

TO: Mayor Gene F. Eriquez and Members of the Common Council

RE: Minutes of the Special Common Council Meeting held November 10, 1990

The meeting was called to order at 7:05 P.M. by Mayor Eriquez. The Pledge of Allegiance and Prayer were recited. The members were recorded as :

PRESENT - Scalzo, Abrantes, McAllister, Arconti, Coldarci, Boynt Buzaid, Valeri, Machado, Shuler, Setaro, Esposito, Levy, Basso, Fox, Gallagher, Nolan

ABSENT - Charles, Gomez, Butera, Mead

17 Present - 4 Absent

Mr. Charles had another committment

Mr. Gomez was working

Mrs. Butera was ill

Mr. Mead was out of town

Mr. Setaro made a motion that the call and return of service be accepted. Seconded by Mr. Scalzo. Motion carried unanimously.

There were no members of the public wishing to address the Common Council.

1 - COMMUNICATION & RESOLUTION - Authorization to transfer re-development parcel five and related property to ARC Danbury, Inc. and authorization of the contract of sale.

WHEREAS, in furtherance of the objectives of Chapter 130 of the Connecticut General Statutes, the Redevelopment Agency of the City of Danbury ("Agency") has undertaken a program for the clearance, reconstruction and/or rehabilitation of a deteriorated area in the City of Danbury, Connecticut, and in this connection is engaged in carrying out a downtown redevelopment project (hereinafter called "Project") in a 7.7 acre area (hereinafter called "Project Area") located in the center of the City; and

WHEREAS, as of the date hereof the Agency has prepared and approved an urban renewal plan for the Project, entitled "Downtown Danbury Redevelopment Plan" dated August 1, 1990 (hereafter called the (Redevelopment Plan); and

WHEREAS, the Redevelopment Plan has identified certain parcels of land in the Project Area for sale and redevelopment as hereinafter set forth; and

WHEREAS, on or about April 1, 1995, the Agency issued a Request for Proposals from Persons interested in acquiring one or more parcels of land in the Project Area for uses specified in the Redevelopment Plan; and

WHEREAS, the Request for Proposals was published on April 12 and April 14, 1995 in the Danbury News-Times and in other regional newspapers; and

WHEREAS, Western Connecticut Sportsplex, LLC ("Sportsplex"), a limited liability corporation organized and existing under the laws of the State of Connecticut, submitted a proposal in response to the Request for Proposals, to purchase Parcel 5 in the Project Area ("Parcel 5") and to redevelop Parcel 5 as a dual ice-rink recreational facility in accordance with the Redevelopment Plan; and

WHEREAS, the Parcel 5 is shown and described as Parcel 5 on a certain map entitled, "Perimeter Survey Showing Properties of City of Danbury and Redevelopment Agency of the City of Danbury to be Conveyed to 'ARC Danbury, Inc.' Patriot Drive, Liberty Street, Delay Street and Independence Way Scale: 1" = 20' Area: 1.6957 Acres (Total) Zone: C-CBD Date: November 10, 1997 Prepared by Surveying Associates, P.C." (the "MAP") which map is to be filed in the office of the Town Clerk of the City of Danbury; and

WHEREAS, the Agency conditionally approved the preliminary selection of Sportplex as the Redeveloper on or about May 30, 1995; and

WHEREAS, Sportsplex advised the Agency at the time of its preliminary selection that it was searching for a potential investor or investors to furnish the equity capital for the project; and

WHEREAS, Sportsplex advised the Agency at the time of its preliminary selection that it was searching for a potential investor or investors to furnish the equity capital for the project; and

WHEREAS, Arc Danbury, Inc. is a Delaware corporation with its principal place of business in McLean, Virginia and is a wholly owned subsidiary of Arc International Corporation ("Arc International"), a Canadian corporation with its principal place of business in Ontario, Canada; and

WHEREAS, Arc International is in the business of building and operating recreational ice rink facilities in Canada and the United States; and

WHEREAS, Arc International has proposed to Sportsplex that Arc Danbury, Inc. not only will provide the equity capital for the project but will build and operate the ice rink facility; and

WHEREAS, Sportsplex has assigned to Arc Danbury, Inc. all of its rights to site plan and other approvals which Sportsplex has received since its preliminary selection by the Agency; and

WHEREAS, Arc Danbury, Inc. has submitted plans for the ice rink facility which are substantially similar to the plans submitted to the Agency by Sportsplex; and

WHEREAS, the Agency has determined, and Sportsplex and Arc International agree, that it is in the best interest of the ice rink project that the Agency should rescind its preliminary approval of Sportsplex and should grant preliminary and final approval to Arc Danbury, Inc. as Redeveloper; and

WHEREAS, the plans submitted by Arc Danbury, Inc. require the City of Danbury to transfer to it a strip of land abutting Parcel 5 on Patriot Drive to accommodate the footprint of the ice rink facility, which strip of land is shown and described on the Map as Parcel 5A; and

WHEREAS, on November 6, 1997, the Agency rescinded its preliminary approval of Sportsplex, grant preliminary and final approval to Arc Danbury, Inc. as Redeveloper, and approved the Contract of Sale and the transfer of Parcels 5 and 5A to the Redeveloper in accordance with the terms of the Contract of Sale, which approval was made conditional on approval by the Common Council; and

WHEREAS, the Agency's Technical Advisory Committee has reviewed and approved Arc Danbury, Inc.'s plans and the proposed Contract of Sale of Parcels 5 and 5A to Arc Danbury, Inc. (the "Contract of Sale") which contract has been drafted by the Corporation Counsel and approved by counsel for Arc Danbury, Inc; and

WHEREAS, on November 7, 1997 the Planning Commission voted a positive recommendation on the proposed transfer of Parcels 5 and 5A to the Redeveloper pursuant to 8-24 of the Connecticut General Statutes; and

WHEREAS, Arc International Corporation, as parent of Arc Danbury, Inc., has agreed to guarantee the obligations of Arc Danbury, Inc. under the Contract of Sale to complete the ice rink facility, as evidenced by the Guaranty Agreement which is attached to the Contract of Sale and which will be executed at the same time as the execution of the Contract of Sale.

NOW THEREFORE, BE IT RESOLVED:

1. The Common Council hereby approves the Contract of Sale (and the Schedule B plans, the Escrow Agreement and the Guaranty Agreement attached thereto) and the transfer of Parcels 5 and 5A to the Redeveloper pursuant to the terms and conditions of the Contract of Sale.
2. Pursuant to 2-133 of the Code of Ordinances, the Common Council hereby declares Parcel 5A as surplus property and authorized its sale to the Redeveloper as in the best interests of the City.
3. The Mayor is authorized and directed to execute the Contract of Sale and all other documents (including but not limited to the Escrow Agreement and the Guaranty Agreement attached to the Contract of Sale) necessary to effectuate the transfer of the Parcels 5 and 5A to the Redeveloper in accordance with the terms of the Contract of Sale.
4. The Corporation Counsel is authorized and directed to make such minor revisions to the above agreement prior to execution by the Mayor as the Corporation Counsel deems necessary and in the best interests of the City.

After a presentation to the Common Council, Mr. Setaro made a motion to receive and approve the Resolution and approve the Contract of Sale (and the Schedule B plans, the Escrow Agreement and the Guaranty Agreement attached thereto) and approve the transfer of Parcels 5 and 5A to the Redeveloper pursuant to the terms and conditions of the Contract of Sale; declare Parcel 5A as surplus property and authorizes its sale to the Redeveloper; and authorize and direct the Mayor to execute the Contract of Sale and all other documents necessary to effectuate the transfer of the Parcels 5 and 5A to the Redeveloper; and authorize the Corporation Counsel to make such minor revisions to the above agreement prior to execution by the Mayor as the Corporation Counsel deems necessary.

Seconded by Mr. Levy. Motion carried unanimously.

The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Gallagher at 9:00 P.M. for the meeting to be adjourned.

Respectfully submitted,

  
ELIZABETH CRUDGINTON  
City Clerk