

MEMORANDUM

FROM: OFFICE OF THE CITY ATTORNEY
MIDDLETOWN, CONNECTICUT 06457

TO: Henry Novicki, Chairman of the Redevelopment Agency

DATE: December 5, 1986

RE: Request for Legal Opinion - Brown/Silk/Wollack Parcel Parking Issues.

QUESTION #1: Must the City of Middletown provide parking to the Developer of the Brown/Silk/Wollack Parcel?

QUESTION #2: How much parking must be provided?

QUESTION #3: May a charge be made for any parking provided?

DISCUSSION: Under the "REDEVELOPMENT PLAN, CENTER STREET PROJECT AREA, UR CONN. 19-1 MIDDLETOWN, CONNECTICUT, APRIL 1, 1959", Page 9, paragraph #5, regarding parking, provides: "Parking shall be provided by the City of Middletown. The developer shall coordinate his plans with those of the City in order to encourage pedestrian movements from the parking areas to the commercial retail center."

Page 12, paragraph #1, Improved Traffic Facilities of the same document provides: "Parking facilities are seriously inadequate in Middletown's Central Business District. The Parking Authority has been created to remedy this situation. The parking garage proposed in this Redevelopment Plan, for approximately 530 vehicles, will assist in the accomplishment of this objective."

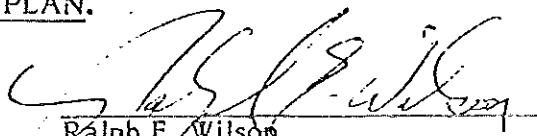
Based upon the documents available for review, the answers to the above questions are as follows.

Question #1 is answered in the affirmative.

Regarding Question #2, the City is not obligated to provide any specific number of parking spaces. Since the Redevelopment Agency, with the concurrence of the Common Council, has control over what it will approve to be built on the parcel in question, it obviously controls the number of parking spaces that will be made available to the developer. If the developer needs more parking spaces than those offered by the City and the Redevelopment Agency approves the proposal requiring more parking, then the developer must make its own arrangements for additional parking. This may be done either by on site parking or arrangements with others.

Regarding Question #3, the City of Middletown may charge a fee for any parking spaces it provides to the developer.

Finally, it is noted that the parking arcade was built not only to provide parking to the developers of the entire parcel, but also to help assist in alleviating some of the inadequate parking in the Central Business District existing at the time of the adoption of the REDEVELOPMENT PLAN.


Ralph E. Wilson
City Attorney

REW/sir