

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: ORDER OF THE BOARD OF ALDERS Authorizing the mayor to enter into an easement agreement with Grove Parking Associates Limited Partnership in association with Phase IV of the Farmington Canal Heritage Greenway (city plan director)

REPORT: 1528-09

ADVICE: Approval

BACKGROUND

The original 86-mile canal was opened in 1828, abandoned as a canal in 1848 and subsequently used as a rail line until the 1980's, when the rail line was abandoned. The New Haven portion of the right-of-way passed into public ownership in 1993 when it was purchased by the City with a grant from the Connecticut Department of Environmental Protection, with help from the Trust for Public Land.

The Master Plan for the Farmington Canal Heritage Greenway was completed in 1999, developing standards for design, materials, and look of the dedicated right of way and the on-street portions. Phase I construction of the New Haven portion of the Farmington Canal Greenway, from Lock Street to Munson Street, was completed in 2003. Phase 2, from Munson Street to Starr Street, was completed in 2006. Phase III, (Shelton Avenue to Hamden/New Haven town line) was completed in 2009. The City is nearing final design of Phase IV and has secured 80 percent federal funding and has agreed to match it with 20 percent non-federal funding in order to complete the Greenway from Temple Street to Canal Dock Road and Long Wharf Drive.

On September 4, 2007, the Board of Alders approved a Resolution that accepted funding, agreed to maintain, and authorized the Mayor to enter into contractual agreements necessary to complete the project, In order to complete Phase IV of the Greenway certain temporary and construction easements as well as permanent easements are necessary, particularly in the area where the right of way is below grade-from Locke Street to the Orange /Grove intersection. The original Resolution was supplemented by an Order which clarified that "contractual agreements" includes acquisition of land and permanent easements (both slope easements and easements over portions of the canal previously transferred to third parties) or temporary construction easements imposing certain obligations on the City for periods in excess of three (3) years. (CPC 1501-04).

Unlike other areas where the City has acquired easements which are adjacent to the Trail or for use during construction, this proposed Easement is over land owned in fee simple by Grove Parking which is located within the actual area of the Trail.

Section 7 of the proposed Easement contains an indemnity by the City of Grove Parking and their mortgagees (current or future) with respect to losses arising as a result of the exercise of the City's rights under the proposed Easement. Grove Parking has incurred legal and engineering costs during the discussions and negotiations concerning the form and extent of the proposed Easement and the City proposes to reimburse said costs in an amount not to exceed \$25,000.00.

PLANNING CONSIDERATIONS

The Connecticut Department of Transportation would like the City to secure all easements prior to bidding, therefore approving the proposed Order will enable conclusion of the land acquisitions and easement agreements and allow bidding of Phase IV to begin in time for a 2017 construction start.

ADVICE

The Commission recommends approval of the proposed Order for an easement agreement with Grove Parking Associates LP.

ADOPTED: March 23, 2017
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director