

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE: REQUEST FOR AN EASEMENT AND ACCESS AGREEMENT OVER 812 Chapel Street** to facilitate improvements to their premises known as 824-832 Chapel Street, 96-102 Orange Street, and 15-21 Center Street including the installation of windows that would overhang and extend over City property, (Milazzo and Associates, for Mid-Block Development LLC, now 96 Orange Street LLC)

**REPORT:** 1495-06

**ADVICE:** Approval with amended easement language

### BACKGROUND

Before the Board is a proposed Order authorizing the City to give an easement across City owned property at 812-822 Chapel Street (MBP 240-0235-0100) to the adjacent property owners at: 824-832 Chapel Street (MBP 240-0235-0090), 96-102 Orange Street (MBP 240-0235-0100) previously known as Mid-Block Development LLC, and now as 96 Orange Street LLC.

The approved site plans for development of the parcels at 96 Orange owned by the LLC show an existing garage on the first floor with storefronts on Orange Street, and a proposed dialysis center on the second floor. CPC Report 1489-06 of February 19, 2014 shows two windows at the second floor level that would require an easement such as the one proposed. That reports states that the windows will be glass block. The requested easement will enable them to replace the glass block openings with actual windows overlooking the alley entered from Orange Street.

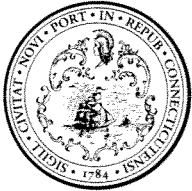
### PLANNING CONSIDERATIONS

The City Plan Department understands that the use proposed for the second floor of 96 Orange Street is ready for construction, and that there are plans for adjacent parcels owned by the same group of LLC members. The City owned property over which the easement would be given is currently used as a temporary public open space by Artspace, Inc. It was formerly occupied by the Phoenix building which shared party walls with its neighbors to the east and west, these party walls did not impede the use of any of the buildings. The specific area where the windows are to be located is a narrow alley leading to Orange Street from the larger portion of the Chapel Street facing part of the lot. The window location would affect development of the alley only, not the larger portion of the lot.

**ADVICE:** Approval with amended easement language.

**ADOPTED:** July 16, 2014  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg, AIA  
Executive Director



**NEW HAVEN CITY PLAN DEPARTMENT**  
165 CHURCH STREET, NEW HAVEN, CT 06510  
TEL (203) 946-6378 FAX (203) 946-7815

July 23, 2014

Board of Aldermen  
City Hall, 165 Church Street  
New Haven, CT 06510

Honorable Board of Aldermen:

In accordance with our customary procedure, the attached reports referenced below adopted by the City Plan Commission at its meeting of July 16, 2013 are forwarded to you for your consideration:

**1495-06 REQUEST FOR AN EASEMENT AND ACCESS AGREEMENT OVER 812-822 CHAPEL STREET.**

Easement requested to facilitate improvements to 824-832 Chapel Street, 96-102 Orange Street, and 15-21 Center Street including the installation of windows that would overhang and extend over the property. (Milazzo & Associates, for Mid-Block Development LLC).

**Advice:** Approval (note revised agreement attached)

**1495-07 APPROVAL FOR SPECIAL DEVELOPMENT GRANTS BETWEEN CITY AND MJG RIVER ST AND ASF RIVER ST (56 RIVER STREET) (Board of Alders)**

**Advice:** Approval

**1495-08 APPROVAL FOR SPECIAL DEVELOPMENT GRANTS BETWEEN CITY AND YURIY FARINA (56 RIVER STREET) (Board of Alders)**

**Advice:** Approval

**1495-09 RESOLUTION AUTHORIZING MAYOR TO APPLY TO DEPT OF HOMELAND SECURITY FOR \$258,000, PORT SECURITY GRANT PROGRAM 2014.** For video equipment, boat maintenance, firefighter marine training) (Board of Alders, Chief Administrative Officer)

**Advice:** Approval

**1495-10 RESOLUTION AUTHORIZING MAYOR TO APPLY TO CT DEPT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, PRE-DISASTER MITIGATION PROGRAM.** To purchase and install a 300 KW generator at 1 UNION

AVENUE and accept funds, execute documents and contracts. (Board of Alders, Chief Administrative Officer)

**Advice:** Approval

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karyn M. Gilvarg', with a long horizontal flourish extending to the right.

Karyn M. Gilvarg, AIA  
Exec. Director, City Plan  
Dept

ATTACHMENTS

Revised CPC 1495-06

## EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is entered into the [ ] day of July, 2014 (the "Effective Date"), by and between the **CITY OF NEW HAVEN**, a municipal corporation, organized and existing under the laws of the State of Connecticut, with a mailing address at 165 Church Street, New Haven, Connecticut, 06510 (the "Grantor") and **96 ORANGE STREET ASSOCIATES, LLC**, a limited liability company organized and existing under the laws of the State of Connecticut, with a mailing address at 41 Trumbull Street, New Haven, Connecticut 06511 (the "Grantee").

### BACKGROUND

- I. Grantor is the fee simple owner of those premises known as 812 Chapel Street and 108 Orange Street ("Grantor's Property") and Grantee is the fee simple owner of those premises known as 824-832 Chapel Street, 96-102 Orange Street and 15-21 Center Street ("Grantee's Property") all as more particularly shown on that map entitled "Proposed Easement Map to be Granted to Mid Block Development, LLC by the City of New Haven" prepared by Bolduc Land Consultants, LLC, Land Surveyors & Land Planners, 1237 East Main Street, Meriden, Connecticut, 06450, Scale 1"=10' and dated 9/16/2013 (the "Map") which Map has been filed with the New Haven Town Clerk concurrently herewith.
- II. Grantee wishes to install windows (the "Windows") within the building situated on Grantee's Property (the "Building"), in the area shown hatched on the Map and labeled "PROPOSED WINDOW EASEMENT TO BE GRANTED FROM THE CITY OF NEW HAVEN TO MID BLOCK DEVELOPMENT, LLC AREA 177 SQ. FT."
- III. Accordingly, at the request of Grantee, Grantor has agreed to enter into this Agreement upon the terms and conditions hereinafter set forth, including, in particular (but without limitation) the provisions by which this Agreement and any and all rights granted hereunder may be terminated by Grantor or by Grantor's successors or assigns.

of the Termination Notice in the land records of the City of New Haven, together with an affidavit outlining the pertinent facts, which shall be as effective in noticing the termination of this Agreement as if the same were executed by Grantee or by Grantee's successor or assign.

**4. No Other Rights Created**

It is hereby agreed, stipulated and understood between Grantor and Grantee that nothing herein shall be deemed to create any right of lights, vision rights or any other such rights, whether arising at common law or otherwise. To the extent that Grantee or any successors or assigns to Grantee shall seek to claim any such rights, then this Agreement shall automatically terminate, and in any event, any such claim shall be extinguished upon the termination of this Agreement, howsoever determined.

**5. Expiration**

If not sooner terminated in accordance with Section 3 above, this Agreement and the Easement granted hereby shall automatically expire upon the removal of the Windows or the demolition of the Building, whichever shall first occur.

**6. Invalidity**

If any provision of this Agreement is held to be invalid, and such provision is not material to the purpose of this Agreement, the balance of the provisions of this Agreement shall not be affected thereby if the balance of the provisions of this Agreement would then continue to conform to the requirements of applicable laws.

STATE OF )

COUNTY OF )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned officer, personally appeared Toni N. Harp., who acknowledged herself to be the Mayor of the City of New Haven being authorized so to do, executed the foregoing instrument for the purposes contained therein, by signing on behalf of the City of New Haven, as her free act and deed as such Mayor.

---

Notary Public  
Commission expires:  
Commissioner of the Superior Court

STATE OF )

COUNTY OF )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned officer, personally appeared Chris Vigilante, who acknowledged himself/herself to be the Manager of 96 Orange Street Associates, LLC and that as such Manager, being authorized so to do, executed the foregoing instrument for the purposes contained therein, by signing on behalf of 96 Orange Street Associates, LLC, as his/her free act and deed as such Manager.

---

Notary Public  
Commission expires:  
Commissioner of the Superior Court



City of New Haven, Connecticut  
Toni N. Harp, Mayor



**812-822 Orange, 108 Orange**

Produced by the  
Office of Information Technology  
Geographic Data Viewer

- ▲ Fire Station
- ▲ Police Station
- ▲ PD Headquarters
- Substation
- ☒ Health Centers
- ☒ Hospital
- ☒ Library
- Schools
- Administration
- Ⓞ Food Service
- Ⓜ Private School
- Ⓜ Public School
- Railroad
- Railroad Track
- Abandoned Railroad Trac

- Waterway
- Lake - Pond
- River
- Shoreline
- Stream
- Wetland
- Airport Runway
- City Boundary Line
- ☒ Developable Properties
- Parks
- ☒ Park
- ☒ Triangle
- ☒ Golf Course
- ☒ Land Trust Preserves
- ☒ Airport boundary
- ☒ Parcel
- ☒ Shoreline

This map is intended for illustrative and Community-Based Planning processes. Every reasonable effort has been made to assure the accuracy of the map and data provided; nevertheless, some information may not be accurate. The City of New Haven assumes no responsibility arising from the use of this information.

No warranty is made by the City of New Haven as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data compiled from various sources. Spatial information may not meet national map accuracy standards. This information may be updated without notification.

Scale: 1" = 40 ft

Created: July 16, 2014

