remainder owned by Corson.

- The proposed Easement Agreement to be granted by MCG Plainfield Wauregan, LLC states the "Facility" will be on land of the Grantor at 7 Moosup Pond Rd and references the Grantor's April 2020 Warranty Deed (553/10) as part of the description of the location of the "Facility." Within that Warranty Deed, the land is described as "certain real property consisting of approximately 1.64 acres of land being a reconfigured portion of parcels 013/0085/007A and 013/0085/0007 in the town of Plainfield..."

- a) Please clarify if the Easement Agreement stating the address as 7 Moosup Pond Rd conflicts with the description of the land within the Warranty Deed recorded in the land records referencing the property as "7 Moosup Pond Rd and Lot 013/0085/007A" as referenced in Schedule A of the Legal Description.

DOT Response: The Town of Plainfield has assigned the new address for the parcel to be: 304 Putnam Road, Plainfield. Although the agreement references the correct volume and page and it may not really matter we thought it best and the AG agreed, that the document be revised. As such, the easement agreement will be revised to reflect the correct address.

Staff Response: OK to return the Easement Agreement for modification to properly identify the property.

Recommendation – Based on the Board's review and discussion of this proposal, it was recommended that this Proposal be returned to DOT, at their request, for modifications to the Easement Agreement deed, to be resubmitted by DOT at a later date.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #20-230 – Mr. Valengavich moved and Mr. Berger seconded a motion to return PRB FILE #20-230. The motion passed unanimously.

9. NEXT MEETING – Thursday, January 14, 2021.

The meeting adjourned.

APPROVED: _____ **Date:** _____
John Valengavich, Secretary