



RESOLUTION

concerning

THE TRANSFER OF TWO PARCELS OF LAND
DEDICATED TO
THE IWO JIMA MEMORIAL MONUMENT AND PARK
LOCATED AT
CENTRAL CONNECTICUT STATE UNIVERSITY
TO THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

July 19, 2002

- WHEREAS, In 1995, a 0.975 acre parcel of land, more fully described in a deed which is recorded in the city of New Britain land records at volume 1178, pages 695 to 696, and in the town of Newington land records at volume 978, pages 297 to 298, and a portion of an abandoned roadway, more fully described in a deed which is recorded in the city of New Britain land records at volume 1197, page 252, under the care, custody and control of the Board of Trustees for the Connecticut State University System (CSU), adjacent to Central Connecticut State University was dedicated to the development of an Iwo Jima Memorial Monument and Park, and
- WHEREAS, The Iwo Jima Monument was erected by the Iwo Jima Survivors Association of Connecticut, Inc. as a memorial dedicated to those who lost their lives in the Battle of Iwo Jima, and
- WHEREAS, The Iwo Jima Survivors Association of Connecticut, Inc. completed installation of the Monument on the site, made various improvements to the site and presented the Monument as a gift to the Board of Trustees for the Connecticut State University System (BR#95-58) for the peaceful enjoyment of the Association and the general public, and
- WHEREAS, The Board of Trustees for the Connecticut State University System and Central Connecticut State University recognize the efforts of Governor John G. Rowland to preserve the site for the benefit of the citizens of Connecticut as a reminder of the patriotism and sacrifice of those who lost their lives in the Battle of Iwo Jima, therefore be it

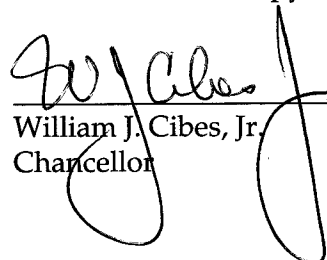
RESOLVED, That the Board of Trustees for the Connecticut State University System, in compliance with the intentions of the Governor, hereby transfers the gift of the Iwo Jima Memorial Monument to the State of Connecticut Department of Environmental Protection, along with the care, custody and control of whatever rights and interests it has in and to said Monument and Park, contingent upon approval of a formal agreement between the Board of Trustees for the Connecticut State University System and the Department of Environmental Protection, and be it further

RESOLVED, That this transfer includes ownership of all utilities, fixtures, appurtenances and improvements, including but not limited to underground electrical, water and gas lines, water hydrant, gas flame appliance, electrical power panel, light poles and fixtures, benches, fencing, walkways and roadways, and any maintenance or other operational responsibilities currently in effect; thus concluding any responsibility and control that CSU may have in regard to said property, and be it further

RESOLVED, That the Board of Trustees for the Connecticut State University System reserves an easement to access right of way and underground utilities under the road leading on to the Park site, which deeds are attached hereto and made a part hereof, and be it further

RESOLVED, That BR#01-33 dated May 4, 2001, is hereby rescinded.

A Certified True Copy:


William J. Cibes, Jr.
Chancellor

ITEM

The transfer of two parcels of land dedicated to the Iwo Jima Memorial Monument and Park located at Central Connecticut State University to the Department of Environmental Protection.

BACKGROUND

In 1993, the Department of Transportation transferred a 0.975-acre parcel of land to the Board of Trustees for the Connecticut State University System (CSU). This parcel is located both in the City of New Britain and the Town of Newington and borders the northeastern portion of the main campus of Central Connecticut State University. Subsequently, the City of New Britain abandoned a highway formerly known as Barbour Road to the State of Connecticut; the highway's care, custody and control became the responsibility of the Board of Trustees for the Connecticut State University System. In 1995, these two parcels were dedicated for use by the Iwo Jima Survivors Association of Connecticut, Inc. for the development of an Iwo Jima Memorial Monument and Park. Construction of the park and monument was completed in 1995, concluding with the acceptance of the monument as a gift by the Board of Trustees for the Connecticut State University System (BR#95-58).

ANALYSIS

Development and construction of the Memorial Monument and Park, dedicated to the memory of those serving in World War II, was completed in 1995 with oversight by Central Connecticut State University. Since that time, both the Iwo Jima Survivor's Association of Connecticut, Inc. and Central Connecticut State University have been the caretakers of the Memorial Monument and Park. However, the Department of Environmental Protection is the state agency normally responsible for the oversight of state parks and forests and is more easily able to meet the needs of public recreational lands. Therefore, recognizing the need to preserve the site for the benefit of the citizens of Connecticut as a reminder of the patriotism and sacrifice of those who lost their lives in the Battle of Iwo Jima, the Board has determined that the Department of Environmental Protection is better suited to manage the park.

In May 2001, the Board provided that the transfer of the parcel would be accomplished pursuant to statute. As part of the transfer, the Board of Trustees for the Connecticut State University System will transfer the gift of the Iwo Jima Memorial Monument to the State of Connecticut Department of Environmental Protection, along with the care, custody and control of whatever rights and interests it has in and to the Monument and Park. This transfer includes ownership of all utilities, fixtures, appurtenances and improvements, including but not limited to underground electrical, water and gas lines, water hydrant, gas flame appliance, electrical power panel, light poles and fixtures, benches, fencing, walkways and roadways, and any maintenance or other operational responsibilities currently in effect; thus concluding any responsibility and control that CSU may have with regard to the property. The Department of Environmental Protection

(DEP) has agreed to grant a right of way easement for both roadway access and underground utilities under the former Barbour Road to the Board of Trustees for the Connecticut State University System.

In addition, in May 2001, the Board reserved the right to review any plans for any structures to be built or placed on the Memorial Monument and Park site, and stipulated that such plans would not be implemented without the express written approval of the Board of Trustees. After further review, it has been determined by relevant parties that this latter provision placed too many strictures on the future decisions of the Department of Environmental Protection. Accordingly, the proposed resolution deletes this provision.

CHANCELLOR'S RECOMMENDATION

Approve the transfer of two parcels of land, located adjacent to Central Connecticut State University, dedicated to the Iwo Jima Memorial Monument and Park, from the Connecticut State University System to the Department of Environmental Protection, contingent upon approval of a formal agreement between the Board of Trustees for the Connecticut State University System and the Department of Environmental Protection.

TRANSFER AGREEMENT

THIS AGREEMENT is made by and between the Board of Trustees for the Connecticut State University System acting herein by William J. Cibes, Jr., Chancellor, duly authorized (hereinafter "CSUS"), and the Department of Environmental Protection, acting herein by Arthur J. Rocque, Jr., Commissioner, duly authorized (hereinafter "DEP") to transfer the care and control of the hereinafter described land (hereinafter "Monument Site") from CSUS to DEP:

WITNESSETH

WHEREAS, CSUS, through a Memorandum of Understanding dated April 30, 1993; agreed to allow the Iwo Jima Survivors Association (hereinafter "IJSA") to erect the Iwo Jima Memorial Monument (hereinafter "the Monument") on a parcel of land under the custody and control of CSUS;

WHEREAS, IJSA installed the Monument and made a gift of the Monument to CSUS;

WHEREAS, CSUS, wishes to preserve the Monument and the site on which it is located for the benefit of the citizens of Connecticut by transferring the monument and care and control of the Monument and the Monument Site to the DEP;

NOW, THEREFORE, it is hereby agreed by CSUS and DEP as follows:

1. That CSUS hereby relinquishes the Monument and the custody and control of the Monument and the Monument Site to the DEP which transfer includes ownership of all land, utilities, fixtures, appurtenances and improvements, including but not limited to, underground electrical, water and gas lines, water hydrant, gas flame appliance, electrical power panel, benches, fencing, walkways and roadways, and any corresponding maintenance or other operational responsibilities;
2. That CSUS reserves a right of access to the underground utilities under the road leading on to the Monument Site for purposes of maintenance, repair and replacement.
3. That the Monument Site is understood to be that parcel of land containing 0.975 of an acre, more or less as described and transferred to the custody and control of CSUS by the Commissioner of Transportation of the State of Connecticut by an instrument dated March 12, 1993 and recorded on the land records of the Town Clerks Office of the City of New Britain in Volume 978 at Page 297; together with that parcel of land quit-claimed to the State of Connecticut by the City of New Britain, being an abandoned highway formerly known as Barbour Road located the southerly street line of Ella Grasso Boulevard and to the New Britain-Newington Town Line, by an instrument dated April 11, 1985.

STATUTORY AUTHORITY:

Connecticut General Statutes
Section 22a-26

APPROVED AND CONSENTED TO:

Marc S. Ryan, Secretary
Office of Policy and Management

Date: _____

APPROVED AS TO FORM:

Richard Blumenthal
Attorney General

By: _____
William B. Gundling
Associate Attorney General

Date: _____

EXHIBIT A

The Property as herein described is that parcel land containing 0.975 of an acre, more or less as described and transferred to the custody and control of CSUS by the Commissioner of Transportation of the State of Connecticut by an instrument dated March 12, 1993 and recorded on the land records of the Town Clerks Office of the City of New Britain in Volume 978 at Page 297; together with that parcel of land quit-claimed to the State of Connecticut by the City of New Britain, being an abandoned highway formerly known as Barbour Road located between and from the southerly street line of Ella Grasso Boulevard to the New Britain-Newington Town Line, by an instrument dated April 11, 1995 and recorded on the land records of the Town Clerks Office of the City of New Britain in Volume 1197 at Page 252.