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CITY OF DANBURY

OFFICE OF THE MAYOR
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666
m.boughton@danbury-ct.gov

March 26, 2012

Honorable City Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: Proposed Land Swap and Driveway installation - Newtown Road/Public Works Facility

Dear Council Members:

55 Newtown Road, LLC (the Hawley Companies) is proposing some improvements to a location and property adjacent to Newtown Road, near the intersection of Old Newtown Road and Newtown Road. These proposed improvements involve a suggested "swap" of two triangular pieces of land, as well as some associated driveway installation and access rights.

One piece, owned by the City toward the front would be deeded to Hawley for additional land it needs for a driveway and access off Newtown Road to its proposed retail development immediately to the East of the subject site. The other piece, owned by Hawley at present, would be deeded to the City in order that the proposed driveway could be installed as a straightaway, without having to curve around inaccessible property to the rear of the City's sand storage shed. Hawley would require a driveway easement from the City for use to its adjacent retail facility. The attached map details the proposed swap and adjacent land development plan they have.

As noted below, the anticipated widening of Newtown Road, together with reconfiguration of the intersection lighting at Newtown and Old Newtown Roads and the proposed driveway to the south, will be a marked benefit not only to the public at large, but also to the City's ability to access its Public Works facility and improve the safe ingress and egress from that facility.

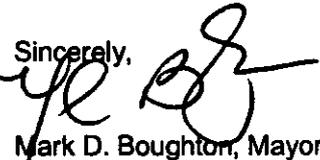
Separately, but directly related to this proposal, is a concept to improve land to the east and rear of the subject site(s) by removal of fill and offer of that material to the City for its use. This additional proposal would be returned to you for consideration once the primary proposal has been considered and in process. This second proposal would likely involve not only the offer of fill but also the grant of some temporary access to and use of that site from the City to Hawley, so that they could do make greater utilization of their (retail) development in the front.

Hawley will commission and pay for necessary appraisals so that you can properly determine values as you consider these items.

Two final notes: first, the State of Connecticut has approved the reconfiguration of the Old Newtown Road and Newtown Road intersection to allow better traffic flow; second, the proposed (new) driveway built once the "swap" occurs will allow access from Newtown Road not only to the (new) Hawley retail site, but to get to the sand storage shed and to the rear of the Public Works facility.

Please refer this item to committee and to appropriate departments and the Planning Commission for review. Feel free to contact Public Works for technical questions or issues.

Sincerely,



Mark D. Boughton, Mayor



COLLINS, HANNAFIN, GARAMELLA, JABER & TUOZZOLO

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

148 DEER HILL AVENUE, DANBURY, CONNECTICUT 06810-7727

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*OF COUNSEL

**ALSO ADMITTED IN NEW YORK

July 19, 2012

City Council Sub-Committee

Warren Levy, Chairman

Re: Proposed Land Swap and Driveway Installation
55 Newtown Road/Public Works Facility

Members of the City Council Sub-Committee:

Please be advised I represent 55 Newtown Road, LLC with respect to a proposed swap of land between 55 Newtown Road, LLC and the property of the Public Works Facility.

In preparation for your Sub-Committee meeting, we have prepared a real estate appraisal for the portion of the property which would be transferred to 55 Newtown Road, LLC and a survey outlining the parcels to be swapped, the road construction to be done by 55 Newtown Road, LLC and the access easement to the driveway for the benefit of 55 Newtown Road, LLC. The State of Connecticut, Department of Transportation intends on improving the roadway system and signalization in the front of these two parcels. Their completion date for this project is 2015 and they have indicated at hearings that this project is their highest priority in the area. Once the State project is complete, a driveway will be installed as shown on the survey which will service both the Public Works Department and 55 Newtown Road, LLC. Upon completion of the signalization and realignment of Newtown Road by the State and the relocation of the common driveway through the combined efforts of 55 Newtown Road, LLC and the City of Danbury, traffic safety and flow will be greatly improved. Turning movements will be available in all directions to 55 Newtown Road and the Public Works garage. Levels of Service (LOS) for the roadway and driveway will be improved upon completion of the plan. In order to accomplish the same, the easement and land swap needs to be put in place.

55 Newtown Road, LLC is proposing the following:

1. Paying to the City of Danbury the appraised value for proposed Parcel A and the access easement to the driveway.

2. Donating to the City of Danbury Parcel Y.
3. Installing at its cost the driveway approximately 150 feet from the intersection of Newtown Road. The installation of the driveway will be coordinated with the State road improvements.

We hope the above information will help you understand the proposal and making your decision in this matter. We believe the land swap, together with the road improvements to be made by the State of Connecticut will be beneficial to everyone. Thank you.

Very truly yours,



Paul N. Jaber

PNJ:emb

cc: 55 Newtown Road, LLC



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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

JULY 30, 2012

To: Mayor Mark Boughton
Members of City Council

From: Planning Commission

Re: 8-24 Referral/Additional April 2012 City Council Agenda Item -- #9:
Proposed Land Swap and Driveway Installation - 55 Newtown Road, LLC

The Planning Commission has received a request from the City Council for a report pursuant to CT General Statutes/Sec 8-24, regarding the above referenced item.

At the July 18, 2012 meeting, the Planning Commission voted to give this a ~~positive~~ recommendation subject to review and approval of all plans and documents, including required access easements, by Corporation Counsel's Office and the Public Works Department. The Commission also noted that the City owned parcel is a different zone than the property it is being swapped for and may need to be rezoned at a later date.

Arnold E. Finaldi Jr.
Chairman

AEF/jr
Attachment

c: Engineering Dept.
Corporation Counsel

**CITY OF DANBURY
DEPARTMENT OF PUBLIC WORKS**

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**155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
(203) 797-4537 FAX (203) 796-1586**

**MAYOR
Honorable Mark D. Boughton**

**PUBLIC WORKS DIRECTOR
Antonio Iadarola, P.E.**

August 20, 2012

City Council – Ad Hoc Committee

Re: Newtown Road – Proposed Land Swap

Dear Committee Members:

For years, the City of Danbury has been looking to improve access to the Newtown Road facility. The existing entrance has had numerous accidents and impacts efficient operation, especially during snowstorms, since it is not a controlled intersection. Our goal has been to create an entranceway that would be in the intersection of Old Newtown Road and Newtown Road. This would be a controlled intersection with a traffic light. In order to achieve this goal, and do it in a cost effective manner, property would be required from an adjoining owner which would eliminate large retention walls and make for better grades. The adjoining property owner, 55 Newtown Road, LLC has worked with the City of Danbury Public Works Department and collectively we have achieved land swaps as shown on map CD04 dated May 24, 2012 and prepared by Benjamin Doto, revised on August 14, 2012.

This includes:

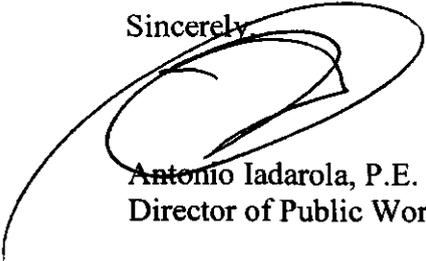
- The value of Parcel X, which is the portion of City property, has been determined by an appraisal and would be transferred to 55 Newtown Road, LLC.
- The developer will contribute parcel Y to the City of Danbury for the construction of the new driveway. The developer will be constructing the first 150 feet of the Public Works Department driveway as shown on CD04, which will include installation of drainage, signage and two gates and all the related construction to build the driveway. 55 Newtown Road, LLC will reserve the right to pass and repass over the 150 ft. portion of the driveway.

- The developer will also be performing some associated grading on the City of Danbury property which will create a flat area that Public Works could use and to improve blend grades between both properties.
- The Director of Public Works reserves the right to determine if, and what, the value of the fill that would be removed has. The developer agrees to pay the negotiated value of this fill to the City of Danbury.

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I am in favor of this proposal. This will allow us to improve public safety in the area of the Public Works Department where we access Newtown Road and greatly improve operations.

Sincerely



Antonio Iadarola, P.E.
Director of Public Works

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CITY COUNCIL- AD HOC COMMITTEE REPORT
NEWTOWN ROAD—PROPOSED LAND SWAP
3RD FLOOR CAUCUS ROOM, CITY HALL
22-AUGUST-2012, 6:15 PM

Chairman Warren Levy called the Committee meeting to order at 6:18 pm.

COMMITTEE MEMBERS PRESENT: Chairman Warren Levy and Peter Nero.

COMMITTEE MEMBERS ABSENT: Stephen Darcy was absent due to work obligations.

ALSO PRESENT: Robert Yamin, Corporation Counsel; Laszlo Pinter, Deputy Corporation Counsel; Farid Khouri, City Engineer; David Hawley, 55 Newtown Road LLC; Gary Hawley, 55 Newtown Road; and Attorney Paul Jaber, representing 55 Newtown Road LLC.

After stating the purpose of the Committee and making introductions, Chairman Levy summarized a letter from Antonio Iadarola, Public Works Director, who could not attend as he was on vacation. Details included the benefits that the proposed land swaps would give the City and the Public Works Department. Chairman Levy then asked Mr. Khouri to give further details. Mr. Khouri showed the committee a map with the proposed parcels of land under consideration and discussed would parcel swap. He continued by discussion of the improvements to the Public Works drive way, re-grading and drainage. A short discussion ensued. Mr. Levy stated that the proposal had received a positive recommendation from the planning commission. Also 55 Newtown Road LLC. had paid for the appraisal of the property.

Mr. Jaber stated that he was very pleased that this was finally progressing as it has been a long process. He stated that the proposal was beneficial to all. A brief discussion regarding right of way took place.

Mr. Nero asked for clarification regarding the parcels and the process.

Mr. Nero moved to recommend to the City Council to approve the land swap of the portion of Tax Assessor Lot L12023 for a portion of City of Danbury owned land, Tax Assessor Lot L12014, and the access rights to pass and re-pass over 150 foot driveway to 55 Newtown Road, LLC as shown on map by Benjamin V. Doto, III, P.E., LLC #CD04 revision 8/14/2012 subject to review and approval of all plans and documents by the City of Danbury, Corporation Counsel Office and Public Works Department with the following conditions.

- 1. 55 Newtown Road LLC, will pay the City of Danbury \$37,000.**
- 2. 55 Newtown Road LLC, will donate parcel Y to the City of Danbury.**
- 3. 55 Newtown Road LLC, will install at their expense 150 feet of driveway which will include installation of drainage, signage, and two gates as noted in map CD04.**
- 4. 55 Newtown Road LLC, will also perform at no expense to the City of Danbury associated grading on the City of Danbury property which will create a flat area**

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that Public Works could use and to improve the blending grades between both properties.

- 5. The city of Danbury reserves the right to determine if, and what, the value of the fill that would be removed has and the developer agrees to pay the negotiated value of that fill to the City of Danbury

and recommend the City Council post to a Public Hearing. The motion was seconded by Chairman Levy. Vote, all in favor, motion unanimously approved.

As there was no further business before the committee, Mr. Nero made a motion which was seconded by Chairman Levy to adjourn the meeting. Vote, all in favor, motion unanimously approved. The meeting adjourned at 6:34 pm

Respectfully Submitted,

Warren Levy, Committee Chairman

Peter Nero

Stephen Darcy