

STATE PROPERTIES REVIEW BOARD

Draft Minutes of Meeting Held On May 22, 2018 450 Columbus Boulevard, Hartford, Connecticut

The State Properties Review Board held a special meeting on May 22, 2018 at 10 North Water Street, Norwalk, Connecticut to perform a site visit.

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

Staff Present: Dimple Desai
Rosamond S. White

DOT: James I. Mason, Assistant Director, Right of Way

Maritime Aquarium: Dr. Brian Davis, CEO & President
Staff Dave Truedson, COO
Michael Widland
Krissy Ramsey
Paul Stone

REAL ESTATE – NEW BUSINESS

PRB # 18-078 **Transaction/Contract Type:** RE/Admin. 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

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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 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

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\$ 375,000 – for a cost to cure
\$22,520,000 (TOTAL)

Assistant Director James Mason from the Department of Transportation led the discussion on the preparation and strategic planning of replacing the Walk Railroad Bridge in the City of Norwalk. He illustrated the project impact to the aquarium and surrounding area digitally which he will be forwarded to the board and director for further review.

Both Mr. Mason and Dr. Davis explained to the board the impact the project will have on the following 1. The businesses on the one side of the river; construction site, a mechanic shop, the marine and residential properties. 2. The aquarium and the IMAX theatre, more important the seal and meekrat. The aquarium is known as a gestational aquarium for its seal population whose average lifespan is twenty years. However, the aquarium host seals which are over the expected lifespan some has lived as old as forty four years old. The seal exhibit which is held outdoors will need to be enclosed due to the noise and vibration of the construction 3. The IMAX will need to be relocated due to the logistic of the cranes and construction 4. The surrounding businesses on Washington St and the condo residences who they have been working with from conception. 5. The significant impact the project will have on the garage and its visitors. The board was given an explanation of the financial breakdown of the project as it concerns relocation of the animals. The Chairman asked the question on if DOT plan were for the garage at the corner of Washington and Water Rd, Mr. Mason stated that it will be temporary right of way for it usage to set up and set down the crane for the bridge.

The group was given a tour of the entire aquarium focusing on the location of the projected acquisition of the two Easements for Construction and Maintenance of the Bridge (total area 7,305 SF) and the additional three Construction Easements (total area 44,129 SF). In addition, the following temporary rights to acquire: Right to Remove Tent (3031 SF); Right to Remove Fire Escape which is abut the Metro North train tracks; the Right to Remove Deck and Ramp.

The projected time for this project completion is 3 to 5 years.

APPROVED: _____ **Date:** _____

John P. Valengavich, Secretary