



Senate

General Assembly

File No. 609

January Session, 2011

Substitute Senate Bill No. 1196

Senate, April 20, 2011

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, 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. (*Effective from passage*) (a) Notwithstanding any provision
2 of the general statutes, the Commissioner of Correction shall convey to
3 the town of Cheshire a parcel of land located in the town of Cheshire,
4 at a cost equal to the administrative costs of making such conveyance.
5 Said parcel of land has an area of approximately five acres. The
6 conveyance shall be subject to the approval of the State Properties
7 Review Board.

8 (b) The town of Cheshire shall use said parcel of land for parking
9 purposes. If the town of Cheshire:

- 10 (1) Does not use said parcel for said purposes;
11 (2) Does not retain ownership of all of said parcel; or
12 (3) Leases all or any portion of said parcel,

13 the parcel shall revert to the state of Connecticut.

14 (c) The State Properties Review Board shall complete its review of
15 the conveyance of said parcel of land not later than thirty days after it
16 receives a proposed agreement from the Department of Correction.
17 The land shall remain under the care and control of said department
18 until a conveyance is made in accordance with the provisions of this
19 section. The State Treasurer shall execute and deliver any deed or
20 instrument necessary for a conveyance under this section, which deed
21 or instrument shall include provisions to carry out the purposes of
22 subsection (b) of this section. The Commissioner of Correction shall
23 have the sole responsibility for all other incidents of such conveyance.

24 Sec. 2. (*Effective from passage*) (a) Notwithstanding any provision of
25 the general statutes, the Commissioner of Transportation shall convey
26 to the town of Wethersfield two parcels of land located in the town of
27 Wethersfield, at no cost. Said parcels of land have an area of
28 approximately .36 acre and .0006 acre respectively, and are identified
29 on the following maps "Compilation Plan Town of Wethersfield, Map
30 showing land released to the Town of Wethersfield by the State of
31 Connecticut Department of Transportation, Maple Street (Route 3) at
32 Spring Street and Middletown Avenue, January 2010, Town 159,
33 Project No. 159-17, Serial No. 4A" and "Town of Wethersfield, Map
34 showing land acquired from Morningside Village Association by State
35 of Connecticut Department of Transportation for Spring Street
36 Relocation, July 1998, Town 159, Project No. 159-176, Serial No. 1". The
37 conveyance shall be subject to the approval of the State Properties
38 Review Board.

39 (b) The town of Wethersfield shall use said parcels of land for
40 municipal purposes. If the town of Wethersfield, in the case of either
41 parcel:

- 42 (1) Does not use said parcel for said purposes;
43 (2) Does not retain ownership of all of said parcel; or
44 (3) Leases all or any portion of said parcel,

45 the parcel shall revert to the state of Connecticut.

46 (c) The State Properties Review Board shall complete its review of
47 the conveyance of said parcels of land not later than thirty days after it
48 receives a proposed agreement from the Department of
49 Transportation. The land shall remain under the care and control of
50 said department until a conveyance is made in accordance with the
51 provisions of this section. The State Treasurer shall execute and deliver
52 any deed or instrument necessary for a conveyance under this section,
53 which deed or instrument shall include provisions to carry out the
54 purposes of subsection (b) of this section. The Commissioner of
55 Transportation shall have the sole responsibility for all other incidents
56 of such conveyance.

57 Sec. 3. (*Effective from passage*) Notwithstanding certain restrictions
58 contained in section 34 of special act 03-19 and in a quit claim deed
59 from the state of Connecticut, Department of Transportation to the
60 town of Tolland, that the parcel of land designated by the Department
61 of Transportation as File No. 142-44-4A be used for open space
62 purposes and not be sold or leased, said parcel may be used for
63 economic development purposes and the town of Tolland may sell or
64 lease said parcel and said restrictions are released and relinquished
65 and shall have no further force and effect, provided the town of
66 Tolland pays the Department of Transportation the fair market value
67 of said parcel. The fair market value of said parcel shall be determined
68 by the average of the appraisals of two independent appraisers
69 selected by the commissioner.

70 Sec. 4. (*Effective from passage*) (a) Notwithstanding any provision of
71 the general statutes, the Commissioner of Transportation shall convey
72 to the town of Fairfield a parcel of land located in the town of Fairfield,
73 at no cost. Said parcel of land has an area of approximately .20 acre
74 and is adjacent to the Merritt Parkway. The conveyance shall be subject
75 to the approval of the State Properties Review Board.

76 (b) The town of Fairfield shall use said parcel of land for open space
77 purposes. If the state requires said parcel for transportation purposes,

78 or if the town of Fairfield:

- 79 (1) Does not use said parcel for said purposes;
80 (2) Does not retain ownership of all of said parcel; or
81 (3) Leases all or any portion of said parcel,

82 the parcel shall revert to the state of Connecticut.

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

94 Sec. 5. Number 365 of the special acts of 1963 is amended to read as
95 follows (*Effective from passage*):

96 (a) The state park and forest commission shall sell a building owned
97 by the state and located in the town of Coventry east of the Nathan
98 Hale birthplace, to the Coventry Historical Society, Inc., for one dollar,
99 [to be used as a museum and meeting place.]

100 (b) Notwithstanding a certain condition contained in a deed from
101 the State of Connecticut to the Coventry Historical Society, Inc., dated
102 September 11, 1963, and recorded in the Coventry land records at
103 volume 111, page 273 and in a quit-claim deed from the State of
104 Connecticut to the Coventry Historical Society, Inc., dated August 2,
105 1965, and recorded on August 2, 1965, in the Coventry land records at
106 volume 172, pages 62 and 63, the Coventry Historical Society, Inc. is
107 authorized to sell, free of any restriction that the property be used for
108 museum and meeting place purposes, the building described in this

109 section and land described in number 365 of the special acts of 1963
110 and said deeds recorded in the Coventry land records, subject to the
111 approval of the State Properties Review Board. The net proceeds from
112 any such sale shall be used for maintenance or related costs of the
113 other properties owned by the Coventry Historical Society, Inc.

114 Sec. 6. (*Effective from passage*) (a) Notwithstanding any provision of
115 the general statutes, the Commissioner of Transportation shall convey
116 to the town of Farmington a parcel of land located in the town of
117 Farmington, at a cost equal to the administrative costs of making such
118 conveyance. Said parcel of land has an area of approximately 1.6 acres
119 and is identified as "Release Area = 1.60 acres" on a map entitled
120 "Compilation Plan, Town of Farmington, Map Showing Land Released
121 to by the State of Connecticut, Department of Transportation, CT
122 Route 9 at Goodrich Road, Thomas A. Harley, P.E., May 2010". The
123 conveyance shall be subject to the approval of the State Properties
124 Review Board.

125 (b) The town of Farmington shall use said parcel of land for open
126 space and recreational purposes. If the state requires said parcel for
127 transportation purposes, or if the town of Farmington:

- 128 (1) Does not use said parcel for said purposes;
129 (2) Does not retain ownership of all of said parcel; or
130 (3) Leases all or any portion of said parcel,

131 the parcel shall revert to the state of Connecticut.

132 (c) The State Properties Review Board shall complete its review of
133 the conveyance of said parcel of land not later than thirty days after it
134 receives a proposed agreement from the Department of
135 Transportation. The land shall remain under the care and control of
136 said department until a conveyance is made in accordance with the
137 provisions of this section. The State Treasurer shall execute and deliver
138 any deed or instrument necessary for a conveyance under this section,
139 which deed or instrument shall include provisions to carry out the
140 purposes of subsection (b) of this section. The Commissioner of

141 Transportation shall have the sole responsibility for all other incidents
142 of such conveyance.

143 Sec. 7. (*Effective from passage*) (a) Notwithstanding any provision of
144 the general statutes, the Commissioner of Transportation shall convey
145 to the town of Tolland a parcel of land consisting of approximately 1.3
146 acres located in the town of Tolland in exchange for a parcel of land
147 totaling approximately 2.2 acres located in the town of Tolland,
148 provided the parcel conveyed by said town contains improvements
149 that are comparable to those contained on the parcel conveyed by the
150 department, as determined by the commissioner. The exchange of said
151 parcels of land shall be made simultaneously and each in consideration
152 of the other. The parcel of land to be conveyed by the Commissioner of
153 Transportation in said exchange is identified as the portion of Lot 142-
154 61-5 containing a commuter lot on "Connecticut Department of
155 Transportation Right of Way Map, Town of Tolland, Interstate 84,
156 from the Vernon town line easterly to Cathole Road, Number 142-07,
157 Sheet No. 9 of 11, dated February 4, 1994". The parcel of land to be
158 conveyed by Tolland in said exchange is identified as Lot 1, Block L, on
159 Tolland Tax Assessor's Map 28. The exchange of said parcels of land
160 shall be subject to the approval of the State Properties Review Board.

161 (b) The State Properties Review Board shall complete its review of
162 the exchange of said parcels of land not later than thirty days after it
163 receives a proposed agreement from the Department of
164 Transportation. The state land shall remain under the care and control
165 of said department until a conveyance is made in accordance with the
166 provisions of this section. The State Treasurer shall execute and deliver
167 any deed or instrument necessary for a conveyance of state land under
168 this section. The Commissioner of Transportation shall have the sole
169 responsibility for all other incidents of such conveyance.

170 Sec. 8. (*Effective from passage*) (a) Notwithstanding any provision of
171 the general statutes, the Commissioner of Transportation shall convey
172 to the town of Bristol a parcel of land located in the town of Bristol, at a
173 cost equal to the fair market value of the property, as determined by

174 the average of the appraisals of two independent appraisers selected
175 by the commissioner, plus the administrative costs of making such
176 conveyance. Said parcel of land has an area of approximately .11 acre
177 and is identified as 308 Pine Street, located on the corner of Pine Street
178 and Poplar Street. The conveyance shall be subject to the approval of
179 the State Properties Review Board.

180 (b) The State Properties Review Board shall complete its review of
181 the conveyance of said parcel of land not later than thirty days after it
182 receives a proposed agreement from the Department of
183 Transportation. The land shall remain under the care and control of
184 said department until a conveyance is made in accordance with the
185 provisions of this section. The State Treasurer shall execute and deliver
186 any deed or instrument necessary for a conveyance under this section.
187 The Commissioner of Transportation shall have the sole responsibility
188 for all other incidents of such conveyance.

189 Sec. 9. (*Effective from passage*) (a) Notwithstanding any provision of
190 the general statutes, the Commissioner of Transportation shall convey
191 to the town of Monroe a parcel of land located in the town of Monroe,
192 at a cost equal to the fair market value of the property, as determined
193 by the average of the appraisals of two independent appraisers
194 selected by the commissioner, plus the administrative costs of making
195 such conveyance. Said parcel of land has an area of approximately .5
196 acre and is identified as a certain parcel on Monroe Tax Assessor's Map
197 18, that abuts Lots 38, 39, 40 and 41 on said map. The conveyance shall
198 be subject to the approval of the State Properties Review Board.

199 (b) The State Properties Review Board shall complete its review of
200 the conveyance of said parcel of land not later than thirty days after it
201 receives a proposed agreement from the Department of
202 Transportation. The land shall remain under the care and control of
203 said department until a conveyance is made in accordance with the
204 provisions of this section. The State Treasurer shall execute and deliver
205 any deed or instrument necessary for a conveyance under this section.
206 The Commissioner of Transportation shall have the sole responsibility

207 for all other incidents of such conveyance.

208 Sec. 10. (*Effective from passage*) (a) Notwithstanding any provision of
209 the general statutes, after holding a public hearing on the matter, the
210 Commissioner of Environmental Protection shall enter into an
211 agreement with Riverhouse Properties, LLC to exchange lands or other
212 consideration of approximately equal value. The land to be conveyed
213 by the state is approximately 17.40 acres and is identified as Haddam
214 Assessor's Lot 22-2 Bridge Road, Haddam, CT. Such land is further
215 identified as Lot 1 and Lot 2 on a map prepared by William B. Bergan,
216 dated February 11, 2003, with revisions dated March 12, 2009, and with
217 such revisions titled "Division of Former Eagle Land Corp. Prop. - 2
218 Lots". Such land to be conveyed by the state shall not include any land
219 with frontage along the Connecticut River. The land or other
220 consideration to be conveyed by Riverhouse Properties, LLC may
221 include all or a portion of an approximately 87.70 acre parcel of land
222 on the east side of High Street in the Higganum section of Haddam,
223 CT. Such land is further identified as Parcels #42-1, 43 and 44 on
224 Haddam Assessor's Map 24 and Parcel 92 on Map 14, and is further
225 identified as land conveyed from Walkley Heights Associates via a
226 deed dated May 26, 2004, as recorded in Volume 278 at Page 287 of the
227 Haddam land records. The specific description of land or other
228 consideration to be conveyed between the Department of
229 Environmental Protection and Riverhouse Properties, LLC shall be
230 established by mutual agreement of such parties, and such parties
231 shall make all reasonable efforts to reach such agreement on or before
232 December 31, 2011. Said exchange shall be subject to the approval of
233 the State Properties Review Board.

234 (b) The State Properties Review Board shall complete its review of
235 the exchange of said parcels of land or other consideration not later
236 than thirty days after it receives a proposed agreement from the
237 Department of Environmental Protection. The state land shall remain
238 under the care and control of said department until a conveyance is
239 made in accordance with the provisions of this section. The State
240 Treasurer shall execute and deliver any deed or instrument necessary

241 for a conveyance under this section.

| | | |
|---|---------------------|--|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | New section |
| 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> | Number 365 of the special acts of 1963 |
| 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 |
| Sec. 10 | <i>from passage</i> | New section |

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 12 \$ | FY 13 \$ |
|---|--------------------------|-----------------|-----------------|
| Department of Transportation | TF - Revenue Gain | 280,000 | None |
| Department of Transportation | TF - Loss of Asset Value | 525,000 | None |
| Correction, Dept. | GF - Loss of Asset Value | 269,000 | None |
| Treasurer; Dept. of Administrative Services | GF - Cost | Minimal | None |

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact:

| Municipalities | Effect | FY 12 \$ | FY 13 \$ | FY 14 \$ |
|---|---------------------|-----------------|-----------------|-----------------|
| Fairfield; Farmington; Wethersfield; Cheshire | Gain of Asset Value | 794,000 | None | None |
| Bristol; Monroe | Cost | 280,000 | None | None |
| Various Municipalities | Revenue Loss | None | None | See Below |

Explanation

The bill has the following fiscal impact:

1. A Transportation Fund revenue gain of approximately \$280,000 from the sale of properties to two towns at fair market value;
2. A Transportation Fund loss of asset value of approximately \$525,000 from the transfer of property to three towns;
3. A General Fund loss of asset value of approximately \$269,000 from the transfer of property to Cheshire;
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. There is no fiscal impact to the General Fund related to payments-in-lieu-of-taxes (PILOT) on state-owned property because the appropriation is insufficient to fully fund the grants and all payments are reduced on a pro rata basis.
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 total gain in asset value of \$794,000 to four towns;
2. A total cost of \$280,000 to two towns; and
3. A revenue loss for PILOT payments on state-owned property to the degree that the parcels are eligible for PILOT. It should be noted that PILOT payments are made in arrears so this transfer of land would be reflected on the 2011 Grand List and would be reimbursed by the state in FY 14.

Further Explanation

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 3 summarizes other provisions in the bill.

| 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> |
| <u>Transportation Fund Loss of Asset Value</u> | | | | | |

| | | | | | |
|---|-----|--------------|--------------|------------------|---------------------------|
| 2 | DOT | Wethersfield | 0.36 | \$75,000 | municipal |
| 4 | DOT | Fairfield | 0.2 | \$50,000 | transportation |
| 6 | DOT | Farmington | 1.6 | \$400,000 | open space and recreation |
| | | | Total | \$525,000 | |
| Transportation Fund Revenue Gain | | | | | |
| 8 | DOT | Bristol | 0.11 | \$65,000 | None |
| 9 | DOT | Monroe | 0.5 | \$215,000 | None |
| | | | Total | \$280,000 | |
| General Fund Loss of Asset Value | | | | | |
| 1 | DOC | Cheshire | 5.0 | \$269,000 | parking |

Table 2: Changes to Prior Conveyances

| <u>Sec.</u> | <u>From</u> | <u>To</u> | <u>Act/Sec.</u> | <u>Provision</u> |
|-------------|-------------|-----------------------------|----------------------|--|
| 3 | DOT | Tolland | SA 03-19, Sec. 34 | Change in use restriction to permit leasing or sale for economic development if town pays fair market value for property |
| 5 | State of CT | Coventry Historical Society | SA 63-365 | The Coventry Historical Society is authorized to sell the property |

Table 3: Other Provisions

| <u>Sec.</u> | <u>Provision</u> |
|-------------|---|
| 7 | DOT will convey 1.3 acres to Tolland in exchange for 2.2 acres provided that the two parcels have comparable improvements |
| 10 | DEP will convey 17.4 acres to Riverhouse Properties, LLC in exchange for approx. 87.7 acres |

Sources: Department of Transportation, Office of Policy and Management

The Out Years

State Impact: None

Municipal Impact: The minimal loss of PILOT payments noted above would continue into the future.

OLR Bill Analysis**sSB 1196****AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.****SUMMARY:**

This bill (1) authorizes conveyances of state property in Cheshire, Wethersfield, Fairfield, Farmington, Bristol, and Monroe; (2) authorizes land exchanges in Tolland and Haddam; and (3) releases deed restrictions on properties in Tolland and Coventry.

EFFECTIVE DATE: Upon passage

NEW CONVEYANCES

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

1. the Department of Correction to Cheshire for parking (5 acres for administrative costs of the conveyance),
2. the Department of Transportation (DOT) to Wethersfield for municipal purposes (two parcels totaling .3606 acre at no cost),
3. DOT to Fairfield for open space (.2 acre at no cost),
4. DOT to Farmington for open space and recreation (1.6 acres for the administrative costs of the conveyance),
5. DOT to Bristol (.11 acre at fair market value plus administrative costs), and
6. DOT to Monroe (.5 acre at fair market value plus administrative costs).

Each conveyance is subject to the State Properties Review Board's

(SPRB) approval within 30 days. Conveyances with a specified purpose (all but the Bristol and Monroe properties) revert to the state if the recipient uses the parcel for any purpose other than that specified in the bill. Additionally, the Fairfield and Farmington parcels revert to the state if the state requires them for transportation purposes.

When an agency conveys property at fair market value, the value is determined by the average appraisals of two independent appraisers chosen by the agency's commissioner.

LAND EXCHANGES

The bill authorizes a land exchange between DOT and Tolland. It requires DOT to convey a 1.3 acre parcel to Tolland in exchange for a 2.2 acre parcel. It requires the Tolland parcel to contain improvements comparable to those on the DOT parcel, as determined by the DOT commissioner. The exchange (1) must be made simultaneously and in consideration of the other and (2) is subject to SPRB approval.

The bill also authorizes an agreement between the Department of Environmental Protection (DEP) and Riverhouse Properties, LLC to exchange parcels of land in Haddam or other consideration of approximately equal value. It requires DEP to enter into an agreement with Riverhouse to convey a 17.4 acre parcel to Riverhouse in exchange for land which may include all or a portion of an 87.7 acre parcel owned by Riverhouse. It (1) requires the specific description of land or other consideration conveyed to be established by mutual agreement and (2) prohibits DEP from conveying any land with frontage along the Connecticut River. The exchange is subject to SPRB approval.

The bill also requires (1) DEP and Riverhouse to make all reasonable efforts to reach the agreement by December 31, 2011 and (2) DEP to hold a public hearing before entering into the exchange.

DEED RESTRICTIONS RELEASED

The bill releases a deed restriction on a 9.7 acre parcel conveyed in 2003 from DOT to Tolland. The bill allows Tolland to (1) use the parcel

for economic development rather than open space purposes and (2) lease or sell the property. These uses are prohibited by the deed restriction. However, Tolland must pay DOT fair market value for the parcel in order to release the deed restriction (the prior conveyance was made for administrative costs).

The bill also removes a deed restriction that required a certain building owned by the Coventry Historical Society, Inc. to be used for museum and meeting place purposes. It authorizes the society to sell the building free of these deed restrictions, subject to SPRB's approval. The society must use proceeds from the sale for maintenance or related costs of its other properties.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 2 (04/01/2011)