

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On December 14, 2023

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

Pursuant to CGS §1-225a, the State Properties Review Board conducted a Regular Meeting at 9:30AM on December 14, 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 224890955#.

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 224890955#. If you have any questions or need assistance to attend these Meetings, or for some reason the Call-In Numbers do not work, please contact SPRB Director Dimple Desai, immediately, at dimple.desai@ct.gov to make appropriate arrangements.

Members Present – solely by means of electronic equipment:

Bruce R. Josephy, Chairman
Jeffrey Berger, Vice Chairman
John P. Valengavich, Secretary
Edwin S. Greenberg
Jack Halpert
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 December 11, 2023 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB #	23-212
Transaction/Contract Type:	RE – Legislative Conveyance
Origin/Client:	DOT/DOT
DOT Project #:	050-000-177B
Grantee:	Town of Fairfield
Property:	Fairfield, Tunxis Rd (488)
Project Purpose:	DOT Conveyance of 0.2902 acres
Item Purpose:	Amendment to a prior Legislative Conveyance pursuant to SA 23-16, Section 1(c)

At its meeting held on April 21, 2022, the State Properties Review Board voted to approve an amendment the 2001 Special Act (Section 23(c) of Special Act 01-6) that conveyed the property at 488 Tunxis Road (land and improvements) to the Town of Fairfield, pursuant to Section 1 of Special Act 21-36.

The Special Act included the following provisions:

- Section 1(b) requires the Town to convey the Parcel for a public works garage, economic development or housing purposes;
- Section 1(b)(3) requires the Town to convey the Parcel within five years of the effective date of the Special Act, or ownership of the Parcel reverts to the State.
- Section 1(b)(3) requires the Town to retain two Appraisers selected by the Commissioner and obtain two appraisals within six months of the State's conveyance to the Town, and updated as necessary. Any conveyance by the Town shall be made at a cost equal to fair market value, as determined by the average of the two appraisals obtained by the Town. Any proceeds from the conveyance shall be transferred to the State Treasurer for deposit into the Special Transportation Fund.

Under this Proposal (PRB #23-212) DOT seeks Board approval of this Deed to amend the Special Limitation and Reversionary Interest in the prior amendment pursuant to Section 1(c) of Special Act 23-16. There is a \$1,000 Administrative Fee.

The changes are included in the deed as follows:

The parties hereto understand and agree in accordance with Section 23(b) of Special Act 01-6, as amended by Section 1(b) of Special Act No. 21-36, as further amended by Section 1(b) of Special Act No. 23-16, that the above-described premises are conveyed with the special limitations that the Town of Fairfield shall use, lease or sell said parcel of land for a public works garage, for economic development or housing purposes or for the provision of community nonprofit charitable services. If the Town of Fairfield does not use, lease or sell said parcel for any of said purposes by June 30, 2028, the parcel shall revert to the State of Connecticut. Any sale of said parcel by the Town of Fairfield shall be made at a cost equal to the fair market value of said parcel, as determined by the average of the appraisals of two independent appraisers selected by the commissioner. Such appraisals shall be completed not later than six months after the conveyance to the town under Special Act No. 01-6, as amended by Special Act No. 21-36, and now amended by Special Act No. 23-16 and shall be updated thereafter as necessary. The net proceeds of such sale after closing costs received by the Town of Fairfield from a sale in accordance with Section 1(b) of Special Act No. 23-16 shall be transferred to the State Treasurer for deposit in the Special Transportation Fund.

DOT provided the following narrative with respect to this amended conveyance:

Special Act No. 23-16 the above noted Special Act is to Amend the above noted conveyance so that the Town may use, lease or sell the property located at 458-512 Tunxis Hill Road for the provision of community nonprofit charitable services. If the Town does not use, lease, or sell the property within five years it shall revert to the State. Any sale of the parcel by the Town shall be made at a cost determined by the average of two independent appraisers selected by the Department of Transportation. The appraisals must be completed no later than six months after the conveyance to the Town and the proceeds of the sale, after closing costs received by the Town, shall be transferred to the State Treasurer for deposit in the Special Transportation Fund.

This conveyance is made pursuant to Section 1 of Special Act No. 23-16 of the General Assembly, approved June 26, 2023.

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

1. The Deed is consistent with Section 1 of Public Act 23-16, signed by the Governor on June 26, 2023;
2. The amended conveyance permits a use of the property by the Town for the provision of community nonprofit charitable services; and
3. Any conveyance requires the sale price to be the average of two appraisals with proceeds deposited in the Special Transportation Fund.

From PRB #22-052

RELEASE PRICE: \$1,000 (Administrative Cost)

At its meeting held on September 6, 2001 the State Properties Review Board, under PRB #01-401, voted to approve a Legislative Conveyance pursuant to Section 23(a) of Special Act 01-06. The property subject to the Special Act, consisted of a 0.2902 acre site with improvements, was conveyed subject to the special limitation that "The town of Fairfield shall use said parcel of land for a public works garage." The Quit Claim Deed conveying the property to the Town of Fairfield was recorded on December 7, 2001, in Volume 2391 at Page 212 of the Fairfield Land Records.

Under this Proposal, DOT is now submitting this Proposal for SPRB approval to amend the 2001 Special Act that conveyed the property at 488 Tunxis Road (land and improvements) to the Town of Fairfield, pursuant to Section 1 of Special Act 21-36.

A summary of the amended Special Act is as follows:

1. Section 1 of Special Act 21-36 amends Section 23(a) of Special Act 01-06, that conveyed approximately 0.2902 acre of land to the Town of Fairfield at a cost equal to the administrative cost of the amended conveyance.
2. Section 1(b) requires the Town to convey the Parcel for a public works garage, economic development or housing purposes;
3. Section 1(b)(3) requires the Town to convey the Parcel within five years of the effective date of the Special Act, or ownership of the Parcel reverts to the State.

4. Section 1(b)(3) requires the Town to retain two Appraisers selected by the Commissioner and obtain two appraisals within six months of the State's conveyance to the Town, and updated as necessary. Any conveyance by the Town shall be made at a cost equal to fair market value, as determined by the average of the two appraisals obtained by the Town. Any proceeds from the conveyance shall be transferred to the State Treasurer for deposit into the Special Transportation Fund.

RECOMMENDATION: Staff recommend approval of the Legislative Conveyance pursuant to Special Act 21-36, amending the original conveyance pursuant to Section 23(a) of Special Act 01-06, approved by the Board under PRB #01-401, for the following reasons:

1. The Deed is consistent with Section 1 of Special Act 21-36, signed by the Governor on July 13, 2021;
2. The conveyance requires the Town of Fairfield to convey the land within five years specifically a public works garage, economic development or housing purposes.
3. There is a reverter clause if not conveyed within five years, or if not used for its stated purpose.

Special Act No. 21-36 AN ACT AMENDING A CONVEYANCE OF A PARCEL OF STATE LAND IN THE TOWN OF FAIRFIELD.

Be it enacted by the Senate and House of Representatives in General Assembly convened: Section 1. Section 23 of special act 01-6 is amended to read as follows (Effective from passage):

(a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the town of Fairfield a parcel of land located in the town of Fairfield, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately [1.3 acres] .3 acre and is identified as 488 [-512] Tunxis Hill Road. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The town of Fairfield shall use, lease or sell said parcel of land for a public works garage, economic development or housing purposes. If the town of Fairfield [:

- (1) Does not use said parcel for said purposes;
 - (2) Does not retain ownership of all of said parcel; or
 - (3) Leases all or any portion of said parcel]
- does not use, lease or sell said parcel for any of said purposes within five years after the effective date of this section, the parcel shall revert to the state of Connecticut. Any sale of said parcel by the town of Fairfield shall be made at a cost equal to the fair market value of said parcel, as determined by the average of the appraisals of two independent appraisers selected by the commissioner. Such appraisals shall be completed not later than six months after the conveyance to the town under this section and shall be updated thereafter as necessary. The net proceeds of such sale after closing costs received by the town of Fairfield from a sale in accordance with this subsection shall be transferred to the State Treasurer for deposit in the Special Transportation Fund.

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

PRB # 23-218
Transaction/Contract Type: RE – Legislative Conveyance
Origin/Client: DOT/DOT
DOT Project #: 92-43-50F, 92-522-14A, 92-532-11B, 92-532-12B & 92-532-34A
Grantee: New Haven Port Authority
Property: New Haven, Waterfront Connector @ Stiles Street (vicinity)
Project Purpose: DOT Conveyance of 129,998 sf - pursuant to SA 23-26 (1)
Item Purpose: Quit Claim Deed

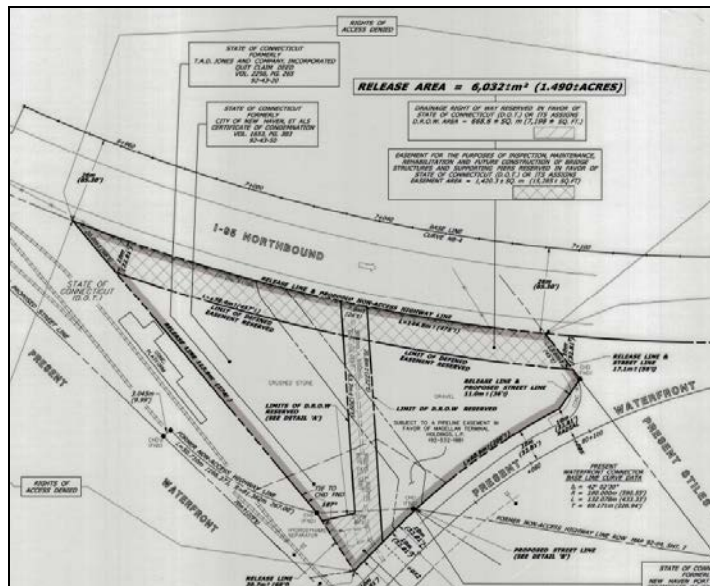
Under this Proposal (PRB #23-218) DOT seeks Board approval of this Quit Claim Deed conveying approximately 129,998 square feet of land to the New Haven Port Authority pursuant to Section 1 of Special Act 23-26. The Board’s review is pursuant to Section 3(b) of Special Act 23-26

The Special Act Language is summarized as follows:

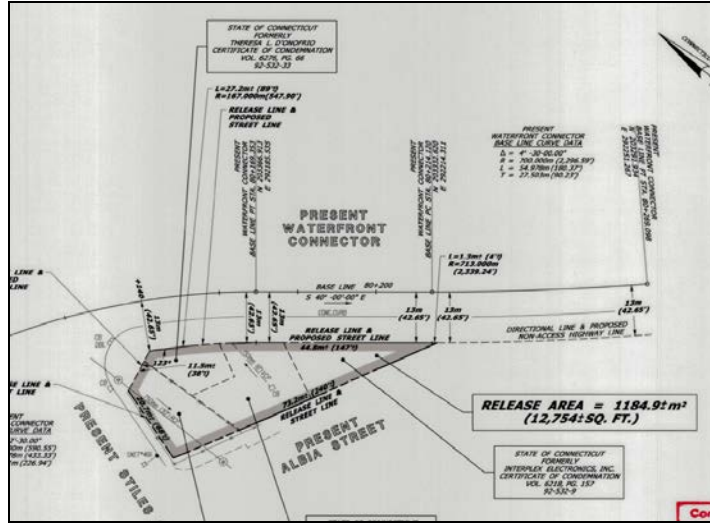
Section 1. (Effective from passage) (a) (1) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the New Haven Port Authority five parcels of land located in the city of New Haven, at a cost equal to the fair market value of the properties, as determined by the average of the appraisals of two independent appraisers selected by the commissioner, plus the administrative costs of making such conveyance.

Sections 2 (A, B, C, D & E) describe the five parcels to be conveyed to the New Haven Port Authority.

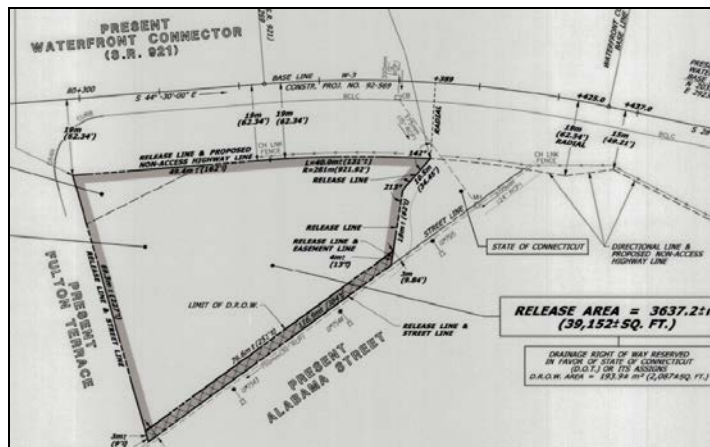
3(b) The State Properties Review Board shall complete its review of the conveyance of said parcels of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is 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. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.



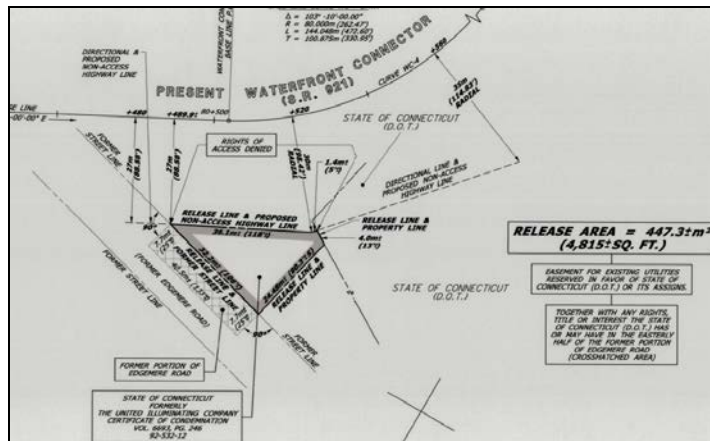
Parcel #1 - 92-43-50F



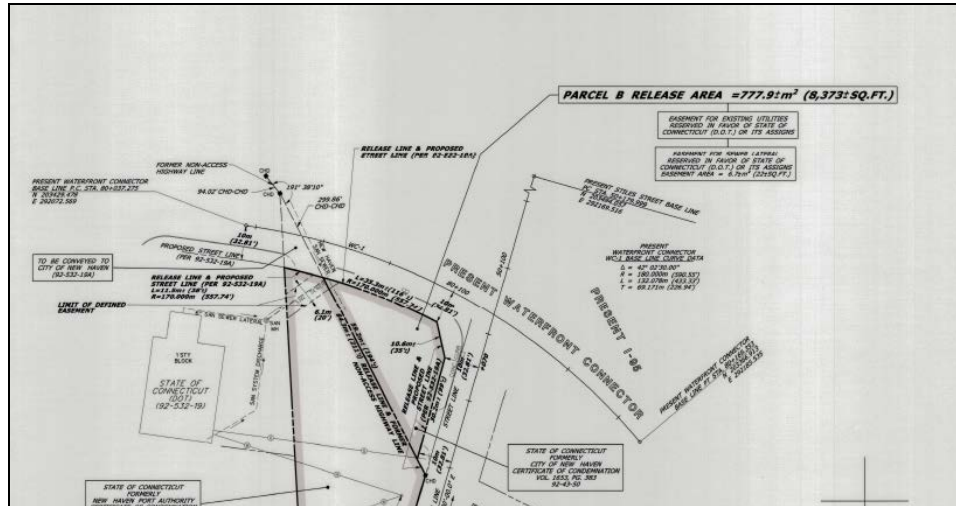
Parcel #2 - 92-532-34A



Parcel #3 - 92-532-11B



Parcel #4 - 92-532-12B



Parcel #5 - 92-522-14A

As required by Section 1 of the Special Act, DOT obtained two appraisals for each of the five parcels, as follows:

Summary of Appraisals:

File Number	Fee Appraiser	Date	Value	Average
92-43-50F	Steven C. Miller	5/3/2023	\$325,000.00	\$316,500.00
92-43-50F	John P. Kerr	5/5/2023	\$308,000.00	
92-522-14A Parcel B	Matthew Malia	6/15/2023	\$42,000.00	\$48,000.00
92-522-14A Parcel B	Steven C. Miller	5/3/2023	\$54,000.00	
92-532-11B	Steven C. Miller	5/3/2023	\$235,000.00	\$230,000.00
92-532-11B	John P. Kerr	5/5/2023	\$225,000.00	
92-532-12B	Jonathan P. Kloss	5/11/2023	\$18,000.00	\$17,500.00
92-532-12B	Steven C. Miller	5/3/2023	\$17,000.00	
92-532-34A	Steven C. Miller	5/3/2023	\$83,000.00	\$84,500.00
92-532-34A	Jonathan P. Kloss	5/11/2023	\$86,000.00	
			Average Total	\$696,600.00
			Administrative Fee	\$1,000.00
			Conveyance Total	\$697,500.00

Note: Summary includes mathematical error for 'Average Total' and equals \$696,500.

Staff asked DOT to clarify the following issues:

1. Map 92-43-50F includes the following description:

WESTERLY by land of the State of Connecticut (D.O.T.), a total distance of 134.6 meters, more or less, (442 feet, more or less), by a line designated "RELEASE LINE", as shown on said map;

Please clarify if the 66' of frontage along land of SOC (DOT) bordering the 15,285 Easement should be added to the description, as it was included in the 'Easterly' description along Stiles Street.

DOT Response: The 20m+/- (66'+/-) length of the easement is included in the 374'+/- for that segment of the westerly boundary line of parcel 92-43-50F.

Staff Response: OK

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

1. The Quit Claim deed is consistent with Section 1 of Special Act 23-26;
2. The conveyance requires the sale price of each parcel to be the average of two appraisals; and
3. The deed descriptions are consistent with the map descriptions.

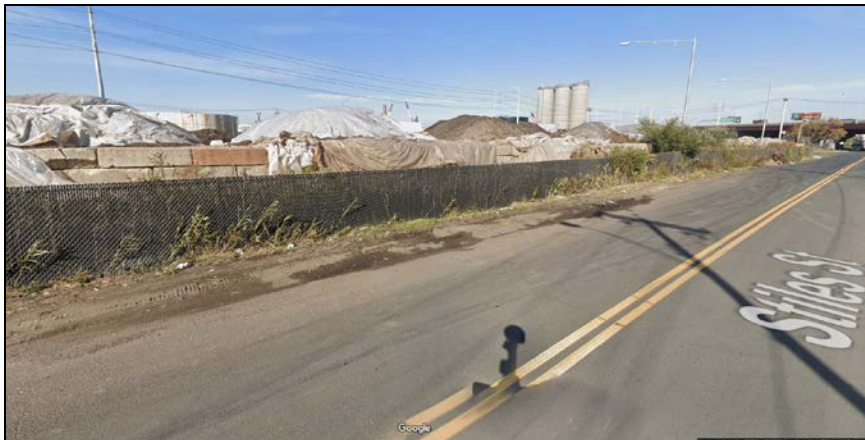
PRB # 23-219
Transaction/Contract Type: RE – Legislative Conveyance
Origin/Client: DOT/DOT
DOT Project #: 92-522-14A – Parcel A
Grantee: New Haven Port Authority
Property: New Haven, Stiles Street (Lot 900)
Project Purpose: DOT Conveyance of 36,050 square feet pursuant to SA 19-3 (1) as amended by Special Act 23-28
Item Purpose: Quit Claim Deed

RELEASE PRICE: \$205,000

At its meeting held on April 22, 2021 the State Properties Review Board voted, under PRB #21-044, to approve the conveyance of a 37,305 square foot, industrially zoned, parcel of land to the New Haven Port Authority pursuant to Special Act 19-3 (1). The \$205,000 price of the conveyance was established by the Special Act. The conveyance was subject to the following restrictions:

(b) The New Haven Port Authority shall use said parcel of land for the purpose of supporting multimodal movement of freight transiting the Port of New Haven. If the New Haven Port Authority:

- (1) Does not use said parcel for said purpose; or
- (2) Does not retain ownership of all of said parcel, the parcel shall revert to the state of Connecticut.



The Quit Claim Deed was not recorded in the New Haven Land Records.

Under this proposal (#23-219), DOT is seeking to convey an 36,050 square foot, industrially zoned, parcel of land to the New Haven Port Authority pursuant to Special Act 19-3 (1), as amended by Special Act 23-28. The amended Act reduces the land area, removes the special limitation and adds retention of an easement in favor of the State.

The Special Act Language is as follows:

Section 1. Special act 19-3 is amended to read as follows (Effective from passage): (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the New Haven Port Authority a parcel of land located in the city of New Haven at a

cost [not to exceed] of two hundred five thousand dollars. Said parcel of land has an area of approximately [0.8] .83 acre and is identified as [Lot 900 in Block 954 of city of New Haven Tax Assessor's Map 78] "Parcel A Release Area = 3,349.2 ± m² (36,050 ± Sq. Ft.)" on a map entitled "Compilation Plan, Town of New Haven, Map Showing Land Released to New Haven Port Authority by the State of Connecticut Department of Transportation, Reconstruction of I-95 over West River New Haven West Haven, Scale 1:500, July 2021, Scott A. Hill, P.E., Chief Engineer Bureau of Engineering and Construction, Town No. 92, Project No. 92522, Serial No. 14A, Sheet 1 of 1", revised July 26, 2021, and March 1, 2023. The conveyance shall be subject to the approval of the State Properties Review Board.

[(b) The New Haven Port Authority shall use said parcel of land for the purpose of supporting multimodal movement of freight transiting the Port of New Haven. If the New Haven Port Authority:

- (1) Does not use said parcel for said purpose; or
- (2) Does not retain ownership of all of said parcel, the parcel shall revert to the state of Connecticut]

(b) The parcel shall be subject to an easement for existing utilities in favor of the state and an easement for sewer lateral in favor of the state.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel 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 June 28, 2023

Staff inquired with DOT about the following:

1. If the SPRB approved the Conveyance to the New Haven Port Authority pursuant to Special Act 19-3 (1) on April 22, 2021, please clarify why this deed was never recorded in the New Haven Land Records? And, can you describe the process/timing for when deeds are generally recorded subsequent to the SPRB approval?

DOT Response: DOT never closed on SA 19-3(1) because, prior to closing it was discovered that a portion of the property to be conveyed was actually part of the Waterfront Street Connector. This required a map revision reducing the area of parcel A. This map revision with the reduced area, necessitated a revision to the legislation.

Typically, the AG signs after SPRB and we notify the municipality/ entity and schedule a closing shortly thereafter. This circumstance was unusual.

Staff Response: OK

RECOMMENDATION: Staff recommends approval of the legislative conveyance for the following reasons:

1. The Quit Claim deed is consistent with Special Act 23-38, amending Special Act 19-3;
 2. The deed description is consistent with the map description.
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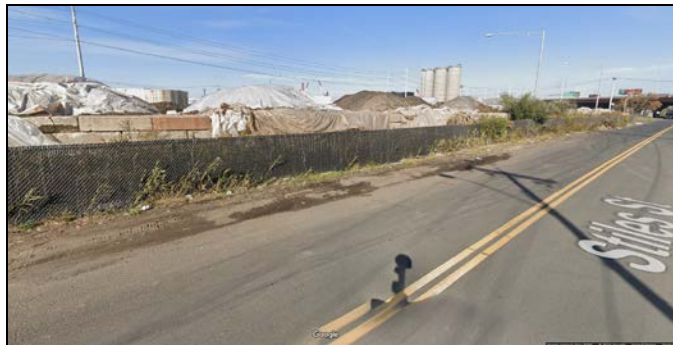
From PRB #21-044

RELEASE PRICE: \$205,000

Under this proposal (#21-044), DOT is seeking to convey an 37,305 square foot, industrially zoned, parcel of land to the New Haven Port Authority pursuant to Special Act 19-3 (1). The price of the conveyance is established by the Special Act. The conveyance is subject to the following restrictions:

(b) The New Haven Port Authority shall use said parcel of land for the purpose of supporting multimodal movement of freight transiting the Port of New Haven. If the New Haven Port Authority:

- (1) Does not use said parcel for said purpose; or
- (2) Does not retain ownership of all of said parcel, the parcel shall revert to the state of Connecticut.



The State acquired the property from the New Haven Port Authority on February 26, 2019, as recorded in a Certificate of Condemnation in the New Haven Land Records, in volume 9820, beginning on page 249.

The Special Act Language is as follows:

Section 1. (Effective from passage) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the New Haven Port Authority a parcel of land located in the city of New Haven at a cost not to exceed two hundred five thousand dollars. Said parcel of land has an area of approximately 0.8 acre and is identified as Lot 900 in Block 954 of city of New Haven Tax Assessor's Map 78. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The New Haven Port Authority shall use said parcel of land for the purpose of supporting multimodal movement of freight transiting the Port of New Haven. If the New Haven Port Authority:

- (1) Does not use said parcel for said purpose; or
- (2) Does not retain ownership of all of said parcel, the parcel shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel 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 June 18, 2019

RECOMMENDATION: Staff recommends approval of the legislative conveyance for the following reasons:

1. The Quit Claim deed is consistent with Section 1 of Special Act 19-3, signed by the Governor on June 18, 2019;
2. The conveyance requires the New Haven Port Authority to use the property for the purpose of supporting multimodal movement of freight transiting the Port of New Haven.
3. There is a reverter clause if not used for its stated purpose, or if the port authority does not retain ownership of the parcel.
4. The deed description is consistent with the map description.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

7. OTHER BUSINESS:

8. VOTES ON PRB FILE:

PRB FILE #23-212 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve FILE #23-212. The motion passed unanimously.

PRB FILE #23-218 – Mr. Halpert moved and Mr. Berger seconded a motion to approve FILE #23-218. The motion passed unanimously.

PRB FILE #23-219 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve FILE #23-219. The motion passed unanimously.

9. NEXT MEETING – Monday, December 18, 2023 – will be held solely by means of electronic equipment.

The meeting adjourned.

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