



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MH*
CC: Maria Capriola, Assistant Town Manager; Linda Painter, Director of Planning and Development; Curt Vincente, Director of Parks and Recreation, Jennifer Kaufman, Natural Resources and Sustainability Coordinator
Date: October 15, 2013
Re: LaGuardia Property Acquisition (FHWA Public Lands Highway Program Discretionary Grant)

Subject Matter/Background

The subject property, owned by Lynne LaGuardia, is an 18.7 acre parcel located on the south side of Dodd Road. As shown on the attached map, the property is adjacent to federal and municipal properties. The U.S. Army Corps of Engineers owns the property to the north and west (Mansfield Hollow State Park). Adjacent Town properties include the Chapin Brook valley on the east side and a corridor for an existing trail on north side. Other nearby properties and amenities include a UConn Forest Tract and the Nipmuck Trail. A nine-lot subdivision including a new cul-de-sac road (LaGuardia Lane) to serve eight lots was approved in 2008. With the exception of an existing house which was sold, the remainder of the subdivision has not been developed.

In 2012, the Town was awarded a Federal Highway Administration (FHWA) Public Lands Highway Program Discretionary Grant in the amount of \$325,000 to acquire the subject property. The Town's application for this grant was based on a 2011 recommendation from the Open Space Preservation Committee (OSPC) that the Town Council consider preservation of this property due to its natural resource value and location.

The land is a high, level glacial terrace that slopes steeply down to Chapin Pond on the west side (owned by the Army Corps) and to Chapin Brook on the east side (owned by the Town). The property features scenic views of Chapin's Pond and the field on the terrace from both Dodd Road and Chaffeeville Road. The south half of the property is a hay field that is prime farmland (Merrimack) and has been hayed by a local farmer for many years. The north half contains a mature pine woods.

The property lies within a DEEP Natural Diversity Data Base circle, and may host a species of concern to the state. Chapin Pond is a Leatherleaf bog, an uncommon scrub-shrub wetland type, and is included in the list of "Significant Wildlife and Conservation Resources" in Appendix J of the Town's Plan of Conservation and Development. Consequently, the Town has an interest in preserving the pond's unique plant community and ecological integrity by protecting abutting land. During review of the Quiet Meadow subdivision in 2008, the OSPC expressed concern about potential impacts to Chapin Pond from nutrient flows via groundwater from septic systems and lawn chemicals. Preservation of the LaGuardia parcel would avoid that impact to the pond.

The location of this parcel on Dodd Road would also provide easy access between Schoolhouse Brook Park and Mansfield Hollow and serve as part of a town-wide trail system. The popular trails in Mansfield Hollow are not accessible by public transit and the LaGuardia property's frontage on Dodd Road would provide easy access from the bus line along Storrs Road (Rte 195) to Mansfield Hollow.

In 2008, an archeological survey was completed on the site and found numerous significant cultural and historic resources such as stonewalls and a historic barn and house foundation. In addition, the property is situated adjacent to the Mansfield Center Historic District and across the street from the historic Dodd home. Preservation of this property would help preserve the historic character of Mansfield's oldest settlement.

After several months of negotiating with the property owner, the Town has reached an agreement to purchase the property subject to approval by the Town Council after a public hearing. In accordance with the *Planning, Management and Acquisition Guidelines for Mansfield Open Space, Park, Recreation, Agricultural Properties and Conservation Easements*, staff recommends that a public hearing be scheduled for October 28, 2013 and that the proposed acquisition be referred to the Planning and Zoning Commission for comment pursuant to §8-24 of Connecticut General Statutes.

Financial Impact

The owner is currently marketing the property as an estate lot for \$445,000. A 2012 appraisal for the property showed the value to be \$280,000; the final purchase price will be determined by a 2013 yellow book appraisal. The property owner has agreed to sell the property to the Town for \$28,000 above the appraised value provided the total purchase price (including the \$28,000) shall not be less than \$308,000, and shall not exceed \$325,000.

Based on the above terms, it is anticipated that the total acquisition cost going forward will be covered by the FHWA grant. The previous appraisal (\$5,250) was paid for through the Open Space Acquisition fund. We anticipate total non-acquisition costs to be approximately \$10,000 to cover the 2013 appraisal and

improvements such as a sign, trail guide, etc. If the final sales price is less than \$315,000, these costs will also be covered by the grant. In the event that the sales price exceeds that amount, these costs will be paid for through the Town's Open Space Acquisition fund.

Recommendation

In accordance with the *Planning, Acquisition and Management Guidelines*, staff recommends that the Council schedule a Public Hearing to receive public comment regarding the proposed acquisition and to refer the proposal to the Planning and Zoning Commission for comment pursuant to §8-24 of Connecticut General Statutes. Notice of the public hearing will be provided to neighboring property owners.

If the Town Council supports this recommendation, the following resolution is in order:

~~Move, to refer the proposed acquisition of the 18.7 acre LaGuardia property to the Planning and Zoning Commission for review under Connecticut General Statutes §8-24 and to schedule a public hearing for 7:30PM at the Town Council's regular meeting on October 28, 2013, to solicit public comment regarding the proposed acquisition.~~

Attachments

- 1) Conditional Agreement to Sell and Purchase Real Estate
- 2) Open Space Preservation Committee Report
- 3) Map of the Property and Contiguous Open Space

AGREEMENT TO SELL AND PURCHASE REAL ESTATE

This Agreement entered into on October ____, 2013 by and between the Town of Mansfield ("Purchaser") and Lynne LaGuardia ("Seller"), represented by ReMax Bell Park.

1. This Agreement is contingent upon written confirmation that grant assistance will be provided by the Federal Highway Administration to the Town of Mansfield in the minimum amount of \$325,000.00, and final approval by the Town Council of the Town of Mansfield.
2. Subject to the foregoing, the Seller agrees to sell to the Purchaser 18.7 (more or less) acres of unimproved land with road frontage on Dodd Road, Mansfield, CT, and located immediately west of the Army Corps of Engineers Mansfield Hollow Lake Recreation Area. Said property is depicted on a map entitled "Quiet Meadow Resubdivision Plan, dated 2/1/08 as revised through 11/19/09, as prepared by Towne Engineering."
3. Subject to the conditions set forth in Paragraph 1 above, the purchase price shall be **TWENTY-EIGHT THOUSAND AND 00/100 DOLLARS (\$28,000.00)** in excess of the fair market value determined by an updated Yellow Book Appraisal to be paid for by the Purchaser from the proceeds of the aforementioned grant. Total purchase price (including the \$28,000) shall not be less than **THREE HUNDRED EIGHT THOUSAND AND 00/100 (\$308,000.00) DOLLARS**, and shall not exceed **THREE HUNDRED TWENTY FIVE THOUSAND AND 00/100 DOLLARS (\$325,000.00)**, and shall be paid as follows:
 - a. **FIVE HUNDRED AND 00/100 DOLLARS (\$500.00)** this date;
 - b. Total balance due at the time of the closing, unless alternative arrangements are mutually agreed upon.
4. Subject also to the condition that the Seller may keep this property on the market for sale for other offers, but the Purchaser (Town of Mansfield) will have a First Right of Refusal on any acceptable offer as long as the Town acts within ten (10) business days of receiving written notice of any such offer from the Seller to remove this contingency and to activate a fully executed alternative **Agreement to Purchase and Sell Real Estate** with the Seller.
5. The Seller agrees to pay all taxes owed on the subject property to the Town of Mansfield prior to or at closing.
6. The Seller agrees to execute, acknowledge and deliver a Warranty Deed conveying title to the subject property, free of all encumbrances, to the Purchaser at closing.
7. Subject to the contingency set forth in Paragraph 1 of this Agreement, the closing shall take place on or before December 31, 2013, unless an alternative date is mutually agreed upon.

Purchaser:
Town of Mansfield

Seller:

By: _____
Matthew W. Hart, Town Manager

Lynne M. LaGuardia

MANSFIELD OPEN SPACE PRESERVATION COMMITTEE

December 21, 2011

To: Cindi Ptak, Public Lands Highway Coordinator
Office of Federal Lands Highway, Federal Highway Administration

From: Mansfield Open Space Preservation Committee

Re: Public Lands Highway Program Discretionary Grant FY 2012 Application for the
LaGuardia Property

At their December 20, 2011 meeting, the committee unanimously recommended that the Mansfield Town Council consider preservation of the LaGuardia property and approve the Town's application for a Public Lands Highway Program Discretionary Grant FY 2012 for use in Town's purchase of this property. This is a key parcel for the following reasons:

- 1) It is the only parcel that would provide direct access to "Mansfield Hollow" Army Corps land (2,472 acres) from public transportation along Route 195. The proposed development of housing on the LaGuardia property would prevent any opportunity for public access from the Route 195 bus line.
- 2) The parcel is a key link between Mansfield Hollow's existing trails and existing trails on the west side of Rt. 195 in the 498-acre Schoolhouse Brook Park owned by the Town.

Town of Mansfield, CT -
Federal, State, Joshua's Trust, and Land Adjacent to Laguardia Property

