

**ORDER OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN APPROVING AN EASEMENT AGREEMENT BETWEEN THE CITY OF NEW HAVEN AND 44 OLIVE STREET GROUND OWNER LLC FOR THE CONSTRUCTION AND/OR MAINTENANCE OF CERTAIN LANDSCAPING, LIGHTING, BENCHES, AND DECORATIVE CONCRETE IMPROVEMENTS ON LAND OWNED BY THE CITY OF NEW HAVEN WHICH BORDERS UNION STREET FOR THE OLIVE & WOOSTER PROJECT**

**WHEREAS**, 44 Olive Street Ground Owner LLC (the “Owner”) is the owner of 2.56 acres of land known as 87 Union Street, 33 Fair Street, 44 Olive Street, and 46 Olive Street, New Haven, CT (collectively, the “44 Olive Street Parcel”), which is in the process of being developed into a 334,108 square foot mixed use building consisting of 299 residential units, residential amenity space, restaurant and retail space, and a 206 parking space garage to be known as Olive & Wooster (the “Project”); and

**WHEREAS**, the City of New Haven (the “City”) is the owner of a .285 acre parcel of land located between the western border of the 44 Olive Street Parcel and Union Street (the “City Land”); and

**WHEREAS**, on February 15, 2015, the New Haven City Plan Commission granted Site Plan Approval for the Project, City Plan Commission Report 1502-03, which Site Plan Approval was modified by a New Haven City Plan Commission Administrative Site Plan Review dated August 15, 2018 (the “Site Plan Approval”); and

**WHEREAS**, the Project includes certain landscaping, benches, and decorative concrete improvements on the City Land, which are not City-standard streetscape improvements (collectively the “Streetscape Improvements”); and

**WHEREAS**, because the Streetscape Improvements are not City-standard streetscape improvements, the Site Plan Approval requires that the Owner obtain an easement from the City to construct and maintain the Streetscape Improvements; and

**WHEREAS**, the Streetscape Improvements will provide an amenity to both the neighborhood and the public as well as the Project, because they will create an inviting area for relaxation and rest and will serve as an attractive border to the public right-of-way on Union Street; and

**WHEREAS**, the Owner and the City have negotiated the terms and conditions for the granting by the City to the Owner of an easement for the construction and maintenance of the Streetscape Improvements and for the construction of the lighting fixtures, which are City-standard fixtures, on the City Land, as set forth in the proposed Easement Agreement, which is attached to this Order as Exhibit A (the “Easement Agreement”) and incorporated by reference herein.

**NOW, THEREFORE, BE IT ORDERED**, by the Board of Alders of the City of New Haven that the Easement Agreement be approved together with any other documents that are reasonably required to implement the provisions of the Easement Agreement; and

**FURTHER, IT IS HEREBY ORDERED**, that the Mayor be and hereby is authorized to execute, acknowledge and deliver on behalf of the City of New Haven, the Easement Agreement in a form substantially similar to Exhibit A, and the City-Town Clerk of the City of New Haven be and hereby is authorized and directed to impress and attest the official seal of the City of New Haven on the Easement Agreement and this Order.