

From: [Rosenson, Valerie](#)
To: [Dalena, Douglas](#); [Isidro, Judith](#)
Cc: [Bewkes, Bradley](#); [Dellaselva, Chris](#); [Casolo, Louis](#)
Subject: FW: Petition for Acceptance of private roads
Date: Wednesday, April 20, 2022 2:33:20 PM
Attachments: [lu26056enmemo.pdf](#)
[lu31013.pdf](#)
[lu31013_res.pdf](#)
[991206_r2549_lu25022.doc](#)
[lu29062_res.doc](#)

Doug –

I had a lengthy conversation with Chris Dellaselva and Lou Casolo this afternoon regarding the process by which the City accepts private roads as City streets because the Board has received a petition (attached) for acceptance of private roads as City streets which is currently on the agenda.

The Board of Representatives has not done this in a long time, and I reached out to Chris on Lou Casolo's suggestion. Chris sent the email below discussing the process and raising several questions. I need some guidance from the Law Department on whether the process the Board of Representatives has been following (including the draft resolution) is correct and how we should proceed in the future.

Looking back through our records, it looks as if this has been a two-step process. When a petition is made to the City for approval, the Board passes a resolution first instructing the Engineering Department to proceed to study the feasibility or begin the process of accepting that street. Ultimately, the petitioners will be responsible for all fees incurred in that investigation and for any work to bring the roads up to code. I'm attaching a resolution from the 25th Board which initiated this process for one of these streets in 1999, but which was never completed, most likely due to the high cost of bringing the road up to City standards, as well as the draft resolution in connection with this project.

A few key questions came up in our phone call this afternoon:

The resolutions state that the process is to be governed by C8-20-1 et seq., C8-60-1 et seq. and Chapter 214 of the Code. The citation to C8-60-1 et seq. appears to be included in order to allow the City to assess the costs of the engineering work to both evaluate the roads and bring them up to the City's standards for acceptance. However, Chris pointed out that C8-60-2 requires prior approval of the Board of Finance. I can find no record of the Board of Finance approving a street acceptance, and am seeking guidance on what the Board of Finance must approve and when. If the Board of Finance does not need to approve this, where does the authority to make the owners of the private road pay for these costs come from?

Does the resolution need to be revised to clarify that the road is a private road and that the owners are responsible for all of the costs? Can/should the City require the Owners to hire their own engineer to certify the condition of the road?

On an ancillary note, should the code section be amended to clarify this process in the future, so

that owners of private roads are aware from the get-go that they will have to bear the costs?

I know that Burt Rosenberg has been involved with this process in the past, so I don't know if he has addressed these questions before.

Thanks,
Valerie

From: Dellaselva, Chris
Sent: Tuesday, April 19, 2022 5:57 PM
To: Rosenson, Valerie <VRosenson@StamfordCT.gov>
Cc: Casolo, Louis <LCasolo@StamfordCT.gov>
Subject: FW: Petition for Acceptance of private roads

Hi Valerie,

The Board of Representatives has the authority (generally) to accept a street per City Charter Sec. C8-60-1. Power of Board of Representatives Concerning Public Improvements. The process is further defined in Article III of the City's Code of Ordinances (Street Acceptance).

Per the Charter and the Code:

1. The owners of the street petition the City to accept the street (Code Sec. 214-32);
2. If agreeable, the City's Board or Representatives considers/approves a 1st resolution, per Charter Sec. C8-60-3, whereby the BOR declares its intention to accept the street and requests the Mayor direct the Operations Department to do the preliminary assessment as to whether the street meets the City's specifications. This resolution should also declare what costs, if any, shall be the responsibility of the petitioners/owners;
3. The City's Engineer must certify that the street is constructed in accordance with specifications approved by the Planning Board (Code Sec. 214-33);
4. The street must meet the specifications set forth in Code Sec. 214-37 if the street was open to traffic during or after 1953, or the specifications set forth in Code Sec. 214-38 if the street was open to traffic before 1953;
5. The owners of the street take whatever steps deemed necessary by the City's Engineer, at their own expense if that's what the BOR included in its 1st Resolution, to meet the City's standards for acceptance; and
6. The Board of Representatives considers a 2nd Resolution to accept the street if/when the City's Engineer certifies that the street meets the City's specifications.

Additional issues to consider:

- The Board of Finance must pre-approve the BOR's actions per Charter Sec. C8-60-2;
- Your draft resolution looks more appropriate for the construction of a new City street as it addresses construction and capital projects.
- Is the street currently owned by the original developer, the petitioners or a home owners'

association? We should make sure we have the proper petitioner before we act on the petition.

- We should require the owner(s) to convey title of the street to the City if/when the City accepts the street.
- The petitioners/owners allege that the City currently plows/sands the streets at issue. Please note that, per City Code Sec. 214-28.B(1), this is not an implied acceptance.

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From: Rosenson, Valerie <VRosenson@StamfordCT.gov>

Sent: Friday, April 8, 2022 4:26 PM

To: Dellaselva, Chris <CDellaselva@StamfordCT.gov>

Cc: Isidro, Judith <JIsidro@StamfordCT.gov>; Casolo, Louis <LCasolo@StamfordCT.gov>

Subject: Petition for Acceptance of private roads

Chris -

Lou Casolo suggested I reach out to you. The Board has received a petition (attached) for acceptance of private roads as City streets. Looking back through our records, it looks as if this is a two step process.

My understanding is that when a petition is made to the City for approval, the Board passes a resolution first instructing the Engineering Department to proceed to study the feasibility or begin the process of accepting that street. Ultimately, the petitioners will be responsible for all fees incurred in that investigation and for any work to bring the roads up to code. I'm attaching a resolution from the 29th Board which initiated a similar project. (This resolution had also been approved in 2000, but it never proceeded from there, my guess is the costs to bring the road up to specifications (approx. \$20,000) were too high for the owners. The same thing happened with this later resolution) This seems to be governed by C8-60-1 et seq. and Chapter 214 of the Code. Looking back on other files, it seems that the Engineering Department often works with the owners to specify what is required.

Can you please confirm that I am correct about the process and the form of the resolution?

Thanks and have a good weekend,

Valerie

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