

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On September 21, 2023

– solely by means of electronic equipment - via telephone conference –

Pursuant to CGS §1-225a, the State Properties Review Board conducted its Regular Meeting at 9:30AM on September 21, 2023. Pursuant to the statute, this Meeting was held solely by means of electronic equipment, with Participants connecting via telephone conference at (860)-840-2075 and used passcode 284890492#.

The Notice provided designated this Regular Meeting as open to the public. Call in instruction were provided as: Dial toll free (860)-840-2075 and use passcode 284890492#. If you have any questions or need assistance to attend these Meetings, you can contact SPRB Director Dimple Desai at dimple.desai@ct.gov to make appropriate arrangements.

Members Present – solely by means of electronic equipment:

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

Members Absent:

Staff Present – solely by means of electronic equipment:

Dimple Desai
Thomas Jerram

Guests Present – solely by means of electronic equipment:

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 September 18, 2023 Meeting and September 19, 2023 Special Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Members were reminded that Monday's Regular Meeting has been canceled in observance of Yom Kippur. A Special Meeting will be held on Tuesday, June 26, 2023.

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB # 23-157
Transaction/Contract Type: RE – Legislative Conveyance
Origin/Client: DOT/DOT
DOT Project #: 42-216-9E
Grantee: Town of East Hartford
Property: East Hartford, Brookside Ln @ Roberts St
Project Purpose: Conveyance of 6.9 Acres for Municipal Use or Economic Development
Item Purpose: Legislative Conveyance pursuant to SA 15-1 Modified by PA 17-238

CONVEYANCE PRICE: \$1,000 Administrative Cost

Project Background:

At the State Properties Review Board meeting held on April 8, 2019, under PRB #19-081, the Board approved a Legislative Conveyance of pursuant to SA 15-1, as modified by PA 17-238 to convey a 6.9± acre parcel of land to the Town of East Hartford, pursuant to the Special Act, as modified by the Public Act, at an administrative cost of \$1,000. The Quit Claim Deed was not recorded in the land records.

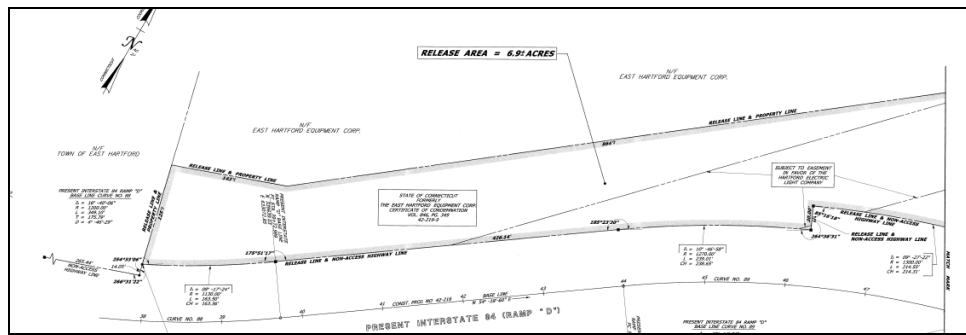
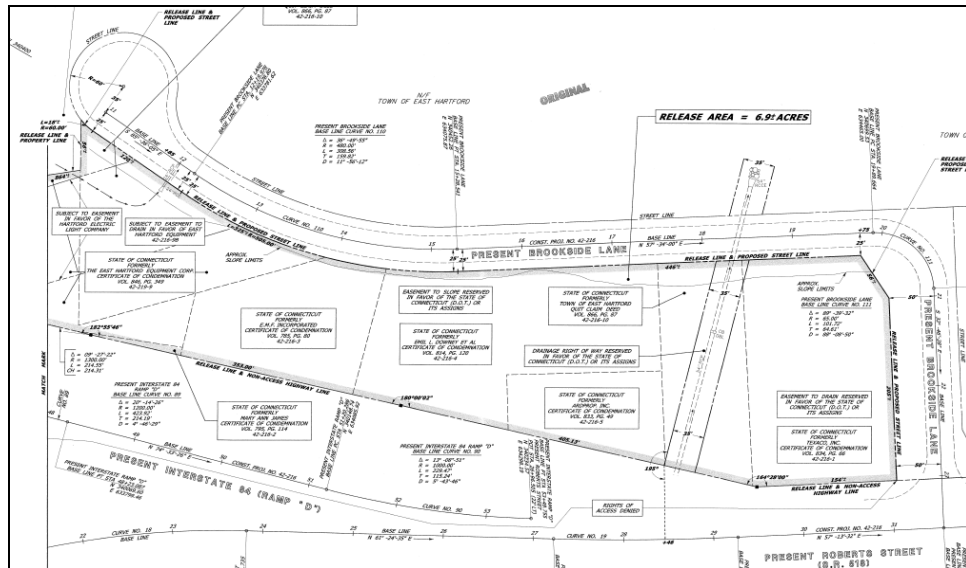
Under this Proposal (PRB #23-157) DOT is seeking SPRB approval pursuant to SA 15-1, as modified by PA 17-238 to convey a 6.9± acre parcel of land to the Town of East Hartford, pursuant to the Special Act, as modified by the Public Act.



A summary of the conveyance is as follows:

1. Section 9 of Special Act 15-1 stipulates the conveyance of approximately 6.9 acres (eight parcels) land to the Town at a cost equal to the administrative cost of the conveyance.
2. Section 9(b), as amended, requires the Town to use the land for municipal or economic development purposes.
3. Section 9(b), as amended, provides for the land to revert to the State if the property is not utilized for municipal or economic development purposes.
4. Section 9(b), as amended, states that any sale or Lease of the Parcel shall be at fair market value, determined by the average of the appraisals of two independent Appraisers selected

by the Commissioner. Any proceeds from the conveyance, minus the cost of any appraisals, shall be transferred to the State Treasurer for deposit into the Special Transportation Fund.



In addition to the legislation contained in the Special Act, as amended by the Public Act, a DEEP Flood Management Certification now is attached to the property.

By acceptance of this deed, the Grantee, for itself and its successors and assigns, further understands and agrees that the above-described premises are subject to a Connecticut Department of Energy and Environmental Protection License – Flood Management Certification Approval, a copy of which is attached to this deed as Exhibit A License No. 202112522-FM (the “License”). As a condition of the License, Grantor is required to condition any transfer or disposal of state property that may be located within a FEMA flood zone. Such condition requires, as part of a property transfer agreement or other legally binding contract, require that the new owner may not construct within or use any part of the property located in the flood zone in such a way as may promote development within the floodplain or could in any way violate the National Flood Insurance Program requirements as administered and enforced by the municipality within which the property resides. By acceptance of this deed, the Grantee, for itself and its successors and assigns, agrees to comply with such terms, conditions, and restrictions as set forth above and as more particularly set forth in the License.

Staff inquired with DOT regarding the following:

1. DOT Project No. 42-216-9E was presented to the SPRB on March 21, 2019, and the SPRB voted to approve the Legislative Conveyance on April 8, 2019. No record of said Conveyance was identified in the East Hartford Land Records. Please clarify why the land and easements were not conveyed to the Town in 2019.

DOT Response: In 2019, the DOT was working on the conveyance of File No. 42-216-9E to the Town of East Hartford. The DOT was also working on the conveyance of Brookside Lane (File No. 42-216-9C) to the Town which abutted File No. 42-216-9E.

The Town initially was interested in closing on 42-216-9E, which had the statutory approvals, prior to the conveyance of the roadway, but decided to pursue the acquisition of the roadway first and put File 42-216-9E on hold.

Given that the intent changed to have the DOT convey the roadway (42-216-9C) prior to 42-216-9E, the final deed and map for File No. 42-216-9E had to be changed to reflect the roadway being transferred first which changed the language regarding easement reservations. (Voided map and deeds are attached)

The conveyance of Brookside Lane from the DOT to the Town of East Hartford was on 2/2/2022 see attached map and deed.

Staff Response: OK

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

1. The Quit Claim deed is consistent with Section 9 of Special Act 15-1, as amended by Public Act 17-238, signed by the Governor on July 11, 2017;
2. The conveyance requires the City to utilize the land for Municipal or Economic Development Purposes and includes a reverter clause if the land is used not utilized as such;
3. If the land is leased or sold for economic development purposes, all proceeds are deposited in the Special Transportation Fund; and
4. The deed description is consistent with the map description.

PRB #	23-158
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.

Then on May 15, 2023, the State Properties Review Board (23-072) voted to approve a legislative conveyance of approximately 5.45 acres of land and easements to the City of New Haven pursuant to Section 1 of Public Act 21-147. DOT had resubmitted the Quit Claim Deed as Scrivner errors identified in the Quit Claim Deed presented to the Board under a previous Proposal.

Under this Proposal (PRB #23-158) 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.

DOT informed the Board that the Quit Claim Deed approved by both the Treasurer of State of Connecticut and SPRB was a previous draft of the deed and not the final draft approved by the AG. Changes identified in the deed were minor grammatical errors, replacement of the word 'premises' with 'parcels' and removal of 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.

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.

From PRB #23-072

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:

5. 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).
6. Section 1(b) requires the City use the parcel for open space purposes.
7. Section 1(b)(1) includes a reverter clause if the City of New Haven does not use the land for said open space purposes.
8. 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

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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.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

7. OTHER BUSINESS

Vice Chairman Josephy made a motion to approve Board Fees and Mileage reimbursement for Chairman Greenberg, Vice Chairman Josephy, Secretary Valengavich, Mr. Halpert and Mr. Berger for attending the Site Visit in Cheshire on Tuesday, 9-19-2023, for a proposal being reviewed under PRB #23-149-A. Secretary Valengavich seconded the motion. The motion passed unanimously.

8. VOTES ON PRB FILE:

PRB FILE #23-157 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #23-157. The motion passed unanimously.

PRB FILE #23-158 – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #23-158. The motion passed unanimously.

9. NEXT MEETING – Tuesday, Special Meeting, September 26, 2023.

The meeting adjourned.

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