

COMMON COUNCIL - SPECIAL MEETING

OCTOBER 25, 1982

Meeting is called to order at 7:30 O'Clock P.M. by the Honorable Mayor James E. Dyer.

PLEDGE OF ALLEGIANCE TO THE FLAG
PRAYER

ROLL CALL

Council Members - Elder, Gallo, McGarry, Foti, Torcaso, Enriquez, Esposito, Repole, Zotos, Eppoliti, McManus, DaSilva, Torian, White, Cassano, Charles, Boynton, Merullo, Butera, Evans, Farah.
17 Present 4 Absent.

NOTICE OF SPECIAL MEETING to be held on the 25th day of October, 1982 at 7:30 O'Clock P.M. for the purpose of acting upon the following:

- 01 - Danbury Commons - Amendment to action taken June 1, 1982.
- 02 - C. L. & P. Liberty Street Easements - Ratification of prior approval.

RETURN OF SERVICE - Notices delivered by Police Officers of the Danbury Police Department.

A motion was made by _____ & seconded by _____ for the Call and Return of Service to be accepted.

01 ✓
COMMUNICATION - Danbury Commons - Amendment to action taken June 1, 1982.

The Communication was _____

02 ✓
RESOLUTION - C.L.&P. Liberty Street Easements - Ratification of prior approval.

The Resolution was _____

PUBLIC SPEAKING SESSION

There being no further business to come before the Council, a motion was made by _____ & seconded by _____ for the meeting to be adjourned at _____ O'Clock P.M.

For the purpose of acting upon the following:

01 - Danbury Commons - Amendment to action taken
June 1, 1982.

02 - C.L. & P. Liberty Street Easements - Ratification of
prior approval.

Dated at Danbury, this 22nd day of October 1982.

[Signature] Mayor
Mary Bickert Ass't City Clerk

To the sheriff or any policeman of the City of Danbury:

You are hereby required to notify the above named member _____
of the Common Council of the City of Danbury of the special meeting of said board by leaving with
or at the usual place of abode or place of business of such member not less than 24 hours before the
hour specified for said meeting, a notice in form annexed, and to make due return thereof at the time
of said meeting.

[Signature] Mayor

2. RICHARD B. ELDER 1515 *Ry*
3. BERNARD P. GALLO 19150
4. JOHN A. MCGARRY 2024
5. RUSSELL M. FOTI 2009
6. CAROLE A. TORCASO 1230 *Ry*
7. GENE ERIQUEZ 1907
8. JOHN ESPOSITO 1900
9. NICHOLAS ZOTOS 2127
10. FRANK REPOLE 2117
11. DIANE EPPOLITI 1000 *Ry*
12. RICHARD M. WHITE 1800 - Attempted to deliver not at home *HAN - VM 10/21*
13. ANTHONY J. CASSANO 1030 *Ry*
14. LOUIS T. CHARLES, JR. 2104
15. ERNEST M. BOYNTON 1232 *Ry*
16. JOSEPH DaSILVA 2057
17. EMANUEL MERULLO JR. 2121
18. THOMAS E. EVANS 1005 *Ry*
19. JANET A. BUTERA 2010
20. EDWARD T. TORIAN 2036
21. MOUNIR FARAH 1226 *Ry*

Each Notice so served upon each member, all having been done by me on this date _____.

Attest: *N. M. Poirato*
 Policemen of the City of
 Danbury

LAW OFFICES

Gary M. Bachyrycz, P.C.

30 WEST STREET

Danbury, Ct. 06810

797-8868 AREA CODE 203

October 25, 1982

The Honorable James E. Dyer
Mayor of the City of Danbury
Danbury City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Request of TransCon Builders, Inc. for sewer
and water extensions - 51 Main Street, Danbury, CT

Dear Mayor Dyer:

Request is hereby formally made for a special meeting of the Common Council for the purpose of amending action of the Common Council on June 1, 1982 in connection with the request of TransCon Builders, Inc. for sewer lines and for the purpose of amending action of the Common Council on October 6, 1981 in connection with the request of said TransCon for water lines at 51 Main Street, Danbury, Connecticut, to permit the issuance of Certificates of Occupancy for 38 townhouse units prior to the fulfillment of the request by the City of all forms, documents and plans required by the Common Council on June 1, 1982 and on October 6, 1981.

Very truly yours,

GARY M. BACHYRYCZ

sjh

cc: Eric L. Gottschalk, Ass't. Corporation Counsel

CERTIFICATE OF CORPORATE RESOLUTION

Common Council

I hereby certify that at a meeting of the ~~Board of Directors~~

The City of Danbury, Connecticut

duly called and held on Oct. 25, 19 82, at which a quorum was present and acting throughout, the following resolutions were unanimously adopted, to wit:

The City of Danbury

RESOLVED: That ~~this Company~~ grant and convey to The Connecticut Light and Power Company

a corporation chartered, by the General Assembly of the State of Connecticut and having its principal office in the Town of Berlin, in the State of Connecticut, its successors and assigns, permanent rights for the installation, maintenance and repair of electric (~~wires~~) lines over under and across land of the ~~Company~~ City of Danbury situated in the ~~Town~~ City of Danbury, County of Fairfield and State of Connecticut, as set forth in the proposed easement presented to this meeting, which is hereby ordered filed with the records of this meeting; and

RESOLVED: That James E. Dyer, the Mayor of The City of Danbury hereby is authorized to execute and deliver in the name of ~~this Company~~ The City of Danbury an easement presented to this meeting and to do any and all other acts necessary to effectuate the foregoing.

I FURTHER CERTIFY that the form of easement attached hereto is an exact copy of the aforesaid proposed easement presented at said meeting.

I DO FURTHER CERTIFY that the foregoing resolutions are still in full force and effect as of this date.

IN WITNESS WHEREOF, I have caused the ~~Corporate~~ seal of The City of Danbury to be hereunto affixed, duly attested by me this day of

October, 19 82.

~~Secretary~~ Elizabeth Crudginton
City Clerk of The City of Danbury
(CORPORATE SEAL)

For a valuable consideration, receipt of which is hereby acknowledged, THE CITY OF DANBURY Connecticut, a municipal corporation organized and existing under and by virtue of the law of the State of Connecticut, located in the County of Fairfield, and State of Connecticut (hereinafter the "City"), said City acting herein by and through the Redevelopment Agency of the City of Danbury, a public body corporate organized and existing under the laws of the State of Connecticut and the Charter and ordinances of said City, having an office and principal place of business at 142 Deer Hill Ave., in the City of Danbury, County of Fairfield, and State of Connecticut (hereinafter the "Agency"), hereinafter collectively called Grantor, hereby grants unto The Connecticut Light & Power Company, a Specially Chartered Connecticut Corporation of the Town of Berlin, County of Hartford, State of Conn

its successors and assigns, hereinafter called Grantee, the perpetual right to construct, maintain, replace and rebuild on, across, over and under the land hereinafter described, an electric distribution system consisting of poles, guys, braces, wires, cables, conduits, transformers, transformer pads, pedestals, meters, structures for street lights and traffic signals, fixtures and other appurtenances useful for providing electric, communication, signal and street lighting service (including wires, cables and conduits running from the poles, transformers and pedestals to any structures erected on the premises); the right to provide electric, communication, signal and street lighting service by means of the same; and the right to enter said land for the purpose of inspecting, maintaining or removing same and the right, after consultation with the Grantor when practicable, to trim and keep trimmed, cut and remove such trees as in the judgment of the Grantee are necessary to maintain its services, all as limited herein.

Said land is located on the northerly & southerly sides of Liberty Street (as realigned) in the Town of Danbury, Connecticut.

Said electric distribution system is to be located by said Grantee on said land approximately as shown on a map entitled, "Map Prepared for CITY OF DANBURY Showing Proposed Easements, Liberty Street, Danbury, Connecticut, Scale 1" = 10', July 18, 1982, revised through Sept. 14, 1982", prepared by Sydney A. Rapp, Jr. R.L.S. No. 7400, 11 Harmony St., Danbury, Connecticut which map is attached hereto but not made a part hereof and a duplicate of which is to be filed in the office of the town clerk of said Town of Danbury.

Any additional poles, guys, wires, cables, braces, conduits and other appurtenances which may be necessary or advisable in the opinion of the Grantee to provide electric, communication, signal or street lighting service by means of said system are to be located by the Grantee in such places on, over, under and across said land as may be reasonable and consistent with the use of said land at the time.

The Grantor agrees, except with the written permission of the Grantee, that (1) no building, structure, other improvement or obstruction shall be located upon, there shall be no excavation, filling, flooding or grading of, and there shall be no planting of trees or shrubbery upon the land to be occupied by said electric distribution system as shown on the aforesaid map, including, but not limited to, the area occupied by the wires and cables running from poles, transformers and/or pedestals to any structures erected on the Grantor's premises; and (2) nothing shall be attached, temporarily or permanently, to any property of the Grantee erected or installed by virtue of this easement. The Grantee may, without liability to the Grantor and at the expense of the Grantor, remove and dispose of any of the aforesaid made or installed in violation of the above and restore said land to its prior condition. In the event of the damage to or destruction of any of said facilities of the Grantee by the Grantor or agents or employees thereof, all costs of repair or replacement shall be borne by the Grantor.

The Grantee, by the acceptance of this deed, agrees that, upon request of the Grantor and upon execution and delivery to the Grantee of rights and easements acceptable to the Grantee, it will relocate at the expense of the Grantor any part of said electric distribution system which the Grantor may reasonably request to be relocated, provided that such relocation is practicable and consistent with sound engineering principles, including any removal and relocation of such system improperly located due to incorrect street and property line locations furnished by the Grantor, the Grantor's agents or employees.

The Grantee further agrees, by the acceptance of this deed, that as long as and to the extent that the electric distribution system, together with all appurtenances, located on said land pursuant to this easement are used to provide electric, communication, signal or street lighting service, the Grantee will repair, replace and maintain such facilities at its own expense (except as otherwise provided in the third paragraph hereof) and in connection with any repair, replacement or maintenance of said system the Grantee shall promptly restore the premises to substantially the same condition as existed prior to such repair, replacement or maintenance, provided, however, that such restoration shall not include any structures, other improvements or plantings made by the Grantor contrary to the provisions of the third paragraph hereof.

If any part of the above described land upon or over which said overhead or underground electric lines or appurtenances thereto shall be located, is now or shall hereafter become a public street or highway or a part thereof, permission, as set forth in Section 16-234 of the General Statutes of Connecticut relating to adjoining landowners, is hereby given to the Grantee and to its successors and assigns, to use that portion for the purposes and in the manner above described.

Any right herein described or granted, or any interest therein or part thereof, may be assigned to any communication or signal company by the Grantee, and the Grantor hereby agrees to and ratifies any such assignment and agrees that the interest so assigned may be used by the assignee therein for communication or signal purposes.

The words "Grantor" and "Grantee" shall include lessees, heirs, executors, administrators, successors and assigns where the context so requires or permits.

TO HAVE AND TO HOLD the premises unto it, the said Grantee, its successors and assigns, forever.

* SEE OVER

IN WITNESS WHEREOF the Grantor has hereunto caused (s) its hand(s) and seal(s) to be affixed this

day of October, 1982.

Signed, sealed and delivered in presence of:

As to Easements "A", "B", "B1", "D" and "E" as more particularly shown on the above referenced map THE CITY OF DANBURY

By: James E. Dyer, its Mayor hereunder duly authorized THE REDEVELOPMENT AGENCY OF THE CITY OF DANBURY (L.S.)

By: John J. Sullivan, its Chairman, hereunto duly authorized (L.S.)

* The foregoing notwithstanding, the Grantor and Grantee agree and understand that:

1. Above surface construction or location of said electrical distribution system or other such improvements shall be limited to those areas, on the above referenced map, labeled "Proposed Above Ground Construction Area";
2. The use of the easement areas designated on said map as "B1", "C1", "C", "B", and "E", shall be limited to the right to lay, replace, and maintain utility equipment, facilities, and electrical distribution systems as aforesaid in, under, or through said easement areas, and the right to take all other actions necessary to so lay, replace and maintain same; and
3. The use of the easement areas designated on said map as "A", "C2", and "D" shall be limited as provided for areas "B1", "C1", "C", "B", and "E" in paragraph #2 immediately above, and in addition, however, the Grantee shall have a non-exclusive right to pass and repass over said areas "A", "C2", and "D" for any and all purposes not now or hereafter in violation of law.

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

On this the day of October 1982, before me, JAMES H. MALONEY, the undersigned officer, personally appeared JOHN J. SULLIVAN who acknowledged himself to be the Chairman of The Redevelopment Agency of the City of Danbury, a municipal agency, and that he, as such Chairman, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal, by himself as such Chairman, and as the free act and deed of said municipal agency.

In witness whereof I have hereunto set my hand and official seal.

James H. Maloney
Commissioner of The Superior Court

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

On this the day of October 1982, before me, , the undersigned officer, personally appeared JAMES E. DYER, who acknowledged himself to be the Mayor of the City of Danbury, Connecticut, a municipal corporation, and that he, as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by himself as such Mayor, and as the free act and deed of said municipal corporation.

In witness whereof I hereunto set my hand and official seal.

Commissioner of The Superior Court

Basement

CITY OF DANBURY (BY THE REDEVELOPMENT
AGENCY OF THE CITY OF DANBURY)

TO

THE CONNECTICUT LIGHT AND POWER
COMPANY