

RESOLUTION

Concerning

THE USE OF CURRENT UNRESTRICTED FUND BALANCES  
TO ACQUIRE  
THE ROBERTS AVENUE ELEMENTARY SCHOOL  
IN  
DANBURY, CONNECTICUT

February 1, 2002

WHEREAS, The City of Danbury wishes to construct a new regional magnet school to serve Danbury, Newtown, Redding and New Fairfield, and

WHEREAS, Western Connecticut State University (WCSU) would like to take ownership of a parcel of land located amid the Midtown Campus, developed with an elementary school, and

WHEREAS, The Connecticut General Assembly has passed Special Act 01-6, Sections 26 and 27, authorizing the acquisition and transfer of two parcels between the City of Danbury and The Board of Trustees for Connecticut State University, and

WHEREAS, Western Connecticut State University will transfer a 7.026 parcel of land located at the Westside Campus for use as a regional magnet school, and

WHEREAS, The City of Danbury will sell approximately 6 acres of land, developed with an elementary school, to the Board of Trustees at fair market value, therefore be it

RESOLVED, That the Board of Trustees for the Connecticut State University System recognizes Special Act 01-6, Sections 26 and 27, authorizing the acquisition and transfer of two parcels between the City of Danbury and The Board of Trustees for Connecticut State University, and be it further

RESOLVED, That WCSU is authorized to use up to \$1,245,000 from their current unrestricted fund balances for the acquisition of the Roberts Avenue Elementary School as necessary to comply with Special Act 01-6, Sections 26 and 27.

A Certified True Copy:

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William J. Cibes, Jr.  
Chancellor

**ITEM**

The use of current unrestricted fund balances to acquire the Roberts Avenue Elementary School in Danbury, Connecticut.

**BACKGROUND**

Dober, Lidsky, Craig & Associates, the planning consultants contracted in 1995 to complete the Master Plan for Western Connecticut State University, states " The University property is limited in acreage and fractured by streets, with three of the four parcels densely covered by buildings. These conditions impose severe limitations on growth options, a situation further intensified by the seemingly substantial, solidified, and stable nature of the environs,..." The Roberts Avenue Elementary School, which is bordered on two sides by the University and on the other two sides by city streets, is located at the center of the university precinct. Purchase of this property by the University would provide suitable building sites for future development and will allow the City to abandon to the state a portion of Seventh Avenue and Roberts Avenue.

During discussions between the university and the City of Danbury regarding the feasibility of purchasing the Roberts Avenue Elementary School, the City expressed its desire to develop a regional magnet school to serve the communities of Danbury, Redding, Newtown and New Fairfield, and identified a possible site for the new school on Western's Westside Campus.

In 2001, the Connecticut General Assembly approved Special Act 01-6, Sections 26 and 27, which permits the transfer of 7.07 acres located on the Westside Campus of Western to the City of Danbury for the exclusive use of a regional magnet school. In addition, it permits the sale of the Roberts Avenue Elementary School to the Board of Trustees for the Connecticut State University System, and the conveyance of a portion of Seventh Avenue and Roberts Avenue. It also allows the Board of Trustees to lease the Roberts Avenue Elementary School back to the city for a period of not more than five years.

**ANALYSIS**

Since the completion of the 1995 Master Plan, Western has been in negotiation with the City of Danbury to acquire the Roberts Avenue Elementary School. At the same time, the City has been debating the need to build a regional magnet school as a response to concerns outlined in *Sheff vs O'Neill*. An agreement was reached between the parties which allows for the transfer of a portion of the Westside Campus to the City for use as a magnet school and in return, for Western to take control of the Roberts Avenue Elementary School.

In addition, development of the new regional magnet school would include the construction of a new access road connecting to the existing roadway system on the Westside campus. Currently, the campus has only one access road, which is not sufficient to meet the needs of participants during multiple events at the Ives Center

and the O'Neill Center. The university would benefit by the development of the new access road, which will provide a second means of egress to the campus. Costs to construct the road will be borne by the Magnet School project.

Negotiations between the City of Danbury's legal counsel and the Department of Public Works' Assistant Attorney General are ongoing and have culminated in a Lease/Purchase Proposal Outline. This document outlines the a) sale of property to the City of Danbury by the Board of Trustees (State), b) easements to the City of Danbury, and c) sale of property by the City to the Board of Trustees (State) and the lease back of said property. The entire agreement has been developed in strict accordance with Special Act 01-6, Sections 26 and 27.

As is required in the Special Act, an appraisal of the Roberts Avenue School property was obtained by the Department of Public Works, to determine the fair market value of the parcel. The appraisal determined the value is \$3,200,000. In addition, the legislative language authorizes monies to cover closing and related acquisition costs not to exceed \$100,000. A second appraisal is currently underway and is expected to be completed in mid-February. Typically, the State Properties Review Board and the Office of Policy and Management only authorize the state to purchase property at the lowest price when there is more than one appraisal. Therefore, the purchase cost of the property will not exceed \$3,300,000.

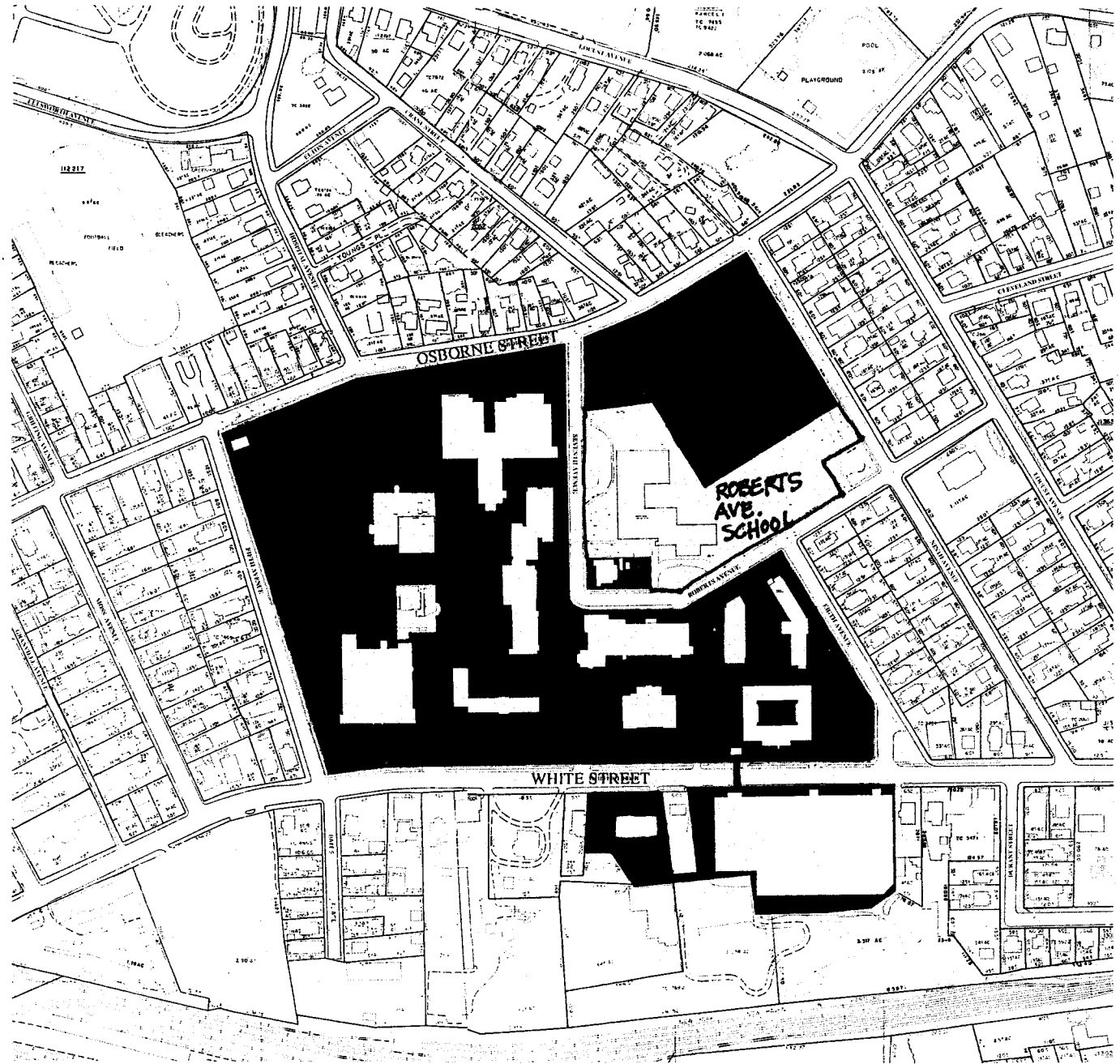
A total of \$2,055,000 is available for purchase of the Roberts Avenue Elementary School from funds authorized by the General Assembly for property acquisition to the Connecticut State University System. The remaining shortfall of \$1,245,000 is proposed to come from Western's current unrestricted fund balance.

The easements included in the Lease Purchase/Proposal Outline to be granted to the City of Danbury will allow the city access to potable water, sanitary sewer, and storm water lines that will be developed in conjunction with the new access road constructed on the Westside Campus. Another easement from the State to the City will allow access to its utilities located beneath, along and across Roberts and Seventh Avenues for maintenance and repair of existing utilities.

#### **CHANCELLOR'S RECOMMENDATION**

Approve the use of up to \$1,245,000 in current unrestricted fund balances by Western Connecticut State University to acquire the Roberts Avenue Elementary School property in Danbury, Connecticut.

# UNIVERSITY PROPERTY



MIDTOWN CAMPUS

**WESTERN CONNECTICUT  
STATE UNIVERSITY**

CAMPUS PLAN 1995/MODIFIED 2002

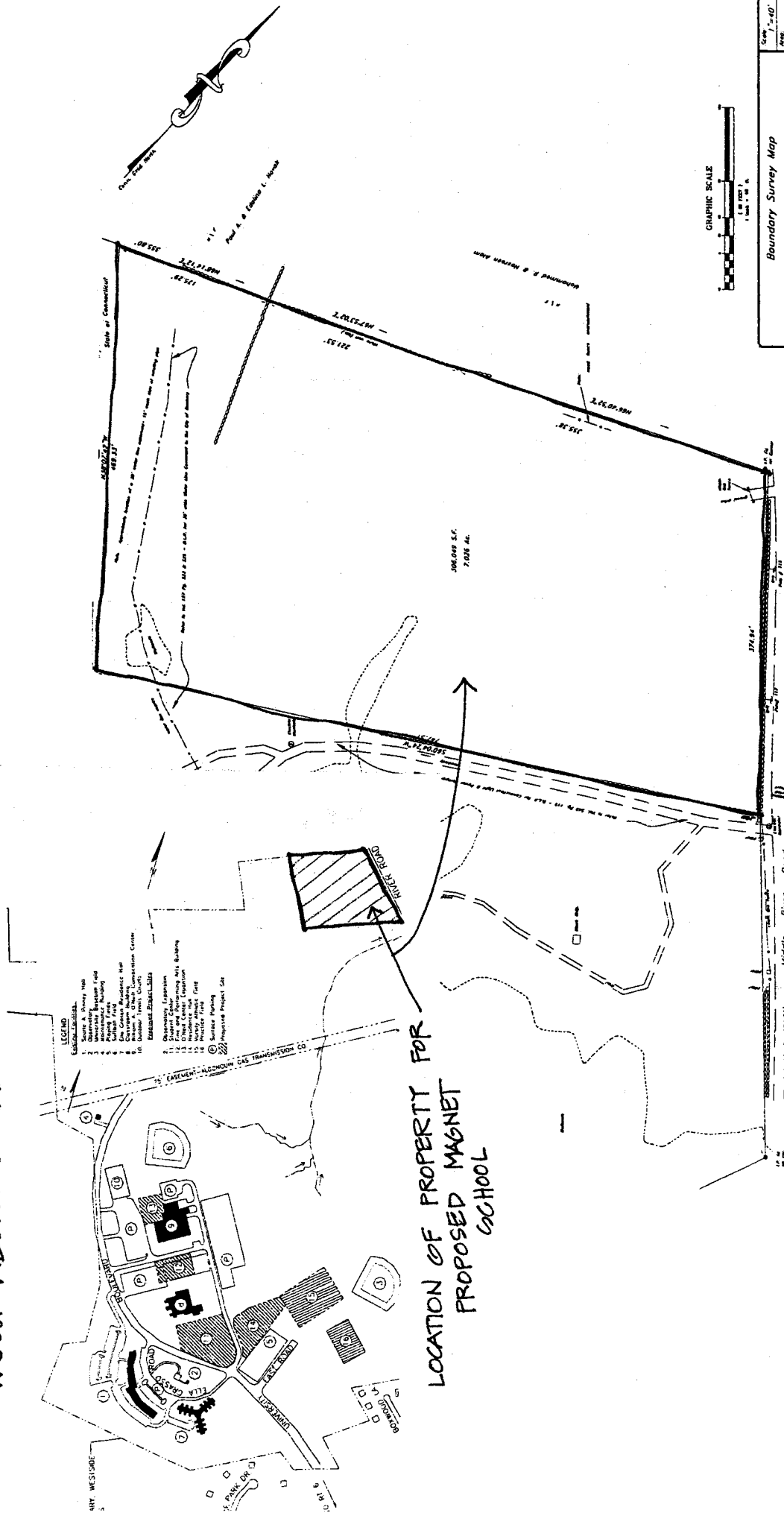
DOBER, LIDSKY, CRAIG AND ASSOCIATES, INC.  
CAMPUS AND FACILITY PLANNING CONSULTANTS

- W.C.S.U. PROPERTY
- TOTAL ACREAGE - 29.36
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WCSU WESTSIDE CAMPUS



- LEGEND**
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LOCATION OF PROPERTY FOR  
PROPOSED MAGNET  
SCHOOL

Scale: 1"=40'  
Area: 2,028 Ac.  
Date: 04-40  
Sheet: 1 of 2  
Revisions:

Boundary Survey Map  
Prepared for  
Western Connecticut State University  
Danbury, Connecticut

NEW ENGLAND LAND SURVEYING, P.C.  
ROBIN COMMONS-118 COAL PIT HILL RD.-DANBURY, CT  
ROBERT M. BRIMMOND, L.S. # 12984  
JOB NO. 708  
2085V1

1. This map represents a "Property Survey" based on a "Return" and was prepared in accordance with Class A-7 standards.
2. Refer to map entitled: Boundary Map of the Western Connecticut State University, West Side Campus, Danbury, Connecticut, prepared for the State of Connecticut, Department of Public Works, Scale: 1"=250', Date: Dec. 31, 1981 prepared by Luchs and Beckwith.
3. Refer to map entitled: "City of Danbury, Proposed Magnet Elementary School Site Map, Scale: 1"=40', April, 1988, prepared by Abell Associates.
4. Wetlines are depicted herein taken from map referenced in note No. 3 above.