



Developing a State of Minds

Connecticut State University System

BR#06-7



RESOLUTION

concerning

RATIFICATION OF AND AMENDMENT TO
A LEASE OF LAND
TO THE CITY OF DANBURY
FOR THE INSTALLATION OF A WATER TOWER ON
THE WESTSIDE CAMPUS AT
WESTERN CONNECTICUT STATE UNIVERSITY

January 27, 2006

WHEREAS, In 1980 the Connecticut Department of Administrative Services leased land to the City of Danbury for the purposes of constructing a 1,500,000 gallon water tank on the Westside Campus of Western Connecticut State University, and

WHEREAS, The terms of the lease allowed the City to use a 1.864 acre parcel to construct a water tower to serve the university and itself at a cost of \$1.00 per year for a fifty (50) year period commencing on September 1, 1980 with an option for renewal for another fifty (50) years, and

WHEREAS, The City of Danbury would like to amend the lease to permit the erection of a radio receiver and related equipment on the site of the water tower, which receiver will be utilized by the Danbury Fire Department, and

WHEREAS, In 1993, Section 4b-38(g) of the Connecticut General Statutes was adopted, providing that the Board of Trustees may lease land or buildings, and facilities under their control and supervision, and

WHEREAS, The City of Danbury will install, operate and maintain the equipment at no cost to the University, therefore be it

RESOLVED, That the Board of Trustees for Connecticut State University ratifies the lease of 1.864 acres on the Westside Campus of Western Connecticut State University to the City of Danbury for the installation of a water tower for a period not to exceed one hundred years at an annual rental of \$1.00 per year to the City of Danbury, and be it further

RESOLVED, That the Board of Trustees for the Connecticut State University System approves an amendment of the lease to the City of Danbury to permit the installation of a radio receiver and related equipment on the site of the water tower.

A Certified True Copy:

William J. Cibes, Jr.
Chancellor

ITEM

Ratification of and amendment to a lease of land to the City of Danbury for the installation of a water tower on the Westside Campus at Western Connecticut State University.

BACKGROUND

In 1980, the Connecticut Department of Administrative Services (DAS) executed a lease with the City of Danbury to construct a 1,500,000-gallon water tank on the Westside Campus of Western Connecticut State University. This lease allowed for the construction of the water tank to serve the needs of the university and the City of Danbury.

ANALYSIS

During the development of the original lease, statutory authority for leasing university property rested with the Department of Administrative Services. At that time, the Connecticut Department of Public Works (DPW) was a bureau within the administrative structure of DAS. In 1993, the Connecticut General Assembly transferred authority for the lease of property to the constituent units of higher education under statute section 4b-38(g): "...the board of trustees of a constituent unit of the state system of higher education may lease land or buildings, or both, and facilities under the control and supervision of such board when such land, buildings or facilities are otherwise not used or needed for use by the constituent unit and such action seems desirable to produce income or is otherwise in the public interest..."

The original lease executed by DAS allowed the City to construct the water tank on a 1.864 acre parcel at an annual rental rate of \$1.00 for a fifty (50) year period commencing on September 1, 1980 with an option for one additional fifty (50) year extension ending on August 31, 2080.

The City of Danbury has obtained a grant from the Federal Emergency Management Agency (FEMA) to install radio receivers and related equipment for use by the Fire Department in three locations around the City. This new equipment will be installed, operated and maintained by the City of Danbury. To install the new radio receivers at the water tower site, the City has requested an amendment to the original lease executed by the State.

CHANCELLOR'S RECOMMENDATION

Ratify the lease of property to the City of Danbury for the installation of a 1,500,000-gallon water tank on the Westside Campus of Western Connecticut State University and approve an amendment to the lease to allow the installation of radio receivers and related equipment on the site of the water tower.