

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On October 14, 2021 – 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 October 14, 2021 remotely via telephone conference at (866)-692-4541, passcode 85607781.

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 October 12, 2021 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Director Desai provided an update that an email was sent to DoAg to seek status of the upcoming proposals for Board review, if any.

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB #	21-152
Transaction/Contract Type:	RE – Conveyance
Origin/Client:	DOT/DOT
DOT Project #:	025-082-001F
Grantee:	Town of Cheshire
Property:	Cheshire, Milldale Rd, Route 10 (land)
Project Purpose:	DOT Conveyance of 58 acres
Item Purpose:	Legislative Conveyance pursuant to SA 19-4, Section 1(c)

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

At its meeting held on May 17, 2021 the State Properties Review Board voted to return PRB #21-070, a Proposal to convey 58 acres to the Town of Cheshire. DOT made this request on May 10, 2021, stating an easement to drain in favor of the State should have been retained.

Under this Proposal, DOT is now resubmitting the Proposal to convey 58 acres of land in Cheshire to the Town of Cheshire pursuant to SA 19-4, Section 1(c). The Quit Claim Deed has been updated to include the following language:

Reserving unto the State of Connecticut, its successors and assigns forever, a full and perpetual easement to drain under, over and across portions of the premises herein conveyed. And the Grantor further reserves unto itself its successors and assigns forever, a full and perpetual right and privilege to enter upon the said premises by its officers, employees, servants and agents, for the purpose of constructing, building, maintaining, cleaning, repairing, reconstructing and inspecting, at all times the facilities located within said drainage right of way, with appurtenances thereto, upon, over, under and across said easement area, together with the further right, privilege and easement to discharge water onto land of the Grantee in the direction of the arrow.

Staff inquired with DOT regarding the following:

1. SA 19-4, Section 1(b) includes a special limitation with respect to the sale of lots for economic development purposes within 5 years of the conveyance. Should the deed be modified to include this special limitation in light of the AG's past addition of a special limitation as in DOT Petition 58-95-27C in Groton?

DOT Response: We have not appraised this land. When the Town of Cheshire closes on this property the clock starts ticking and when they find a buyer, then we would appraise it. We had a Special Act similar to this in South Windsor, but there was not a 5 year restriction.

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 19-4, signed by the Governor on July 23, 2019;
2. The conveyance requires the Town of Cheshire to convey the parcels of land within five years specifically for economic development.
3. There is a reverter clause if not conveyed within five years, or if not used for its stated purpose.
4. The deed description is consistent with the map description.

RELEASE PRICE: \$1,000

Project Background

Pursuant to Special Act No. 19-4, Section 1(c), approved by the Governor on July 23, 2019, the State will convey approximately 58 acres to the Town for economic development purposes.

The land, identified by the Cheshire Assessor, includes Lots #31, #32 and #33 on Assessor's Map 4. The land area identified by the Assessor totals 48.07 acres. The 58 acres conveyed is based on the DOT Survey, not the Assessor's Map.



The land is conveyed with the following special limitation:

(b) The town of Cheshire shall sell said parcels of land for economic development purposes. If the town does not sell said parcels for economic development purposes within five years after the conveyance, the parcels shall revert to the state of Connecticut.

The State acquired the property in four separate transactions from 1970 through 1983.

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 town of Cheshire three parcels of land located in the town of Cheshire at a cost equal to the administrative costs of making such conveyance. The first parcel of land has an area of approximately 3.59 acres and is identified as Lot 31 on town of Cheshire Tax Assessor's Map 4. The second parcel of land has an area of approximately 0.88 acre and is identified as Lot 32 on town of Cheshire Tax Assessor's Map 4. The third parcel of land has an area of approximately 43.6 acres and is identified as Lot 33 on town of Cheshire Tax Assessor's Map 4. The precise size and area of said parcels to be conveyed shall be determined by the commissioner. The conveyance of said parcels shall be subject to the approval of the State Properties Review Board.

(b) The town of Cheshire shall sell said parcels of land for economic development purposes. If the town does not sell said parcels for economic development purposes within five years after the conveyance, the parcels shall revert to the state of Connecticut. Any sale of said parcels shall be made at a cost equal to the fair market value of said parcels, 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 such conveyance and shall be updated as necessary. Any funds received by the town of Cheshire 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 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 shall have the sole responsibility for all other incidents of such conveyance.

Approved July 23, 2019

On May 10, 2021, Staff received an email from DOT's Amy Martinez stating "This office discovered an error on the subject map, an easement to drain in favor of the State should have been retained. We will be updating the map and deed and sending it through again."

RECOMMENDATION: Based on a May 10, 2021 email Staff recommends return of this Proposal to DOT.

Transaction/Contract Type: RE – License
Origin/Client: DAS/DAS
Licensee: Hartford, Buckingham St (315)
Property: The Horace Bushnell Memorial Hall Corporation
Project Purpose: License Agreement for Performance and Event Parking
Item Purpose: Five-Year License Agreement

Background

Under this proposal (PRB #21-161), DAS is seeking SPRB approval to this new License Agreement for the Bushnell Theatre’s use and occupancy of available parking spaces within the parking garage at 315 Buckingham Street for a five-year term, with three five-year renewal options. The terms of the Agreement are as follows:

PRB #	#21-161
Licensee	The Horace Bushnell Memorial Hall Corporation
License Area	Available spaces in 315 Buckingham Street Garage
Use	Performance and event parking for events at the Bushnell Theater for up to two hours before and two hours after an event, but in no event during the hours of 7AM to 5PM (Monday through Friday).
Term	5 Years; Initial term: upon AG Approval
Fee	Reimbursement of one Security Guard at the State’s rate and reimbursement of after-hours operating expenses as determined by DAS.
Renewal	Three, 5 Year Renewal terms, both at the same terms.
Insurance	Licensor shall maintain \$1,000,000 Comprehensive General Liability Insurance in any one occurrence, \$2,000,000 in the aggregate. Standard Fire and Casualty Insurance (100% Replacement Cost)
Other	Licensor shall be held harmless and indemnified against all claims. No waiver of sovereign immunity of the Licensor.

The Licensee executed the License Agreement on August 1, 2021 and DAS executed the License Agreement on August 14, 2021. OPM approved the agreement on September 21, 2021.

Shortly after the DAS submission, Staff were informed by DAS that they were awaiting a signed letter from the Treasurer’s Office pursuant to CGS 4b-38(b). The letter was received on October 13, 2021.

RECOMMENDATION: Staff recommendation is to approve this License Agreement for the Bushnell Theater’s use and occupancy of parking spaces within the Buckingham Street Garage for the following reasons:

- The License Agreement complies with Section 4b-38 of the CGS which governs the lease of state-owned land or buildings by the Commissioner;
- The Agreement provides parking to the Bushnell Theater with all of the State’s related occupancy expenses reimbursed by the Bushnell; and
- The use of the garage by the Bushnell will not interfere with the State’s use during normal business hours.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILES #21-152 – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB 21-152. The motion passed unanimously.

PRB FILES #21-161 – Mr. Berger moved and Mr. Valengavich seconded a motion to approve PRB 21-161. The motion passed unanimously.

9. NEXT MEETING – Monday, October 18, 2021.

The meeting adjourned.

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