

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On May 15, 2023

– 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 May 15, 2023 remotely via telephone conference at (860)-840-2075 and use passcode 284890492#.

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

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 May 11, 2023 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Director Desai had informed Board Members that the proposed May 17th date for a Site Visit with DOT regarding a DOT Project in Haddam being reviewed under PRB #23-060 and PRB #23-071 will need to be rescheduled. The Board suggested May 23, 2023 as an alternative date. Director Desai will follow-up with DOT regarding the new date.

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB #	23-072
Transaction/Contract Type:	RE – Legislative Conveyance
Origin/Client:	DOT/DOT
DOT Project #:	92-156-79-1A
Grantee:	City of New Haven
Property:	New Haven, Route 34 (various parcels)
Project Purpose:	DOT Conveyance of 5.45 acres to City of New Haven
Item Purpose:	Legislative Conveyance pursuant to PA 21-147(1)

At its meeting held on September 12, 2019 the State Properties Review Board voted to return the

Proposal reviewed under PRB #19-187, pursuant to a DOT request, to make corrections to Scrivner errors within the Quit Claim Deed. Subsequent to the Board's return of this Proposal, Public Act 21-147 was signed into law by Governor Lamont on July 13, 2021, amending the original conveyance in Public Act 17-238.

Under this Proposal (PRB #23-072) DOT seeks Board approval of this Quit Claim Deed conveying approximately 5.45 acres of land and easements to the City of New Haven pursuant to Section 1 of Public Act 21-147.

The Scrivner errors identified during the Board's original review of the 2019 Proposal have been corrected and the new Quit Claim Deed references six parcels whereas the original deed referenced 11 parcels.

In addition to the Scrivner errors being corrected, this new Quit Claim Deed includes language stating "has now been amended by Public Act No. 21-147 Section 1, approved July 13, 2021" when identifying Parcels 2 through 6 in the deed.

Additionally, the special limitation referenced in the 2019 deed now been changed to reflect the new Public Act, Section 1(b) of Public Act No. 21-147.

A summary of the conveyance is as follows:

1. The Quit Claim deed is generally consistent with Section 1 of Public Act 21-147, which stipulates the conveyance of 6 parcels (remnant parcels) of land to the City of New at a cost equal to the administrative cost of the conveyance (\$1,000).
2. Section 1(b) requires the City use the parcel for open space purposes.
3. Section 1(b)(1) includes a reverter clause if the City of New Haven does not use the land for said open space purposes.
4. Section 1(b)(2) and Section 1(b)(3) prohibit the sale or lease of the land, with the land reverting to the state if sold or leased.

The Public Act Language is as follows:

Public Act No. 21-147

AN ACT AMENDING THE CONVEYANCE OF PARCELS OF STATE LAND TO THE CITY OF NEW HAVEN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 6 of public act 17-238 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the city of New Haven [eleven] six parcels of land located in the city of New Haven, at a cost equal to the administrative costs of making such conveyance. Said parcels of land are identified as [follows: (1) The first parcel has an area of approximately .45 acre and is identified as 41 Dwight Street at Lot 500 in Block 176 on city of New Haven Assessor's Map 298; (2) the second parcel has an area of approximately .088 acre and is identified as 999 Ella T Grasso Boulevard at Lot 3300 in Block 151 on city of New Haven Assessor's Map 342; (3) the third parcel has an area of approximately .45 acre and is identified as 283 Legion Avenue at Lot 2100 in Block 173 on city of New Haven Assessor's Map 314; (4) the fourth parcel has an area of approximately .13 acre and is identified as 786 Legion Avenue at Lot 100 in Block 151 on city of New Haven Assessor's Map 342; (5) the fifth parcel has an area of approximately 4.36 acres and is identified as 38 Miller Street at Lot 1000 in Block 165 on city of New Haven Assessor's

Senate Bill No. 1112

Map 340; (6) the sixth parcel has an area of approximately .025 acre and is identified as 45 Miller Street at Lot 2700 in Block 166 on city of New Haven Assessor's Map 340; (7) the seventh parcel has an area of approximately .65 acre and is identified as 203 Orchard Street at Lot 100 in Block 1290 on city of New Haven Assessor's Map 315; (8) the eighth parcel has an area of approximately .34 acre and is identified as 41 Sherman Avenue at Lot 100 in Block 1279 on city of New Haven Assessor's Map 314; (9) the ninth parcel has an area of approximately .15 acre and is identified as 7 Waverly Street at Lot 200 in Block 1292 on city of New Haven Assessor's Map 315; (10) the tenth parcel has an area of approximately .29 acre and is identified as Lot 1000 in Block 1279 on city of New Haven Assessor's Map 314, located on Fayette Street; and (11) the eleventh parcel has an area of approximately 1 acre and is identified as Lot 1500 in Block 173 on city of New Haven Assessor's Map 314, located on Orchard Street] parcels numbered 1 to 6, inclusive, on sheets 1 to 4, inclusive, of a map entitled "Compilation Plan, Town of New Haven, Map Showing Land Released to City of New Haven, by The State of Connecticut, Department of Transportation, Reverend Dr. Martin Luther King Jr. Boulevard and Legion Avenue, February 2019, scale 1"=40', Mark D. Rolfe, P.E., Chief Engineer - Bureau of Engineering and Construction, Town No. 92, Project No. 156-79, Serial No. 1A". The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The city of New Haven shall use said parcels of land for open space purposes. If the city of New Haven:

- (1) Does not use said parcels for said purposes;
- (2) Does not retain ownership of all of said parcels; or
- (3) Leases all or any portion of said parcels,

the parcels shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcels 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.

Approved July 13, 2021

RECOMMENDATION: Staff recommends approval of the Legislative Conveyance for the following reasons:

1. The Quit Claim deed is consistent with Section 1 of Public Act 21-147, signed by the Governor on July 13, 2021;
 2. The conveyance requires the City to utilize the land for Open Space Purposes and includes a reverter clause if the land is not utilized as such, is leased or if sold; and
 3. The deed description is consistent with the map description.
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From PRB #19-187

A summary of the conveyance is as follows:

1. The Quit Claim deed is generally consistent with Section 6 of Public Act 17-238, which stipulates the conveyance of 11 parcels (remnant parcels) of land to the City of New at a cost equal to the administrative cost of the conveyance (\$1,000) DOT states the remnant parcels, as identified on the release maps are more accurate than the references to the parcels in the legislation.
2. Section 6(b) requires the City use the parcel for open space purposes.
3. Section 6(b)(1) includes a reverter clause if the City of New Haven does not use the land for said open space purposes.
4. Section 6(b)(2) and Section 6(b)(3) prohibit the sale or lease of the land, with the land reverting to the state if sold or leased.
5. The deed description is consistent with the DOT release map.

The Public Act Language is as follows:

Sec. 6. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the city of New Haven eleven parcels of land located in the city of New Haven, at a cost equal to the administrative costs of making such conveyance. Said parcels of land are identified as follows: (1) The first parcel has an area of approximately .45 acre and is identified as 41 Dwight Street at Lot 500 in Block 176 on city of New Haven Assessor's Map 298; (2) the second parcel has an area of approximately .088 acre and is identified as 999 Ella T Grasso Boulevard at Lot 3300 in Block 151 on city of New Haven Assessor's Map 342; (3) the third parcel has an area of approximately .45 acre and is identified as 283 Legion Avenue at Lot 2100 in Block 173 on city of New Haven Assessor's Map 314; (4) the fourth parcel has an area of approximately .13 acre and is identified as 786 Legion Avenue at Lot 100 in Block 151 on city of New Haven Assessor's Map 342; (5) the fifth parcel has an area of approximately 4.36 acres and is identified as 38 Miller Street at Lot 1000 in Block 165 on city of New Haven Assessor's Map 340; (6) the sixth parcel has an area of approximately .025 acre and is identified as 45 Miller Street at Lot 2700 in Block 166 on city of New Haven Assessor's Map 340; (7) the seventh parcel has an area of approximately .65 acre and is identified as 203 Orchard Street at Lot 100 in Block 1290 on city of New Haven Assessor's Map 315; (8) the eighth parcel has an area of approximately .34 acre and is identified as 41 Sherman Avenue at Lot 100 in Block 1279 on city of New Haven Assessor's Map 314; (9) the ninth parcel has an area of approximately .15 acre and is identified as 7 Waverly Street at Lot 200 in Block 1292 on city of New Haven Assessor's Map 315; (10) the tenth parcel has an area of approximately .29 acre and is identified as Lot 1000 in Block 1279 on city of New Haven Assessor's Map 314, located on Fayette Street; and (11) the eleventh parcel has an area of approximately 1 acre and is identified as Lot 1500 in Block 173 on city of New Haven Assessor's Map 314, located on Orchard Street. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The city of New Haven shall use said parcels of land for open space purposes. If the city of New Haven:

- (1) Does not use said parcels for said purposes;
- (2) Does not retain ownership of all of said parcels; or
- (3) Leases all or any portion of said parcels, the parcels shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcels 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.

Staff asked DOT to clarify the following issues:

1. Please clarify if the scrivener's errors in the "Volume/Page" column on page 3 of the QC Deed needs to be corrected for Winifred H. Langhoff (see attached-it is correct on survey map).
 - The Scrivener errors on the deed can be corrected, the numbers are correct on the closing report and incorrect in the deed.
 - OK
2. Please clarify if the scrivener's errors in the "Volume/Page" column on page 9 of the QC Deed needs to be corrected for Joseph Cioffi (see attached).
 - The Scrivener errors on the deed can be corrected, the numbers are correct on the closing report and incorrect in the deed.
 - OK
3. Please clarify if DOT has addressed the encroachment on Parcel #3 on the DOT Map with a portion of the site utilized for parking by the abutter.
 - As far as encroachments, we don't typically do site inspections on Public Acts, nor would we have done a google maps search.
 - OK.
4. Please clarify if the QC Deed, as presented, fulfills the intent of the legislation conveying a total of 11 parcels, as Parcels #1, #3, #6 & #8 identified within the legislation are not referenced in the QC Deed.
 - As far as #4, our Central Surveys did all of the mapping and their findings were not in agreement with the Public Act which happens frequently, and the notes on the map literally spell out that the City refers to different parcels in the legislation than how we numbered the parcels. Central Surveys is much more accurate than legislation that was prepared prior to a release map being prepared. What this office typically does is notates any discrepancy in the petition narrative, and we will revise the narrative for you when the file is returned to this office.
 - OK.

RECOMMENDATION: Staff recommend **return** of this file pursuant to a September 9, 2019 email from DOT.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER – NEW BUSINESS

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #23-072 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #23-072. The motion passed unanimously.

9. NEXT MEETING – Thursday, May 18, 2023.

The meeting adjourned.

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