

Robert J. Park

2021 JAN 26 A 9 23

MICROSOFT "TEAMS" MEETING
REAL ESTATE ACQUISITION AND DISPOSITION COMMITTEE

TOWN CLERK
EAST HARTFORD

FEBRUARY 1, 2021

TO: Councillors Awet Tsegai and John Morrison
FROM: Angie Parkinson, Chair
RE: **Monday, February 1, 2021 @ 5:00 p.m.**

Due to the coronavirus outbreak, Town Hall is closed. Pursuant to Governor Lamont's Executive Order No. 7B, this meeting is accessible through "Microsoft Teams" at 1 929-235-8441 Conference ID: 411 993 273 #

1. CALL TO ORDER
2. APPROVAL OF MINUTES
A. October 6, 2020 Meeting
3. OPPORTUNITY FOR RESIDENTS TO SPEAK
4. NEW BUSINESS
A. Possible Sale or Discontinuance of Congress Street
5. OLD BUSINESS
A. Brookside Lane – Acceptance as a Town Road
6. ADJOURNMENT

cc: Town Council
Mayor Leclerc
Rich Gentile, Assistant Corporation Counsel
John Lawlor, Public Works Director

Robert J. Paetz

2020 OCT. 30 A 9:21

TOWN CLERK
EAST HARTFORD

MICROSOFT "TEAMS"

REAL ESTATE ACQUISITION AND DISPOSITION COMMITTEE

OCTOBER 6, 2020

- PRESENT Angie Parkinson, Chair; Councillors Awet Tsegai and John Morrison
- ALSO Marcia A. Leclerc, Mayor
- PRESENT Rich Gentile, Assistant Corporation Counsel – via TEAMS

CALL TO ORDER

Chair Parkinson called the meeting to order at 6:02 p.m.

APPROVAL OF MINUTES.

June 17, 2020 Meeting

- MOTION By Awet Tsegai
seconded by John Morrison
to **approve** the minutes of the June 17, 2020 meeting.
Motion carried 3/0.

OPPORTUNITY FOR RESIDENTS TO SPEAK

None

NEW BUSINESS

Possible Acquisition of 150 Prospect Street

Mayor Leclerc explained that the Administration has no interest in this parcel of land.

- MOTION By Awet Tsegai
seconded by John Morrison
to recommend to the Town Council that the Town **not** accept the donation of the 4.6 acre parcel known as 150 Prospect Street; the Administration having notified this Committee that the Town has no current, or anticipated future use, for such property.
Motion carried 3/0.

Possible Sale of 103 Harvest Lane

Rich Gentile, Assistant Corporation Counsel, offered the Committee background information on this parcel. The owners of 99 Harvest Lane – Richard and Sandra Marques – are interested in purchasing 103 Harvest Lane, a "stub" road valued by the Assessor's Office at \$2,260.00. In Mr. Marques' letter to the Mayor, he indicates that he has maintained 103 Harvest Lane over the last 43

years which includes mowing, raking, snow-blowing and removing overgrown trees. The Mayor informed the Committee that Mr. Marques sent a bill to the town for the removal of 2 trees from the property after a storm in August.

Attorney Gentile also explained the process that is in place for maintaining and disposing of town-owned property. It was the consensus of the Committee to have Attorney Gentile contact Mr. Marques with a proposed sale price of \$2,200.00 for 103 Harvest Lane.

OLD BUSINESS

Brookside Lane – Acceptance as a Town Road

Rich Gentile, Assistant Corporation Counsel, is still waiting to hear from the State. He will keep the Committee apprised of any progress on this matter.

No further action necessary at this time.

Possible Acquisition of 1177 Burnside Avenue

Mayor Leclerc explained to the Committee that Public Works Director John Lawlor had concerns about two pipes – approximately 18" or 24" in diameter – on the property that discharge to the Hockanum River. They appear to have been there for a while, but he cannot determine where they come from. It was determined by the Administration that the town has no interest in this parcel of land.

MOTION By Awet Tsegai
 seconded by John Morrison
 to recommend to the Town Council that the Town **not** acquire the 1.76 acre parcel known as 1177 Burnside Avenue; the Administration having notified this Committee that the Town has no current, or anticipated future use, for such property.
 Motion carried 3/0.

ADJOURNMENT

MOTION By Awet Tsegai
 seconded by John Morrison
 to **adjourn** (6:22 p.m.)
 Motion carried 3/0.

cc: Town Council
 Marcia Leclerc, Mayor
 Rich Gentile, Assistant Corporation Counsel
 Eileen Buckheit, Development Director
 John Lawlor, Public Works Director



TOWN OF EAST HARTFORD OFFICE OF THE MAYOR

DATE December 9, 2020
TO: Richard F. Kehoe, Chair
FROM: Mayor Marcia A. Leclerc *ML*
RE: REFERRAL: Real Estate Acquisition and Disposition Committee

Please see the attached memo and accompanying documents from Assistant Corporation Counsel Rich Gentile for referral to the Real Estate Acquisition and Disposition Committee to evaluate the possible discontinuance of Congress Street.

Please place this item on the Town Council agenda for the December 15th, 2020 meeting.

Thank you.

C: R. Gentile, Assistant Corporation Counsel

OFFICE OF CORPORATION COUNSEL

Date : December 9, 2020

To : Mayor Marcia A. Leclerc
Cc : Scott Chadwick, John Lawlor, Eileen Buckheit, Jessica Carrero,
Chief Scott Sansom, Chief John Oates

From : Richard P. Gentile

Re : Congress Street

Congress Street is an accepted, unpaved, Town road located in the North Meadows. It connects Charles and Lincoln Streets (just behind Governor Street). A copy of a map showing Congress Street, as well as a Street Card from the Engineering Department showing its acceptance as a Town Road, is attached hereto. There are no Town storm sewers or drains in the road. There is, however, an MDC sanitary sewer easement. Roads such as Congress Street, which were accepted but never paved or utilized by the Town as a traditional road, are often called "paper roads" or "paper streets."

Our office has been approached by Attorney Michael Reiner. His client is developing 298 Governor Street for the purpose of an expanded, state of the art, Enterprise rental facility. In connection with that development, Attorney Reiner has indicated that the current status of Congress Street is an issue. He has indicated that Congress Street is in a state of disrepair, and has been used by other businesses in the area as a parking and storage area. Attorney Reiner has indicated that if the Town were to discontinue Congress Street as a Town road, his client would be interested in purchasing whatever rights the Town might have in the underlying property that comprised the road (the "underlying property"¹) and use the underlying property for expansion of its business operations at 298 Governor Street.²

¹ The underlying property includes Congress Street and a small strip of land owned by the Town that abuts Congress Street.

² I do note that ownership of the underlying property after discontinuance of a road is a complicated matter. If, for instance, the Town quitclaimed its interest in the underlying property to Attorney Reiner's client, that party would take ownership subject to the rights of other parties (specifically, those who own property that abut the former roadbed.) Attorney Reiner's client might need to take additional steps to secure its ownership of the underlying property, including, but not limited to, a quiet title action. If there is a referral, this will be reviewed in more detail with the Real Estate Acquisition and Disposition Committee and full Town Council.

Discontinuance of a road is long, detailed, statutory process. Attached hereto is a memorandum outlining that process.

If you agree that discontinuance, and an eventual sale, of Congress Street has merit, I would ask that you request that this matter be placed on the Town Council Agenda for a referral to, and recommendation from, the Council's Real Estate Acquisition and Disposition Committee.

SUMMARY OF ROAD DISCONTINUANCE AND PROPERTY CONVEYANCE PROCESS

This summary addresses the procedural steps necessary for the Town of East Hartford to discontinue a public road and to convey the underlying fee interest pursuant to Connecticut General Statutes

Step 1 – Given the complicated nature of discontinuance of a town road, the matter should first be sent to the Real Estate Acquisition and Disposition Committee for a committee review, report, and/or recommendation prior to consideration by the Council.

Step 2 – Assuming a favorable recommendation, the Town Council must schedule an agenda item for a regular or special meeting of the Council to consider and vote on the road discontinuance. C.G.S.A. §13a-49(a) (1).

Step 3 – Forty-five (45) days prior to the meeting of the Council to take final action on a road discontinuance, the Town Council must do the following:

- i. Provide written notice of the meeting to each property owner whose property abuts the road or the portion of the road to be discontinued (notice must be in writing, with the date, time, place and subject of the meeting; mailed by first class mail, postmarked not less than thirty (30) days prior to the date of such meeting to the owner's address as provided on the last-completed grand list .) (C.G.S.A. §13a-49(a) (2)).
- ii. Post the notice conspicuously on both ends of the road to be discontinued not less than thirty (30) days prior to the meeting (C.G.S.A. §13a-49(a) (2)).
- iii. Refer the proposal to discontinue the road to the planning and zoning commission for a report. C.G.S.A §8-24. (If conveyance is being considered on a parallel track, this notice must also refer to the transfer of the property in order to satisfy the requirement of C.G.S.A. §8-24 with respect to transfers of property in addition to road discontinuance – see *Additional Steps Prior to Transfer* below). *Note* – The failure of the planning and zoning commission to act within 35 days of the submission shall be deemed as acceptance of the proposal. C.G.S.A §8-24.
- iv. See *Additional Steps Prior to Transfer* below regarding prior notice and sign posting requirements for a public hearing regarding transfer of the property.

Step 4 – The Town Council, at the scheduled meeting, must approve the discontinuance of the road by majority vote. C.G.S.A. §13a-49(a) (1). If conveyance is being considered on a parallel track, prior to the vote on conveyance, the Town Council must hold the required public hearing for the transfer of the property described in *Additional Steps Prior to Transfer* below.

Step 5– After approval of the discontinuance at the meeting, the Town Council must provide written notice of such discontinuation to the same property owners that were initially notified

above in Step 2. The notice must be sent via certified mail, return receipt requested. C.G.S.A. §13a-49(a) (3) (A).

Step 6 - After the written notice of the road discontinuance is sent to the property owners, the Town Council must record notice of the discontinuance on the land records. C.G.S.A. §13a-49(a) (3) (B). The notice for recording must include the following (C.G.S.A. §13a-49(a) (3) (B) (i-iii)):

- i. A list of each of the properties which notice was required to be sent to;
- ii. The names of the owners of each the properties; and
- iii. The current assessor's map, block and lot number for each such property.

Additional Steps Prior to Transfer

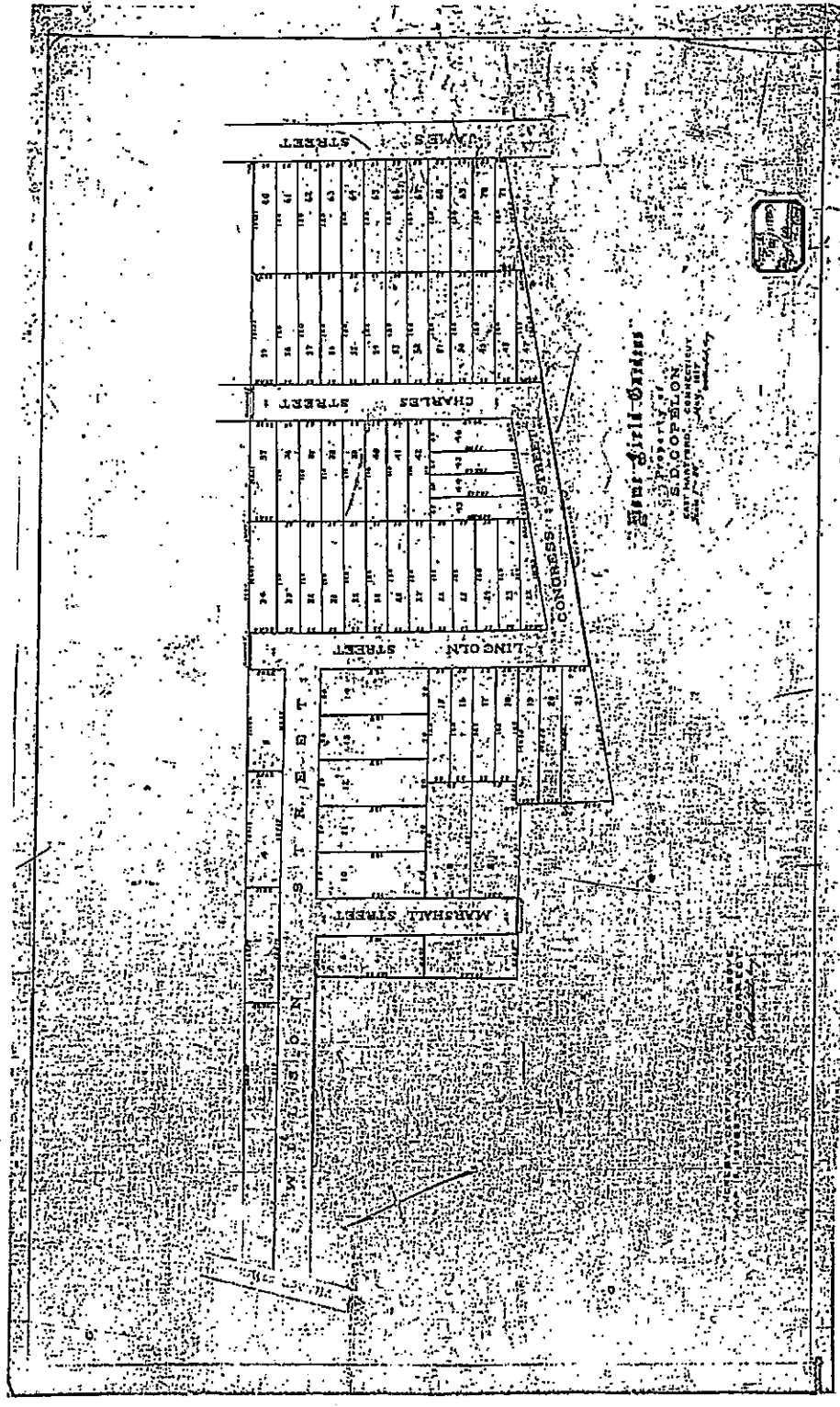
If the fair market value of the property underlying the discontinued road to be transferred is equal to or greater than \$10,000, then prior to the conveyance the Town Council must conduct a public hearing on the transfer. C.G.S.A. §7-163e. The procedural requirements for such a public hearing are as follows:

- Notice of the hearing must be published in a newspaper having a general circulation in East Hartford at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. C.G.S.A. §7-163e.
- The Town must also post a sign conspicuously on the real property that is the subject of the public hearing. C.G.S.A. §7-163e.
- At least 35 days prior to the public hearing, the Town Council must refer the proposal to transfer the property to the planning and zoning commission for a report.

Any vote on sale however, must take into account the fact that under statute, an abutter has 120 days (from the date of the recording of the notice of discontinuance on the land records) to appeal the discontinuance of the road to the Superior Court. No deed should be conveyed until this time period has run. Accordingly, the discontinuance and sale will have an approximately six month timeframe to complete.

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SHIRAZ
 100 W. WASHINGTON ST.
 S. D. COPSON
 EAST HARTFORD, CONNECTICUT
 1917

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TOWN OF EAST HARTFORD OFFICE OF THE MAYOR

DATE: November 15, 2019
TO: Richard F. Kehoe, Chair
FROM: Mayor Marcia A. Lefcerc *ma*
RE: REFERRAL: Brookside Lane

Please see the attached memo and supporting documentation provided by Assistant Corporation Counsel Richard Gentile regarding the State property known as Brookside Lane, which the State of Connecticut first offered to convey to the Town in 2016. Brookside Lane was constructed as part of the Interstate 84 widening in the mid-1980s. For a better understanding of the location of the road, please see the attached draft deed and survey presented to the Town in 2016.

At the time Brookside Lane was first offered, the road was in poor repair. Through our efforts, the State has recently repaired and repaved Brookside Lane to meet the Town's road standards.

While we expect to get an updated deed and survey shortly, I recommend to place this item on the November 26th, 2019 Town Council agenda as a referral to the Real Estate Acquisition and Disposition Committee.

Cc: R. Gentile, Assistant Corporation Counsel
E. Buckheit, Development Director
T. Baptist, Public Works Director

OFFICE OF CORPORATION COUNSEL

Date : November 15, 2019

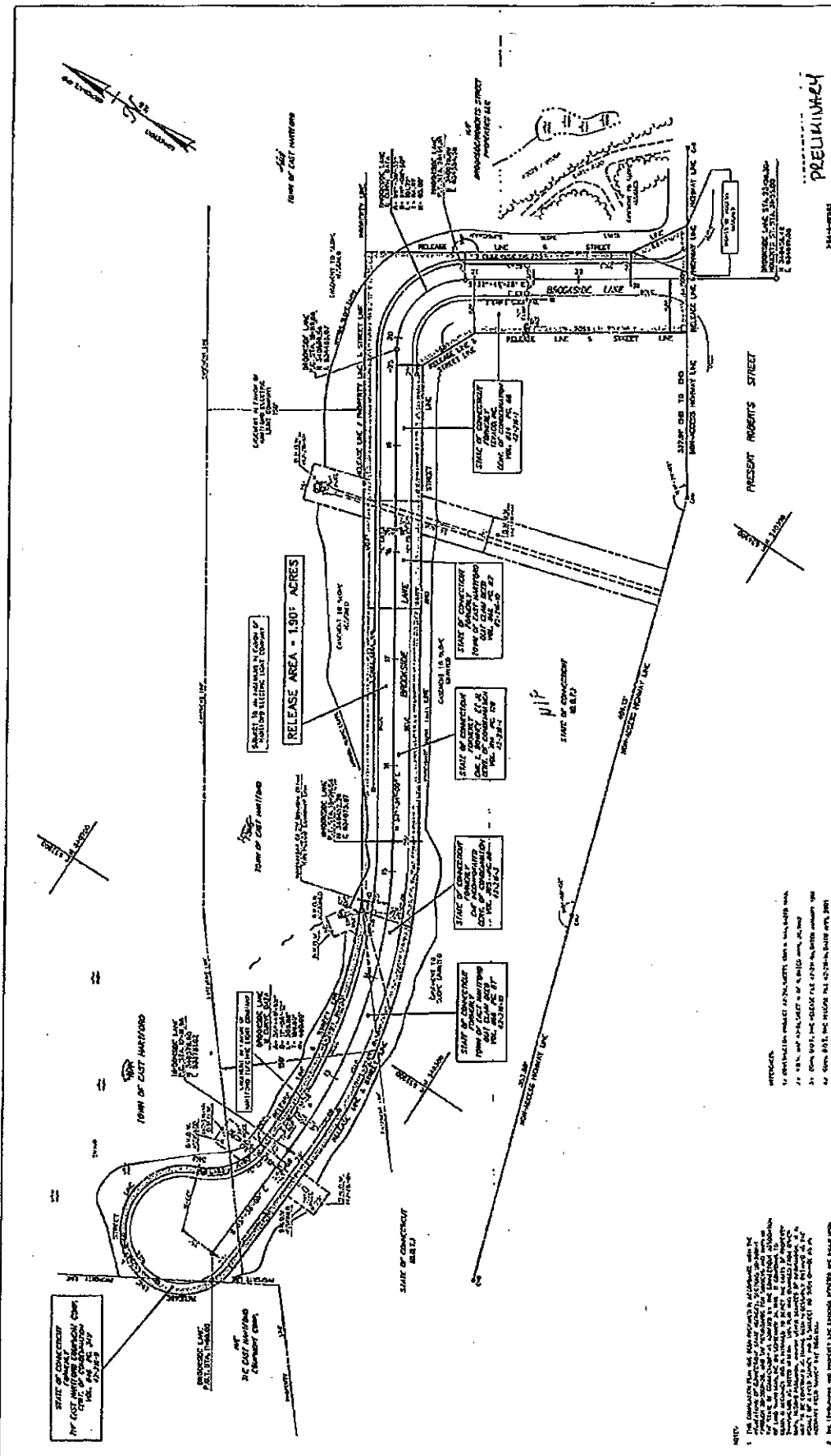
To : Mayor Leclerc

From : Richard Gentile

Re : Brookside Lane

As you know, the State of Connecticut first offered to convey the State property known as Brookside Lane to the Town in 2016. Brookside Lane was constructed as part of the Interstate 84 widening in the mid-1980s. For a better understanding of the location of the road, I attach a draft deed and survey presented to the Town in 2016.

At the time Brookside Lane was first offered, however, the road was in poor repair. Through your efforts, the State has recently repaired and repaved Brookside Lane such that it meets the Town's road standards. While I expect to get an updated deed and survey shortly, I would ask that the question of the acceptance of Brookside Lane as a Town road be placed on the next Town Council agenda as a referral to the Real Estate Acquisition and Disposition Committee. That committee may then review the matter, refer the acceptance of Brookside Lane to the Planning and Zoning Commission (as required under Connecticut General Statutes Section 8-24) and make its required recommendation concerning Brookside Lane to the full Town Council. Tom Baptist, Eileen Buckheit, and I will be available at that meeting to review the requirements of Town Ordinance Section 10-18 and Connecticut General Statutes Section 13a-48 as they apply to the acceptance of Brookside Lane as a Town road.



TOWN OF EAST HARTFORD
 TOWN OF WEST HARTFORD
 THE STATE OF CONNECTICUT
 DEPARTMENT OF TRANSPORTATION
 INTERSTATE 84/ROBERTS STREET
 SCALE 1"=40'
 SHEET NO. 204-1
 DATE: 08/27/63

PRELIMINARY
 COMPLETION PLAN
 TO BE SUBMITTED AND APPROVED BY THE BOARD OF SUPERVISORS OF THE TOWN OF EAST HARTFORD AND THE BOARD OF SUPERVISORS OF THE TOWN OF WEST HARTFORD.

SCALE IN FEET

DATE	BY	PROJECT APPROVAL
DESIGNED	DESIGNED	DESIGNED
CHECKED	CHECKED	CHECKED
APPROVED	APPROVED	APPROVED

APPROVED: TO BE SUBMITTED AND APPROVED BY THE BOARD OF SUPERVISORS OF THE TOWN OF EAST HARTFORD AND THE BOARD OF SUPERVISORS OF THE TOWN OF WEST HARTFORD.

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE TOWN OF EAST HARTFORD AND THE TOWN OF WEST HARTFORD.

DATE	BY
DESIGNED	DESIGNED
CHECKED	CHECKED
APPROVED	APPROVED

DRAFT

Return to:
Town of East Hartford
790 Main Street
East Hartford, CT 06103

QUIT-CLAIM DEED

STATUTORY FORM

The State of Connecticut, Department of Transportation, James Redeker, Commissioner, under authority granted by Section 13a-80 of the General Statutes of Connecticut, as revised, acting herein by Terrence J. Obey, Director of Rights of Way, Bureau of Engineering and Construction, Department of Transportation, duly authorized, with the advice and consent of the Office of Policy and Management of the State of Connecticut, and the State Properties Review Board, for good and valuable consideration, does hereby give, grant, bargain, sell, convey and assign for highway purposes, to the Town of East Hartford, a Municipal corporation existing under the laws of the State of Connecticut, and having its territorial limits within the County of Hartford and State of Connecticut, with QUIT-CLAIM COVENANTS,

That certain parcel of land situated in the Town of East Hartford, County of Hartford and State of Connecticut, situated on the northwesterly side of Roberts Street; containing 1.90 acres, more or less, and more particularly shown on a map to be filed in the East Hartford Town Clerk's Office entitled: "TOWN OF EAST HARTFORD MAP SHOWING LAND RELEASED TO TOWN OF EAST HARTFORD BY THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION INTERSTATE 84/VICINITY ROBERTS STREET SCALE 1" = 40' OCT. 2002 ARTHUR W. GRUHN, P.E. CHIEF ENGINEER - BUREAU OF ENGINEERING AND HIGHWAY OPERATIONS", TOWN NO. 42, PROJECT NO. 42-216, SERIAL NO. 9C, SHEET NO. 1 OF 1. Last revised 3/09/16, bounded and described as follows:

SOUTHEASTERLY	by Roberts Street, 100 feet, by a line designated, "RELEASE LINE & HIGHWAY LINE", as shown on said map;
SOUTHWESTERLY	by land of the State of Connecticut (D.O.T.), 205 feet, more or less, by a line designated "RELEASE LINE & STREET LINE", as shown on said map;
SOUTHERLY	by said land now or formerly of the State of Connecticut (D.O.T.), 56 feet, more or less, by a line designated, "RELEASE LINE & STREET LINE" as shown on said map;
SOUTHEASTERLY	by said land now or formerly of the State of Connecticut (D.O.T.), 448 feet, more or less, by a line designated "RELEASE LINE & STREET LINE", as shown on said map;
SOUTHERLY	by said land now or formerly of the State of Connecticut (D.O.T.), a total distance of 444 feet, more or less, by a line designated "RELEASE LINE & STREET LINE", as shown on said map;

Town of East Hartford
42-216-9C

WESTERLY, NORTHERLY and EASTERLY	by said land of the State of Connecticut (D.O.T.), and now or formerly of the East Hartford Equipment Corp., and of the Town of East Hartford, 258 feet, more or less, along a curve having a radius of 60 feet, by a line designated "RELEASE LINE & STREET LINE", as shown on said map;
NORTHEASTERLY	by said land of the Town of East Hartford, 65 feet, more or less, by a line designated "RELEASE LINE & STREET LINE", as shown on said map;
NORTHERLY	by said land of the Town of East Hartford, a total distance of 856 feet, more or less, by lines designated "RELEASE LINE & STREET LINE", and "RELEASE LINE/PROPERTY LINE & STREET LINE", as shown on said map;
NORTHEASTERLY	by land now or formerly of Brookside/Roberts Street Properties LLC, 255 feet, more or less, by a line designated "RELEASE LINE & STREET LINE", as shown on said map;
NORTHERLY	by said land now or formerly of Brookside/Roberts Street Properties LLC, 59 feet, more or less, by a line designated "RELEASE LINE & STREET LINE", as shown on said map.

For the State's source of title to the premises herein conveyed and assigned, reference is made to acquisitions from the Town of East Hartford as contained in a Quit Claim Deed dated February 27, 1984 and recorded in Volume 866 at Page 87 of the East Hartford Land Records, and through Eminent Domain proceedings against The East Hartford Equipment Corp., as evidenced by a Certificate of Condemnation filed on December 19, 1983 and recorded in Volume 846 at Page 349 of said Land Records, against EMP Incorporated, as evidenced by a Certificate of Condemnation filed on May 19, 1982 and recorded in Volume 785 at Page 80 of said Land Records, against Emil L. Downey et al, as evidenced by a Certificate of Condemnation filed on April 5, 1983 and recorded in Volume 814 at Page 120 of said Land Records, and against Texaco, Inc., as evidenced by a Certificate of Condemnation filed on August 31, 1983 and recorded in Volume 834 at Page 66 of said Land Records.

Together with all right, title, interest, claim and demand the State of Connecticut has into that certain easement to slope under, over and across those certain portions of the Town of East Hartford, as more particularly shown on said map.

Together with an easement to slope under, over and across a portion of land now or formerly of Brookside/Roberts Street Properties LLC, as more particularly shown on said map.

The State of Connecticut, for itself, its successors, and assigns, does hereby give and grant a full and perpetual easement to slope unto the said Town of East Hartford, its successors and assigns, as more particularly shown on said map.

Together with all rights of access across that 59 foot portion of street line located on the northeasterly side of Brookside Lane, to and from the land now or formerly of Brookside/Roberts Street Properties LLC, over and across the line designated "RELEASE LINE & STREET LINE", as more particularly shown on said map.

Town of East Hartford
42-216-9C

Those certain drainage right of way easements are hereby assigned together with the above described premises, together with 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 a drain or pipe, with appurtenances thereto, upon, over, under and across said easement, together with the further right, privilege and easement to discharge water onto land of the Town of East Hartford from said drain or pipe, in the direction of the arrows, and into the existing watercourse, as more particularly shown on said map.

The above-described premises and easements are conveyed and assigned subject to such rights and easements as may appear of record and to any state of facts which an inspection of the premises may show, especially an easement in favor of the Hartford Electric Light Company, as more particularly shown on said map.

The above-described premises and easements are conveyed and assigned subject to any and all provisions of any ordinance, municipal regulation, or public or private law.

IN WITNESS WHEREOF, the State of Connecticut, Department of Transportation, acting herein by Terrence J. Obey, Director of Rights of Way, Bureau of Engineering and Construction, duly authorized, has caused its seal to be hereto affixed and this Instrument to be executed in its behalf this _____ day of _____, A.D. 2016.

Signed, Sealed and Delivered
in the presence of

State of Connecticut
Department of Transportation
James Redeker
Commissioner

Witness

By _____ (I.S.)

Terrence J. Obey
Director of Rights of Way
Bureau of Engineering and
Construction
Department of Transportation
Duly authorized

Witness

STATE OF CONNECTICUT)
) ss: Newington
COUNTY OF HARTFORD)

The foregoing Instrument was acknowledged before me this _____ day of _____, A.D. 2016, by Terrence J. Obey, Director of Rights of Way, Bureau of Engineering and Construction, Department of Transportation of the State of Connecticut.

My Commission Expires

Notary Public

Town of East Hartford
42-216-9C

This conveyance is made with the advice and consent of the undersigned in conformity with Section 13a-80 of the General Statutes of Connecticut, as revised.

Patrick M. O'Brien (Date)
Assistant Division Director
Bureau of Assets Management
Office of Policy and Management

State Properties Review Board

By _____ (Date)

APPROVED AS TO FORM
George Jepsen, Attorney General

By _____
Joseph Rubin
Associate Attorney General

Date: _____