

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On May 17, 2018 450 Columbus Boulevard, Hartford, Connecticut

The State Properties Review Board held its regular meeting on May 17, 2018 in Suite 2035, 450 Columbus Boulevard, Hartford, Connecticut.

Members Present: Edwin S. Greenberg, Chairman
Bruce Josephy, Vice Chairman
Jack Halpert
John P. Valengavich, Secretary

Staff Present: Dimple Desai
Rosamond S. White

Chairman Greenberg called the meeting to order.

Mr. Valengavich moved and Mr. Halpert seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

ACCEPTANCE OF MINUTES OF May 3rd, 2018 and May 10th, 2018

Mr. Valengavich moved and Mr. Halpert seconded a motion to accept the minutes of May 3rd, 2018. The motion passed unanimously.

Mr. Valengavich moved and Mr. Halpert seconded a motion to accept the minutes of May 10th, 2018. The motion passed unanimously.

COMMUNICATIONS – Email from Department of Transportation – A question was posed on May 14th meeting on the method or formula used by DOT on its calculation on the different projects. Director Desai emailed Michelle London, supervising property agent on the following, her explanation is there is no standardized formula. The percentage is decided on many different factors and the degree of the impact the project has on many different levels.

REAL ESTATE- UNFINISHED BUSINESS

REAL ESTATE – NEW BUSINESS

PRB #	18-069	Transaction/Contract Type: RE/Voucher
Origin/Client:	DOT/DOT	
Project Number:	096-206-005	
Grantor:	Richard N. Abramson	
Property:	39 Berkshire Road, Newtown, CT	
Project Purpose:	Intersection improvement	
Item Purpose:	Acquisition of 1.5 acres of residential property to increase vehicular capacity, reduce delay and improve traffic operation at the 3 subject intersections on CT Route 34	

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DOT PROJECT: The Department is proposing to acquire a residential property for Intersection Improvements at Route 34/I-84.

Subject Property Description, Before the Taking: The subject property is an improved site located on approximately 1.5 acres of land within the R-2 residential zoning district with the Acquifer Protection District Overlay on the northerly side of Berkshire Road. Berkshire Road is also known as CT Route 34. The subject property is improved with a 1,400 SF cape-style residence built in 1928 with a room count of approximately 6 total rooms, 2 bedrooms, and 1 full bathroom.

Location: 39 Berkshire Road, Newtown, CT
Site Area: 1.5 acres
Use: Residential

Valuation: The land valuation was derived based on comparable sales. After applying weights to each of the comparable sales adjusted values, the land and building value of the subject property is being valued at \$255,000. The valuation was prepared by DOT staff Edward P. Sass, Jr. as of 3/26/2018. This is a total taking.

PRB # 18-071 **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT/DOT
Project Number: 11-154-1
Grantor: Wilday, LLC
Property: 56 Tunxis Avenue, Bloomfield, CT
Project Purpose: Improvement of Bridge No. 01509t
Item Purpose: Acquire 468±SF of land and Easement of 250±SF to install, construct and maintain metal beam rail and a right to grade, construct driveway and install bituminous concrete lip curbing over an area of 456±SF. Rt 189 Over Wash brook Bridge, Superstructure Replacement.

DOT PROJECT: The Department is proposing to acquire a 468± SF parcel of land, an easement to install, construct and maintain a metal beam rail and anchorage over an area of 250± SF (10' x 25') and a right to grade, construct driveway and install bituminous concrete lip curbing over an area of 456± SF.

The improvements situated on the subject property will be unaffected by the aforementioned improvement project; therefore, only the land and affected site improvements are being valued.

Subject Property Description, Before the Taking: The subject property is composed of a 0.86± SF (37,462± SF) improved with a 2,160 ± SF auto service garage, including a 920± SF canopy, which was acquired by Wilday, LLC on July 21, 2009:

Location: 56 Tunxis Avenue, Bloomfield
Site Area: 0.86± acres

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Use: Commercial

EOC Valuation: *The land valuation was derived based on comparable sales. After applying weights to each of the comparable sales adjusted values, the land value of the subject property is being valued at \$294,000, which equates to \$7.85 per square foot. The following table indicates the results of the DOT Estimate of Compensation, prepared as of 3/29/2018:*

Item	Calculation	Damages
Acquisition Parcel	468± SF @ \$7.85/SF	\$3,673.80
Easement Parcel	250± SF @ \$7.85/SF x 75%	\$1,471.88
Total:	<i>rounded</i>	\$5,200.00

PRB # 18-078 **Transaction/Contract Type:** RE/Administrative Settlement
Origin/Client: DOT/DOT
Project Number: 301-176-21
Owner: City of Norwalk
Property: 10 Water Street, Norwalk, CT
Project Purpose: Replacement of the Walk Railroad Bridge
Item Purpose: Acquire two Easements to construct and maintain bridge (total are 7,305±SF) and three construction Easements (total area 44,129±SF). In addition temporary rights will be acquired: Rights to remove tent, Right to remove fire escape, Right to remove deck and ramp.

The DOT project involves the replacement of the Walk Railroad Bridge in the City of Norwalk. The Walk Bridge carries four tracks of the New Haven Line and is critical to intercity and high-speed passenger rail service by Metro-North Railroad and Amtrak as well as freight rail service by CSX and Providence and Worcester Railroad. Approximately 200 trains and 125,000 passengers travel across the Walk Bridge every day. The bridge is 120-years-old and swings open and close to accommodate commercial and recreational marine traffic on the river below. In recent years, the bridge has failed to close properly causing safety concerns and major disruptions to rail service in the Northeast Corridor.

This Administrative Settlement concerns the acquisition of two Easements to Construct and Maintain Bridge (total area 7,305 SF) and three Construction Easements (total area 44,129 SF). In addition, the following temporary rights will be acquired: Right to Remove Tent (3031 SF); Right to Remove Fire Escape; Right to Remove Deck and Ramp.

The City owned property is located at 10 Water Street and is comprised of two parcels bisected by the Metro North Rail line. The parcels to be described are tenant occupied by the Maritime Aquarium at Norwalk, Inc., which consists of the Maritime Aquarium and IMAX Theater collectively known as The Maritime Aquarium at Norwalk (TMA). Parcel A (north side) consist of 3.4 acres and is improved with the Aquarium which is comprised of two buildings (main building and Annex/Tent Structure). Parcel B (south side) consist of 37,026 SF and is improved with the 309-seat Theater that supports the Aquarium

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by showing educational films centered on animals and the environment. The parcel abuts a municipal parking lot and has an observation deck/pier, ramp, and dock that accommodates TMA's research vessel Spirit of the Sound.

The proposed acquisition will result in the removal of the Theater, TMA's annex building along with animal exhibits located within the structure which include a Meerkat Exhibit, Dragon Exhibit and "Go Fish" Exhibit and their respective life support systems. The adjacent Seal Exhibit will be impacted due to its proximity to the construction activity and the consequential effect it will have on the seals. TMA representatives represented their desire to relocate the tent exhibits to the inside of the Aquarium's main building and modify/close-in the Seal Exhibit as necessary to protect the animals. The Seal Exhibit would require modifications to the building as necessary to close off the open-air aspect of the exhibit and create the "haul-out area" needed for the seals to escape the vibrations caused by the project's construction activities. When looking at the means available to relocate the animals, the Department realized the limiting aspect of the federal regulations that prohibits relocation payments attributable toward physical changes to the real property. This presented a problem for the Department, recognizing that the animals must be relocated/accommodated but at the same time remain part of TMA.

On December 22, 2016, the Department secured the FTA's concurrence to use the functional replacement provision in accordance with 23 CFR 710.509 and CGS 13a-73, 13b-23 and 13b-36. This provision allows municipalities to be compensated based on the cost to functionally replace an impacted facility. Using this provision would enable the Department to effectively relocate the animals and consequently provide TMA the cost to replace the Theater. In addition to the previously reference re-establishment of the animal exhibits, the plan called for the IMAS Theater to be replaced with another theater located on the north side of Parcel A at TMA's current main entrance.

Valuation: The Department commissioned an appraisal from Fee Appraiser Ms. Barbara Pape wherein she utilized the before and after approach to arrive at a \$22,520,000.00 damage as of May 16, 2017. In doing so, she applied damages toward the loss of the described buildings, exhibits and improvements. The appraisal considers severance damages measured by the 7-year loss of several major displays. The loss of these displays lessens the value of the remainder since they are a major part of the TMA experience. The appraisal also adds the rental value of the easement areas and a small cost to cure for the replacement of the Aquarium building's fire escape.

TMA initiated efforts to secure conceptual design plans and cost estimates in anticipation of replacing the effected improvements as described. The initial conceptual design reflected an estimated cost

The appraisal states:

Before Value	\$48,400,000
After Value	\$34,400,000
Damages	\$ 2,165,000 – land value for temp and perm easements
	\$ 1,850,000 – loss of improvements (improvements & exhibits)
	\$18,130,000 – for severance/damages to the remainder
	\$ <u>375,000</u> – for a cost to cure
	\$22,520,000 (TOTAL)

The board discussed setting up a site visit to get a better understanding of the project, timeline and the recommended settlement amounts.

ARCHITECT-ENGINEER - UNFINISHED BUSINESS

ARCHITECT-ENGINEER – NEW BUSINESS

OTHER BUSINESS:

The Board took the following vote in Open Session:

VOTES ON PRB FILES:

PRB FILE #18-069 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB File #18-069. The motion passed unanimously.

PRB FILE #18-071 - Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB File #18-071. The motion passed unanimously.

PRB FILE #18-078 - Mr. Valengavich moved and Mr. Josephy seconded a motion to suspend PRB File #18-078. The motion passed unanimously.

The meeting adjourned.

APPROVED: _____ **Date:** _____

John P. Valengavich, Secretary