

DAVID R. MARTIN  
MAYOR  
CITY OF STAMFORD, CONNECTICUT



L429.050

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To: Randall Skigen, Esq.  
President, Board of Representatives

From: Mayor David R. Martin

Date: July 8, 2015

RE: Mill River Park--River Walk Expansion and Flood Plain Project  
Hurricane Sandy Coastal Resiliency Grant  
Request for Consideration of the Discontinuance of a Portion of Division Street,  
Stamford, Connecticut



I am submitting a request to begin the process of discontinuing that portion of Division Street situated west of Clinton Avenue (the "Proposed Discontinuance").

RBS Greenwich Capital Acquisition Corp. (RBS) owns all of the properties adjacent to this portion of the Proposed Discontinuance (the "RBS Division Street Properties") except for 0 Division Street (parcel 000-5088), which is owned by the City of Stamford (the "City Property"). In addition, RBS owns most of an assemblage of properties on both sides of Clinton Avenue (the "RBS Clinton Avenue Properties West" and "RBS Clinton Avenue Properties East, respectively) between Division Street and Richmond Hill Avenue. Finally, germane to this request, RBS owns a parcel and building currently leased to Midas Mufflers at 41 Clinton Avenue (the "RBS Midas Property"). An exhibit illustrating this assemblage entitled "Existing Ownership Exhibit" prepared by Redniss & mead and dated June 30, 2015 is attached for your reference.

The Mill River Collaborative is currently finalizing plans to expand the River Walk from Main Street to Richmond Hill Avenue on the east (current RBS) side of the river, and Main Street to the cemetery south of Richmond Hill on the west side of the river. Approximately half of the cost for this project is expected to be funded by a \$3.75 million grant awarded under the Hurricane Sandy Coastal Resiliency Competitive Grant program. However, in order to utilize this funding, the work must begin by spring 2016 and be completed by June 15, 2017. The RBS properties (save for its Midas and Clinton Avenue Properties East) border the Mill River to their west, and as currently configured present an obstacle to extension of the Mill River Park south to Richmond Hill. Note that all of the RBS properties were originally acquired to offer future development opportunities. However, the majority of the properties remain vacant today.

Now, coincident with the opportunity presented by the Hurricane Sandy Coastal Resiliency Grant, RBS wishes to reposition this asset by creating a complete development parcel which for their part, would require the Proposed Discontinuance and the conveyance or sale of the City Property to RBS.

Randall M. Skigen, Esq.

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In exchange, RBS has offered to sell or convey to the City the RBS Midas Property, and to participate in the construction of the extension of the River Walk on the western portion of the property assemblage with public access along same; i.e., to grant a public access easement as depicted on the attached exhibit titled "Potential Ownership Exhibit" prepared by Redniss & Mead and dated June 30, 2015 (the "River Walk Easement"). To ensure that the River Walk may be continued north, RBS has also agreed to provide a parking easement for an adjacent parcel that will lose its parking in connection with this extension. Note that the details of this agreement are still being negotiated and will be presented to the Board of Representatives, Board of Finance and Planning Board at a later date. Moreover, if we are unable to negotiate the River Walk Easement, the discontinuance contemplated by this letter may all be withdrawn and not consummated. That is, should the City collectively (i.e., myself and the appropriate boards) deem the terms of the extended easement to be unfavorable relative to the value of these proposed transactions, we may discontinue this process.

The purpose of this letter is to request that you initiate the discontinuance process pursuant to Section C8-60-1 of the Charter of the City of Stamford and Section 214-40 et. Seq. of the Code of Ordinances. As you are aware, if a city street is to be discontinued, the Mayor must begin the process by requesting the Board of Representatives adopt a non-binding resolution which expresses its intent to discontinue. The preliminary resolution is then referred back to the Mayor along with a request that a report be prepared by the Mayor on issues related to the discontinuance. This includes a review by both the Director of Operations, with respect to engineering issues, and the Director of Administration, with respect to the value of any impacted land. Upon completion, this work is known as the "Mayor's Report," which is submitted to the Planning Board, Board of Finance and Board of Representatives for consideration before coming back to the Board of Representatives for a public hearing, final review and final determination.

For your reference, I attach a draft resolution, corresponding exhibit and property description, which are non-binding as to the actual discontinuance, but necessary to initiate the process. I would appreciate it if you would help begin this process by placing this request on the Board of Representative's Steering Committee agenda for July 13, 2015. As always, I remain available to answer any questions you may have in connection with this request.

cc: Kathryn Emmett, Esq.  
Representative David M. Kooris  
Representative Annie M. Summerville  
Representative Harry Day  
Robin Stein  
Norman Cole  
Milton Puryear  
William J. Hennessey, Jr. (for RBS)  
Richard Redniss

**RESOLUTION NO. \_\_\_\_\_**  
**NOTICE OF INTENT TO DISCONTINUE A PORTION OF DIVISION STREET**  
**STAMFORD, CONNECTICUT**

WHEREAS, the Board of Representatives of the City of Stamford is contemplating the discontinuance of a portion of Division Street, Stamford, Connecticut, more specifically depicted in the attached plan titled "Right of Way Survey Depicting Discontinuance of a Portion of Division Street" prepared by Redniss and Mead, Inc. and dated July 7, 2015 and marked "Exhibit A", and in the corresponding legal descriptions attached hereto as "Exhibit B;" and

WHEREAS, the portion of Division Street proposed to be discontinued begins at its intersection with Clinton Avenue and continues west to the river and is more particularly described on Exhibits A and B;

**NOW THEREFORE, BE IT RESOLVED BY THE 29TH BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD THAT:**

The public health, safety and welfare, convenience and necessity may require the discontinuance of a portion of Division Street as shown on Exhibits A and B;

Pursuant to the provisions of Section C8-60-3 of the Charter of said City of Stamford, the Mayor is hereby requested to cause a report to be made on the contemplated discontinuance of a portion of Division Street, as is more particularly described hereinabove and shown on Exhibit A and described on Exhibit B.

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This resolution was approved on the Consent Agenda at the regular monthly meeting of the 29<sup>th</sup> Board of Representatives held on Monday, August 3, 2015.

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Randall M. Skigen, President

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Annie M. Summerville, Clerk

Division Street Discontinuance  
Perimeter Description

Beginning at a point on the westerly side of Clinton Avenue at its intersection with the northerly side of Lot 6 as depicted on Map 114 of the Stamford Land Records (S.L.R.);

running thence in a westerly direction along the northerly side of Lots 6, 7, 8, 9 and 10, on said Map 114 S.L.R., S 89° 40' 00" W a distance of 200.68 feet; and S 89° 22' 48" W a distance of 84.8 feet more or less to the Mean High Water (MHW) line of the Rippowam River;

running thence generally northerly along said MHW 51.6 feet more or less to land of RBS Greenwich Capital Property Acquisition Corp described in Bk. 9393 on Page 214 S.L.R.;

running thence in an easterly direction along lands of RBS Greenwich Capital Property Acquisition Corp described in Bk. 9393 on Pages 206, 210, 214 and 216 S.L.R.; N 89° 40' 00" E a distance of 304.4 feet more or less to the aforesaid westerly side of Clinton Avenue;

running thence in a southerly direction along the aforesaid southerly side of Clinton Avenue S 01° 19' 17" E a distance of 46.51 feet to the Point of Beginning

**REDNASS & MEAD**  
 1111 EAST 11TH STREET, STAMFORD, CONNECTICUT 06907  
 PHONE: (203) 348-1111  
 FAX: (203) 348-1112

**THE CITY OF STAMFORD**  
 BY  
 DIVISION STREET  
 RIGHT OF WAY SURVEY

DATE: 11/11/11  
 SCALE: AS SHOWN  
 SHEET: 1 OF 1

**NOTES:**

1. THE CITY OF STAMFORD HAS REVIEWED THIS SURVEY AND APPROVES THE SAME FOR THE PURPOSES OF THE CITY'S RECORDS.
2. THE SURVEY IS BASED ON THE RECORDS OF THE CITY OF STAMFORD AND THE RECORDS OF THE DEPARTMENT OF CONSTRUCTION.
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