



House of Representatives

General Assembly

File No. 498

February Session, 2010

Substitute House Bill No. 5520

House of Representatives, April 13, 2010

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15 of special act 07-11 is amended to read as
2 follows (*Effective from passage*):

3 (a) Notwithstanding any provision of the general statutes, the
4 Commissioner of Transportation shall convey to the Bridgeport Port
5 Authority a parcel of land located in the city of Bridgeport, at a cost
6 equal to the administrative costs of making such conveyance. Said
7 parcel of land has an area of approximately 1.008 acres and is
8 identified as a certain parcel of land situated in the city of Bridgeport,
9 county of Fairfield, and state of Connecticut, being more particularly
10 bounded and described as follows:

11 "Beginning at a point, said point being the southeast corner of the
12 intersection of Seaview Avenue and the eastbound off-ramp of

13 Interchange 29, Interstate 95;

14 Thence running southwesterly along land of the Bridgeport Port
15 Authority, 620', more or less;

16 Thence running northerly along the easterly highway line of
17 Stratford Avenue, along a curved line concave to the west, 370' more or
18 less;

19 Thence running easterly along the southerly highway line of said
20 eastbound off-ramp of Interchange 29, Interstate Route 95, 440' more or
21 less."

22 The conveyance shall be subject to the approval of the State Properties
23 Review Board.

24 (b) (1) The Bridgeport Port Authority shall use said parcel of land
25 for economic development and waterfront related purposes and may
26 lease all or any portion of said parcel for economic development and
27 waterfront related purposes. If the Bridgeport Port Authority:

28 [(1)] (A) Does not use said parcel for said purposes;

29 [(2)] (B) Does not retain ownership of all of said parcel; or

30 [(3)] (C) Leases all or any portion of said parcel, except for a lease of
31 all or any portion of said parcel for economic development and
32 waterfront related purposes, in accordance with the provisions of
33 this subsection,

34 the parcel shall revert to the state of Connecticut.

35 (2) Notwithstanding any provision of the general statutes, the
36 Department of Transportation shall grant the Bridgeport Port
37 Authority a right of way from Stratford Avenue, Connecticut Route
38 130 directly to and from said parcel, at a place to be determined by the
39 department.

40 (c) The State Properties Review Board shall complete its review of
41 the conveyance of said parcel of land not later than thirty days after it

42 receives a proposed agreement from the Department of
43 Transportation. The land shall remain under the care and control of
44 said department until a conveyance is made in accordance with the
45 provisions of this section. The State Treasurer shall execute and deliver
46 any deed or instrument necessary for a conveyance under this section,
47 which deed or instrument shall include provisions to carry out the
48 purposes of subsection (b) of this section. The Commissioner of
49 Transportation shall have the sole responsibility for all other incidents
50 of such conveyance.

51 Sec. 2. (*Effective from passage*) (a) Notwithstanding any provision of
52 the general statutes, the Commissioner of Mental Health and
53 Addiction Services shall convey to the town of Newington a parcel of
54 land located in the town of Newington, at a cost equal to the
55 administrative costs of making such conveyance. Said parcel of land
56 has an area of approximately forty acres and is identified as Lot 12-010
57 bordering Russell Road on Newington Town Assessor Map NE 594.
58 The conveyance shall be subject to the approval of the State Properties
59 Review Board.

60 (b) The town of Newington shall use said parcel of land for open
61 space purposes. If the town of Newington:

- 62 (1) Does not use said parcel for said purposes;
63 (2) Does not retain ownership of all of said parcel; or
64 (3) Leases all or any portion of said parcel,

65 the parcel shall revert to the state of Connecticut.

66 (c) The State Properties Review Board shall complete its review of
67 the conveyance of said parcel of land not later than thirty days after it
68 receives a proposed agreement from the Department of Mental Health
69 and Addiction Services. The land shall remain under the care and
70 control of said department until a conveyance is made in accordance
71 with the provisions of this section. The State Treasurer shall execute
72 and deliver any deed or instrument necessary for a conveyance under
73 this section, which deed or instrument shall include provisions to carry

74 out the purposes of subsection (b) of this section. The Commissioner of
75 Mental Health and Addiction Services shall have the sole
76 responsibility for all other incidents of such conveyance.

77 Sec. 3. (*Effective from passage*) (a) Notwithstanding any provision of
78 the general statutes, the Commissioner of Transportation shall convey
79 to the town of Greenwich a parcel of land located in the town of
80 Greenwich, at a cost equal to the administrative costs of making such
81 conveyance. Said parcel of land has an area of approximately .5 acres
82 and is identified as a portion of lots 284, 285, 295 and 296 on Map 1039
83 entitled "Map of Greenwich Gardens, Sound Beach, Township of
84 Greenwich Connecticut dated July 1925." The conveyance shall be
85 subject to the approval of the State Properties Review Board.

86 (b) The town of Greenwich shall use said parcel of land for open
87 space and public safety purposes. If the town of Greenwich:

- 88 (1) Does not use said parcel for said purposes;
89 (2) Does not retain ownership of all of said parcel; or
90 (3) Leases all or any portion of said parcel,

91 the parcel shall revert to the state of Connecticut.

92 (c) The State Properties Review Board shall complete its review of
93 the conveyance of said parcel of land not later than thirty days after it
94 receives a proposed agreement from the Department of
95 Transportation. The land shall remain under the care and control of
96 said department until a conveyance is made in accordance with the
97 provisions of this section. The State Treasurer shall execute and deliver
98 any deed or instrument necessary for a conveyance under this section,
99 which deed or instrument shall include provisions to carry out the
100 purposes of subsection (b) of this section. The Commissioner of
101 Transportation shall have the sole responsibility for all other incidents
102 of such conveyance.

103 Sec. 4. (*Effective from passage*) (a) Notwithstanding any provision of
104 the general statutes, the Commissioner of Environmental Protection

105 shall convey to the town of Portland a parcel of land located in the
106 town of Portland, at a cost equal to the administrative costs of making
107 such conveyance. Said parcel of land has an area of approximately 1.83
108 acres and is identified as part of P/O 70-29 on Town of Portland Tax
109 Assessor's Map 78, a portion of which borders Great Hill Road,
110 commencing at the northwest corner of lot 30 bordering Great Hill
111 Road, proceeding in a northerly direction for three hundred feet, then
112 in an easterly direction for two hundred feet, then in a southerly
113 direction for four hundred feet, and then in a westerly direction for
114 one hundred feet. The conveyance shall be subject to the approval of
115 the State Properties Review Board.

116 (b) The town of Portland shall use said parcel of land for
117 construction of a fire house. If the town of Portland:

- 118 (1) Does not use said parcel for construction of a fire house;
119 (2) Does not retain ownership of all of said parcel; or
120 (3) Leases all or any portion of said parcel,

121 the parcel shall revert to the state of Connecticut.

122 (c) The State Properties Review Board shall complete its review of
123 the conveyance of said parcel of land not later than thirty days after it
124 receives a proposed agreement from the Department of Environmental
125 Protection. The land shall remain under the care and control of said
126 department until a conveyance is made in accordance with the
127 provisions of this section. The State Treasurer shall execute and deliver
128 any deed or instrument necessary for a conveyance under this section,
129 which deed or instrument shall include provisions to carry out the
130 purposes of subsection (b) of this section. The Commissioner of
131 Environmental Protection shall have the sole responsibility for all other
132 incidents of such conveyance.

133 Sec. 5. (*Effective from passage*) (a) Notwithstanding any provision of
134 the general statutes, the Commissioner of Transportation shall convey
135 to the town of Marlborough a parcel of land located in the town of
136 Marlborough, at a cost equal to the administrative costs of making

137 such conveyance. Said parcel of land has an area of approximately .46
138 acres and is identified as Lot 7 in Block 29 of Marlborough Tax
139 Assessor's Map 6E and as a certain parcel on the westerly side of Forest
140 Homes Road that constitutes Department of Transportation File #53-
141 98-86A. The conveyance shall be subject to the approval of the State
142 Properties Review Board.

143 (b) The town of Marlborough shall use said parcel of land for open
144 space or municipal purposes. If the town of Marlborough:

- 145 (1) Does not use said parcel for said purposes;
146 (2) Does not retain ownership of all of said parcel; or
147 (3) Leases all or any portion of said parcel,

148 the parcel shall revert to the state of Connecticut.

149 (c) The State Properties Review Board shall complete its review of
150 the conveyance of said parcel of land not later than thirty days after it
151 receives a proposed agreement from the Department of
152 Transportation. The land shall remain under the care and control of
153 said department until a conveyance is made in accordance with the
154 provisions of this section. The State Treasurer shall execute and deliver
155 any deed or instrument necessary for a conveyance under this section,
156 which deed or instrument shall include provisions to carry out the
157 purposes of subsection (b) of this section. The Commissioner of
158 Transportation shall have the sole responsibility for all other incidents
159 of such conveyance.

160 Sec. 6. (*Effective from passage*) (a) Notwithstanding any provision of
161 the general statutes, the Commissioner of Transportation shall convey
162 to Carolyn J. Sheehan and Edward F. Sheehan two parcels of land
163 located in the town of Andover, at a cost equal to the fair market value
164 of said parcels of land, as determined by the Department of
165 Transportation, plus the administrative costs of making such
166 conveyance. Said parcels of land have an area of approximately 5.1
167 acres and 6.2 acres, respectively, and are identified as certain parcels of
168 land on the easterly side of Wheeling Road that constitute Department

169 of Transportation File #32-114-56 and File #32-114-37. The conveyance
170 shall be subject to the approval of the State Properties Review Board.

171 (b) The State Properties Review Board shall complete its review of
172 the conveyance of said parcels of land not later than thirty days after it
173 receives a proposed agreement from the Department of
174 Transportation. The land shall remain under the care and control of
175 said department until a conveyance is made in accordance with the
176 provisions of this section. The State Treasurer shall execute and deliver
177 any deed or instrument necessary for a conveyance under this section.
178 The Commissioner of Transportation shall have the sole responsibility
179 for all other incidents of such conveyance.

180 Sec. 7. (*Effective from passage*) (a) Notwithstanding any provision of
181 the general statutes, the Commissioner of Transportation shall convey
182 to Lawrence E. Green and Fay E. Green a parcel of land located in the
183 town of Andover, at a cost equal to the fair market value of said parcel
184 of land, as determined by the Department of Transportation, plus the
185 administrative costs of making such conveyance. Said parcel of land
186 has an area of approximately 15 acres and is identified as a certain
187 parcel of land on the easterly side of South Road that constitutes
188 Department of Transportation File #12-81-41. The conveyance shall be
189 subject to the approval of the State Properties Review Board.

190 (b) The State Properties Review Board shall complete its review of
191 the conveyance of said parcel of land not later than thirty days after it
192 receives a proposed agreement from the Department of
193 Transportation. The land shall remain under the care and control of
194 said department until a conveyance is made in accordance with the
195 provisions of this section. The State Treasurer shall execute and deliver
196 any deed or instrument necessary for a conveyance under this section.
197 The Commissioner of Transportation shall have the sole responsibility
198 for all other incidents of such conveyance.

199 Sec. 8. (*Effective from passage*) (a) Notwithstanding any provision of
200 the general statutes, the Commissioner of Transportation shall convey
201 to Peter Yeomans a parcel of land located in the town of Andover, at a

202 cost equal to the fair market value of said parcel of land, as determined
203 by the Department of Transportation, plus the administrative costs of
204 making such conveyance. Said parcel of land has an area of
205 approximately 9.9 acres and is identified as a certain parcel of land on
206 the southerly side of Bear Swamp Road that constitutes Department of
207 Transportation File #32-114-53. The conveyance shall be subject to the
208 approval of the State Properties Review Board.

209 (b) The State Properties Review Board shall complete its review of
210 the conveyance of said parcel of land not later than thirty days after it
211 receives a proposed agreement from the Department of
212 Transportation. The land shall remain under the care and control of
213 said department until a conveyance is made in accordance with the
214 provisions of this section. The State Treasurer shall execute and deliver
215 any deed or instrument necessary for a conveyance under this section.
216 The Commissioner of Transportation shall have the sole responsibility
217 for all other incidents of such conveyance.

218 Sec. 9. (*Effective from passage*) (a) Notwithstanding any provision of
219 the general statutes, the Commissioner of Transportation shall convey
220 to the city of New Haven a parcel of land located in the city of New
221 Haven, at a cost equal to the administrative costs of making such
222 conveyance. Such administrative costs shall not include legal fees. Said
223 parcels of land are identified on a map entitled "Portions of State
224 Highways Required for Development of 100 College Street (Phase 1 of
225 Downtown Crossing), Project no. 2006654.S20 March 1, 2010". The
226 conveyance shall be subject to the approval of the State Properties
227 Review Board.

228 (b) The city of New Haven shall use said parcel of land for traffic
229 mitigation purposes. If the city of New Haven:

- 230 (1) Does not use said parcel for said purposes;
231 (2) Does not retain ownership of all of said parcel; or
232 (3) Leases all or any portion of said parcel,

233 the parcel shall revert to the state of Connecticut.

234 (c) The State Properties Review Board shall complete its review of
 235 the conveyance of said parcel of land not later than thirty days after it
 236 receives a proposed agreement from the Department of
 237 Transportation. The land shall remain under the care and control of
 238 said department until a conveyance is made in accordance with the
 239 provisions of this section. The State Treasurer shall execute and deliver
 240 any deed or instrument necessary for a conveyance under this section,
 241 which deed or instrument shall include provisions to carry out the
 242 purposes of subsection (b) of this section. The Commissioner of
 243 Transportation shall have the sole responsibility for all other incidents
 244 of such conveyance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	SA 07-11, Sec. 15
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section

Statement of Legislative Commissioners:

A map reference was added to section 4 for accuracy, a reference to Wheeling Road was changed to South Road in section 7 for accuracy and a technical change made to section 6 for clarity.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Department of Transportation	TF - Loss of Asset Value	See Below	None
Mental Health & Addiction Serv., Dept.	GF - Loss of Asset Value	11.495 million	None
Department of Transportation	TF - Revenue Gain	See Below	None
Policy & Mgmt., Off.	GF - Savings	Minimal	Minimal
Treasurer; Dept. of Administrative Services	GF - Cost	Minimal	None

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$
Marlborough; Greenwich; Newington; New Haven; Portland	Gain of Asset Value	See Below	See Below
Marlborough; New Haven; Newington; Portland; Greenwich	Revenue Loss	Minimal	Minimal
Marlborough; New Haven; Newington; Portland; Greenwich	Revenue Gain	Potential	Potential

Explanation

The fiscal impact of the bill is:

1. an estimated Transportation Fund revenue gain from the sale of three parcels of property at fair market value;
2. a Transportation Fund loss of asset value of more than \$614,000 from the transfer of property to various towns;
3. a General Fund loss of asset value of approximately \$11.5 million from the transfer of property to various towns;
4. a minimal General Fund cost (less than \$1,000 each) to the

Office of the State Treasurer and the State Properties Review Board for making the conveyances;

- 5. a minimal General Fund savings to the Office of Policy and Management (OPM) because payments-in-lieu-of-taxes (PILOT) on state owned property will not be made on the transferred land; and
- 6. the conveyances represent a potential revenue loss to the state to the extent that the state could have sold or leased the properties at fair market value.

The land conveyances are subject to the review and approval of the State Properties Review Board, which is required to review each conveyance within 30 days. Deeds or any other instruments necessary for the conveyances must be executed and delivered by the State Treasurer. These activities are part of the respective agencies normal operations and can be accomplished with existing staff and resources.

The municipal impact for the towns listed in the table below is: (1) a gain in asset value; (2) a minimal revenue loss for PILOT payments to the degree that the parcels are eligible for PILOT; and (3) a potential revenue gain for those properties that are used for economic development purposes and become fully taxable.

Further Explanation

The tables below summarize each section of the bill. Table 1 summarizes sections of the bill with state fiscal impacts. The parcels must be used for the purposes specified in the bill (labeled “Use Restriction”) or the property will revert to the state. Table 2 summarizes changes in the conditions of prior land conveyances.

Table 1: Sections with a State Fiscal Impact

<u>Sec.</u>	<u>From</u>	<u>To/Location</u>	<u>Acres</u>	<u>Est. Value</u>	<u>Use Restriction</u>
Transportation Fund Loss of Asset Value					

3	DOT	Greenwich	0.5	\$544,500	open space
5	DOT	Marlborough	0.46	\$70,132	open space
9	DOT	New Haven	not specified	N/A ¹	traffic mitigation
Total				\$614,632	

Transportation Fund Revenue Gain

6	DOT	Carolyn and Edward Sheehan/Andover	11.3	Fair market value	None
7	DOT	Lawrence and Fay Green/Andover	15.0	Fair market value	None
8	DOT	John Yeomens/Andover	9.9	Fair market value	None

General Fund Loss of Asset Value

2	DMHAS	Newington	40	\$11,170,000	open space
4	DEP	Portland	1.83	\$325,000	fire house
Total				\$11,495,000	

¹ The land is part of a roadway and towns do not determine an assessed value for such land.

Table 2: Changes to Prior Conveyances

<u>Sec.</u>	<u>From</u>	<u>To</u>	<u>Act/Sec.</u>	<u>Provision</u>
1	DOT	Bridgeport Port Authority	SA 07-11, Sec. 15	Change in use restriction to permit leasing for economic development and waterfront-related purposes

The Out Years

The annualized ongoing fiscal impact for the state is the General Fund cost savings for payments-in-lieu-of-taxes (PILOT) to towns. The annualized ongoing fiscal impact for municipalities is the revenue loss from PILOT payments and the potential revenue gain if the property used for economic development purposes becomes fully taxable.

Sources: Department of Transportation, Office of Policy and Management, Department of Environmental Protection

OLR Bill Analysis**sHB 5520****AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.****SUMMARY:**

This bill:

1. authorizes conveyances of state property to the towns of Greenwich, Marlborough, New Haven, Newington, Portland, and;
2. authorizes the conveyances of four parcels of state property to individuals in the town of Andover; and
3. amends a prior conveyance in Bridgeport.

EFFECTIVE DATE: Upon passage

NEW CONVEYANCES***Conveyances to Municipalities***

The bill requires the following conveyances from the agencies to the towns named for the purpose specified:

1. the Department of Mental Health and Addiction Services to Newington for open space (40 acres);
2. the Department of Transportation (DOT) to Greenwich for open space and public safety purposes (0.5 acres);
3. the Department of Environmental Protection to Portland for construction of a fire house (1.83 acres);
4. DOT to Marlborough for open space or municipal purposes (.46 acres); and

5. DOT to New Haven for traffic mitigation purposes (size unspecified).

The property reverts to the state if the recipient uses the parcel for any purpose other than that specified in the bill. Each of the conveyances is subject to the State Property Review Board's (SPRB) approval within 30 days and must be made at a cost equal to the administrative cost of the conveyance, with the exception that the administrative costs for the New Haven conveyance cannot include legal fees.

Conveyances to Individuals

The bill conveys DOT property in Andover to:

1. Carolyn J. and Edward F. Sheehan (5.1 acres and 6.2 acres),
2. Lawrence E. and Fay E. Green (15 acres), and
3. Peter Yeomans (9.9 acres).

These conveyances must be approved by SPRB and the recipients must pay the fair market value plus administrative costs of the conveyance.

AMENDED CONVEYANCE

The bill amends a 2007 conveyance of a one-acre parcel from DOT to the Bridgeport Port Authority. The bill allows the port authority to lease the parcel or portions of it for economic development and waterfront-related purposes. It also requires DOT to grant the port authority a right-of-way to and from the parcel. The original conveyance required the port authority to use the property for economic development and waterfront-related purposes, but did not allow it to lease the property.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/26/2010)