

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On July 17, 2014 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regularly scheduled meeting on July 17, 2014 in the State Office Building.

Members Present: Edwin S. Greenberg, Chairman
Bennett Millstein, Vice Chairman
Bruce Josephy, Secretary
Mark A. Norman
Pasquale A. Pepe
John P. Valengavich

Staff Present: Brian A. Dillon, Director

Chairman Greenberg called the meeting to order.

Mr. Josephy moved and Mr. Norman seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

ACCEPTANCE OF MINUTES OF JULY 10, 2014 Mr. Norman moved and Mr. Valengavich seconded a motion to approve the minutes of July 10, 2014. The motion passed unanimously.

COMMUNICATIONS

REAL ESTATE- UNFINISHED BUSINESS

REAL ESTATE- NEW BUSINESS

PRB #	14-180	Transaction/Contract Type:	RE / MOU
Origin/Client:	DAS/DCF		
Property:	825 Hartford Turnpike, Hamden		
Project Purpose:	MOU for the use of buildings		
Item Purpose:	Approval of a memorandum of understanding between the Department of Children and Families and the Department of Education for the temporary use of Buildings 3-4, 5, 6, 8 & 9 at the High Meadows Facility.		

Staff reported that the Department of Administrative Services (“DAS”) is requesting SPRB approval for the memorandum of understanding between the Connecticut State Board of Education (“CSBE”) on behalf of the Department of Education (“DOE”) and the Department of Children and Families (“DCF”) to use five buildings at the High Meadow Campus in Hamden. DCF is the current state agency with custody and control of the campus and is willing to enter into an agreement with CSBE for the use of certain buildings.

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Under the terms of this MOU, CSBE will be responsible for reimbursing DCF the total cost of occupancy for each building it 100% occupies as well as the pro-rata share of the buildings they will occupy with DCF. These expenses include but are not limited to electricity, natural gas service, security, and water. The agreement also allows the DOE to make certain improvements to the building at its own expense subject to the review and approval of DCF. The MOU will remain in effect until June 2015. Either side may terminate the agreement with 60 days notice. This MOU has been developed to support the ongoing phased construction at Eli Whitney Technical High School.

Staff recommended approval of the item.

PRB #	14-181	Transaction/Contract Type:	RE / Voucher
Origin/Client:	DOT / DOT		
Project Number:	017-182-006		
Grantor:	Burger King Corporation		
Property:	1033 Farmington Avenue, Bristol		
Project Purpose:	Farmington Avenue Improvements Project		
Item Purpose:	Administrative settlement for the acquisition of an easement for highway purposes totaling 1,248 ±SF as well as additional compensation for the contributory value of site improvements.		

Staff reported that this is another in a series of vouchers for the DOT project for the widening of a portion Route 6, Farmington Avenue, from Carol Lane in Bristol to Peggy Lane in Farmington. Consistent with DOT's agreement with FHWA an estimate of compensation (EOC) worksheet has been prepared for the subject taking. This process is used when for simple acquisitions related to minor site improvements where the total cost is typically less than \$10,000.

The subject property is at 1033 Farmington Avenue (Route 6), in Bristol and consists of 0.97 acres of commercially zoned land presently improved with a Burger King restaurant. DOT will acquire a 1,248 SF easement for highway purposes. The easement area is along the property's 200 foot frontage to a depth of 6 feet. There is a sign, sign base and wiring that will be affected by the project.

The attorney for the Grantor rejected \$10,000 in compensation because the 3 year project would cause temporary severance, and "devastate the restaurant's drive-by business and significantly reduce the facility's gross revenues." Compensation of \$50,000 was demanded.

According to the documentation provided, the parties ultimately agreed to \$19,700 in damages based on (1) increased site valuation to \$13.75/SF, which is within the range of values considered by the DOT appraiser; and \$2,700 for damages for the sign and landscaping.

Staff recommended approval of the item. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes. The damages are supported by the additional information provided in DOT's Administrative Settlement Statement dated 6/23/2014.

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PRB # 14-182 **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT / DOT
Project Number: 102-319-003
Grantor: 327 Main Avenue – Norwalk Associates
Property: 327 Main Avenue & 8 Perry Avenue, Norwalk
Project Purpose: Rehabilitation of Perry Avenue Bridge Project
Item Purpose: Administrative settlement for the following acquisitions:
 327 Main Avenue: Acquisition of 727±SF of land for highway purposes as well as additional compensation for the loss of 1,401 ±SF of landscaping improvements.
 8 Perry Avenue: Acquisition of a defined easement for highway purposes totaling 758±SF of land and a temporary work area totaling 681±SF.

Perry Avenue Bridge #04154 spans the Norwalk River, in Norwalk. Information on this bridge rehabilitation project has been requested from DOT.

The subject property at 327 Main Avenue is on the west side of Main Avenue and the north side of Perry Avenue in Norwalk, and consists of 1.8828 acres improved with a shopping plaza anchored with a CVS Pharmacy and warehouse, sports memorabilia and indoor batting cages. The level site has 239 feet of frontage on Perry Avenue and 469 feet along Main Avenue. It is in a commercial (B2) zone and the current use is considered the highest and best use.

The subject property at 8 Perry Avenue is within a flood area along the eastern bank of the Norwalk River, and consists of 6,970 SF (0.16 acre). It has sloping topography and lies between the Norwalk River and Metro-North Railroad. It is subject to slope and access easements in favor of the City of Norwalk. There is a metal beam rail across the majority of the frontage resulting in limited accessibility. The highest and best use is for flood control purposes.

DOT will acquire 727 SF at the corner of Main and Perry Avenues. The taking area impacts a landscaped bed with irrigation. The DOT will also acquire a 758 SF defined easement for highway purposes located on the north side of Perry Avenue and the east side of the Norwalk River, where they will also acquired a temporary work area of 681 SF.

The following table indicates the results of a site value appraisal completed by DOT Appraiser Thomas Fox (8/19/2013):

Item	Calculation	Damages
Land, 327 Main Avenue	727 SF @ \$38.00/SF	\$27,626
Contributory value of lost landscaping, irrigation system, 327 Main Avenue	1,401 SF @ \$10.00/SF x 20% =	\$ 7,500
<i>Total, 327 Main Avenue</i>	<i>\$35,126, say</i>	<i>\$35,100</i>
Defined Easement, 8 Perry Avenue	758 SF @ \$0.45/SF x 99% = \$337.69, say	\$340
Temporary Work Area, 8 Perry Avenue	681 SF	\$40
<i>Total, 8 Perry Avenue</i>		<i>\$380</i>
Total		\$35,480

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The Grantor rejected \$35,480.00 in compensation, and its attorney requested that DOT take the property by eminent domain, which it did on 1/9/2014, following which the Grantor submitted an appraisal by Norman Benedict stating damages of \$72,000 based on a site value of \$71.25/Sf for 327 Main Avenue and \$8.25/SF for 8 Perry Avenue.

The parties ultimately agreed to an increase of \$10,000. As explained in the statement provided by DOT, the agency believed that the detailed analysis in the Benedict appraisal would “create significant exposure for the Department” if condemnation proceedings continued. (The Benedict report is 130 pages; the DOT report has 7 pages of analysis.) The additional compensation was based on increasing the land value from \$38.00/SF to \$51.50/SF for the land taken at 327 Main Avenue, an increase of \$10,000.

Staff recommended Board approval of the Administrative Settlement in the amount of \$45,480. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes. The damages are supported by the appraisal reports and the Administrative Settlement Statement, dated June 26, 2014.

ARCHITECT-ENGINEER - UNFINISHED BUSINESS

ARCHITECT-ENGINEER – NEW BUSINESS

OTHER BUSINESS

Reimbursement of Meeting and Mileage Fees. Mr. Norman moved and Mr. Millstein seconded a motion to approve meeting and mileage fees for Chairman Greenberg and Mr. Valengavich in connection with a surplus property site inspection, Bristol, held July 15, 2104. The motion passed unanimously.

Appointment of an Agency Procurement Officer (APO). Mr. Norman moved and Mr. Valengavich seconded a motion to use DAS Business Office staff as APO in lieu of appointing a separate SPRB APO. The motion passed unanimously.

The Board took the following votes in Open Session:

PRB FILE #14-180 – Mr. Valengavich moved and Mr. Norman seconded a motion to approve PRB File #14-180. The motion passed unanimously.

PRB FILE #14-181 – Mr. Valengavich moved and Mr. Millstein seconded a motion to approve PRB File #14-181. The motion passed unanimously.

PRB FILE #14-182 – Mr. Pepe moved and Mr. Norman seconded a motion to approve PRB File #14-180. The motion passed unanimously.

The meeting adjourned

APPROVED: _____ **Date:** _____
Bruce Josephy, Secretary