

STATE PROPERTIES COMMITTEE

Tuesday, July 12, 2005

The meeting of the State Properties Committee was called to order at 10:10 A.M. by Chairman Jerome F. Williams. Other members present were Genevieve Allaire Johnson, Esquire, representing the Department of Attorney General, Mr. Robert Griffith, representing the Department of Administration, and Mr. Robert W. Kay, Public Member. Also present were, Ms Marlene McCarthy-Tuohy and Mr. John Ryan, from the Department of Administration; Misses. Maureen McMahon and Grace Smith, and Messrs. Daniel Clarke, Robert Jackson, William McCarthy and Paul Carcieri, from the Department of Transportation; Ms. Lisa Primiano and Mr. John Faltus, from the Department of Environmental Management; Ms. Marie Citrone, from the R.I. Developmental Disabilities Council; Mr. Robert Christie, from the Department of Labor and Training; Mr. Ted Dolan, from the Division of Motor Vehicles; Messrs Kevin Nelson and George Johnson, from Statewide Planning; Mr. Evan Matthews, from the Quonset Development Corporation; Misses Elaine Kim and Ashley Judson, from WBRU.

The Minutes of the meetings held on June 8 and June 21, 2005 were approved. Ms. Allaire Johnson stated Mr. Richard Woolley attended those meetings in her absence and had reviewed the minutes.

NEW BUSINESS – Miscellaneous - The next meeting of the State Properties Committee is scheduled to be held on Tuesday, July 26, 2005.

ITEM A – DEPARTMENT OF ADMINISTRATION – A request was made by the Department for approval of the use of Station Park by the Brown Broadcasting Service, Inc., WBRU, on July 21, August 18 and September 13, 2005.

This is for a summer concert series and is the tenth year that WBRU has held this concert series. These are outdoor concerts that will be held from 5:00 P.M. to 8:00 P.M. There will be a fee of \$5.95 per person. WBRU will have the area fenced in and is working with the Police Department and the Providence Place Mall for their cooperation to separate the non-paying persons from those paying this fee, and to prevent them from loitering in the area.

A Motion was made by Mr. Griffith and seconded by Mr. Kay to approve the request of the Department for approval of the use of Station Park by the Brown Broadcasting Service, Inc., WBRU, on July 21, August 18 and September 13, 2005.

Passed Unanimously

ITEM B – DEPARTMENT OF ADMINISTRATION – DIVISION OF MOTOR VEHICLES – A request was made by the Department for permission to exercise the Option to renew a lease at 73 Valley Road, Middletown and initiate negotiations with the Valley Group.

The Department was seeking permission to exercise an option to renew the Lease for office space at 73 Valley Road in Middletown, which is one of the satellite offices. The Department occupies 6,000 square feet of space. The space is fire code compliant and handicap accessible. The Lease expires in December 2005. The current Lease provides for an option to renew for an additional five (5) year term.

A Motion was made by Mr. Griffith and seconded by Ms. Allaire Johnson to approve the request of the Department for permission to exercise the option to renew the Lease at 73 Valley Road, Middletown and initiate negotiations with the Valley Group.

Passed Unanimously

ITEM C – R.I. DEVELOPMENTAL DISABILITIES COUNCIL – A request was made by the Department for final approval and signatures on a Lease Agreement with Warwick Professional Building, LLC for space at 400 Bald Hill Road, Warwick.

The Department was seeking final approval and signatures on a First Amendment of the Lease to exercise an option to renew the Lease for space for the R.I. Developmental Disabilities Council at 400 Bald Hill Road, Warwick, Suite 515. The spaces consists of 1,087 square feet. Rent has increased from \$18.00 per square foot to \$21.00 per square foot. The current Lease expires on July 31, 2005. This is Federally funded and there will be no impact on the state budget. The Lease term is August 1, 2005 to July 31, 2010.

A Motion was made by Mr. Kay and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on a First Amendment to Lease with Warwick Professional Building, LLC for space at 400 Bald Hill Road, Warwick.

Passed Unanimously

ITEM D – DEPARTMENT OF LABOR AND TRAINING – A request was made by the Department for approval and signatures on a Grant of Easement to Narragansett Electric Company and Verizon New England in conjunction with electrical upgrades in the Pond Street, Woonsocket Office.

This is a Grant of Easement to the Narragansett Electric Company to bring in a new power supply to the Department's office at 219 Pond Street, Woonsocket. There are substantial renovations going on and part of this is the heating and air conditioning. This requires additional power. In addition, an inspection was done by the Department of Administration that cited some electrical deficiencies and recommendations were made

for upgrades. The Narragansett Electric Company will bring in a new power supply and they need to put in a new pole. They would not run the wires over the building and are requesting an easement to put up a new pole and run the wires.

A Motion was made by Mr. Griffith and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on a Grant of Easement to Narragansett Electric Company and Verizon New England in conjunction with electrical upgrades in the Pond Street, Woonsocket Office.

Passed Unanimously

ITEM E – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for conceptual approval to convey property located on Old Greenwich Avenue and Route 5, Warwick.

The Department was requesting conceptual approval to convey the railway of Old Greenwich Avenue, to the abutting land owners who own land on both sides of the right-of-way, which consists of approximately 24,870 square feet. The Izzi's for several years, have decided to purchase the right-of-way citing ownership on both sides of the right-of-way. The Department had been reluctant to sell the property until the outcome of the reconstruction of the Route 5 land and highway was known. The project is now in a stage where the entrance to the Matthew 24 Apartments is now known, therefore the request was sent to the State Properties Committee for conceptual approval. Mr. William McCarthy pointed to a map of the area and clarified where the property was located.

The Executive Secretary, Ms. Anne Lanni, stated she had received objections to this conveyance and read excerpts from the correspondence received as follows.

Correspondence was received from the Statewide Planning Program in which they said that this particular property does not offer a practical building envelope.

However, its proximity to the Pawtuxet River does offer the possibility of a public right-of-way for recreational use of the river. Several State Guide Plan elements support the retention of this parcel in the public domain. The memo also stated that the Department of Environmental Management has objected to transferring the land out of public ownership based on the principle of preserving public access and the Statewide Planning Program supports their position.

The second piece of correspondence was from the Department of Environmental Management stating that although it is not recommending that the Department purchase this site, the Department of Transportation may want to work directly with the City to transfer this land for public access to the river.

The third piece of correspondence was from the Principal Planner, City of Warwick stating that the Comprehensive Plan calls for the identification and preservation of access routes to the water. It further stated it is objecting to the conveyance of this property to the abutting property owner.

Lastly, correspondence was received from the Chief of Water, City of Warwick indicating the City of Warwick owns and maintains an important water distribution line on this highway which traverses under the Pawtuxet River before it returns to Lambert Lind Highway in the vicinity of Warwick Mall. The correspondence went to say, therefore, for the aforementioned reasons, “we” are opposed to the proposed action in the interest of public health, fire protection requirements and the lack of a viable alternative.

The Department responded stating that some of these issues were taken up with the Director of the Department. The Director asked if this property could be transferred to the Department of Environmental Management. DEM indicated it cannot manage it now. Regarding transferring to the Town, the Department has a no gratis policy, so that

if the Town wanted to purchase it, and it is denied, the Department would just keep it. Discussion ensued regarding the location of the property and access.

Mr. Griffith indicated that he would want to hear more from the Department of Transportation regarding the objections that have been raised and will not be prepared to support it at this time.

Mr. McCarthy stated the Director of Department of Transportation has read the objections and understands them. He went on to say, typically, the Department would enter into an inter-agency transfer with DEM if it were for recreation or a river access. DEM does not have the resources to accept the property. Beyond that there is a no gratis policy. This river serves a very important recreational purpose and the Director does not want to give it to another agency. The Department would be glad to keep it as is. The Director felt that if the Committee brought it to a vote and it is denied the Department would not object. Additional discussion took place. The Chair, Mr. Williams discussed the access and objections that have been raised, stating he would not vote in favor of this. Ms. Allaire Johnson echoed the concerns raised and she would not vote in favor of approving this. Mr. Kay concurred to that.

A Motion was made by Mr. Kay and seconded by Mr. Griffith to reject the Department for conceptual approval to convey property located on Old Greenwich Avenue and Route 5, Warwick.

Passed Unanimously

ITEM F – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for conceptual approval to convey property on Route 2, Quaker Lane, North Kingstown.

At the Department of Transportation's Land Sale meeting, the sale of this parcel consisting of 27,000 square feet on Route 2, Quaker Lane right-of-way was approved, subject to the condition that RIDOT has the option to re-purchase the land at any time in the future for fair market value at the time of sale, if needed in the future for transportation purposes. ASIV Realty, LLC and M. Bestwick Associates, LLC was interested in purchasing this property.

Mr. McCarthy pointed to the property on a map indicating property Mr. Bestwick had purchased. Mr. Bestwick is looking is now looking to put up a strip mall and he needs the property for density. Mr. McCarthy indicated the right-of-way line and pointed to all the land the Department owns. He has asked for permission to purchase this property. The Department was originally reluctant. Although the Chief Engineer stated there were no plans to widen the road, the Department wanted to hold on to the property. Mr. Bestwick, through his attorney contacted the Department and made a proposal. They would be willing to enter into an agreement with the Department whereby the Department would sell them the property and they wouldn't build on it. They would then agree to sell it to the Department for the exact amount they paid for it.

The Executive Secretary stated she had received correspondence from the RI Water Resources Board. The memo stated that the RI Water Resources Board objects pursuant to the attached letter from the Town of North Kingstown. Ms. Lanni read excerpts from the letter from the Town of North Kingstown. The Town was opposing the transfer of land for the following reasons. The letter stated this is a groundwater overlay district where development should be discouraged; adding land to the adjacent parcels increases the potential development on this site by nearly 20%. The letter read, that the enclosed material along with "our" discussions with Mr. Robert Jackson at the RIDOT

indicates that the sale of the land would include provisions that the RIDOT could re-purchase the property in the future. As such any determination of the development potential based on the additional land would/could render the property non-conforming in the future. The provision for a purchase re-purchase clouds the review process by the Planning Commission. As a public policy, we should not be encouraging the state to divert itself of right-of-way for its highways and future purposes. That letter was from the Planning Director, Town of North Kingstown.

The Chair, Mr. Williams stated he had a concern that the state would be selling property that it might need in the future. Mr. Griffith referred to a memo from Statewide Planning outlining its concerns about the proposed action and Mr. George Johnson, from Statewide Planning was present to discuss that memo. Mr. Johnson stated Statewide Planning has several concerns with this proposal and presented those concerns to the Committee. The principal objection relates to several aspects of the State Guide Plan policies and strategies that call for retaining vegetation within the highway corridors. Mr. Johnson stated it has come to “our” attention that the property has recently been cleared and grubbed of all vegetation. He felt that to approve this proposal would potentially create a precedent of rewarding encroachment and trespassing on state land.

Mr. McCarthy stated this was brought up at the Department’s Land Sales Committee. The Director has been in touch with the attorney for the applicant. The Director stated if the property was approved for sale, the purchaser would be charged back rent from the time he encroached on the property. If it is denied for sale, they will address the property immediately. Mr. McCarthy stated it looks as though “they” have paved a small part of the state owned property and the Department may have to send the Department’s survey section out and verify that it is not on his property.

Mr. Johnson stated he did include in the memo a citation from state law. There is a state provision that does require permits for tree-cutting on public land and there is a requirement that any vegetation would be replaced in-kind. Mr. Johnson stated in addition, there is also concern about the buy back provision, as is the Town of North Kingstown. To allow property to go through the development permit process based upon a land assemblage that is then extinguishable at any point in the future by the Department could create a difficult issue of non-conformance of future land management regulations. The Town has also expressed concerns that this is within their aquifer zone and expressed concerns that the sale of this parcel and resultant consolidation of the adjoining land could allow for greater development intensity. Statewide Planning is in support of the Town of that issue. Mr. Johnson stated in summary, Statewide Planning's recommendation would be that the state decline this opportunity to convey this property and further recommend that the area be vegetated to its former condition and that any access through the property in the future be carefully controlled.

Mr. Kay inquired if the Department would pursue further negotiation with the municipality. Mr. McCarthy stated he believed a denial would satisfy their concerns. Discussion took place.

The Chair stated, the fact that the Department is even thinking of a reversionary aspect of the property, leads to concerns about why the property would be sold, coupled with the fact that the proposed purchaser has taken it upon himself to be onerous as to what they do without waiting for approval. He went on to say he has a problem with selling property that may be needed in the future.

A Motion was made by Mr. Griffith and seconded by Ms. Allaire Johnson to deny the request of the Department for conceptual approval to convey property on Route 2, Quaker Lane, North Kingstown.

Passed Unanimously

The Chair, Mr. Williams left the meeting at 10:45 and turned the Chair over to Mr. Robert Griffith for the remainder of the meeting.

ITEM G – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for final approval and signatures on a Quit-claim Deed conveying property in the West Davisville section of the Quonset Business Park to the Rhode Island Economic Development Corporation.

This item was conceptually approved on July 13, 2004. This property consists of 119,266 square feet. The Department negotiated a square foot price of \$1.15 per square foot. There are two parcels. This property was acquired from the Federal Highway Administration August 15, 2003 as part of the Freight Rail Improvement project and the relocated Route 403 project. The two parcels do not meet the zoning criteria to be considered stand - alone lots. The highest and best use of the parcels are to be joined to the abutter parcels and used as industrial owed parcels. The sale is also subject to the granting of a public easement from the Quonset Business Park to the Town for a portion of Lot 180/Lot 3 located north of the Seaview Railroad Tracks, which was approved by the Town on May 24, 2004.

The parcels are being appended to a larger tract of land for the purpose of marketing. The Economic Development Corporation currently is the abutter on all of the property around it and it is the intend of EDC to purchase the land that the Department is

making available to assembly it to the lots and make larger more marketable parcels.

The property is being conveyed for the amount of \$137,155.90.

A Motion was made by Mr. Kay and seconded by Ms. Genevieve Allaire Johnson to approve the request of the Department final approval and signatures on a Quit-claim Deed conveying property in the West Davisville section of the Quonset Business Park to the Rhode Island Economic Development Corporation.

Passed Unanimously

ITEM H – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for final approval and signatures on a Quit-claim Deed to Hartford Plaza LLC conveying property on Hartford Avenue, Johnston.

On August 17, 2004 the State Properties Committee granted the Department conceptual approval to convey approximately 7,800 square feet of land to an entity named 1880 Hartford Plaza LLC. The Deed being presented has four easement exhibits benefiting the state attached, as a condition of the sale. Two easements are for drainage purposes and one for a loop detector and one for lighting. The Department is conveying this property for the amount of \$15,300.00. The purchaser will utilize the property for his adjacent automobile dealership. The statutory mandated offers to the former owner and the Town have been made and unexercised.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Kay to approve the request of the Department for final approval and signatures on a Quit-claim Deed to Hartford Plaza LLC conveying property on Hartford Avenue, Johnston.

Passed Unanimously

ITEM I – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for final approval and signatures on a Quit-Claim Deed conveying property in Warwick to Kingston Road Associates.

On December 21, 2004, the State Properties Committee granted conceptual approval for conveyance of 27,707 square feet of land adjacent to the Greenwood Bridge in Warwick. The Department has waited for the bridge to be completed in full. That has been done. The property has been appraised at a value of \$11.50 per square foot. In accordance with the General Laws, both the City of Warwick and the former owners have been notified and declined to exercise their right to purchase the property. The property has been formally surveyed and found to contain 27,263 square feet. This property is being conveyed at \$313,534.50. The topography of the land is that it is on a slope, there are electrical easements that encumber that property and there is also a World War II memorial monument on the property which will not be disturbed.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Kay to approve the request of the Department for final approval and signatures on a Quit-Claim Deed conveying property in Warwick to Kingston Road Associates.

Passed Unanimously

ITEM J - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for final approval and signatures on renewal of a License Agreement with 647 Oaklawn LLC for use of property on Park Avenue, Cranston.

This is a renewal for approximately 1,800 square feet of land on Park Avenue in Cranston. The State Properties Committee granted initial approval of the License Agreement on October 7, 2003. 647 Oaklawn LLC would like to use this land for

vehicle parking for the abutting restaurant. The terms of the license is from July 1, 2005 to June 30, 2010. The Department will receive \$60.00 per month for this License.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Kay to approve the request of the Department for approval and signatures on a License Agreement with 647 Oaklawn LLC.

Passed Unanimously

ITEM K - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for final approval and signatures on a Temporary Easement Agreement with Gina L. Dispirito and Adam Harvey over land in Lincoln in conjunction with the reconstruction of Routes 116/146 Interchange.

On June 7, 2005, the Department was granted approval to acquire a temporary easement for a three month period over a portion of property designated as Assessors Plat (Map) 31, Lot 80 in the Town of Lincoln. This is located at the Route 116/146 Interchange in Lincoln. The easement is for a period of three months. The value of the easement is \$440.00.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Kay to approve the request of the Department for approval and signatures on a Temporary Easement Agreement with Gina L. Dispirito and Adam Harvey over land in Lincoln in conjunction with the reconstruction of Routes 116/146 Interchange.

Passed Unanimously

ITEM L – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for final approval and signatures on a Permanent Loop Detector Easement Agreement with Five-One Thirteen, LLC – Plat 2628, Routes 5 and 113, Warwick.

The Department received approval for this project on May 10, 2005. This is in conjunction with Plat 2628, Route s5 and 113 in Warwick. Also approved as part of this reconstruction is a Permanent Loop Detector Easement Agreement as it is necessary to install a loop detector to insure traffic safety. The easement is for 2,280 square feet. There is no compensation.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Kay to approve the request of the Department for final approval and signatures on a Permanent Loop Detector Easement Agreement with Five-One Thirteen, LLC – Plat 2628, Routes 5 and 113, Warwick.

Passed Unanimously

ITEM M – DEPARTMENT OF TRANSPORTATION – Ms. Maureen McMahon gave an update on Plat 2628, Routes 5 and Route 113, Warwick.

Ms. McMahon stated there are some changes on the spreadsheet since this was approved on May 10, 2005.

The change to Parcel 4 relates to a title change. The original owners were Mark R. Draymore & Murray Hendel, Trustees. The new name is Five-one Thirteen, LLC.

The change to Parcel 5 relates to a title change. The original owners were Joseph Catelliano & Frank Cabral. The new owner is Off Shore Development, LLC

Parcels 1 and 6, is owned by Five-one Thirteen, LLC. The owners are donating the property. Parcels 1 and 6 were listed on the spreadsheet for the total amount of \$128,900.00. The Department will voucher this for \$1.00. The total for this project has been reduced. It was approved for \$196,375.00 and with the donation of \$128,900.00, it brings the new total to \$67,476.00.

ITEM N – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made for approval and signatures on a License Agreement with the Town of Westerly to hold a fireworks display at Misquamicut State Beach on July 23 with a rain date of July 24, 2005 and October 8 with a rain date of October 9, 2005.

The fireworks for July 23 are being held in conjunction with a concert that is being held at the beach and the License Agreement for that concert was approved at the State Properties Committee Meeting on Wednesday, May 25, 2005. This is open to the public. The Department is making arrangements for a security detail with the Department's Environmental Police Officers who are working in conjunction with the Officers from the Town of Westerly.

A Motion was made by Mr. Kay and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on a License Agreement with the Town of Westerly to hold a fireworks display at Misquamicut State Beach on July 23 with a rain date of July 24, 2005 and October 8 with a rain date of October 9, 2005.

Passed Unanimously

ITEM O – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on a Conservation Easement with the South Kingstown Land Trust for acquisition of an easement over land in South Kingstown.

This Conservation Easement is on property that will be owned by the South Kingstown Land Trust. The Department will purchasing an easement over 68.295 acres of forested land. The project was awarded an Open Space Matching Grant from the Department in 2002 and was approved for funding under the Forest Legacy Program in 2002. The total purchase price of the Conservation Easement is \$928,000, of which

\$400,000 will come from the State's Open Space Grant Program and \$528,000 from the US Forest Service's Forest Legacy Program.

A Motion was made by Mr. Kay and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on a Conservation Easement with the South Kingstown Land Trust for acquisition of an easement over 68.295 acres of land in South Kingstown.

Passed Unanimously

ITEM P – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on a Warranty Deed for acquisition of land in Exeter and West Greenwich owned by Henry and Ann Marie Rowles and the Whitfield Realty Trust.

This Warranty Deed is for the acquisition of 154 acres of land in Exeter and West Greenwich from Henry and Ann Marie Rowles and Whitfield Realty Trust. The Purchase and Sale Contract was approved and signed by the State Properties Committee on March 8, 2005. The total purchase price for this property is \$1,175,000.00, of which \$698,000.00 will come from State Open Space Bond funds and \$477,000.00 from a grant from the Nature Conservancy.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Kay to approve the request of the Department for approval and signatures on a Warranty Deed for acquisition of land in Exeter and West Greenwich owned by Henry and Ann Marie Rowles and the Whitfield Realty Trust.

Passed Unanimously

ITEM Q – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on a Conservation Easement over land in Exeter owned by the Narragansett Gun Club of Kent County, Inc.

This Conservation Easement is over 37.7 acres of land in Exeter owned by the Narragansett Gun Club of Kent County, Inc. The Purchase and Sale Contract was approved and signed by the State Properties Committee on March 8, 2005. With the acquisition of the Whitfield Realty Trust/Rowles parcel, this property is the last undeveloped inholding in this portion of the State's Arcadia Management Area. The club has agreed to sell an easement over the portion of its property that is not used for active range activities and will include an Option to Purchase the fee on the entire parcel if the club ceases to exist. The total purchase price for the Conservation Easement is \$341,500.00, which will come from State Open Space Bond funds. A discussion took place regarding the area being "posted" since this is an active gun club. The Department will ensure that the boundaries are very clearly marked and routinely inspected

A Motion was made by Mr. Kay and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on a Conservation Easement over land in Exeter owned by the Narragansett Gun Club of Kent County, Inc.

Passed Unanimously

With the exception of Items "E" and "F" which were rejected and denied, all matters presented to the Committee were approved by all present.

There being no further business to come before the Committee, the meeting adjourned at 11:30 A.M.

Anne L. Lanni, Executive Secretary