



RESOLUTION

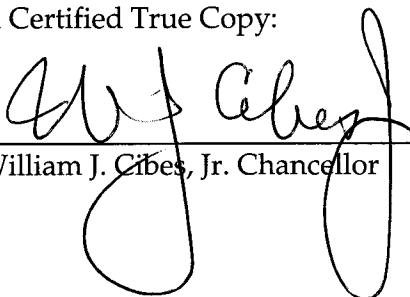
concerning

CONVEYANCE OF A PARCEL OF LAND
TO THE CITY OF DANBURY
AND
LEASE OF THE ROBERTS AVENUE ELEMENTARY SCHOOL
TO THE CITY OF DANBURY

August 23, 2002

- WHEREAS, The Connecticut General Assembly passed Special Act 01-6, Sections 26 and 27, ("the Act") authorizing the acquisition of a parcel of land by the Board of Trustees for the Connecticut State University System from the City of Danbury and the transfer of a parcel of land from the Board of Trustees for the Connecticut State University System to the City of Danbury, and
- WHEREAS, Pursuant to the Act, the City of Danbury will sell the Roberts Avenue Elementary School and a portion of Roberts and Seventh Avenues at a cost of \$3,300,000 to the Board of Trustees for the Connecticut State University System, and
- WHEREAS, The negotiations for said acquisition and transfer have culminated in a Real Estate Contract and a Lease between the City of Danbury and the Board of Trustees, and
- WHEREAS, On February 1, 2002, the Board of Trustees for the Connecticut State University System approved BR#02-09 which recognized the Act, therefore be it
- RESOLVED, Pursuant to the Act, the Board of Trustees for the Connecticut State University System will convey approximately 7.026 acres of property at the Westside Campus of Western Connecticut State University to the City of Danbury for use as a regional magnet school, and be it further
- RESOLVED, That Board of Trustees for the Connecticut State University System approves the lease of the Roberts Avenue Elementary School to the City of Danbury for a period not to exceed five years at an annual cost of \$1 per year.

A Certified True Copy:


William J. Cibes, Jr. Chancellor

ITEM

Conveyance of a parcel of land to the City of Danbury and Lease of the Roberts Avenue Elementary School to the City of Danbury

BACKGROUND

In 2001, the General Assembly passed Special Act 01-6, Sections 26 and 27, ("the Act") authorizing the acquisition of a parcel of land by the Board of Trustees for the Connecticut State University System (Board) from the City of Danbury (City) and the transfer of this parcel of land from the Board to the City. This Act allows the City to develop a parcel on the Westside Campus as a regional magnet school and it authorizes the Board to acquire the Roberts Avenue Elementary School and portions of Roberts and Seventh Avenues. The Act also permits the Board to lease the Roberts Avenue Elementary School back to the City for a period of not more than five years or as soon as construction of a replacement elementary school is complete.

In February 2002, the Board recognized the Act and approved the use of Western Connecticut State University's (WestConn) current unrestricted fund balances to finance \$1,245,000 of the acquisition cost (BR#02-09). The remaining \$2,055,000 will be financed from bond funds authorized by the General Assembly for the purposes of acquisition for the Connecticut State University System.

ANALYSIS

Negotiations of the legal agreements between representatives of the City, the Connecticut Department of Public Works (DPW), WestConn, the Attorney General's Office, and Board staff regarding the conveyance of property delineated in the Act have culminated in the development of a Real Estate Sales Contract between the DPW and the City and a Lease between the Board and the City.

The Real Estate Sales Contract outlines the acquisition of the Roberts Avenue Elementary School and a portion of Seventh and Roberts Avenues for \$3,300,000 and the conveyance of approximately 7.026 acres of land on the Westside Campus to the City. Terms of the purchase agreement include delivery of quit claim deeds, conveyance of marketable titles, inspection of the premises and a clause that states that the parcel shall revert to the State, should the Magnet School property be used for activities deemed inconsistent with the Act. Attachments to the purchase agreement include survey maps and written property descriptions for all parcels of land. The maps and surveys have been reviewed by the Department of Public Works for accuracy.

Easements granted to the City include utility easements for the existing sanitary sewer, stormwater and water lines located under Roberts and Seventh Avenues, provisions for permanent sanitary sewer and water lines located beneath or directly adjacent to the paved portion of the new road at the Westside Campus, permanent access rights to pass

and re-pass over the existing and proposed roadway, stormwater drainage rights from the Magnet School site to the university, and temporary construction easements.

The terms identified in the Lease agreement include a covenant mandating that the premises only be used as an elementary school, with rental payments of one dollar per annum, for a term of five years or less, and abatement of taxes and assessments by both the City and State. The City will assume all responsibility for utilities, maintenance, alterations and additions, liability and the insurances necessary for compliance with the provisions of the Act, any other applicable state and federal laws and as dictated by the Attorney General's office.

The Executive Committee approved the conveyance and lease at its meeting on August 23, 2002. As required by Board policy, the full Board must ratify the action of the Executive Committee at the October 3, 2002, Board meeting.

CHANCELLOR'S RECOMMENDATION

Ratify the Executive Committee's approval of the conveyance of a parcel of land to the City of Danbury for use as a regional magnet school and the lease of the Roberts Avenue Elementary School to the City of Danbury.



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC WORKS
MEMORANDUM



02-46

T. R. Anson
Commissioner

To: T.R. Anson, Commissioner

From: Jack Farrell, Assistant Project Manager
Property Acquisition and Disposition

Date: May 30, 2003

Subject: Special Act 01-6, Sections 26 and 27
Acquisition of Roberts Avenue School,
Lease Back to City of Danbury and
Sale of 7.026 Acres of Land to City of Danbury

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Subject to the provisions of Special Act 01-6, Sections 26 and 27, on May 28, 2003, the State of Connecticut Department of Public Works purchased the Roberts Avenue School from the City of Danbury for the purchase price of Three Million Three Hundred Thousand (\$3,300,000.00) dollars. At the same time the State then leased back the Roberts Avenue School to the City of Danbury for a period of five years or until the completion of a new elementary school whichever occurs first.

The State then conveyed to the City of Danbury a 7.026-acre parcel of land at the Westside Campus of Western Connecticut State University for the purpose of constructing a Regional Magnet School. Both deeds and the lease have been recorded in the City of Danbury land records.

JF/mh

cc: P.J. Delahunty, Chief Deputy Commissioner
J. Nesteriak, Deputy Commissioner
P. Babey, DPW SPM
M. Buczacki/ P. Nolan, DPW
M. Becerra/S. Mallory, DPW
S. Babiarez, SPRB
Dr. Wm. Cibes, Chancellor CSU
Dr. J. Roach, President WCSU
M. Ryan/R. Nucllo, OPM
N. Wyman, Comptroller
D.J. Cirish, Risk Mgr, Insurance & Risk Mgt. Board
Finance, Revenue & Bonding Committee
Government Administration & Elections Committee
File