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STAMFORD URBAN TRANSITWAY
ENGINEERING BUREAU
INTEROFFICE MEMORANDUM

To: Dannel P. Malloy – Mayor

From: Lou Casolo, P.E. – City Engineer

CC: Ann Brown, P.E. - Project Manager
Laura LaBosky – Project Coordinator

Date: January 6, 2009

Subject: Acquisition of Rights of Way for the Stamford Urban Transitway Phase II project Public hearing and Vote to Initiate Land Assembly

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The Stamford Urban Transitway Phase II project is currently into the Final Design phase, where construction documents are being prepared and work is being completed to acquire the Rights-of-Way necessary for project construction. In order to stay on the established project schedule, maintain intact all the federal funding appropriated for the project and comply with the local Charter Section 8-60-1, we would appreciate you request the Board of Representatives to set the date for a joint Rights of Way Acquisition **Public Hearing** with the Board of Representatives and Board of Finance, and the Engineering Bureau, no later than **mid-March, 2009**.

Pursuant to Charter Sections 8-60-3 and 8-60-4, a report will be prepared estimating the value of any land proposed to be taken as part of the SUT Phase II project and the amount of damages which should be assessed in favor of each piece of property affected. The Director of Administration, in accordance with local Charter Section 8-60-7, will submit this report after completion for Board approval. This is the same procedure used for the Right of Way acquisition in Phase I of the project.

BACKGROUND:

The Stamford Urban Transitway (SUT) Phase II project completed the Preliminary Engineering phase and received approval from the Federal Transit Administration (FTA) to enter into the Final Design. Construction documents are being prepared and work is being completed to enter the Rights-of-Way acquisition necessary for project construction. Sixty-one (61) parcels, fifty-five (55) of which are partial right of way acquisitions and six (6) full property acquisitions are to be assembled either through negotiated purchase or eminent domain. The relocation of approximately ten (10) businesses and approximately eight (8) residential households is expected. The properties are located along Myrtle Avenue and East Main Street.

The projects overall purpose is to extend the benefits of Phase I Transitway to residential and commercial areas in the eastern and northeastern sections of the City. SUT Phase II will include exclusive lanes for buses and other high occupancy vehicles linking directly to SUT Phase I and the Stamford Intermodal Transportation Center, signal prioritization for fixed route CTTransit buses, high amenity bus stops/stations with quality shelters, street furniture and information kiosks, and bike lanes and sidewalks along the corridor.

BUDGET:
Within the overall project budget, $26,000,000 is reserved for the actual property acquisitions. This property assembly budget is based on an evaluation of city assessments, preliminary appraisals, environmental evaluations and a contingency amount to cover for any unknowns or court orders settlements, should they arise.

ADMINISTRATION:
The Urban Renewal Commission will negotiate and assemble the necessary parcels as with Phase I of the project, in accordance with the Federal requirements. The recent land assembly experience from Phase I will be used to undertake this Phase in a timely way that will ultimately move the project to construction.

LAND ASSEMBLY PROCESS:
The land assembly process is governed by federal statute and regulatory scheme, Connecticut General Statues, and the City Charter. It is restricted by (1) an appraisal process that includes a second review appraisal and the likelihood that property owners will also have an appraisal; (2) an environmental evaluation that may impact value; (3) the right of the owner to appeal to State Superior Court with possible court determined values; (4) the timeliness of acquisition; and (5) the project budget.

Individual property negotiations should not be done in the public domain, but confidentially and privately between the URC and the property owners and their representatives. Once the value is determined, the information is public. Value is guided by the factors noted above.

The *overall* property acquisition budget including a contingency is publicly disclosed and reviewed by the Board of Finance and the Board of Representatives. A vote authorizing the acquisitions and if need be, condemnations is necessary.

HISTORY TO DATE:

- Project Scoping and Public Input meeting: January 24, 2006
- Public Hearing (Draft Environmental Assessment and 4(f) Evaluation: July 13, 2006
- Finding of No Significant Impact (FONSI) received: September 18, 2006
- FTA classifies SUT Phase II as a Major Capital project: November 22, 2006
- FTA approval to enter into Final Design: November 11, 2007
- East Side Partnership Neighborhood meeting: October 1, 2008

ROW PROJECT SCHEDULE:

- Appraiser and Review Appraiser Contract Award: January 2009
- ROW Maps completed: February 2009
- BOR Approval of first resolution: March 2009
- Draft Appraisals received: April 2009
- Completed Appraisals received: December 2009
- FHWA approval on Appraisals received: January 2010
- Director of Administration report submitted to BOR: February 2010

- BOR Approval of second resolution: May 2010

The Charter Section 8-60-1 calls for a **Public Hearing** by the agency. It is advisable that the Board of Finance and the Board of Representatives participate in this public hearing. In order to stay on the established project schedule a public hearing should be held no later than **mid March, 2009**. A vote by the Board of Representative and the Board of Finance authorizing the acquisitions needs immediately follow the March hearing in order to meet this projected schedule.