

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On March 31, 2022 – 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 March 31, 2022 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
Jeffrey Berger
William Cianci

Members Absent:

Staff Present:

Dimple Desai
Thomas Jerram

Guests Present

Representative Geoff Luxenberg, 12th Assembly District
Michael Gilligan, Genesee & Wyoming
Charles Hunter, Genesee & Wyoming
Thomas Cullen, Genesee & Wyoming
Terry Obey, DOT Director of Rights of Way
Steven Degen, DOT Transportation Principal Property Agent
Thomas Melzen, DOT Supervising Property Agent

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 March 28, 2022 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Mr. Berger provided an update regarding pending Legislation that may impact the State Properties Review Board.

3. REAL ESTATE- UNFINISHED BUSINESS

PRB #	22-031
Transaction/Contract Type:	RE – Administrative Settlement
Origin/Client:	DOT/DOT
DOT Project #:	076-220-001
Grantor:	Connecticut Southern Railroad, Inc.
Property:	Manchester, Main Street (RT 83) to Oakland St & Intersections
Project Purpose:	Safety & Operational Concerns on Route 83
Item Purpose:	Administrative Settlement

At 9:32 Representative Geoff Luxenberg, Mssrs. Gilligan, Hunter and Cullen from Genesee & Wyoming RR and Mssrs. Obey, Degen and Melzen from DOT joined the Meeting to participate in the Board's discussion of this Proposal. All left the meeting at 11:06AM.

Director Desai opened the discussion with a summary of the outstanding issues before the Board regarding this Proposal, as follows:

- 1) The real estate appraisal obtained by DOT was based on incorrect information, as acknowledged by DOT, as follows:
 - a) The Appraiser's Intended Use of the Market Value based on the use of the term 'abandoned' and not "live" as described by DOT; and
 - b) The actual land to be acquired totals 9.297 acres (11,650 sf & 9.03 acres), less than the land areas utilized in the appraisal reports obtained by DOT and the Grantor (CSO)
- 2) Upon DOT's recognition of their independent Appraiser's conclusions, DOT made no effort to either update their existing appraisal with correct information or obtain a new appraisal given the significant divergence – over 300% difference - of the two appraisals;
- 3) DOT provided no formal review of the Grantor's appraisal report, or the Corridor Sales (a major factor in the differences in valuations) utilized by the Grantor's Appraiser to ascertain if those sales utilized by the Grantor's appraiser are even remotely comparable to the subject rail corridor;

Regarding the appraisal issues in the three items above, DOT acknowledges the incorrect assumption but continued to refer back to previous responses that have been incorporated into the Memo received by the Board Members. DOT's position is that this is a purchase and that the owner has set a purchase price. There is no more room to negotiate. Therefore, any update to the appraisal or second appraisal will not change the outcome of the price offered by CSO.

- 4) DOT's insistence that DOT's only options are:
 - a) Expend \$7.5 million on a road construction Project;
 - b) Pay \$1,381,350 (plus reimbursements) to the Grantor, over 300% above their own appraiser's estimate; and
 - c) Do nothing.

DOT indicated there are no other options. DOT did not respond to a SPRB inquiry regarding what other construction options were considered.

It appears DOT did not exhaust all alternative options available (eg. statutory options).

Mr. Obey had reiterated that the Commissioner of DOT has authorized the proposed \$7.5 million Project to proceed if the State fails to purchase the rail corridor. DOT did not provide the SPRB with any other alternatives that the DOT may have considered to address the Safety and Operational Concerns prior to presenting this Proposal to the SPRB. Rep. Luxenberg provided his own account of safety concerns at these intersections. He also pointed out other local aspects of improving this project and his support of approving this proposal by the Board at today's meeting. He indicated that he will be sending a letter to the Board.

- 5) The Board is unclear with respect to the DOT's urgency in acting on this acquisition now as this Project has been in the planning stages for over 8 years. DOT responded that the Grantor (CSO) stated that delays would result in them updating their appraisal. DOT believes a new appraisal may result in a higher valuation.

Representative Luxenberg informed the SPRB that he believed this Project may date back to 2010 and that this was of great concern to the Town of Manchester for a variety of reasons beyond the DOT's Safety and Operational Concerns. Mr. Obey had reiterated that the urgency was centered around potential delays and what future actions may be taken by the Grantor.

- 6) DOT had not responded to the Board’s inquiry regarding the provision of a traffic report addressing issues of traffic and safety concerns, which DOT is trying to address.

It was requested of Mr. Obey to have a communication prepared by DOT Commissioner summarizing prior safety issues that had led to this Project, as well as what alternatives were considered. After a lengthy discussion Mr. Obey will work to produce this communication in a timely manner for review by the SPRB. The Board assured that the project will be put on the agenda for action as soon as the communication is received by Friday (4/1/2022) noon.

DAMAGES/SETTLEMENT: \$455,000/\$1,381,350 (plus STB filing & Equip. Removal - \$151,000)

March 15, 2022 Update

At its Meeting held on March 10, 2022 the State Properties Review Board reviewed this Proposal. No formal vote was taken by the Board that day as the Proposal was identified on the Agenda as “**For Discussion Purposes Only.**” In addition to the Board Members and SPRB Staff, attending the Meeting were: Terry Obey, DOT Director of Rights of Way; Steven Degen, DOT Transportation Principal Property Agent; and Joseph Arsenault, DOT Transportation Supervising Engineer. The Board reviewed the DOT Proposal and Staff Memo and then reviewed ten (10) issues with the Proposal, along with DOT’s written responses to those issues (see 3-10-2022 Meeting Minutes). Upon conclusion of the Board’s review of the Proposal, the Board invited the DOT Staff to provide comments relative to the Proposal.

During the Meeting DOT explained the proposed acquisition was in conjunction with a DOT Project to address Safety & Operational Concerns on Route 83 in Manchester. DOT explained to the Board that traffic traveling north/south on Oakland Street requires a railroad crossing near the intersection of Old North Main Street and Apel Place, as well as a second railroad crossing to the west at Main Street. DOT stated that certain commercial vehicles and school buses are required by statute to stop prior to the rail corridor crossing (15-50 feet), creating the safety issues. To address the safety concerns DOT determined that the construction of two roundabouts, both on Oakland Street, and other highway modifications nearby will rectify the safety concerns. The Project was estimated to cost \$7.5 million. Furthermore, DOT explained that the rail corridor, if abandoned and removed, would eliminate the need for the \$7.5 million Project and the safety concerns can then be addressed with nominal expense. DOT did not provide any further insight to how many, if any, other engineered solutions were considered as part of the Project. DOT relayed to the Board that in light of the type of property involved, the DOT was unable to utilize the condemnation process. The property to be acquired is an active (not abandoned) railroad corridor, impacting DOT’s normal acquisition process (friendly acquisition vs condemn/court proceeding). This process led to a lively discussion regarding DOT’s process, from appraisal to proposed settlement.

Much of the Board’s discussion focused on, among others, the significant differences in the Real Estate Appraisal Reports obtained by the DOT and Grantor as well as the Appraisers’ conclusions with respect to their estimate of Market Value: \$455,000 (DOT) vs. \$1,381,350 (Grantor-adjusted for west of Main St). The salient facts of each report are as follows:

Appraisal	DOT	Grantor
As of	June 4, 2018	May 15, 2019
Market Value	\$455,000	\$1,316,350 \$1,381,350 (adj. to reflect 0.26 acre)
Land Area	11.2 acres	10.62 (0.26 ac west of Main St not valued & subsequently adjusted)
Use	Former rail line abandoned for active railroad use	Rail corridor
Highest and Best Use	Maintenance of the continuity of the corridor as	Continued use as multimodal corridor providing transportation,

	this corridor, if acquired, would extend the 20± Hop River linear State Park trail system.	utility or recreational connectivity.
Commercial Land Value	1.7 ac x \$6.00/sf = \$444,312	1.54 ac x \$5.74/sf = \$385,000
Industrial Land Value	4.4 ac x \$1.00/sf = \$191,664	5.81 ac x \$1.26/sf = \$319,550
Residential Land Value	5.1 ac x \$3.00/sf = \$666,468	3.72 ac x \$2.75/sf = \$392,400
ATF Calculation	\$1,302,444	\$1,096,950
Corridor Factor	.35	1.2
Market Value	\$455,855	\$1,316,350 (subsequently adjusted)

On Friday, March 11, 2022, Terry Obey, DOT Director of Rights of Way sent the following email communication (below) to SPRB Chairman Greenberg.

Others receiving the email were:

SPRB Staff:	DOT Staff:
Director Dimple Desai	Scott Hill, DOT Bureau Chief and Chief Engineer
Thomas Jerram	James Fallon, DOT Assistant Chief Engineer
	Steven Degen, DOT Transportation Principal Property Agent
	Thomas Melzen, DOT Supervising Property Agent

Gentlemen,

There was much debate at yesterday's meeting regarding the DOT's proposed acquisition of a portion of a rail line in Manchester and this will serve to clarify DOT's position on the matter.

In lieu of designing and constructing a \$7.5M project in Manchester, the DOT initiated dialogue with CSO to acquire a portion of the rail line that contains two at-grade crossings. As was explained by DOT Design staff, the at-grade crossings are the source of congestion in this area on Manchester. Removing the at-grade crossings removes the need for the \$7.5M project. Once the at-grade crossings are removed the traffic congestion can be mitigated with basic traffic markings and stop signs.

The sales price of the rail corridor was established by CSO and their real estate team via appraisal and resulted in a sales price of \$1,316,340. This value was predicated on \$1,096,950 direct land value multiplied by a corridor factor of 1.2.

DOT's appraisal, which would be required by SPRB to support the sales price, valued the direct land at \$1,302,444, higher than CSO, but used a corridor factor of .35 to arrive at an overall value of \$455,000.

It is this divergence in the corridor factor that cannot be reconciled. DOT has negotiated in good faith for several years with CSO on the purchase and CSO is unwilling to move from its sales price. As previously shared, DOT has no authority to condemn against CSO and its active railroad, so a purchase would have to be agreed to.

To be clear, CSO is not moving from its sale price and is resisting updating its appraisal, which would lead to a higher sales price, in hopes of completing this transaction sooner rather than later. This leaves DOT with an option to pay the purchase price of \$1,316,340 or proceed with a \$7,500,000. That is what is presented to the State Properties Review Board.

The Town of Manchester and the DOT both favor the acquisition of the rail line at the purchase price of \$1,316,340. The acquisition prevents the design and construction of a \$7.5M project, it allows for the reduction in congestion in the town with minimal cost and disruption to traffic, and

provides an opportunity to connect the trail east of the corridor with the acquired property to provide enhanced recreational trail use for the town.

All of these reasons would seem to provide the support required under CGS 4b-3 for SPRB to approve the acquisition as a way to maximize taxpayer funds.

There was significant discussion on the DOT appraisal identifying this portion of the rail line as “abandoned”. The line is not officially abandoned, but rather simply looks abandoned due to the lack of use and maintenance by CSO. Had the DOT appraiser known the line was not officially abandoned, it is more than reasonable to conclude that the corridor factor in the DOT appraisal would be higher, as an active line would carry a higher factor than an abandoned line; this is an industry standard. This would only further reconcile the divergence in the corridor factor and the overall valuation between the two appraisals

It was questioned as to why DOT did not commission additional appraisals. I offer the following reasons:

- 1) CSO had already established its sales price and did not consider or care what DOT appraisals indicated the value to be. This cannot be dismissed.
- 2) The CSO appraisal and the DOT were very close in direct land values with the DOT appraisal being a little higher. The difference in the corridor factor and how that factor is established is unique to the appraisal industry and may not necessarily provide more clarity. And, CSO is not moving from its sale price.
- 3) If DOT did obtain another appraisal that had a higher corridor factor or the same as the CSO appraisal, which is unknown at the time of commissioning a 2nd report, the DOT would have two conflicting reports. Would SPRB approve the purchase if DOT relied on an appraisal with a higher corridor factor to support the sale? DOT would still have the first appraisal in its file.
- 4) If DOT obtained another appraisal and a low corridor factor was applied, the DOT would have two appraisals indicating a lower value of the CSO report and both wouldn't matter because CSO is not moving from its sale price.

If not for the unique analysis of a corridor factor, the CSO appraisal and the DOT appraisal are more similar than not. And since DOT has no condemnation authority in this instance, I would hope that a thorough vetting of this particular transaction and negotiation would result in a discussion on the best way to utilize state and federal funding.

The DOT can provide any supporting documentation required. Thank you all for your consideration on this matter.

Terrence J. Obey
Bureau of Engineering and Construction
Director of Rights of Way

In the DOT communication Mr. Obey clearly stated:

As was explained by DOT Design staff, the at-grade crossings are the source of congestion in this area on Manchester. Removing the at-grade crossings removes the need for the \$7.5M project. Once the at-grade crossings are removed the traffic congestion can be mitigated with basic traffic markings and stop signs.

The DOT rationale is that with the proposed acquisition of the railroad corridor DOT can mitigate the safety issues without a \$7.5 million expense. And, as an added benefit, the State will have the abandoned rail corridor for a future multi-use trail, connecting to existing trails located both to the west and east.

To achieve their goal, DOT is seeking the SPRB approval of their negotiated settlement with the Grantor – to acquire the railroad corridor for \$1,381,350 – plus certain additional reimbursable expenses related to the abandonment of the corridor not to exceed \$151,000.

There are several issues before the Board:

- a) Accept, as fact, the proposed \$7.5 million DOT Project is the only Project capable of mitigating safety & operational concerns on Route 83 in Manchester and that there are no alternatives;
- b) Accept, as fact, the DOT conclusion that the only solution to avoid a \$7.5 million Project is to acquire the railroad corridor;
- c) Completely ignore the significant differences in the opinions of market value as concluded by the two Appraisers: \$455,000 (DOT) vs. \$1,381,350 (Grantor-adjusted for west of Main St), highlighted earlier in this Memo;
- d) Accept, as fact, the Grantor is unwilling to negotiate with DOT under the perception that the DOT, without the ability to utilize condemnation, has no leverage in the negotiation process; and
- e) Accept DOT's rationalization that paying the Grantor \$1,381,350, plus reimbursable expenses, over 300% of their own Appraisal (\$455,000), will ultimately save the State \$6,118,650.

To address the aforementioned issues, first the Board must be familiar with relevant Connecticut Statutes governing certain vehicles that cross over a railroad corridor – DOT's root cause of the safety and operation concerns on Route 83.

The relevant state statutes follow:

Sec. 14-250. Certain motor vehicles to stop at railroad crossing. Regulations. Penalty.

https://www.cga.ct.gov/current/pub/chap_248.htm#sec_14-250

(a) The operator of each commercial motor vehicle transporting passengers, service bus or motor vehicle used for the transportation of school children and the operator of each commercial motor vehicle with a cargo tank or carrying hazardous materials, as defined in section 14-1, whether loaded or empty, before crossing at grade any track or tracks of a railroad, shall stop such vehicle not less than fifteen feet or more than fifty feet from the nearest rail of such track, and, while so stopped, shall listen and look in each direction along such track or tracks for approaching locomotives or trains before crossing such track or tracks; and such operator shall not, in any event, cross such track or tracks when warned by automatic signal, crossing gates, flagman, law enforcement officer or otherwise of the approach of a railroad locomotive or train.

(b) The operator of any commercial motor vehicle shall not attempt to cross a railroad grade crossing if such vehicle cannot be driven completely through such crossing, without shifting gears, on account of insufficient undercarriage clearance.

(c) The operator of any commercial motor vehicle shall not attempt to cross a railroad grade crossing if such vehicle does not have sufficient space to drive completely through such crossing and to clear the tracks without stopping.

(d) *The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section, including exemptions for certain crossings and vehicles that are allowed by the provisions of 49 CFR 392.10. (Staff emphasis)*

(e) Any person who violates any provision of subsection (a) of this section shall be fined not less than one hundred fifty dollars or more than two hundred fifty dollars. Violation of any provision of subsection (b) or (c) of this section shall be an infraction.

This Statute clearly contemplated 'exemptions for certain crossings and vehicles' pursuant to Federal Regulations/Statutes.

The relevant Federal Regulations/Statutes follow:

§ 392.10 Railroad grade crossings; stopping required.

<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-392/subpart-B/section-392.10>

(a) Except as provided in [paragraph \(b\)](#) of this section, the driver of a commercial motor vehicle specified in [paragraphs \(a\) \(1\)](#) through [\(6\)](#) of this section shall not cross a railroad track or tracks at grade unless he/she first: Stops the commercial motor vehicle within 50 feet of, and not closer than 15 feet to, the tracks; thereafter listens and looks in each direction along the tracks for an approaching train; and ascertains that no train is approaching. When it is safe to do so, the driver may drive the commercial motor vehicle across the tracks in a gear that permits the commercial motor vehicle to complete the crossing without a change of gears. The driver must not shift gears while crossing the tracks.

(1) Every bus transporting passengers,

(2) Every commercial motor vehicle transporting any quantity of a Division 2.3 chlorine.

(3) Every commercial motor vehicle which, in accordance with the regulations of the Department of Transportation, is required to be marked or placarded with one of the following classifications:

(i) Division 1.1

(ii) Division 1.2, or Division 1.3

(iii) Division 2.3 Poison gas

(iv) Division 4.3

(v) Class 7

(vi) Class 3 Flammable

(vii) Division 5.1

(viii) Division 2.2

(ix) Division 2.3 Chlorine

(x) Division 6.1 Poison

(xi) Division 2.2 Oxygen

(xii) Division 2.1

(xiii) Class 3 Combustible liquid

(xiv) Division 4.1

(xv) Division 5.1

(xvi) Division 5.2

(xvii) Class 8

(xviii) Division 1.4

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the Hazardous Materials Regulations of the Department of Transportation, [parts 107](#) through [180 of this title](#).

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by [§ 173.120 of this title](#).

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under exemption in accordance with the provisions of [subpart B of part 107 of this title](#).

(b) A stop need not be made at:

(1) A streetcar crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district, as defined in § 390.5 of this chapter.

(2) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed.

(3) A railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the commercial motor vehicle to proceed across the railroad tracks without slowing or stopping.

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such "Exempt" signs shall be erected only by or with the consent of the appropriate State or local authority.

Under these Federal Regulations, there are three exemptions that may be applicable to this Project. Notably, under #4 above the Federal Regulations do not stipulate whether the line is 'abandoned' or formerly abandoned by the Surface Transportation Board.

Regarding 'c' above, the differences in the two appraisals have been brought to the attention of DOT. After further review of the DOT Proposal, Staff revisited Issue #7 presented to DOT prior to the 3-10-22 Meeting.

1. In the Letter of Authorization to the DOT Independent Appraiser it was stated that the rail line was abandoned and that information was utilized throughout the Appraisal Report. In this Administrative Settlement it is presented to the Board that the rail line is not abandoned. Please clarify the following:

a) What information was utilized by DOT to inform the Appraiser the rail line was abandoned?

DOT Response: The term "abandoned" in DOT's appraisal assignment and acceptance document was used in terms of the appearance and condition of the corridor and not to suggest legal STB abandonment. A review of the corridor identified a large portion was overgrown, not currently in use and with no potential customers to suggest possible future use.

Staff Response: It appears this may conflict with the Grantor's Appraisal as no references to the rail line being "abandoned" were referenced in the Grantor's Appraisal Report.

3-15-22 Staff Response: From the DOT's "Letter of Appraisal Assignment and Acceptance" to the Independent Appraiser:

The property consists of an abandoned rail line consisting of approximately 11.2+ acres with approximately 1.7 acres in the business zone, 4.4 acres in the industrial zone and 5.1 acres in a residential zone. Please prepare a 29 Point, Total Take appraisal report on an approved Department of Transportation format to include land and a land sales adjustment chart. Submit your appraisal report as an unsigned draft copy. There is a maximum turnaround of 5 weeks for the appraisal assignment and 5 days for the corrections. Please do not contact the owners and do not send an inspection letter.

It appears this language in DOT's Letter reflecting an 'abandoned rail line' clearly affected the DOT Appraiser's development of their Appraisal and Appraisal Report resulting in Assignment Results that are factually incorrect and therefore cannot be relied upon in estimating market value. The Appraiser did not include any Extraordinary Assumption to the effect that it is being appraised as a "former rail line abandoned for active railroad use."

ASSIGNMENT RESULTS: An appraiser's opinions or conclusions developed specific to an assignment. ³	89
<u>Comment:</u> Assignment results include an appraiser's:	90
• opinions or conclusions developed in an appraisal assignment, not limited to value;	91
• opinions or conclusions, developed in an appraisal review assignment, not limited to an opinion about the quality of another appraiser's work; or	92
• opinions or conclusions developed when performing a valuation service other than an appraisal or appraisal review assignment.	93
	94
	95

Source: 2018-2019 USPAP

118	EXTRAORDINARY ASSUMPTION: an assignment-specific assumption as of the effective date regarding uncertain
119	information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions.
120	<u>Comment:</u> Uncertain information might include physical, legal, or economic characteristics of the subject
121	property; or conditions external to the property, such as market conditions or trends; or the integrity of data
122	used in an analysis.

Source: 2018-2019 USPAP

- b) Upon learning from the Grantor the rail line was not abandoned did DOT policy require that the Appraiser revisit their Appraisal Report and Conclusions?

DOT Response: The appraiser was not provided any information to suggest the corridor was formally abandoned by STB and the appraisal report was completed accordingly.

Staff Response: What would the impact on the DOT appraisal if the Appraiser was informed that the rail line was not "abandoned."

3-15-22 Staff Response: While DOT's communication did not specifically state the corridor was formally abandoned, by the Appraiser's own words He concluded the corridor was a "former rail line abandoned for active railroad use."

Furthermore USPAP Standard 1-2(b) requires the Appraiser to "Identify the intended use of the appraiser's opinions and conclusions."

Intended Use: Establish market value estimate for potential acquisition of 11.2 acres or 5,500 +/- linear foot abandoned rail line owned by Connecticut Southern Railroad, Inc. extending from Main Street at the west to Colonial Road to the north east, identified by the Manchester Assessor as 181 Colonial Road. (Assessors Map 50 Block 1230 Lot 181)

From the inception of this assignment, utilization of the word “abandoned” has resulted in the Appraiser providing an Appraisal based on a factually incorrect premises.

Please clarify if DOT was fully aware of the formal status (active) of the rail corridor, why would DOT present information to the DOT Appraiser that it was abandoned?

- c) Would the Appraiser’s conclusions/opinion be different had DOT represented to the Appraiser that the railway was not abandoned?

DOT Response: Same answer as "b" above.

Staff Response: See #b above.

3-15-22 Staff Response: As discussed in the Meeting, and Staff agree, an appraisal of an ‘active’ rail corridor will likely yield a higher market value, but absent DOT re-engaging the Appraiser, or retaining a new Appraiser, the Board has no way to ascertain what the value implications are with respect to an active/inactive rail corridor.

Why hasn’t DOT asked their Appraiser to revisit the Appraisal?

- d) Was a second Appraisal required under DOT policy/regulations?

DOT Response: No.

Staff Response: OK

3-15-22 Staff Response: Upon further review of the DOT’s “Letter of Appraisal Assignment and Acceptance” to the Independent Appraiser:

You are requested to submit an acceptable appraisal report on the States' approved eminent domain format, and under the provisions of the executed agreement on each of the following files at the indicated fees subject to the provisions on the reverse side of this letter. If the estimated value is anticipated to exceed \$250,000 on a release appraisal, or if the damage is anticipated to exceed \$500,000 on an acquisition appraisal, please notify the Appraisal Section Supervisor immediately, so that we can assign a second appraiser for this file. All appraisals written for the State must be prepared in conformity with the Appraisal Foundation's *Uniform Standards of Professional Appraisal Practice*, except to the extent that the *Uniform Appraisal Standards for Federal Land Acquisitions* requires invocation of USPAP's Jurisdictional Exception Rule, as described in Section D-1 of the *Uniform Appraisal Standards for Federal Land Acquisitions*.

DOT requires all Appraisers to inform the Agency if the Damages are anticipated to exceed \$500,000 on an acquisition appraisal so the Agency may assign a second Appraiser to value the property. Upon learning of the Independent Appraiser’s conclusions, and upon reviewing the Grantor’s Appraiser’s conclusions, SPRB believes a second appraisal should have been obtained for this Project.

3-15-22 Staff New Question: On Point #28 of the Appraiser’s Appraisal Report (pg 72) the Appraiser referenced Title III, Section 301 (3) of Public Law 91-646. Section 301 (2) states “Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.” Please clarify why the Independent Appraiser was given the following instructions?

As per specific instructions from my client the property owner was not notified of my pending inspection for the purposes of this valuation assignment.

<https://www.govinfo.gov/content/pkg/STATUTE-84/pdf/STATUTE-84-Pg1894.pdf#page=1>

<https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter61&edition=prelim>

3-15-22 Staff New Question: In the original DOT Proposal and subsequently stated in Mr. Obey's 3-11-22 communication, the proposed acquisition was in conjunction with a project for Safety & Operational Concerns on Route 83 in Manchester. DOT advocated during the 3-10-22 SPRB Meeting for the SPRB to approve paying over three times (303%) of their appraised value to the Grantor. This was reiterated in Mr. Obey's 3-11-22 communication:

To be clear, CSO is not moving from its sale price and is resisting updating its appraisal, which would lead to a higher sales price, in hopes of completing this transaction sooner rather than later. This leaves DOT with an option to pay the purchase price of \$1,316,340 or proceed with a \$7,500,000. That is what is presented to the State Properties Review Board.

This project has been in the planning/design phase for at least eight (8) years. Please clarify the following:

What lead to this DOT Project becoming a priority for DOT?

Based on this review of the DOT 3-11-2022 response to Board inquiries, the following communication was delivered to DOT on March 25, 2022:

Thank you for your March 11, 2022 communication detailing the Department of Transportation's (DOT) response to some of the issues raised by the State Properties Review Board (SPRB) at their March 10, 2022 Meeting.

Much of your communication was pertinent to the DOT Appraisal, the Grantor's Appraisal, the significant differences in the Opinions of Market Value concluded by each Appraiser and the Grantor's position that their Selling Price is non-negotiable.

Regarding the DOT Appraisal, it appears the DOT's Letter of Appraisal Assignment and Acceptance provided information to the Appraiser that the property to be appraised was an "...abandoned rail line of approximately 11.2 acres..." clearly affected the DOT Appraiser's development of their Appraisal and Appraisal Report resulting in Assignment Results that are factually incorrect and therefore cannot be relied upon in estimating market value. Furthermore, the Appraiser did not include any Extraordinary Assumption to the effect that it is being appraised as a "former rail line abandoned for active railroad use." This is in contrast to the Grantor's Appraiser not making any reference to the term 'abandoned' in their Appraisal Report.

- 1) With respect to the issue of the Appraisals, SPRB suggests the following:
 - a) Notwithstanding your statements regarding the unknown results of any future Appraisal, the SPRB strongly suggests DOT obtain a new Appraiser to prepare an Appraisal and Appraisal Report, with DOT properly identifying the Property to be appraised and get an updated appraisal from the current appraiser.
 - b) Notwithstanding your previous statement that "DOT reviewed Grantor's appraisal and critiqued internally as is typically for any negotiation" the SPRB strongly suggest that further research into the Corridor Sales utilized by the Grantor's Appraiser be undertaken to ascertain if those sales are even remotely comparable to the subject rail corridor.
- 2) With respect to the DOT Project, it appears to have been in the planning stage since 2014, or earlier, roughly 8+ years ago.
 - a) Please clarify what transpired to create the urgency that this acquisition be acted on quickly after many years of planning/delays?

- 3) In your comments to the SPRB on March 10th, and reiterated in your March 11 communication, it was stated that “CSO is not moving from its sale price” and you further stated that DOTs only options were to expend \$7.5 million to complete the proposed Project or pay the Grantor \$1,381,350, plus any reimbursable expenses. This was a binary choice – spend \$7.5 million vs. \$1.381 million.

SPRB had previously inquired about no-build alternatives to which DOT responded “The “no build” alternative is simply not to build a “project.” In order to not build a project, the crossings must be eliminated. To ensure the crossings are eliminated and never reinstalled, the rail line needs to be abandoned. The Railroad will not abandon the line without DOT agreeing to purchase.”

- (a) DOT has yet to answer the SPRB inquiry regarding what other options were considered in lieu of the \$7.5 million project. Were any other options considered that were cost effective and would save tax payers’ money? Were any other no-build option/s considered?
 - (b) In light of DOT’s perceived position that there are no other no-build alternatives, please clarify if the provisions of CGS 14-250 (d) and 49 CFR 392.10 (b) provide another low/no-cost-alternative. The SPRB believes that given the overall condition (likely unpassable in areas) of the 5,500 linear feet rail corridor in question, the lack of any rail crossings at either Main/Oakland Streets, the lack of any potential rail customer east of Main Street and the terminus of the rail corridor at Colonial Rd all contribute to potential exemptions referenced in State Statute and corresponding federal regulations.
- 4) DOT has not responded to the SPRB inquiry regarding the provision of traffic report suggesting congestion and safety concerns, which DOT is trying to address.
 - 5) Based on your communication and upon further review of the Appraisal, the Appraiser, on Point #28 of the Appraiser’s Report (pg 72), referenced Title III, Section 301 (3) of Public Law 91-646. Section 301 (2) states “Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.” Please clarify why the Independent Appraiser was given the following instructions?

As per specific instructions from my client the property owner was not notified of my pending inspection for the purposes of this valuation assignment.
 - 6) Assuming that the Board approves this proposal, what are the next steps and schedule? How long will it take to eliminate the crossing and resume normal traffic?
 - 7) Has the Grantor filed a “system diagram map” with STB? Has the Grantor filed any type of notice with the DOT Commissioner or the Governor’s Office related to the abandonment of the RR crossing?

DOT’s Terry Obey, Director of Rights of Way, responded to the Board Communication on 3-25-2022 as follows:

Gentlemen,

I have reviewed the questions and want to reiterate that this is a proposed purchase, not an acquisition by DOT. Therefore, there is little leverage to offset the Grantor’s sales price.

DOT has already stated it cannot reconcile the corridor factor, which is the only reason for the divergence in the DOT and CSO appraisal. DOT has also already stipulated that DOT’s appraisal would likely have a higher corridor factor for a “live” railroad rather than “abandoned” as stated in the DOT appraisal, this would make the DOT appraisal higher.

However, I doubt that DOT would ever get an appraisal to agree with CSO's corridor factor. And I don't see how DOT obtaining another appraisal changes the sales price. While DOT's appraisal has inaccurate information, it contains valid information relative to the discussion of the sales price and CSO's appraisal. And the extrapolation of information to justify the transactions can be easily gleaned from this appraisal. Regardless, extensive discussions with CSO have occurred over several years and the sales price is the sales price.

To be clear, DOT has 3 options; 1)build the \$7.5M project, 2)purchase the section of the rail line to avoid the \$7.5M project, 3)or do nothing and leave the condition as is. There are no other options.

CSO is only abandoning this corridor as part of this purchase. Otherwise, the line will remain active. CSO has no need to notify DOT or the Governors Office if it is not selling the line. And if it sells it to the DOT, we are obviously notified.

Some preliminary activity has occurred by CSO with STB but status is unknown. Further, I don't understand how this information is relevant to SPRB for approval. All process and procedures for a successful closing occurs well after SPRB approval for all transactions. The STB process is a required process for closing. An SPRB approval does not guarantee a transaction will be consummated. It only means DOT has obtained statutory approvals.

The urgency for the transaction is due to the age of the appraisals. CSO's appraisal is several years old. CSO has indicated that delays would result in them updating their appraisal. In today's market, it is a foregone conclusion that an updated CSO appraisal will result in a higher sales price. DOT is expediting to keep the sales price down.

DOT will attend the meeting to further discuss these questions and any others that come up.

Thank you
Terry Obey
Director of Rights of Way

RECOMMENDATION: It is recommended that the Board take into consideration the responses from DOT and additional information that DOT and others may present at the meeting in determining their action on this proposal.

Action: After the review of the information in this memo and presentation from DOT including Rep. Luxenberg's background on the project, the proposal was suspended pending receipt of a communication from the DOT Commissioner regarding:

- (1) Substantiate spending \$7.5 million in tax payers funds for the construction project as the only option available to DOT or spending \$1,381,350 in acquisition costs
- (2) Provide traffic data/report that shows the traffic concerns at this rail road crossing that are being addressed by DOT

It was agreed at the meeting that the responses provided by Terry Obey, Director of Rights and Way as it relates to the huge divergence (300%) between the DOT and CSO appraisers will serve as justification for not correcting the DOT appraisal or seeking a new appraisal. Therefore, this topic will not be covered in the Commissioner's letter to the Board.

From March 10, 2022 Meeting

It is noted that this Proposal was identified on the Agenda as “For Discussion Purposes Only.” Members will not be voting on this Proposal at today’s Meeting.

At 9:35 Mssrs. Obey, Degen and Arsenault joined the Meeting to participate in the Board’s discussion of this DOT Proposal. All left the meeting at 11:55.

DAMAGES/SETTLEMENT: \$455,000/\$1,381,350 (plus STB filing & Equip. Removal - \$151,000)

Project Background

This DOT Project will address traffic operational concerns while improving vehicular, bicycle and pedestrian safety along Route 83, Oakland Street and intersecting Roadways within the project limits.

The rail line is located between the two closely spaced four-way intersections of Oakland Street at Old North Main Street and Woodbridge Street. In addition, the rail line crosses Main Street, creating a second rail crossing a short distance to the West. The presence of the rail line and rail crossings requires vehicles to stop creating congestion and safety issues.

Various design options were considered, however the presence of the rail line posed significant challenges in realizing the project objectives. In an effort to mitigate these issues and to find a cost-effective solution, the Department chose the “no build” alternative which requires the acquisition of the Rail Corridor. This acquisition will eliminate the need for an expensive construction project and allow for inexpensive modifications to the existing intersections. As an added benefit, the acquisition of this Rail Corridor will allow the Department to close a critical gap in the existing multi-use trail network under future project activities.

Prior to electing the “no build” alternative, the DOT Project would have constructed two separate roundabouts. This option had certain design limitations and was significantly more expensive with an estimated total project cost of \$7,500,000.



Under this Proposal (PRB #22-031) DOT is seeking SPRB approval of an Administrative Settlement for the State’s acquisition of an 11.2 acre railroad right-of-way extending from approximately 250’+ west of Main Street (Rt 83) approximately 5,500 linear feet east to Colonial Road. The DOT states the negotiated price of the real estate to be acquired is \$1,381,350. Additional payments under the Administrative Settlement to the Grantor include reimbursement of an expense for the administrative process of abandoning the rail line through the federal Surface Transportation Board (estimated at \$75,000, reimbursed based on DOT review of actual bills) and reimbursement of the expense for the Grantor to remove certain railroad equipment (estimated at \$76,000, reimbursed based on DOT review of actual bills).

In accordance with Federal law, a common carrier rail line cannot be abandoned and rail service cannot be discontinued without prior authorization from the Surface Transportation Board (STB). This is a pre-requisite to the proposed acquisition and requires cooperation and agreement from the owner/operating railroad.

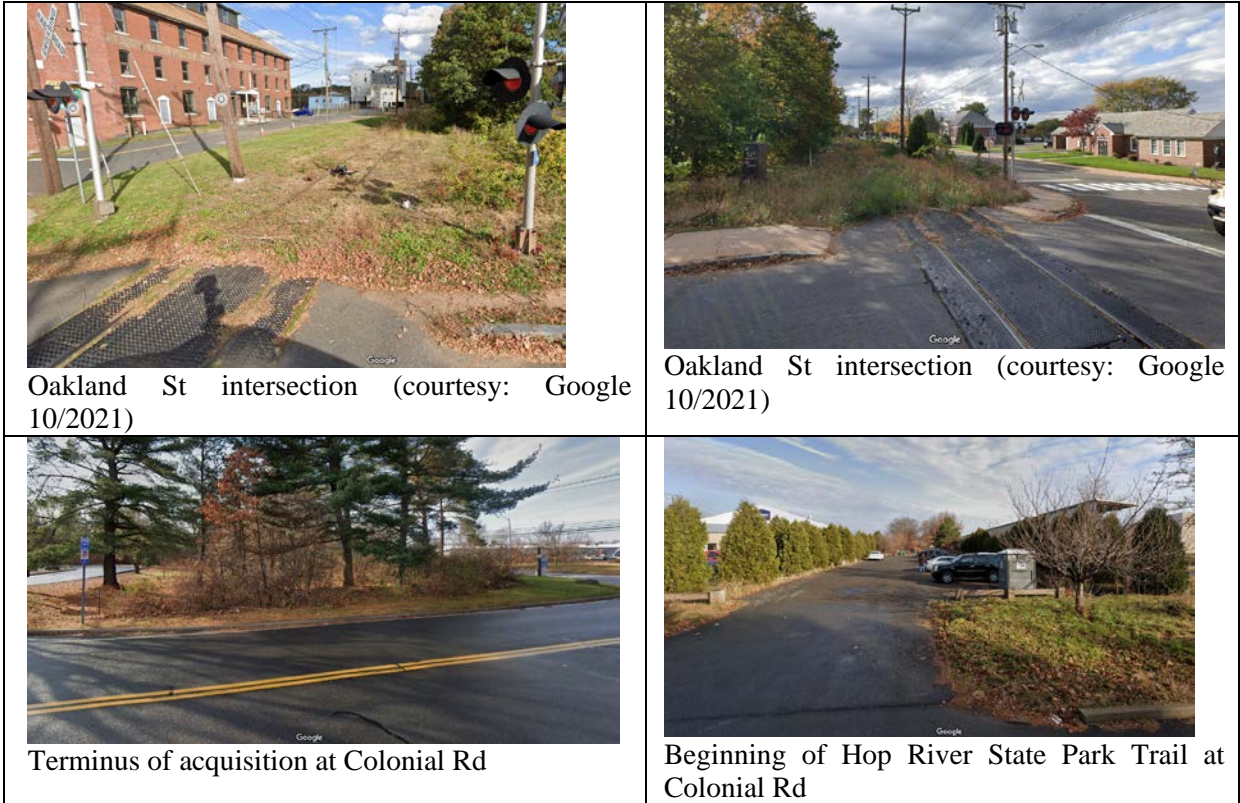
DOT also noted that the Department does not have the authority to unilaterally acquire the Rail Corridor via condemnation and to complete this acquisition negotiations with the Grantor were required.

Subject Property Description, Before the Taking: The subject property (per Appraiser) consists of a *abandoned* railroad corridor consisting of a 11.2-acre (487,872 square feet) strip of land approximately 5,500 feet in length the runs generally from Main Street to Colonial Road. The property is located in three different zones:

Business Zone	1.7 acres	74,052 +/- SF
Industrial Zone:	4.4 acres	191,664 +/- SF
Residential Zone	5.1 acres	222,156 +/- SF

The Appraiser utilizes the Extraordinary Assumption that ‘the subject abandoned rail corridor will continue to be subject to reserved subsurface and surface easements as specified in the deed transferring ownership to Connecticut Southern Railroad.’





The Appraiser states the rail corridor is improved with ballast stone, railroad ties and welded single track rails, with one bridge span over Lydall Brook. The Appraiser also states there are no other structures, and no contributory value is allocated to any of the existing improvements. The property contains or may contain underground communications lines, and the future use of the communication lines, existing or proposed will run with the property if sold by Connecticut Southern Railroad.

The Appraiser’s opinion of Highest and Best Use is as follows:

In my opinion the highest and best use is maintenance of the continuity of the corridor as this corridor, if acquired, would extend the 20 +/- mile Hop River linear State Park trail system. Partition to abutters in my opinion is not the highest and best use as less than fee simple rights would be acquired in any partition sales action, considering the permanent easements in place..

Before Valuation: An appraisal was prepared by independent DOT appraiser Howard Russ as of July 11, 2018.

The Appraiser utilized an “Across The Fence” (ATF) method of valuation to appraise the rail corridor. This method assumes that the value of the land within the corridor is at least as valuable as the land adjacent to the corridor.

The Dictionary of Real Estate, 5th Edition, defines the ATF method as follows; “is used to develop a value opinion based on a comparison to abutting land.”

In light of the three different zones, the Appraiser analyzed different sales of land for each of the three different zones. All comparable properties were located in Manchester. The Apprasier concluded a per square foot value for each of the zones as follows:

Commercial	\$6.00
Residential	\$3.00

Industrial	\$1.00
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The Appraiser researched and provided sales of abandoned railroad corridors. Data is limited, but he identified four sales in Manchester, as follows:

178	Colonial Rd	Manchester	1.797	\$60,000	\$0.77
	Middle Tnpk	Manchester	4.01	\$55,000	\$0.31
44	Hilliard St	Manchester	0.64	\$170,000	\$6.10
265	Center	Manchester	5.30	\$107,000	\$0.46

Russ concluded the following:

In my opinion the above analysis comparing abandoned railroad corridor sales to similar time frame buildable land sales in comparable zones in Manchester would support an overall corridor factor of 35%, or a reduction of 65% from buildable sales data.

Thus the calculated value across the fence for the subject 11.2 acre corridor is as follows:

	AC	SF / AC	SF per Zone	\$ / SF ATF		Corridor Factor	VALUE Across the Fence
Commercial	1.7	43,560	74,052	\$6.00	\$444,312	0.35	\$155,509
Residential	5.1	43,560	222,156	\$3.00	\$666,468	0.35	\$233,264
Industrial	4.4	43,560	191,664	\$1.00	\$191,664	0.35	\$67,082
							\$455,855
						round	\$455,000

The Taking: DOT will acquire the property in its entirety, subject to the subterranean easements in place.

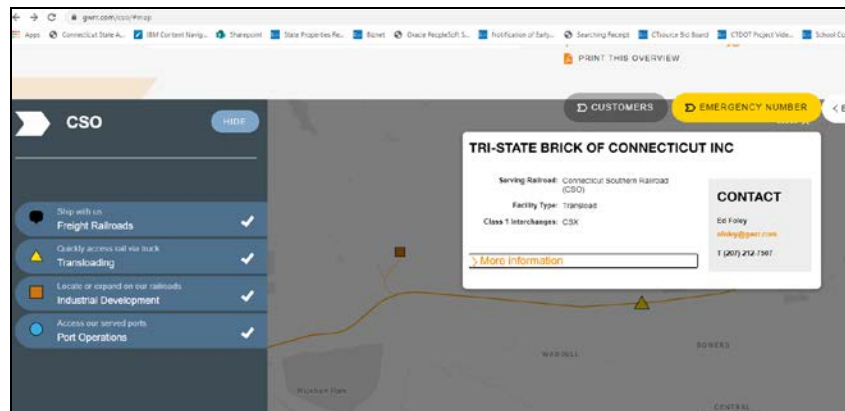
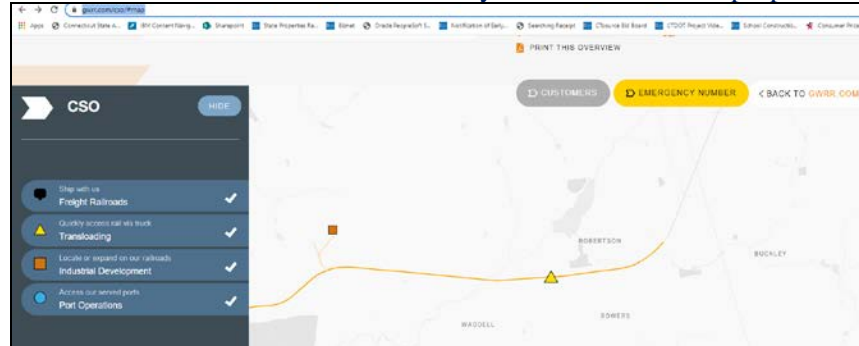
After Valuation: \$0

Staff inquired with DOT regarding the following issues:

- Is the DOT's submission of this acquisition to the SPRB premature in that the federal Surface Transportation Board (STB) has not approved of abandoning this railway line?
DOT Response: No.
Staff Response: OK
- Based on photographs provided in the Appraisal Reports, does DOT have any data regarding the last time the railway crossing signals were activated?
DOT Response: No
Staff Response: Pictures from the Appraisal and those available on line via Google reveal the rail line is overgrown in several areas indicating lack of use.
- If the DOT was unable to condemn the railway land due to federal Surface Transportation Board rules/policy prohibiting abandonment of an active railway line, please clarify why DOT accepted the Grantor's Appraiser's value conclusions without critical/written review.
DOT Response: DOT reviewed Grantor's appraisal and critiqued internally as is typically for any negotiation.
Staff Response: No Appraisal Review report of the Grantor's was provided to SPRB.
- The original DOT Project appears to have been in the planning stage since 2014, or earlier, roughly 8+ years ago. Please clarify what other 'no-build' projects were considered as an alternative to the original Project. Were any 'no-build' projects considered under the premises that the railway line remains but is not active?
DOT Response: The "no build" alternative is simply not to build a "project." In order to not build a project, the crossings must be eliminated. To ensure the crossings are eliminated and never

reinstalled, the rail line needs to be abandoned. The Railroad will not abandon the line without DOT agreeing to purchase.

Staff Response: It appears that DOT is seeking SPRB approval to expend \$1,381,350 based on value conclusions obtained by the Grantor's Appraiser that is three times more than the appraised value (\$455,000) as determined by their own independent Appraiser to effect these improvements in Manchester. It appears that the owners of the rail line have allowed this portion of the railway to become dormant – that is not currently utilized, but also not formally abandoned – as it is not economically viable to operate. Furthermore, the owner of the rail line identifies that the last point of activity on the line is at 71-R Hilliard St, which is west of the westerly-most area of the proposed acquisition. And, the rail line terminates at the easterly end of this rail line proposed for acquisition.



<https://www.gwrr.com/cso/#map>

<https://www.gwrr.com/transload/tri-state-brick-of-connecticut-inc/>

6. If the intent of the DOT Project is to effect Safety & Operational Concerns on Route 83 in Manchester, and the DOT presented this land as abandoned, why is it necessary to acquire the railroad right-of-way to implement the Project?

DOT Response: The rail line has not been formally abandoned by STB.

Staff Response: DOT is correct that the line has not been formally abandoned. However, DOT cannot quantify how many rail crossings have occurred, and possible when the last time a rail crossing occurred (see #4 above too).

7. The DOT Taking Maps prepared in 2021 identifies two areas to be acquired totaling 9.297 acres (11,650 sf & 9.03 acres). The DOT Appraiser states 11.2 acres throughout the Report and the Grantor's Appraiser 10.62 acres (+.26 ac added to account for west of Main St). Please clarify the following:

- a) How did DOT determine the land area to be acquired was 11.2 acres? Was there an earlier version of the 2021 Taking Map identifying the areas to be acquired?

DOT Response: No.

Staff Response: OK

- b) Did DOT utilizing their Mapping Software to assist in determining the areas contained within each of the three zones in Manchester?
DOT Response: No, these determination were made by the appraiser as is typical.
Staff Response: OK
- c) During the negotiations, did DOT provide the Grantor with the actual land area to be acquired as evidenced on the Taking Maps for purposes of establishing the proper facts of the acquisition?
DOT Response: Yes.
Staff Response: DOT states the actual land area to be acquired, as evidenced by the Taking Maps, was provided to the Grantor, yet continue to represent the area is 11.2 acres, not the actual 9.297. If the State were to proceed with acquiring the rail ROW is it in essence overpaying for nearly two acres of land as the Grantor's Appraiser stated 10.62 acres, but did not include 0.26 acre west of Main St?
8. In the Letter of Authorization to the DOT Independent Appraiser it was stated that the rail line was abandoned and that information was utilized throughout the Appraisal Report. In this Administrative Settlement it is presented to the Board that the rail line is not abandoned. Please clarify the following:
- e) What information was utilized by DOT to inform the Appraiser the rail line was abandoned?
DOT Response: The term "abandoned" in DOT's appraisal assignment and acceptance document was used in terms of the appearance and condition of the corridor and not to suggest legal STB abandonment. A review of the corridor identified a large portion was overgrown, not currently in use and with no potential customers to suggest possible future use.
Staff Response: It appears this may conflict with the Grantor's Appraisal as no references to the rail line being "abandoned" were referenced in the Grantor's Appraisal Report.
- f) Upon learning from the Grantor the rail line was not abandoned did DOT policy require that the Appraiser revisit their Appraisal Report and Conclusions?
DOT Response: The appraiser was not provided any information to suggest the corridor was formally abandoned by STB and the appraisal report was completed accordingly.
Staff Response: What would the impact on the DOT appraisal if the Appraiser was informed that the rail line was not "abandoned."
- g) Would the Appraiser's conclusions/opinion be different had DOT represented to the Appraiser that the railway was not abandoned?
DOT Response: Same answer as "b" above.
Staff Response: See #b above.
- h) Was a second Appraisal required under DOT policy/regulations?
DOT Response: No.
Staff Response: OK
9. Was any formal review (per USPAP standards) of the Grantor's Appraisal Report undertaken, including a review of the 12 sales (2002-2013) in support of the Corridor Factor?
DOT Response: No formal review was completed as its not required by USPAP. Of course DOT reviewed and critiqued Grantor's appraisal internally as is typical.
Staff Response: It is difficult to draw any conclusions with respect to the veracity of the Grantor's data utilized in the report, as well as the corresponding Corridor Factor in the report.

Sale	Date	Location	Seller	Buyer	Sale Price	ATF Value	Length	Corridor Factor	Intended Use
1	12/2002	Columbia County New York	Peschel	Columbia Land Conservancy	\$70,000	\$52,500	1.04 miles	1.33	Recreational Trail
2	1/2004	Albany County New York	Delaware and Hudson Rail	Village of Green Island	\$329,960	\$271,000	1.18-miles	1.22	Recreational Trail
3	11/2005	Sullivan County New York	Lafarge North American	NY-NJ Conference Trail	\$223,000	\$237,500	3.20-miles	0.94	Recreational Trail
4	6/2003	Wake County North Carolina	CSX Transportation	Research Triangle Regional Public	\$22,080,000	\$9,435,000	6.94-miles	2.34	Public Transportation
5	6/2009	Boulder, Colorado	Union Pacific Rail	Denver Regional Transportation	\$117,637,821	\$98,850,000	32.7-miles	1.19	Future Mass Transit
6	10/2008	Sudbury, Massachusetts	RR Company	Town of Sudbury	\$700,000	\$500,000 to \$583,333	1.275-acres	1.2-1.4	Recreational Trail
7	11/2000	Watertown, Massachusetts	RR Company	Comm. Of Massachusetts	\$1,700,000	\$1,416,867	5.77-acres	1.20	Urban Bike trail
8	9/2002	Scituate, Massachusetts	Town of Scituate	Mass Bay Trans. Authority	\$3,080,000	\$2,565,000	5.05-miles	1.20	Commuter Rail expansion
9	12/2011	Toledo, Maumee, Perrysburg, Ohio	CSX	Trust of Public Land	\$6,571,534	\$6,180,000	105.12-acres	1.06	Multi use trails
10	6/2012	Poughkeepsie Dutchess County New York	CSX	Duchess County	\$1,150,000	\$932,194	0.9-miles	1.23	Link to walkway over Hudson
11	12/2010	Gilchrist County Florida	State of Florida	Trust for Public Land	\$2,787,200	\$2,229,760	9.33-miles	1.25	Recreational coast trail
12	5/2013	Watertown/Cambridge, MA	N/A	Commonwealth of MA.	\$1,300,000	\$1,920,000	0.67-miles	0.86	Urban bike trail w/ 20 telecom easement

10. Under DOT Project #131-203-001 (Southington), DOT acquired a railway bed containing 194,893 sf for \$500,000 (2-14-2020 QC Deed 1471/796). This land consisted of commercially and industrially zoned land and the DOT Appraiser utilized a .65 Corridor Factor. Please clarify if DOT inquired with their Appraiser regarding the differences in the two Corridor Factors. Please provide an explanation regarding the differences in the selection of the two Corridor Factors for Manchester and Southington?

DOT Response: No we did not. Please provide an explanation regarding the differences in the selection of the two Corridor Factors for Manchester and Southington? These are two separate appraisal reports on different projects valuing different corridors. The respective reports provide the explanation and justification for the individual valuations.

Staff Response: OK

11. The Grantor's Appraiser utilized 12 nationwide sales (all beyond CT) in concluding a 1.2 Corridor Factor, 3.4 times that of the DOT Appraiser's .35 Corridor Factor. Please clarify the following:

a) How does DOT reconcile the variance between the two Corridor Factors?

DOT Response: We don't. Both are based on the opinion of independent appraisers.

Staff Response: See #8 above.

b) If the Grantor's Appraiser utilized sales that took place between 2002 and 2013, did DOT object to the fact that the Grantor's Appraiser failed to acknowledge similar market sale(s) right in the immediate market area, as evidenced by the DOT's own Appraiser?

DOT Response: Yes.

Staff Response: OK

4. REAL ESTATE – NEW BUSINESS

PRB # 22-023
Transaction/Contract Type: RE –Release
Origin/Client: DOT/DOT
DOT Project #: 004-118-001B
Grantee: Town of Avon
Property: Avon, Waterville Rd (Rt 10) at Old Farms Rd
Project Purpose: Replacement of Bridge No. 04470, and Reconstruction of Old Farms Road & Route 10 Intersection
Item Purpose: QC Deed

CONVEYANCE FEE: \$0 (Administrative Fee = \$1,000)

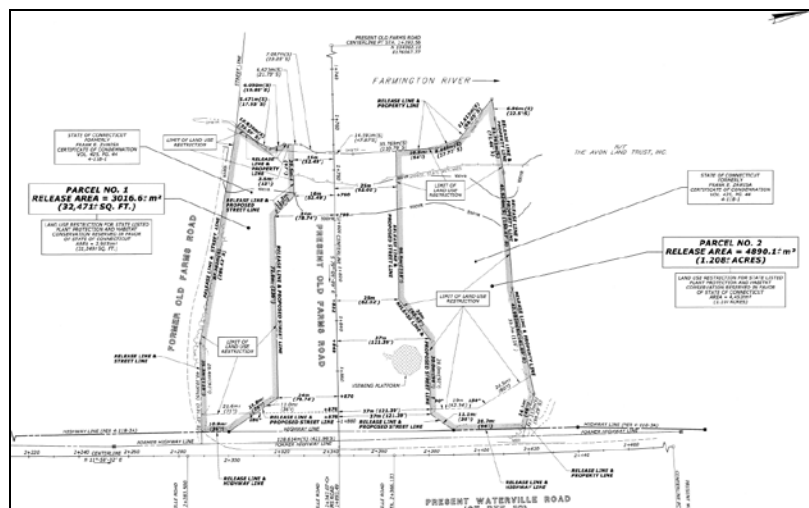
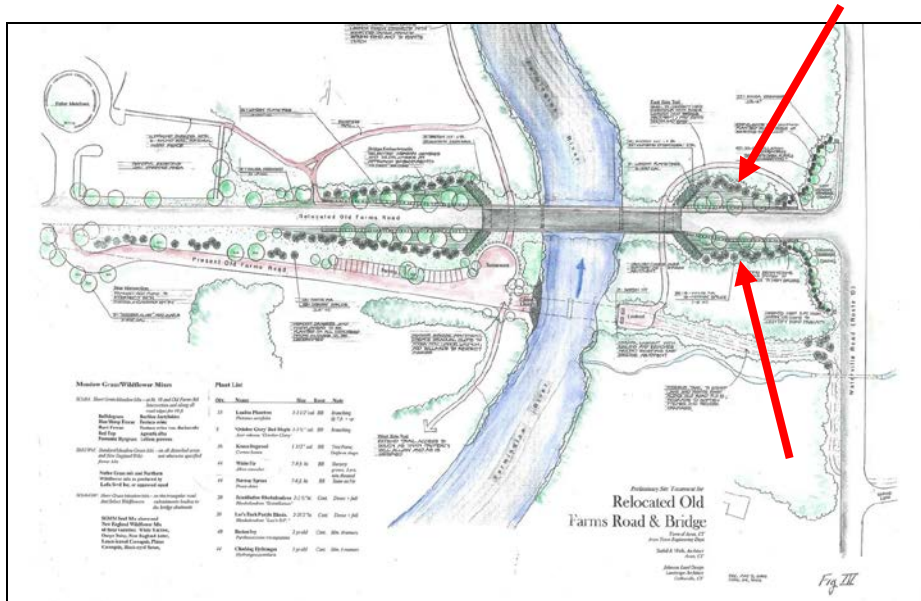
At its meeting held on March 28, 2016, under PRB #16-062, the State Properties Review Board voted to approve the Release (TRR) the remainder of seven acquisitions (fee, easements & DROWs) under DOT Project No. 004-118-001A, to the Town of Avon. DOT previously acquired the land acquired for the

Realignment of Old Farms Road Project and pursuant to Item No. 11 of Agreement No. 06.06-14(00) all remnants of the acquisitions were conveyed to the Town. There was no monetary consideration.

Under this Proposal (PRB #22-023), DOT is seeking SPRB approval to release two remnant parcels of land to the Town of Avon. Parcel No. 1 (s/s Old Farms) consisting of 32,471 ± square feet, and Parcel No. 2 (n/s Old Farms) consisting of 1.208 ± acres, are located on the westerly side of Present Waterville Road (CT Route 10), split by Old Farms Road.

The land was acquired by the Department of Transportation on behalf of the Town for the realignment of Old Farms Road. This property was requested by the Town of Avon for open space with a land use restriction for plant protection and habitat conservation pursuant to DEEP's regulations of 25-68h-1 to 3 and use restriction for state listed plant protection and habitat conservation.

The subject parcels will be conveyed to the Town for an administrative fee of One Thousand Dollars (\$1,000.00).



RECOMMENDATION: Staff recommend approval to assign the land and easements acquired by the State to the Town of Avon is recommended for the following reasons:

1. The conveyance complies with Section 13a-80 of the CGS governing the release of excess property by the commissioner of transportation.



5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #22-031 – Mr. Berger moved and Mr. Halpert seconded a motion to suspend PRB FILE #22-031. The motion passed unanimously.

PRB FILE #22-023 – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #22-023. The motion passed unanimously.

9. NEXT MEETING – Monday, April 4, 2022.

The meeting adjourned.

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