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MAYOR
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OFFICE OF THE MAYOR

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MEMORANDUM

TO: Board of Representatives

FROM: Mayor Michael A. Pavia

DATE: July 1, 2011

RE: **Reauthorization 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**

The attached proposed reauthorization requires your approval. Kindly place this item on the agenda of your next regularly scheduled meeting.

Thank you for your consideration.

MAP:vl
Attachment

RESOLUTION NO. _____
REAUTHORIZATION 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;

WHEREAS, on June 7, 2010, the Board of Representatives passed "Resolution No. 3376 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, Connecticut General Statutes §48-6(a) provides in pertinent part: "Any municipal corporation having the right to purchase real property for its municipal purposes which has, in accordance with its charter or the general statutes, voted to purchase the same shall have power to take or acquire such real property, within the corporate limits of such municipal corporation, and if such municipal corporation cannot agree with any owner upon the amount to be paid for any real property thus taken, it shall proceed in the manner provided by section 48-12 within six months after such vote or such vote shall be void;"

WHEREAS, Connecticut General Statutes §48-12 provides in pertinent part: "the procedure for condemning land or other property for any of the purposes specified in sections 48-3, 48-6, 48-8 and 48-9, if those desiring to take such property cannot agree with the owner upon the amount to be paid him for any property thus taken, shall be...the same manner specified for redevelopment agencies in accordance with sections 8-128, 8-129, 8-129a, 8-130, 8-131, 8-132, 8-132a and 8-133;"

WHEREAS, On October 8, 2010, Mayor Pavia placed all activities involving Phase II of the Stamford Urban Transitway Project on hold in order to conduct a re-assessment of such activities to ensure greater efficiencies and tighter controls to, among other things, minimize disruption to residents and commuters;

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, including but not limited to Connecticut General Statutes §48-6(a) and §48-12.