RESOLUTION NO. ____ FINAL AUTHORIZATION OF THE ACQUISTION BY NEGOTIATION OR EMINENT DOMAIN OF RIGHTS OF WAY FOR THE STAMFORD URBAN TRANSITWAY PROJECT

Whereas, the City of Stamford has recognized that there is a need for a new or reconstructed Transitway that will provide a link between I-95 at Elm Street to the Stamford Transportation Center and 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, after newspaper notice, the City conducted a Public Information Meeting on October 9, 2001 to explain the impact upon the parcels located between Elm Street (the easternmost project limit) and Atlantic Street (the westernmost project limit) and the residential family relocations and business relocations that have been identified;

Whereas, the City conducted, after newspaper notice, a Public Hearing on draft Environmental Assessment and 4(f) Evaluation on July 9, 2002 for the Stamford Urban Transitway;

Whereas, the Federal Transit Administration has issued FONSI Approval (Finding of No Significant Impact Issued on project Environmental Assessment Document) on April 4, 2003;

Whereas, after newspaper notice, the City conducted a Public Information Meeting for June 10, 2003 to explain the Stamford Urban Transitway;

Whereas, FTA has issued an approval to enter into Final Design on August 21, 2003;

Whereas, the City has provided public information by creating and updating information to the website on the Stamford Urban Transitway project;

Whereas, there have been meetings at various times over the past three years 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 seventy-one (71) parcels, relocation of approximately eighteen (18) businesses, and relocation of approximately forty-one (41) households, for the Stamford Urban Transitway Right of Way,

Whereas, the Engineering Bureau has prepared or caused to be prepared taking maps for approximately seventy-one (71) parcels required for the construction of Urban Transitway Right of Way, posted on the website (*www.cityofstamford.org/engineering/UrbanTransitway/RightOfWay/ImpactedProertyList.asp*),

Whereas, the Board of Representatives along with the Engineering Bureau and Board of Finance has held a public hearing on April 15, 2004 after publication in the local newspaper and notice by certified, return receipt mail, to all property owners, to authorize the acquisition or condemnation of the parcels necessary for the Stamford Urban Transitway project;

Whereas, on May 3, 2004, the Board of Representatives passed "Resolution Number 2887 Authorizing the Acquisition by negotiation or Eminent Domain of Rights of Way for 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 property and the name of the property owner, which report is attached hereto;

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.