

STATE PROPERTIES COMMITTEE

Tuesday, September 14, 2004

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. Thomas Barry, Public Member.

Also in attendance were, Ms. Marlene McCarthy-Tuohy, Mr. William Ferguson, and Louis DeQuattro, Esquire from the Department of Administration; Mr. Steven Feinberg, from the RI Film and TV Office; Ms Maureen McMahon and Messrs. Paul Carcieri, Robert Jackson, William McCarthy, Daniel Clarke, Vera DiLuglio, Esquire; Michael Mitchell, Esquire, and Rick Kalunian, from the Department of Transportation; Ms. Grace Smith and Brian Wagner, Esquire, from the Department of Environmental Management; Mr. Michael Butler, from the Federal Highway Administration, RI Division; Ms. Kate Champa, from Raku Rhody-O; Ms. Sherrill Smith, from Blind Decker Productions; and, Mr. Thomas Hodge, from the Office of the Auditor General.

The Minutes of the meetings held on August 13, 17and 31, 2004 were approved.

1. OLD BUSINESS

2. NEW BUSINESS – Miscellaneous - The next meeting of the State Properties Committee is scheduled to be held on Tuesday, September 28, 2004.

ITEM A - DEPARTMENT OF ADMINISTRATION – A request was made

by the Department for approval and signatures on Film Location Agreement with Blind Decker Productions, Inc., for the use of the State House Rotunda, House Chambers, House Lounge and other areas in the State House, Tuesday, September 14 through Friday, September 17, 2004 by Blind Decker Productions.

This Agreement allows Blind Decker Productions, Inc. the use of the State House Rodunda, House Chambers, House Lounge and other areas of the State House immediately after approval of the State Properties Committee meeting of September 14. Blind Decker Productions will be filming a new Showtime television pilot and has requested the use of the State House Rotunda, House Chambers, House Lounge and other areas in the State House for filming. The Agreement contains provisions prohibiting Blind Decker Productions, Inc. from making any alterations in the State House and if entry into the Dome area is required, permission must be required from Mr. Sam DiVincenzo, State House Building Superintendent and entry cannot be made without on-site supervision of Mr. DiVincenzo and the request must be made in writing.

A Motion was made by Mr. Barry and seconded by Mr Griffith to approve the request of the Department for approval and signatures on Film Location Agreement with Blind Decker Productions, Inc., for the use of the State House Rotunda, House Chambers, House Lounge and other areas in the State House, Tuesday, September 14, through Friday, September 17, 2004 by Blind Decker Productions.

Passed Unanimously

ITEM B - DEPARTMENT OF ADMINISTRATION – A request was made

by the Department for approval of the use of Station Park from October 6 to October 12, 2004 by RAKU-RHODY-O/Center City Contemporary Arts.

The event that will be held at Station Park is called Raku-Rhody-O a Fire Arts Festival. This is an outdoor ceramic firing festival. The public festival is held on the site Saturday, October 9 and Sunday, October 10. Artists will be sent into the schools. An arts education day is held for students from four of the public schools. They will be on site Friday. An artists workshop will take place and is run by a well-known Raku firing ceramic artist. This is also on the site Friday through Sunday. Also on the site will be a gallery of the work of the artists attending, a glass blower, a hot metal sculpture, music and a fire dancer. The Raku firing involves setting up a set of firing kilns. Propane is required on the site. RAKU-RHODY-O has worked with the Fire Department to learn what the requirements are and have worked with the Providence Police Department. A Police Officer will be on site the entire time that the propane is there. RAKU-RHODY-O is sponsored by RISD, and the insurance is carried by RISD because it is part of their alumni weekend. RAKU has a safety officer within its organization, who is an EMT and a firefighter with one of the rural Fire Departments in Rhode Island. Approval has been received by both the Police and Fire Departments. Based on a questions by the Chair, Ms. Kate Champa confirmed that all damage deposits have been made to the State. Beer and Wine will be served.

A Motion was made by Mr. Barry and seconded by Mr. Griffith to approve the request of the Department for the use of Station Park

from October 6 to October 12, 2004 by RAKU-RHODY-O.

Passed Unanimously

ITEM C – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on Agreement and Assignment with The Nature Conservancy and the Agricultural Land Preservation Commission for assignment of Deed to Development Rights to farmland in Richmond.

This property consists of 47 acres of farmland. The Nature Conservancy had acquired the development rights to the property located on Shannock Hill Road, from Mr. Carl Richard, the owner of the property. The Agricultural Land Preservation Commission will pay The Nature Conservancy the amount of \$60,000.00 and The Nature Conservancy will transfer all of its right, title and interest to the Deed to Development Rights to the Department to become effective upon the recording of the Deed to Development Rights. Rather than a back up interest in the event they fail to enforce the terms The Nature Conservancy would like to transfer all of their rights, title and interest to the Agricultural Land Preservation Commission. Purchase and Sale Agreement was approved and signed on December 3, 2002.

A Motion was made by Mr. Barry and seconded by Mr. Griffith to approve the request of the Department for approval and signatures on Agreement and Assignment with The Nature Conservancy for assignment of Deed to Development Rights to farmland in Richmond.

Passed Unanimously

ITEM D – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A

request was made by the Department for approval and signatures on Easement Agreement with the Narragansett Electric Company over a portion of Fort Adams State Park, Newport.

This is an Easement Agreement between the Narragansett Electric Company and the Department for a utility easement at Fort Adams State Park in Newport. The easement is to provide electric service to the Fort's structure. There is an easement there, and this is an addition to what is presently there. It will extend the distribution system and Narragansett Electric will install a padmounted transformer, and it is for electricity to the Fort structure for the benefit of the Fort Adams Trust. The Narragansett Electric Company will secure a Certificate of Insurance and send it to the Department. The Department will forward this to the Committee.

A Motion was made by Mr. Griffith and seconded by Mr. Barry to approve the request of the Department for approval and signatures on Easement Agreement with the Narragansett Electric Company over a portion of Fort Adams State Park, Newport. Approval was granted subject to receipt of Certificate of Insurance.

Passed Unanimously

ITEM E – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A Request was made by the Department for approval on an Option to Renew Indenture of Lease with Offshore Leasing relative to Lots 203 and 204 (Parcel D) in the Port of Galilee.

This is for an Option to Renew in connection with Offshore Leasing Co.'s land lease to Lots 203 and 204 (Parcel D) in Galilee. Offshore Leasing engages in the importation, storage, processing, distribution

and sale, at retail or wholesale, of fish, shellfish and related projects and activities. The original Lease was signed September 10, 1996. Offshore Leasing is requesting to exercise a five (5) year option, which would begin October 1, 2004 and terminate September 30, 2009. The Department stated that the amount of the annual rent for the new option period would be determined by a new appraisal which is currently being conducted by the Department for a further decision between the Committee and the Department. The Department stated that the paperwork for the bid solicitations have gone to the Division of Purchasing. The Department advised that the tenant is aware that the lease would be subject to a new rental according to the appraisal. Discussion took place. The Committee would like the option of hearing what the appraisals say and the amounts assigned to it and ask that the Department request conceptual approval of the Option to Renew. The Committee could grant the authority to move forward with the Option to Renew, but subject to the final review of the Committee. Mr. Barry also asked that when an appraiser is chosen, that the appraiser be asked to do an independent evaluation of the value of the parking for 50,000 square feet. The Department agreed to seeking conceptual approval of this matter and return for final approval after the appraisal has been done.

ITEM F – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval on Option to Renew Indenture of Lease with Slavin Point Judith Company LLC relative to Lot 230 in the Port of Galilee.

Slavin Point Judith Company LLC leases Lot 230 in Galilee for the

purpose of receiving, buying, processing, freezing, storing, packing, shipping and selling fish and seafood and the supply of marine supplies and ice to commercial fishing vessels in the Port. The original Lease was signed September 10, 1996. Slavin Point Judith Company LLC was requesting to exercise a five (5) year option, which would begin October 1, 2004 and terminate September 30, 2009. Discussion took place as in Item “E” above.

ITEM G – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on Option to Renew Indenture of Lease with Slavin Ice Company LLC relative to Lots 203 and 204 (Parcel E) in the Port of Galilee.

Slavin Ice Company LLC leases Lots 203 and 204 (Parcel E) in Galilee for the purpose of manufacturing ice and supplying marine supplies and ice to commercial fishing vessels and fishing related entities. The original Lease was signed September 10, 1996. Slavin Ice Company is requesting to exercise a five (5) year option, which would begin October 1, 2004 and terminate September 30, 2009. Discussion took place as in Item “E” above.

A Motion was made by Mr. Griffith and seconded Mr. Barry to approve the request of the Department for conceptual approval on an Option to Renew Indenture of Lease with Offshore Leasing relative to Lots 203 and 204 (Parcel D) in the Port of Galilee, Option to Renew Indenture of Lease with Slavin Point Judith Company LLC relative to Lot 230 in the Port of Galilee, and Option to Renew Indenture of Lease with Slavin Ice Company LLC relative to Lots 203 and 204 (Parcel E) in the Port of Galilee.

Passed Unanimously

ITEM H – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request made by the Department for approval and signatures on Access Agreement with Owens Corning to the Kelly House, Lincoln.

The Department was requesting approval of a Temporary Access Agreement for the Mackland Farm/Kelly House Property site to allow Owens Corning to proceed with a solid waste cleanup. The Department owns the premises on which the Kelly House is located in Lincoln. Owens Corning is currently in Chapter 11 Bankruptcy in Delaware. As part of that bankruptcy, Owens Corning has entered into Settlement Agreements with both the United States EPA and the State of Rhode Island to perform a number of cleanups. One of them is this site at the Mackland Farm. The work that will be performed is the removal of some solid waste that was discovered and defined as part of a site investigation performed pursuant to a separate Access Agreement that was approved by the Committee earlier. That site investigation did not reveal the presence of any hazardous waste, but did reveal the presence of a volume of solid waste.

A Motion was made by Mr. Griffith and seconded to Mr. Barry approve the request of the Department for approval and signatures on signatures on Access Agreement with Owens Corning to the Kelly House, Lincoln.

Passed Unanimously

ITEM I - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on License Agreement with Deeble Holdings LLC for land at 1355 – 1357

Wampanag Trail, East Providence.

At the request of the Department, this item was removed from the Agenda and documents were returned to the Department.

ITEM J - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on Deed of Easement with Picerne-Meadowbrook, LLC over property on Warwick Avenue, Warwick, in conjunction with Physical Alteration Permit requirements.

The Deed of Easement is over 3,583 square feet of property located on Warwick Avenue, Plat 1951A, Parcel 1P, Warwick. This is in conjunction with the requirements for obtaining a physical alteration permit. The easement is conveyed to allow for the future maintenance and repair of a traffic signal control device. There is no monetary compensation required.

ITEM K - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on Deed of Easement with Thomas and Walter Quinn, Inc. over property on Warwick Avenue, Warwick, in conjunction with Physical Alteration Permit requirements.

This property is situated at 2435 Warwick Avenue, Warwick. This is in conjunction with the requirements for obtaining a physical alteration permit. The easement is conveyed to allow for the future maintenance and repair of a traffic signal control device. There is no monetary compensation required.

A Motion was made by Mr. Griffith and seconded by Mr. Barry to approve the request of the Department for approval and signatures

on signatures on Deed of Easement with Picerne-Meadowbrook, LLC over property on Warwick Avenue, Warwick, and Deed of Easement with Thomas and Walter Quinn, Inc. over property on Warwick Avenue, Warwick, in conjunction with Physical Alteration Permit requirements.

Passed Unanimously

ITEM L - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on Warranty Deed with Southwestern Bell Mobile Systems, LLC for acquisition of property on Crary Street, Providence in conjunction with the I95 Relocation Project.

On August 19, 2003 the Department obtained approval and signatures on Deeds for acquisition of property located at 4 Crary Street, Providence, Condemnation Plat 2655/Parcel 1A, for the Route 195 Relocation Project for \$178,000.00. The property consists of 4,792 square feet of land area improved with a 2,400 square foot industrial garage. The Department had a problem getting the right person to go ahead with the closing, only to discover they were part of a merger which has now taken place. Supporting documents are on file with the Department's Title Attorney and the Attorney at the Department. The appraisal is the same. There is just a change in the name from SNET, Inc., as the grantor to Southwestern Bell Mobile Systems, LLC. In addition, the Department requested that in the event the transaction is not consummated within 45 days, that it be authorized to acquire the parcel by condemnation by virtue of Plat

2655 to insure the project schedule not be adversely affected by a further delay on the part of the owner.

A Motion was made by Mr. Barry and seconded by Mr. Griffith to approve the request of the Department for approval and signatures on signatures on Warranty Deed with Southwestern Bell Mobile Systems, LLC for acquisition of property on Crary Street, Providence in conjunction with the I95 Relocation Project. The Committee also approved the request of the Department that in the event transaction is not consummated within 45 days, that it be authorized to acquire the parcel by condemnation by virtue of Plat 2655 to insure the project schedule not be adversely affected by a further delay on the part of the owner.

Passed Unanimously

ITEM M - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on Real Estate Re-Alignment Agreements and associated other documents with Eddy Street Partnership and Rhode Island Hospital, in conjunction with the I95 Relocation Project.

On February 24, 2004, the Department came before the Committee and outlined a series of transactions regarding the Relocated Route I95 project. The Department, Rhode Island Hospital and the Eddy Street Partnership have negotiated various exchanges in property rights which will provide land needed for the highway while preserving parking during and after construction. Mr. Kalunian, from the Department, displayed maps of the areas involved and gave an explanation of what would be occurring and the basis for these

documents. The agreement eliminates any claim for severance damages that may have occurred if the Department was required to condemn the property. There is no monetary compensation being paid for the land. The Department has agreed to reimburse Rhode Island Hospital for incidental costs it will incur as a result of the Department's actions, and will build parking areas to replace the permanent and temporary spaces lost by this project. This is Contract 6, of this project.

The documents presented for approval and signatures are as follows.

- 1) Real Estate Re-alignment Agreement with Rhode Island Hospital;**
- 2) Bargain and Sale Deed from Rhode Island Hospital conveying Parcel 1A on that certain plan entitled Improvements to Interstate Route I95, Administrative Subdivision AP 46, Lots 107, 143, 144, 612 and 617, Providence, to the Department;**
- 3) Bargain and Sale Deed from Rhode Island Hospital conveying Parcel 2A on that certain plan entitled Improvements to Interstate Route I95, Administrative Subdivision AP 46, Lots 107, 143, 144, 612 and 617, Providence, to the Department;**
- 4) Bargain and Sale Deed from Rhode Island Hospital conveying Parcel D on that certain plan entitled Improvements to Interstate Route I95, Administrative Subdivision AP 46, Lots 107, 143, 144, 612 and 617, Providence, to the Department;**
- 5) Deed of Easement from Rhode Island Hospital granting temporary easements over Parcels 1B-1, 1B-2, 2B-1 and 2B-2, Providence;**
- 6) Temporary Use Agreement from Rhode Island Hospital, allowing**

the Department temporary use of property identified as a portion of Assessor's Plat 46, Lot 617, Providence;

7) Quit-Claim Deed from the Department conveying land on Eddy Street, Providence, delineated as Parcels 5A-1 and the Remaining Portion of Parcel 4 (AP 46, Lot 144) to Rhode Island Hospital;

8) Perpetual Easement for Surface Parking from the Department to Rhode Island Hospital, a perpetual and exclusive easement over 113,486 square feet of land, (Parcel 6 Parking Lot Plan);

9) Lease from the Department permitting Rhode Island Hospital exclusive use of 56,027 square feet of land on Allens Avenue, Providence (Proposed Temporary Hospital Parking Lot);

10) Real Estate Re-alignment Agreement with Eddy Street Partnership;

11) Warranty Deed from Eddy Street Partnership conveying those tracts or parcels of land with all building and improvements thereon laid out and shown on certain plan entitled Improvements to Interstate Route I95, Administrative Subdivision AP46, Lots 107, 143, 144, 612 & 617, Providence, to the Department (Parcels 3A-1,3A-2, and 7A);

12) Warranty Deed from the Department conveying property described as Parcel D, (Out of AP 46, Lot 612), to Eddy Street Partnership;

13) Temporary Use Agreement from Eddy Street Partnership allowing the Department temporary use of a portion of property referred to as Assessor's Plat No. 46, Lot 107, Providence;

14) Temporary Easement Agreement from Eddy Street Partnership

allowing the Department easement over property described as Assessor's Plat No. 46, Lot 107 (formerly lot 107 and 143);

15) Environmental Land Usage Restriction;

Mr. Kalunian gave a brief description of each document.

Ms. Allaire - Johnson had questions relative to the Perpetual Easement for Surface Parking from the Department to Rhode Island Hospital, which indicated that the Rhode Island Hospital is self-insured and notes that the State will be named as an additional insured on an excess policy in the amount of \$2M and expressed concerns and elaborated on her conversation with Mr. Kevin Carvalho, Risk Manager for the Division of Central Services. She also had concerns regarding the fact that the additional insurance named the State of Rhode Island, but only references the leased premises at One Allens Avenue, Providence, and that would need to be changed. Ms. Allaire Johnson also had questions regarding the temporary parking for Rhode Island Hospital and inquired about the security for that. Rhode Island Hospital will secure their own company for the purposes of shuttling people back and forth and will have their own liability insurance policy. Other questions she had were regarding the Maguire Group Inc., the design consultant. Discussion took place regarding Contract 6 of the project.

Mr. Barry commended the Department on the good job in the presentation of a very complicated matter. The Chair, Mr. Williams added his appreciation that the Department had come before the Committee earlier and gave a presentation of this project.

A Motion was made by Mr. Barry, and seconded Mr. Griffith to

approve the request of the Department for approval and signatures on signatures on the documents described above with Eddy Street Partnership and Rhode Island Hospital, in conjunction with the I95 Relocation Project. Approval was granted, subject to final approval by the Office of the Attorney General on all of the documents. The Executive Secretary will hold all documents pending approval by the Office of the Attorney General.

Passed Unanimously

ITEM N - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on Settlement Agreement with USGen New England, Inc. in conjunction with the I95 Relocation Project.

At the request of the Department, this matter was deferred to September 28, 2004.

ITEM O - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on Quit-claim Deed and Warranty Deed with Dudley A. Williams over property on Griswold Avenue, Bristol.

In November 2002, the Committee granted the Department conceptual approval to convey property on Griswold Avenue, Bristol to Dudley A. Williams. The piece of property was situated along Griswold Avenue at a curve.

In 1928 the Department acquired land to straighten out a portion of Griswold Avenue. The Williams' family engaged a title searcher, and what the Department thought it had acquired at the time, it had not. As a result, the Department proposed to receive from the Williams'

family the land that the Department thought it had acquired in 1928. The Williams' family will Deed it to the Department and in return the Department will Deed to them the portion of the land that they requested to purchase in November 2002.

Attorney Vera DiLuglio, from the Department, gave a brief background on this property. It was discovered that the State did not own what it thought it owned. There is no filed plat map and description in the Town of Bristol. The absence of those documents means that the State never perfected the taking and the State does not own it. The Department will be acquiring from the Williams consists of approximately 48,000 square feet and the Department will be conveying to the Williams consists of 26,000 square feet. This would be the most beneficial and cost effective answer to a sizeable and potentially costly problem.

A Motion was made by Mr. Barry and seconded Ms. Allaire-Johnson to approve the request of the Department for approval and signatures on Quit-claim Deed and Warranty Deed with Dudley A. Williams over property on Griswold Avenue, Bristol.

Passed Unanimously

ITEM P - DEPARTMENT OF TRANSPORTATION– Requests approval and signatures on Quit-claim Deed conveying property on Mendon Road, Cumberland to Kimberly Enterprises, Inc.

On September 23, 2003, the Department received approval to solicit bids for the sale of property located at 4116 Mendon Road, Cumberland. That property consists of about 35,992 square feet with an improvement on site where the Department's northern field

division was housed. The Department determined it no longer needed the property. After obtaining the Committee's approval to dispose of the holding, the Department went out to a formal Request of Proposals and received three bids. The bids were opened on March 25, 2004. The high bidder was Kimberly Enterprises, Inc. offering the sum of \$225,000.00 for the property. The Department returned to the Committee on April 24, 2004 and recommended award of the bid to Kimberly Enterprises. The committee approved and the Department has returned for approval and signatures on Quit-claim Deed. The property has been offered to the Town of Cumberland and they have declined to exercise their right. Mr. Carcieri gave a background regarding the former owner rights. The Department has a legal opinion that by Consent Judgment of the Superior Court the former owners of the property ceded any rights to its repurchase as an element of that Judgment.

A Motion was made by Mr. Barry and seconded Ms. Allaire-Johnson to approve the request of the Department for approval and signatures on Quit-claim Deed conveying property on Mendon Road, Cumberland to Kimberly Enterprises, Inc.

Passed Unanimously

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 11:50 A.M.

Anne L. Lanni, Executive Secretary