LU28.007

CITY OF STAMFORD

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STAMFORD URBAN TRANSITWAY PROJECT
ENGINEERING BUREAU
Tel: (203) 977-4180/Fax: (203) 977-4137
Government Center, 888 Washington Blvd., Stamford, CT 06901

April 6, 2010

Valerie Pankosky
City Of Stamford
Board of Representatives
888 Washington Boulevard
Stamford, CT 06901

Re: Requesting approval for the City to proceed with THE ACQUISTION BY NEGOTIATION OR EMINENT DOMAIN OF RIGHTS OF WAY FOR GROUP A (six full take) AND GROUP B (eighteen partial take) PROPERTIES FOR THE STAMFORD URBAN TRANSITWAY PROJECT in a manner consistent with the Mayor's Report and the Final Report of the Director of Administration

Dear Ms. Pankosky

As you are aware, the referenced project received approval by Resolution LU27.060 on April 6, 2009 specifically authorizing the Mayor to proceed with the charter-mandated process of having the Office of Operations and Director of Administration begin reports of engineering, surveys, plans, profiles, specifications, cost estimates and estimates of value for any land proposed to be taken and the estimates of damages which should be assessed in favor of each piece of property affected.

The Office of Administration completed the assessment of Group A, six full take properties and Group B, eighteen partial take properties in the Minimum Operable Segment (MOS) to be acquired , including damages and the benefits to each property owner for Group A in November 2009 and Group B in January 2010. This assessment of price was mailed to all property owners via certified mail, informing each owner of the assessment and notice of time and place to be heard in respect to the assessment. A public notice of the assessment and time and place of hearing was published in the Stamford Advocate on November 29, 30 and December 1, 2009 (Group A) and January 18, 20, and 21, 2010 (Group B). To date, the City has met with all property owners for the initial negotiation of acquisition.

My office is requesting that the Board of Representatives declares pursuant to Charter Sec. 8-60-7 that it accepts the Final Report of the Director of Administration and that the public necessity, safety, health and welfare require that the Stamford Urban Transitway project go forward with the acquisition of these properties, and that the Board of Representatives exercise its powers under Sec. 8-60-1, et seq, and

instructs the City to proceed with the Stamford Urban Transitway project in a manner consistent with the Mayor's Report and the Final Report of the Director of Administration.

Pursuant to Charter Sec. 8-60-5, concerning the amounts that should be paid for each piece of property, a copy of the report as approved by the Director of Administration is attached. Please note that the Mayor's Report which was submitted to the Director of Administration for his review and approval is on file in the Engineering Bureau. The Mayor's report contains the preliminary engineering, surveys, plans, profiles, specifications and cost estimates.

Please add this request to approve the final report to the agenda of the appropriate committee as designated by the Board's steering committee at the next scheduled committee meeting.

Sincerely,

Louis Casolo, P.E.
City Engineer

Attachments

CC: Michael Pavia – Mayor
Ernie Orgera – Director of Operations
Frederick Flynn- Director of Administration
Michael Larobina – Corporation Counsel
Ann Brown, P.E. – SUT Project Manager
Rachael Goldberg - URC

RESOLUTION NO. _____
FINAL AUTHORIZATION OF THE ACQUISITION BY NEGOTIATION OR EMINENT DOMAIN OF RIGHTS OF WAY FOR PHASE II OF THE STAMFORD URBAN TRANSITWAY PROJECT GROUP A AND GROUP B PROPERTIES

WHEREAS, the City of Stamford has recognized that there is a need for a new or reconstructed Transitway that will provide a link at East Main Street between Lockwood Avenue and Myrtle Avenue, along Myrtle Avenue to Elm Street (the easternmost project limit of Phase I) leading to the Stamford Transportation Center which will include Bus/HOV lanes in addition to general-use travel lanes, bike lanes, and pedestrian sidewalks;

WHEREAS, the City has recognized that this Transitway will require property acquisition including full and partial takings and permanent easements;

WHEREAS, the Board of Representatives of the City of Stamford has by Resolution No. 2573 adopted on May 1, 2000 authorized the Mayor to file an application with the Secretary of Transportation for a grant to aid in the financing of planning, capital and/or operating assistance for the Stamford Urban Transitway;

WHEREAS, Phase I of the Transitway, south of I95 between Elm Street and the Transportation Center is currently under construction;

WHEREAS, The Board of Representatives of the City of Stamford has by Resolution No. 2887 adopted on May 3, 2004 and by Resolution No. 2978 Adopted on May 2, 2005 authorized acquisition by negotiation or eminent domain of rights of way for Phase I of the Transitway, which acquisitions have been accomplished;

WHEREAS, after newspaper notice, the City conducted a Public Information Meetings on January 24, 2006 & July 17, 2007 to explain Phase II of the Stamford Urban Transitway and the impact upon the parcels located between on East Main Street between Myrtle Avenue and Lockwood Avenue (the easternmost project limit of Phase II) along Myrtle Avenue to Elm Street (the westernmost project limit of Phase II) and the residential family relocations and business relocations that have been identified;

WHEREAS, the City conducted, after newspaper notice, a Public Hearing on the draft amended Environmental Assessment and 4(f) Evaluation on July 13, 2006 for Phase II of the Stamford Urban Transitway;

WHEREAS, the Federal Transit Administration has issued FONSI Approval (Finding of No Significant Impact Issued on amended project Environmental Assessment Document) on September 18, 2006;

WHEREAS, FTA has issued an approval to enter into Final Design on November 8, 2007;

WHEREAS, the City has provided public information by creating and updating information to the website on the Phase II of the Stamford Urban Transitway project;

WHEREAS, there have been meetings at various times to receive all necessary approvals from the Planning Board, Board of Finance and Board of Representatives to approve funding of the City's 20% share of the Stamford Urban Transitway project;

WHEREAS, the City has entered into an intergovernmental agreement with various parties to perform property acquisition services on approximately sixty-one (61) parcels, fifty-five (55) of which are partial acquisitions and six (6) of which are total acquisitions, relocation of approximately ten (10) businesses, and relocation of approximately eight (8) residential households, for the Stamford Urban Transitway Right of Way,

WHEREAS, the Engineering Bureau has prepared or caused to be prepared preliminary taking maps for approximately sixty one (61) parcels required for the construction of Urban Transitway Right of Way.

WHEREAS, the Board of Representatives has held a public hearing on March 26, 2009 after publication in the local newspaper on March 23, 2009 to authorize the acquisition or condemnation of the parcels necessary for the Stamford Urban Transitway project;

WHEREAS, on April 6, 2009, the Board of Representatives passed "Resolution Number 3280 Authorizing the Acquisition by Negotiation or Eminent Domain of Rights of Way for Phase II of the Stamford Urban Transitway Project;"

WHEREAS, thereafter, the Mayor directed the Department of Operations to prepare a report (the "Mayor's Report") which contains the preliminary engineering, surveys, plans, profiles, specifications and cost estimates, which report (on file in the Engineering Bureau) was submitted to the Director of Administration;

WHEREAS, the Director of Administration estimated the damages for each piece of property and published (three times in the Stamford Advocate) said estimate of damages, along with notice of the Mayor's Report, together with the date, times

and place for each property owner to be heard on the assessed benefits and damages;

WHEREAS, the Director of Administration also caused his estimate of damages to be sent by registered mail to each property owner and person affected;

WHEREAS, the Director of Administration caused hearings to be conducted with each property owner and each person affected who wished to be heard with respect to the assessed benefits and damages for each piece of property;

WHEREAS, the Director of Administration has issued a Final Report stating the price for each piece of Group A and Group B property and the name of the property owner, which report is attached hereto, which report will be updated by the Director of Administration to reflect the price for each piece of property as close in time as possible to the date of filing a Statement of Compensation in the Superior Court in compliance with law;

NOW, THEREFORE, the Board of Representatives hereby declares pursuant to Charter Sec. 8-60-7 that it accepts the Final Report of the Director of Administration and that the public necessity, safety, health and welfare require that the Stamford Urban Transitway project go forward, and

That the Board of Representatives hereby exercises its powers under Sec. 8-60-1, et seq, and instructs the City to proceed with the Stamford Urban Transitway project in a manner consistent with the Mayor's Report and the Final Report of the Director of Administration for Group A and Group B properties which report the Director of Administration shall update to reflect the price for each piece of property as close in time as possible to the date of filing a Statement of Compensation in the Superior Court in compliance with law.

Mayor
MICHAEL A. PAVIA

DIRECTOR OF ADMINISTRATION
FREDERICK C. FLYNN, JR.

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DIRECTOR OF ADMINISTRATION'S FINAL REPORT OF PROPERTY AND EASEMENT ACQUISITION DAMAGES FOR THE STAMFORD URBAN TRANSITWAY PROJECT PHASE II GROUP A AND GROUP B PROPERTIES

April 7, 2010

Affected Property (Group A)	Estimate of Damages
DeYulio: 384 Elm/165 Myrtle	$ 1,190,000
Desai: 143 Myrtle Ave.	$ 1,157,000
Galasso: 133 Myrtle Ave.	$ 972,000
Four Hundred Two Elm St, LLC: 402 Elm St.	$ 2,180,000
Pravin: 909/911 East Main St	$ 1,270,000
Uzar, Trustee: 923/925 East Main St	$ 750,000

Affected Property (Group B)	Estimate of Damages
If-Off Company, LLC: 157/159 Myrtle Ave.	$ 200,000
James R. Riley Estate et al: 153 Myrtle Ave.	$ 100,000
Flint Co., Inc. Condo Assn.: 149 Myrtle Ave.	$ 77,000
James R. Riley Estate et al: 137 Myrtle Ave.	$ 75,000
RLR Realty Inc.: 129 Myrtle Ave.	$ 60,000
David Rosenblum: 127 Myrtle Ave.	$ 50,000
TTR, LLC: 125 Myrtle Ave.	$ 37,000
TTR, LLC: 117 Myrtle Ave.	$ 36,000
Bohannan & Loughran Realty, LLC: 168 Myrtle Ave.	$ 6,900
Bohannon Carol, Est: 164 Myrtle Ave.	$ 10,000
162 Myrtle Ave LLC: 162 Myrtle Ave.	$ 20,000
Eltrim Corporation: 154 Myrtle Ave.	$ 18,000
Eltrim Corporation: 148 Myrtle Ave.	$ 24,000
Boxing Day Associates, LLC: 144 Myrtle Ave.	$ 36,000
Malinda Properties LLC: 136 Myrtle Ave.	$ 40,000
Myrtle Mews Condo Assn, Inc.: 130 Myrtle Ave.	$ 13,000
Stellar Condo Assn, Inc.: 126 Myrtle Ave.	$ 13,000
All Pets Crematory: 120 Myrtle Ave.	$ 15,000