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AUG 08 2019

HARTFORD J.D.

DOC. NO. X07-HHD-CV 16-6069748-S :

CENTERPLAN CONSTRUCTION : SUPERIOR COURT

COMPANY, LLC :

: COMPLEX LITIGATION DOCKET

: AT HARTFORD

Plaintiffs, :

v. :

CITY OF HARTFORD :

Defendants. :

AUGUST 8, 2019

Memorandum of Decision Partially Lifting Stay

“Death twitches my ear;

‘Live,’ he says...

‘I’m coming.’”

— Virgil

1. Summary: Partial relief is merited.

Hartford won a jury verdict against a former real estate development partner.

Now, the city says it urgently needs to reassure its new developer that it might invest in the property without fearing that the land will be handed back to the old developer. The city asks the court to lift partially the stay to remove the lis pendens currently burdening this property—before it is too late.

Hartford says this won't unduly disadvantage the old developer. It says that if the jury verdict in the city's favor is overturned the developer will have ample opportunity to seek money damages against Hartford in any new trial. But the city warns that Hartford can never make up for the lost time and the lost opportunity it would suffer from further delaying its new developer in building on the *terra firma* itself.

The court will grant Hartford its requested relief. Here, partial relief may yield a large portion of public good without doing the appellant in this case any irreparable harm.

2. A jury verdict is hard to overturn.

According to the Supreme Court in 1985 in *Griffin Hospital v. Commission on Hospitals & Health Care*, four things must be considered in deciding whether to lift this stay: 1. The developers' chances of winning its appeal; 2. any irreparable harm caused by the partial relief; 3. the effect on Hartford, and; 4. the public interest.¹

Applying traditional measures, the court does not judge the developers' chances of winning their appeal as being good. Measured by the claims made in the motion to set aside the verdict those chances turn on challenges to court rulings that were correct and that were unlikely to have changed the outcome even if wrong.

¹ 196 Conn. 451, 456.

In denying the developers' request for a new trial, the court has written at length on these issues, and it won't help merely to reproduce here the ruling from there. Suffice it to say that the developers' biggest complaints are that issues explained to the jury should have been explained to them using different labels. For instance, they complain that the court should have charged about "concurrent causation," claiming the jury didn't need to find Hartford solely at fault to find against Hartford. But the court in fact did charge the jury that partial fault could be enough to find Hartford responsible—assuming other causation factors—if the city were a "substantial factor" in causing the project to miss its deadline. So this issue hardly looks like a winner.

Likewise, the developers claim the court should have allowed the jury to decide whether Hartford or the developers controlled the stadium design changes during the critical period. But these developer complaints about city interference with design issues did go to the jury and the jury found for Hartford.

These, and the lesser issues this court has already ruled on, are a slender reed with which to lever aside the weighty conclusion of the six citizens who heard what the developers had to say over the entire month of June 2019 and then found against them. Those jurors were given the broad basic issue this case turns on—whom to blame for the missed contractual construction deadline. Nothing about their general verdict suggests anything complained of now would have changed anything about their verdict back then. Accordingly, this factor weighs in favor of granting partial relief.

3. There is no reason to believe money wouldn't satisfy the developers.

At every stage of these proceedings the developers have made clear that perhaps the most valuable thing they were seeking in their lawsuit is the land around the stadium where they had planned to put several buildings to be used for apartments, offices, and retail.

Plaintiff DoNo Hartford, LLC had a 99-year lease on this land granted by Hartford. The lease said Hartford could terminate this lease if the developers were terminated under the contract to build the stadium. That's why Hartford terminated DoNo and that's why the developers want to overturn the jury verdict on the stadium contract—in part so they can make a claim to enforce the cancelled lease on the surrounding land. They claim that if the city breached the stadium contract, it breached the leases by wrongly terminating them based on the stadium breach.

But enforcing the leases through some form of specific performance or merely declaring them still in force and effect, would be an equitable remedy under the court's discretion. The developers could win the appeal, and the court could still deny the equitable remedy. For this reason, the parties stipulated that an alternative damages claim would be submitted to the jury. It was clear the developers wanted control of the land for breaches of the leases, but that doesn't mean that they would get that control even if they won the underlying claim. That claim by agreement was reserved for the court.

In fact, this court would deny the equitable remedy of restoring the leases even if the developers proved the city breached the stadium contract. Giving the developers back the land would do more harm than good. Instead, damages would be a sufficient alternative remedy for the developers' losses and would be the only equitable approach in the court's view even if the developers had won.

The reason the court wouldn't exercise its equitable powers is a matter of being unwilling to sever a head from one body and attach it to another body conditioned to reject it. The stadium is the head. It is owned by the city. The lots at issue around it are the body. These lots were meant to be developed in harmony with and attached to the stadium's success. Right now those neighboring parcels provide the stadium and many Hartford commuters with parking. Right now they are also controlled by the city.

Handing them over to DoNo as developer might easily bleed both properties to death. There is no evidence that DoNo has the financing currently available to it to carry forward with the development it promised, but there is ample evidence that, if DoNo can't develop it, DoNo would likely prefer the project throttled to death and the stadium with it. Giving DoNo control of these parcels could easily hand DoNo little more than an opportunity for a kind of revenge. It could strangle the potential neighborhood development with inaction while simultaneously choking the stadium by taking away its parking.

The stadium and the surrounding buildings were to be a harmonious living neighborhood. No reasonable observer presiding over the years of this litigation or the acrimonious trial just concluded could imagine that handing control of the parcels at issue to DoNo would lead to such harmony. A review of the over 450 separate docket entries in this dispute testifies to its depth and bitterness. The bristling relations between the principals in opposition at the trial were also all too evident in not only what they said during the proceedings but how they said it and how they bore themselves.

On the one hand are the developer plaintiffs who claim the city pushed them to the brink of economic and reputational ruin to leverage the city's way into a stadium far better than the one it paid for. On the other hand is a city that believes that Centerplan and DoNo led it astray with a litany of lies and attempted to siphon money from the city treasury to shore up Centerplan's failing development schemes in other parts of the state.

Never mind that a jury rejected the developers' claims. Even if it had accepted them, the court has ample reason to anticipate that there is no reconciling these parties on even a superficial level, not to mention with the detail needed to develop this land: with planning and zoning issues; with parking questions; with financing details; with potential financial aid questions; with lease interpretation questions; building official matters; fire code questions, and the rest of the manifold minutiae that complicates developments under even the best of circumstances.

And even if DoNo did have the financing it needed and earnestly went about the business of trying to work with the city to make money from these parcels, given its level of hostility, DoNo could be expected to develop the property at every opportunity with the least regard possible under the contracts for the wishes and vision of the city. Indeed, as night follows day, granting control of these parcels would lead to further disputes between these warring parties and likely more litigation.

In short, a court can hardly justify specifically enforcing a contract when it specifically knows that such an order would most likely keep that contract from being enforced—forever. Against this backdrop, the court would not grant equitable relief restoring the leases even if Centerplan and DoNo won their appeal. Money damages would have to be enough.

So given that the equitable relief they seek would be denied even if Centerplan and DoNo won their appeal of the judgment, just to get a second shot at winning their basic claims, they would have to overthrow, not only a jury verdict, but a ruling by a court sitting in equity exercising broad discretionary powers.

And this court exercising those equitable powers would work no irreparable harm on the developers. Money might amply compensate DoNo. Indeed, if DoNo succeeds in getting the jury verdict overturned, and it is allowed to assail the city for terminating its leases, DoNo would have a claim for a lot of money.

At trial, DoNo presented evidence supporting its claims to over \$20 million in expected lost profits from developing the land around the stadium. These millions and potentially more might be sought if an upper court finds Centerplan and DoNo were wronged by the court or jury.

Winning the money would not only help the developers' financially. It would also likely restore any damage to the developers' reputation at the same time. After all, recovering tens of millions of dollars against the city would probably win for the developers even more respect and vindication in the construction world than a mere second chance at a leasehold.

DoNo may want for many reasons to control these parcels of land, but with money being a pretty good substitute for that control, this for-profit enterprise can hardly claim that its loss cannot be repaired with money. Thus, there is no irreparable harm to the plaintiffs and ample means of compensating them for any harm a new proceeding might demonstrate. The impact on the plaintiffs and the irreparable harm factors favor lifting the stay.

4. Hartford and the public have a substantial public interest in the relief being granted.

The developer's ability to satisfy itself with money markedly contrasts with the public interest embodied by the once hapless City of Hartford.

Hartford has been struggling for years to rise from the ashes of urban renewal, middle class evacuation, crime, drugs, poverty, corruption, and near bankruptcy. In its especially-blighted north end it chose to focus that struggle on the parcels of land at issue in this case. Until recently it has been a protracted and frustrating endeavor.

The City has poured along with its hopes millions of dollars into the area—over \$57 million so far. Yet the very life of the new neighborhood it dreamed of depended on the still-stalled parcels at stake here. Theoretically, the stadium at the head of the project was to be supported by a flourishing body: housing, office space, and even—apparently grail-like for downtown—a subsidized grocery store selling fresh fruits and vegetables. But the body remains paralyzed while Hartford teeters on the brink of renewed life or more suffocated hopes.

In the short term, it appears the actual cash flowing from the site wouldn't be great. The properties won't pay ordinary property taxes. The payments the developers would make in lieu of these taxes will neither shore up Hartford nor pay the debt service the city adopted when it borrowed to build the stadium. Instead, there is something lesser and yet greater at stake: less quantifiable in terms of dollars, yet most significant for turning Hartford around. It is a matter of seeing steady, tangible progress on the ground in a city where for years everything it touched turned to dross.

The last couple of decades haven't been so good for development in Hartford or much else there besides. The DoNo project ended in litigation. The Adriaen's Landing

project ended in litigation. The rehabilitation of the old G. Fox department store property ended in litigation. The development of the city's new soccer stadium ended in litigation. All of the projects were stalled and delayed. One of the city's mayors went to prison. The city virtually bankrupted itself.

Yet the evidence at the hearing on the issue now before the court showed the clouds over the city may be lifting a bit. The state assumed most of the city's debt. Students can be seen arriving in the heart of the city at UCONN's new campus and the Capital Community College. The court notes from its own records that the litigation frenzy is quieting. The Front Street piece of the Adriaen's Landing dream is becoming real to the eye as UCONN grows around it. Expert appraisers at the trial of this case testified that apartments are being developed and rapidly filled in the city. Soccer is being played to full crowds in the south and baseball is being played to full crowds in the north.

As the city's current mayor, Luke Bronin, explained it in three different court appearances, the city's best hope is to demonstrate continuous momentum on the ground and above all in the public eye. Bronin and the new developer himself also testified that if that momentum isn't maintained in the very near term, the new developer is likely to abandon the project before time and circumstances rob it of opportunities elsewhere. But, if by contrast, the thousands who attend baseball at the new stadium can see the empty lots around it gradually transforming into restaurants,

shops, homes and offices, the development might not only keep itself together—it might have offspring.

It is about momentum. And momentum is more than a mere *memory* of movement. It is a forward-looking phenomenon that may be lost *in a moment*. Momentum demands constant minding, mollifying, reassuring, reenergizing, cosseting and cajoling. It is fickle and easily discouraged. It is that part of economics that can't be found on a balance sheet. And it is that part of economics that is the stuff the laws of equity were made for. Equity applies where mere money won't do.

Despite relatively prompt rulings *after* appellate arguments, getting an appeal to argument in the face of settlement attempts, briefing extensions, and the like can easily—especially if one party desires it—stretch an appeal out over two or more years—and even more if both appellate courts become involved. In light of the convincing testimony of the mayor and the city's new developer, such a delay—on top of the three years of litigation so far—would likely be fatal to the city's hopes.

The court finds Hartford and the public interest in its solvency and success in general weigh heavily in favor of granting the city the relief it requests.

5. Conclusion: Hartford may move forward.

Hartford has been asking for relief from the *lis pendens* since last spring. The court denied it the first time, opting for an expedited trial on the full merits instead. The city didn't want to take the time a full trial would take and wanted instant partial relief

instead. It asked that the trial be continued. Still, the court persisted with the expedited trial. It did so because it believed it imperative to give the developers a full and fair chance to have the basic merits weighed in the balance before the court considered the extraordinary relief the city asks for.

That trial weighs heavily in the balance now. It gave the court the chance to hear the evidence, evaluate the credibility of the witnesses, and consider the totality of the evidence from three fact hearings: the beginning of Hartford's claim for emergency relief, the trial, and the post-trial hearing on lifting the stay. What's more, it gave the court the chance to watch six citizens observe the trial proceedings, weigh the evidence, evaluate the credibility and ultimately decide whether to come down firmly for one side or the other or adopt the view that neither side had proved its case. All of this weighs on the court's judgment of whether equitable relief—regardless of the outcome of any appeal—should be granted to Hartford here now on the stay or might be granted to DoNo in the future concerning the leases.


The court finds by clear and convincing evidence that Hartford has proved entitled to a partial lifting of stay for the limited purpose of discharging the lis pendens from the land at issue. All of the factors analyzed support lifting the stay.

General Statutes § 52-325b allows the court to discharge a lis pendens whenever a claim has proved to lack merit. Here, a jury has found the plaintiffs' legal claims lack

merit, and this court has held in this ruling that their equitable claims lack merit as well. Therefore, Hartford is entitled to a discharge of the lis pendens.

Therefore, as provided by Practice Book § 61-11 (c), the court partially lifts the stay of the court's final judgment in this case in favor of the city of Hartford. Because the court is lifting the stay of a final judgment that includes this ruling, no additional motion to lift the stay need be filed concerning the lis pendens discharge. Naturally, a stay of this order lifting the stay will attach as provided under Practice Book § 61-14 if a review of this order is sought under that section and Practice Book § 66-6.

An order discharging the lis pendens suitable for recording on the land records will accompany this memorandum.

BY THE COURT

Moukawsher, J.

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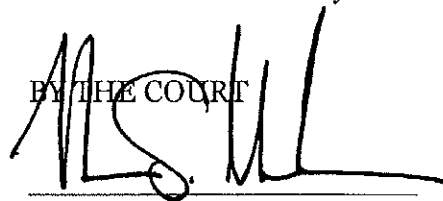
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: AT HARTFORD
Plaintiffs, :
v. :
CITY OF HARTFORD :
: :
Defendants. : AUGUST 8, 2019

ORDER DISCHARGING LIS PENDENS

As provided under General Statutes § 52-325b, the issues in the above-captioned matter having been decided in the defendant's favor and the temporary stay pending appeal having been lifted, the lis pendens notices filed by the plaintiffs against the lands of the defendant described in Schedule A to this order are hereby discharged.

BY THE COURT

Moukawsher, J.

Schedule A
Consisting of 16 pages

LEGAL DESCRIPTION

450 Ann Uccello Street

A certain piece or parcel of land known as Nos. 450-550 Ann Street, and being more particularly bounded and described as follows:

Commencing at a point in the easterly line of Ann Street at the southwest corner of land now or formerly of Greater Hartford Development Fund, Inc.; thence running easterly along said land now or formerly of the Greater Hartford Development Fund, Inc. 137.30 feet to land now or formerly of Greater Hartford Business Development Fund, Inc.; thence running southeasterly along said land now or formerly of Greater Hartford Business Development Fund, Inc. 35 feet to a gangway leading to Main Street; thence running southwesterly along the northerly line of said gangway about 55.20 feet to the northwest corner of said gangway; thence running southerly along the westerly line of said gangway about 13.66 feet; thence running westerly along land now or formerly of Rab-Norm Realty Assoc., in a line making an interior angle of 90° more or less with the last described line 159.50 feet more or less to the easterly line of Ann Street; thence running northerly along the said easterly line of Ann Street about 80.0 feet to the point and place of beginning.

472-474 Ann Uccello Street

A certain piece or parcel of land known as Nos. 472-474 Ann Street, and being more particularly bounded and described as follows:

Commencing at a point in the easterly line of Ann Street at the southeastern corner of land now or formerly of Taino Housing and Development Corp.; thence running easterly along said land now or formerly of Taino Housing and Development Corp., 105.00 feet to a point; thence turning an interior angle of $269^{\circ} 56' 15''$ and running northerly along said land now or formerly of Taino Housing and Development Corp., 8.50 feet; thence turning an interior angle of $90^{\circ} 03' 45''$ and running easterly along said land now or formerly of Taino Housing and Development Corp., 54.37 feet to a point in the westerly line of land now or formerly of Greater Hartford Development Fund, Inc.; thence running southerly along said easterly line 62.93 feet to the northeastern corner of other land now or formerly of Greater Hartford Development Fund, Inc.; thence running westerly along the northerly line of land now or formerly of Greater Hartford Development Fund, Inc., 187.30 feet to the easterly line of Ann Street; thence running northerly along said easterly line of Ann Street 56.00 feet to the point and place of beginning.

Rights of passage over a strip of land about 1 1/2 (15) feet in width and One hundred plus (100) feet in depth running easterly from Ann Street and adjoining a portion of the northerly boundary of said premises for the purpose of a mutual driveway.

214-218, 220, 226 A/K/A 228-230 232M 234-236 AND 240 HIGH STREET AND 451, 463 AND 479-483 ANN UCCELLO

214-218 High Street

A certain piece or parcel of land, situated in the Town and County of Hartford, and State of Connecticut, and located on the westerly side of High Street and on the northerly side of Chapel Street, and being more particularly bounded and described as follows:

- NORTH: by land now or formerly of Nathan H. Cornely, 100 feet;
- EAST: by land now or formerly of Sebastiano Romano, 50 feet;
- SOUTH: by lot 66 north westerly of James H. Hill and Benjamin Burdette, in part by each, in all about 120 feet; and
- WEST: by High Street, 20.7 feet.

Excepting therefrom the following piece or parcel of land conveyed by William Deed of Hartford to the State of Connecticut dated October 13, 1921 and recorded in the land records of the City of Hartford in Vol. 1074 at page 180, and being more particularly bounded and described as follows:

- NORTHERLY: by High Street, 17 feet, more or less;
- NORTHWESTERLY: by land now or formerly of Matthew H. Manske, 48 feet, more or less by a line which is 20 feet northwesterly from and perpendicular with the center line of the east-west roadway of Chapel Street relocation, as more particularly shown on the map referred to herein; and
- SOUTHERLY: by land now or formerly of Edward F. Hill, 20 ft, 49 feet more or less.

A certain piece or parcel of land, with the buildings and all other improvements thereon and the appurtenances thereto, located and situated in the Town of Hartford, County of Hartford and State of Connecticut and known as 220 High Street and more particularly bounded and described as follows:

- NORTHERLY: by land now or formerly of Max Madison, Seventy (70) feet;
- EASTERLY: by land now or formerly of Andrew S. Froberg, Sixty (60) feet;
- SOUTHERLY: by land now or formerly of Wesley L. Charter, One Hundred (100) feet; and
- WESTERLY: by High Street, Seventy-One and Three-Teenths (71.3) feet.

- 222-224 High Street, which piece is more particularly bounded and described as follows:

NORTHERLY: by land now or formerly of Edward J. Richardson, 85.7 feet
EASTERLY: by land now or formerly of Joseph Adams and land now or formerly of Anthony Cox, partially partly by each, in all 70.0 feet
SOUTHERLY: by land now or formerly of Andrew S. Fenner and land now or formerly of Yonahburg, Williams & Felton, in part partly by each, in all 104.8 feet and
WESTERLY: by High Street, 72.0 feet more or less.

- 225 High Street, which piece is particularly bounded and described as follows:

NORTH: by land now or formerly of Amy Merino, 85.6 feet
EAST: by land now or formerly of Antonio Giuliano, 76 feet
SOUTH: by land now or formerly of Guy Simons, 61 feet and
WEST: by High Street, 78.2 feet more or less.

Certain pieces or parcels of land situated in the town of Hartford, County of Hartford and State of Connecticut, known as 236 High Street and 238 High Street and being more particularly bounded and described as follows:

FIRST PIECE - 236 High Street -

North: by land now or formerly of J. Joseph Hall, 88.7 feet
East: by land now or formerly of Carl G. Kellogg, 28 feet
South: by land now or formerly of Carl Kellogg, and the second piece hereinafter described, partly by each, in all, 88.7 feet
West: by High Street, 88.7 feet.

SECOND PIECE - 238 High Street -

North: by the first piece, hereinafter described, 88.7 feet
East: by land now or formerly of Carl Kellogg, 28 feet
South: by land now or formerly of Edward S. Richardson, 88.7 feet
West: by High Street, about 28 feet.

- 240 High Street, which piece is more particularly bounded and described as follows:

NORTHERLY: by land now or formerly of the Estate of Connecticut, 108.11 feet
EASTERLY: by the Estate, 108 feet
SOUTHERLY: by land now or formerly of Vincenzo J. Marzino and land now or formerly of Antonio Giuliano, partly by each, in all 153.78 feet and
WESTERLY: by High Street, 112.11 feet.

431. Ann Shressu, which piece is more particularly bounded and described as follows:

- Northerly: by land now or formerly of Lucia and Joseph Simonelli and land now or formerly of Giuseppe Beltramini, partly by each, in all 150 feet;
- Easterly: by Ann Server, 60 feet;
- Southerly: by land now or formerly of Sebastiano Romano, 150 feet; and
- Westerly: by land now or formerly of Edina H. Garveys, 60 feet.

432. Ann Shressu, which piece is more particularly bounded and described as follows:

- Northerly: by land now or formerly of Nell G. Rainard, 104.74 feet;
- Easterly: by Ann Shressu, 74.74 feet;
- Southerly: by land now or formerly of Andrew S. Frenckus, 113.62 feet; and
- Westerly: by land now or formerly of Max Halsten, 70.36 feet.

433. Ann Shressu, which piece is more particularly bounded and described as follows:

beginning in a point in the westerly line of Ann Server, which point is the southeast corner of land now or formerly of H. Josephina Wall; thence running westerly along land now or formerly of said Wall, 60 feet to a line now or formerly of Joseph Server, as at; thence running southerly along land now or formerly of said Joseph Server, as at, 35 feet; thence running westerly along land now or formerly of said Joseph Server, as at, 4 feet, 2 inches; thence running southerly along land now or formerly of said Joseph Server, as at, and land now or formerly of Howard J. Richardson, partly by each, in all 47 feet; thence running easterly along land now or formerly of Jacob Rome, 109 feet, 9 inches; thence running northerly along said westerly line of Ann Server, 72 feet to the point or place of beginning.

1261, 1267, 1269 and 1269H MAIN STREET AND 426 ANN UCCELLO STREET

Real property known as 1261, 1267, 1269, 1269H Main Street and 426 Ann Street, in the City of Hartford, County of Hartford, State of Connecticut, described as follows:

All that certain piece or parcel of land, situated in the City of Hartford, County of Hartford and State of Connecticut and being a portion of the property shown on a certain map or plan entitled "Remaining Land of Stavros Mancous Limited Family Partnership Associates in Hartford, Connecticut, dated 7/1/91, recorded 4/18/2012, as Map No. 8826 and being further described according to ALTA/ACSM Land Title Survey prepared by First Order, LLC on behalf of American National, dated 1/5/2012, last revised 7/23/2012, as follows:

Beginning at a Mag nail set at the intersection formed by the northwesterly right of way line of North Chapel Street and the northeasterly right of way line of Ann Street (a.k.a. Ann Uccello Street), thence

Running the following courses and distances along the northeasterly right of way line Ann Street (a.k.a. Ann Uccello Street)

1. North 30°48'09" East a distance of 10.16 feet to a Mag nail set, thence
2. Along the arc of a non-tangent curve to the right having a radius of 40.00 feet, turning a central angle of 66°16'37", for an arc length of 46.27 feet, the chord of which bears North 26°03'40" West for a distance of 43.73 feet to a Mag nail set, thence
3. North 07°04'38" East a distance of 148.95 feet to a Mag nail set, thence

Running the following courses and distances the lands n/f City of Hartford (PN 244288068)

4. South 82°59'17" East a distance of 159.51 feet to a Mag nail set, thence
5. North 07°58'03" East a distance of 13.66 feet to a Mag nail set, thence
6. Continuing along the lands City of Hartford and running the following courses and distances along the lands n/f San Juan Center Sports, Inc, North 59°49'48" East a distance of 77.41 feet to a Mag nail set, thence
7. North 28°42'32" West a distance of 52.28 feet to a point in a wall, thence
8. Running along the face of a wall, North 60°41'28" East a distance of 36.01 feet to a point, thence

9. Continuing along the same, North $60^{\circ}38'27''$ East a distance of 114.32 feet to Mag nail set, thence

10. Along the southeasterly right of way line of Main Street, South $29^{\circ}19'32''$ East a distance of 67.38 feet to a concrete monument 2' north of the south line, thence

Running the following courses and distances along the northeasterly right of way line of Pleasant Street

11. South $04^{\circ}12'42''$ West a distance of 18.10 feet to a concrete monument 2' north of the south line, thence

12. South $60^{\circ}10'43''$ West a distance of 191.50 feet to a 2' east of the west line, thence

13. Along the arc of a tangent curve to the left with a radius of 438.41 feet, turning a central angle of $28^{\circ}23'20''$, for an arc length of 217.22 feet, the chord of which bears South $45^{\circ}59'03''$ West for a distance of 215.01 feet to a point, thence;

14. South $31^{\circ}47'23''$ West a distance of 27.92 feet to a Mag nail set, thence

15. Along the arc of a tangent curve to the right with a radius of 20.00 feet, turning a central angle of $87^{\circ}02'37''$, for an arc length of 30.38 feet, the chord of which bears South $75^{\circ}18'21''$ West for a distance of 27.54 feet to a Mag nail set, thence;

16. North $61^{\circ}10'00''$ West a distance of 7.94 feet to the point and place of beginning.

Together with possible gangway rights as set forth in the Warranty Deed from Isaac R. Blumenthal to the Star Theatre Company dated May 1, 1913 and recorded May 9, 1913 in Volume 385 at Page 483 of the Hartford Land Records.

Together with all rights in and to mutual gangway leading to Main Street as described in a Deed from Clara G. Blumenthal to The Horowitz Realty Company dated May 31, 1943 and recorded in Volume 778 at Page 289 of the Hartford Land Records.

425 ANN UCCELLO STREET

Real property known as 425 Ann Street, in the City of Hartford, County of Hartford, State of Connecticut, described as follows:

All that certain piece or parcel of land, situated in the City of Hartford, County of Hartford and State of Connecticut and being a portion of the property shown on a certain map or plan entitled "Remaining Land of Stavros Manoussos Limited Family Partnership Associates in Hartford, Connecticut, dated 7/1/91, recorded 4/18/2012, as Map No. 8826 and being further described according to ALTA/ACSM Land Title Survey prepared by First Order, LLC on behalf of American National, dated 1/5/2012, last revised 7/23/2012, as follows:

Beginning at a rebar set at the intersection formed by the northwesterly right of way line of Ann Street and the northeasterly right of way line of North Chapel Street, thence

Running the following courses and distances along the northeasterly right of way line of North Chapel Street

1. North $83^{\circ}19'12''$ West a distance of 54.33 feet to a point, thence
2. North $57^{\circ}03'15''$ West a distance of 116.36 feet to a point, thence
3. Along the arc of a tangent curve to the left with a radius of 830.00 feet, turning a central angle of $01^{\circ}58'32''$, for an arc length of 28.62 feet, the chord of which bears North $38^{\circ}02'31''$ West for a distance of 28.62 feet to a point, thence;
4. North $07^{\circ}04'48''$ East a distance of 22.71 feet to a point, thence
5. Along the lands n/f Monna's LLC (PN 244286049) and extending along the lands of the City of Hartford (PN 244288068), South $83^{\circ}19'12''$ East a distance of 185.00 feet to a point, thence
6. Along the southwesterly right of way line of Ann Street (a.k.a. Ann Uccello Street) South $07^{\circ}04'38''$ West a distance of 26.42 feet to the point and place of beginning.

439 ANN UCCELLO STREET

A certain piece or parcel of land, with any buildings thereon, situated in the City of Hartford, County of Hartford and State of Connecticut, known as Nos. 439 Ann Uccello Street (formerly known as Nos. 101-103 Ann Street), and being more particularly bounded and described as follows:

- NORTH by land now or formerly of Ferdinand D'Esopo, one hundred fifty (150) feet;
- EAST by Ann Uccello Street, fifty-nine and twenty-seven one-hundredths (59.27) feet;
- SOUTH by land now or formerly of Hibernian Building Assoc. of Hartford, Inc., one hundred fifty (150) feet; and
- WEST by land now or formerly of Westley I. Charter, fifty-nine and twenty-seven one-hundredths (59.27) feet.

LEGAL DESCRIPTION

40 CHAPEL STREET NORTH

A certain piece or parcel of land, together with the buildings and improvements thereon and all appurtenances thereto, situated in the City and County of Hartford and State of Connecticut and shown on a certain map or plan entitled "MORTGAGE SURVEY PREPARED FOR THE HARTFORD REDEVELOPMENT AGENCY showing #1143 MAIN STREET, #1161-1179 MAIN STREET and #40 CHAPEL STREET HARTFORD, CONNECTICUT SCALE 1" = 20' AUG. 5, 2010" (the "Map"), which land is more particularly described as follows:

Beginning at a point along the north street line of North Chapel Street. Said point being southeast corner of land owned now or formerly by Central Parking System of New York, Inc. and the southwest corner of land herein described. Being more particularly bounded and described as follows:

Thence N11°13'13"E a distance of 167.18 feet to a point;
Thence S47°26'09"E a distance of 64.58 feet to a point;
Thence N50°10'41"E a distance of 63.40 feet to a point;
Thence S39°51'11"E a distance of 100.24 feet to a point;
Thence S50°08'49"W a distance of 3.10 feet to a point;
Thence S39°51'11"E a distance of 4.90 feet to a point;
Thence S50°08'49"W a distance of 28.39 feet to a point;
Thence N46°33'34"W a distance of 16.47 feet to a point;
Thence S42°25'10"W a distance of 26.38 feet to a point;
Thence S25°12'10"W a distance of 86.74 feet to a point;
Thence N78°39'11"W a distance of 31.38 feet to a point;
Thence along a curve to the right having a Radius of 530.00 a delta of 08°17'33" and an arc length of 76.76 feet to the point and place of beginning.

1149 MAIN STREET

Two certain pieces or parcels of land with the buildings thereon, situated in the Town of Hartford, County of Hartford and State of Connecticut, and bounded and described as follows:

FIRST PLACE:

Northerly or Northwesterly by Main Street;

Easterly or Southeasterly by Trumbull Street;

Southerly or Southwesterly by Land now or formerly of T. H. Shannon, being the second piece hereinafter described, and;

Westerly or Northwesterly by Land now or formerly of Marlow Realty Corporation (formerly Land of D. and H. M. Hoops).

SECOND PLACE:

Beginning at a point in the Northwest corner of Trumbull Street at the Southeast corner of the First Place hereinafter described;

thence running Northwesterly, forty-three (43) feet three (3) inches;

thence running Southerly two (2) feet six (6) inches;

thence running Northwesterly to the center of a hydrant sixty-two (62) feet three (3) inches (the extreme length on the north line on Land now or formerly of Angela Siga and formerly of D. and H. M. Hoops being one hundred five (105) feet five (5) inches);

thence running Southerly along Land now or formerly of Marlow Realty Corporation to Land now or formerly of Robinson Cook;

thence running Southerly along Land now or formerly of said Cook to Trumbull Street, one hundred five (105) feet, more or less;

thence running Northwesterly along Trumbull Street thirty-five (35) feet to the point or place of beginning.

Together with all easements and gangway rights appurtenant thereto.

1163 MAIN STREET

A certain piece or parcel of land, together with the buildings and improvements thereon and all appurtenances thereto, situated in the City and County of Hartford and State of Connecticut and shown on a certain map or plan entitled "MORTGAGE SURVEY PREPARED FOR THE HARTFORD REDEVELOPMENT AGENCY showing #1143 MAIN STREET, #1161-1179 MAIN STREET and #40 CHAPEL STREET HARTFORD, CONNECTICUT SCALE 1" = 20' AUG. 5, 2010" (the "Map"), which land is more particularly described as follows:

Beginning at a point along the south street line of Main Street. Said point being northeast corner of land owned now or formerly by Central Packing System of New York, Inc. and the northwest corner of land hereinafter described. Being more particularly bounded and described as follows:

Thence S50°10'41"W a distance of 66.95 feet to a point;
Thence S39°51'11"E a distance of 100.24 feet to a point;
Thence S50°08'49"W a distance of 9.10 feet to a point;
Thence S39°51'11"E a distance of 4.90 feet to a point;
Thence N30°08'49"E a distance of 69.19 feet to a point;
Thence N39°23'02"W a distance of 103.10 feet to the point and place of the beginning.

44 CHAPEL STREET AND 1181, 1185, 1189, 1209, 1213, 1229 AND 1243 MAIN STREET

Real property known as 44 Chapel Street and 1181, 1185, 1189, 1209, 1213, 1229 and 1243 Main Street in the City of Hartford, County of Hartford and State of Connecticut, described as follows:

All that certain piece or parcel of land with all of the improvements thereon, situated in the City of Hartford, County of Hartford and State of Connecticut and being shown on a certain map or plan entitled: "Remaining Land of Stavros Mandouros Limited Family Partnership Associates in Hartford, Connecticut Date: 7/1/91, Scale 1" = 30' Sheet 1 of 1" certified to be substantially correct by Francis T. D'Onofrio, Professional Engineer - Land Surveyor, 9 Poncarosse Drive, Windsor, Ct. 06095 - 3262.

Less and except that certain property known as 1261, 1267, 1269, 1269H Main Street and 426 Ann Street conveyed to CBV Parking Hartford, Chapel, LLC by Quitclaim Deed recorded October 17, 2012 in Volume 6600, Page 202.

Also, less and except that certain property known as 425 Ann Street conveyed to CBV Parking Hartford, Ann, LLC by Quitclaim Deed recorded October 17, 2012 in Volume 6600, Page 206.

53 Chapel Street North

ALL THAT CERTAIN PARCEL OF LAND WITH BUILDINGS AND IMPROVEMENTS LOCATED THEREON SITUATED ON THE NORTHERLY SIDE OF CHAPEL STREET IN THE CITY OF HARTFORD, COUNTY OF HARTFORD AND STATE OF CONNECTICUT, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF CHAPEL STREET, WHICH POINT IS LOCATED 226.69' FROM A VES DISK AT THE INTERSECTION OF THE WESTBELY LINE OF TRUMBULL STREET AND THE NORTHERLY LINE OF CHAPEL STREET AND WHICH POINT MARKS THE NORTHEASTLY CORNER OF THE HEREIN DESCRIBED PARCEL, THE LINES RUNS;

- THENCE BY A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF $04^{\circ}-04'-10''$ AND A RADIUS OF 590.00' ALONG THE NORTHERLY LINE OF CHAPEL STREET, AN ARC DISTANCE OF 48.81 FEET TO A POINT;
- THENCE N $59^{\circ}-11'-11''$ W ALONG LAND THE NORTHERLY LINE OF CHAPEL STREET, A DISTANCE OF 230.68 FEET TO A POINT;
- THENCE N $10^{\circ}-48'-41''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 35.61 FEET TO A POINT;
- THENCE N $07^{\circ}-58'-14''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 65.05 FEET TO A POINT;
- THENCE S $83^{\circ}-12'-39''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 48.44 FEET TO A POINT;
- THENCE N $03^{\circ}-02'-55''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 9.74 FEET TO A POINT;
- THENCE S $81^{\circ}-12'-51''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 47.68 FEET TO A POINT;
- THENCE S $65^{\circ}-50'-04''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 33.24 FEET TO A POINT;
- THENCE N $36^{\circ}-09'-31''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 49.07 FEET TO A POINT;
- THENCE N $53^{\circ}-12'-04''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 75.00 FEET TO A POINT;
- THENCE S $41^{\circ}-20'-38''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 49.00 FEET TO A POINT;
- THENCE N $48^{\circ}-39'-22''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 20.00 FEET TO A POINT;
- THENCE S $41^{\circ}-20'-39''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 44.01 FEET TO A POINT;
- THENCE S $49^{\circ}-26'-50''$ W ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 62.84 FEET TO A POINT;
- THENCE S $44^{\circ}-34'-43''$ E ALONG LAND NOW OR FORMERLY OF 1181 MAIN ST. LLC, A DISTANCE OF 23.92 FEET TO A POINT;
- THENCE S $11^{\circ}-34'-12''$ E ALONG LAND NOW OR FORMERLY 1181 MAIN ST. LLC, A DISTANCE OF 194.60 FEET TO THE POINT OR PLACE OF BEGINNING.

LEGAL DESCRIPTION

1212 MAIN STREET

All that certain piece or parcel of land, situated in the City of Hartford, County of Hartford and State of Connecticut, bounded and described as follows:

NORTHWESTERLY AND NORTHERLY by Trumbull Street;

EASTERLY by land now or formerly of Holiday Inns of America, Inc.;

SOUTHERLY by Morgan Street North; and

SOUTHWESTERLY by Main Street.

LEGAL DESCRIPTION

All that certain piece, parcel or tract of land, together with the buildings and improvements thereon, situated in the City of Worcester, County of Worcester and State of Connecticut known as Tract 18 on Map No. 8 An Ordinance, Ordinance Plan for Windsor Street Project 1960, R-267 as amended June 23, 1964, and here particularly bounded and described as follows:

beginning at a point in the east street line of Windsor Street, said point being westerly and 89/100 (20.00) feet northerly from the point of intersection of street lines bounded by the monument corner of Simsbill Street and Windsor Street;

thence northerly along the east street line of Windsor Street on a bearing of $N 2^{\circ} 07' 14''$ E two hundred and eighty and 00/100 (20.00) feet to a point of curvature;

thence northerly on a curve to the right (radius 10.00 feet, central angle $80^{\circ} 00' 00''$), tangent to the last described course, an arc distance of thirty-two and 42/100 (32.42) feet to a point of tangency at the north street line of Pleasant Street;

thence westerly along the north street line of Pleasant Street on a bearing of $S 87^{\circ} 40' 15''$ E, tangent to the last described course, three hundred and thirty-six and 20/100 (336.20) feet to a point of curvature;

thence northerly on a curve to the right (radius 20.00 feet, central angle $40^{\circ} 00' 00''$), tangent to the last described course, an arc distance of thirty-one and 42/100 (31.42) feet to a point of tangency at the west street line of Market Street;

thence southerly along the west street line of Market Street on a bearing of $S 71^{\circ} 17' 15''$ E, tangent to the last described course, two hundred and eighty and 00/100 (280.00) feet to a point of curvature;

thence northerly on a curve to the right (radius 20.00 feet, central angle $30^{\circ} 00' 00''$), tangent to the last described course, an arc distance of thirty-one and 42/100 (31.42) feet to a point of tangency at the north street line of Simsbill Street;

thence westerly along the north street line of Simsbill Street on a bearing of $N 88^{\circ} 47' 40''$ E, tangent to the last described course, three hundred and thirty-six and 20/100 (336.20) feet to a point of curvature;

thence northerly on a curve to the right (radius 10.00 feet, central angle $80^{\circ} 00' 00''$), tangent to the last described course, an arc distance of thirty-two and 42/100 (32.42) feet to a point of tangency at the west street line of Windsor Street, said point being the point of beginning.

LEGAL DESCRIPTION

1712 MAIN STREET

All that certain piece or parcel of land, situated in the City of Hartford, County of Hartford and State of Connecticut, bounded and described as follows:

NORTHWESTERLY AND NORTHERLY by Trumbull Street;

EASTERLY by land now or formerly of Holiday Inns of America, Inc.;

SOUTHERLY by Morgan Street North; and

SOUTHWESTERLY by Main Street.