

28TH BOARD OF REPRESENTATIVES CITY OF STAMFORD

President
RANDALL M. SKIGEN
Clerk of the Board
ANNIE M. SUMMERVILLE

Majority Leader
ELAINE MITCHELL
Minority Leader
ROBERT "GABE" DELUCA

RESOLUTION NO. 3478

FINAL AUTHORIZATION OF THE ACQUISITION BY NEGOTIATION OR EMINENT DOMAIN OF RIGHTS OF WAY FOR PHASE II OF THE STAMFORD URBAN TRANSITWAY PROJECT GROUP C 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; and

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

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; and

WHEREAS, Phase I of the Transitway, south of I-95 between Elm Street and the Transportation Center is currently under construction; and

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; and

WHEREAS, after newspaper notice, the City conducted Public Information Meetings on January 24, 2006 and 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; and

WHEREAS, after newspaper notice, the City conducted 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; and

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

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

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; and

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; and

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; and

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; and

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; and

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;" and

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; and

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; and

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

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; and

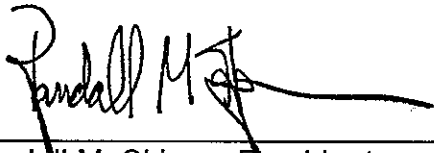
WHEREAS, the Director of Administration has issued a Final Report stating the price for each piece of Group C property and the name of the property owner, which report is attached hereto, which report will be updated by the Director of Administration to reflect the price for each piece of property as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

NOW, THEREFORE, BE IT RESOLVED BY THE 28TH BOARD OF REPRESENTATIVES THAT:

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 C 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.

This resolution was approved on the Consent Agenda at the regular monthly meeting of the 28th Board of Representatives held on Tuesday, April 3, 2012.



Randall M. Skigen, President



Annie M. Summerville, Clerk

c: Mayor Michael Pavia
T. Jankowski, Director of Public Safety, Health & Welfare
Donna Loglisci, Town & City Clerk
Ernie Orgera, Director of Operations
Peter Privitera, Acting Director of Administration
Joseph Capalbo, Esq., Director of Legal Affairs

Mayor
MICHAEL A. PAVIA



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INTERIM DIRECTOR OF
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PETER F. PRIVITERA

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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 C PROPERTIES

March 2, 2012

<u>Affected Property (Group C)</u>	<u>Estimate of Damages</u>
15 Maple Avenue: McKale Enterprises	\$ 81,000
34 Myrtle Avenue: Gwendolyn Laughlin, et al	\$ 65,000
54 Myrtle Avenue: The Pines Condo Assn.	\$ 8,900
58 Myrtle Avenue: 58 Myrtle LLC	\$ 30,000
59 Myrtle Avenue: 59 Myrtle LLC	\$ 160,000
60 Myrtle Avenue: Manuel and Beatriz H. Cartagena	\$ 14,000
63 Myrtle Avenue: 63 Myrtle Ave LLC	\$ 115,000
68 Myrtle Avenue: Mieczyslaw Boruch and Juan C. Toledo	\$ 7,000
70 Myrtle Avenue: Elsie English, et al	\$ 5,400
72 Myrtle Avenue: Pedro Zapata	\$ 4,500
75 Myrtle Avenue: If-Off Company, LLC	\$ 170,000
85 Myrtle Avenue: 85 Myrtle Avenue LLC	\$ 50,000
89 & -107 Myrtle Avenue: James Riley, et al	\$ 675,000
96 Myrtle Avenue: Myrtle Terrace Condo Assn.	\$ 1,000
100 Myrtle Avenue: Century Condo Assn.	\$ 3,000
104 Myrtle Avenue: Cognetta Family Limited Partnership	\$ 4,500
108 Myrtle Avenue: Cognetta Family Limited Partnership	\$ 7,600
112 Myrtle Avenue: FJG Associates, LLC	\$ 9,400
905 & 907 East Main Street: McKale Enterprises	\$ 175,000
914 East Main Street: New Hope Realty, Inc.	\$ 60,000
917 East Main Street: SCI Enterprises, LLC	\$ 120,000
930 East Main Street: Hector E. and Magali Silva	\$ 7,000
933 East Main Street: 953 East Main Street LLC	\$ 200,000