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CITY OF DANBURY
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February 18, 2010

The Honorable Mayor Mark D. Boughton and Members of the Danbury City Council
155 Deer Hill Avenue
Danbury Connecticut

Dear Mayor Boughton and Members of the Danbury City Council:

I am submitting for your consideration a resolution that would authorize the City to apply for an open space grant that could provide up to 55% matching funds for acquisition of a 192+- acre open space on the western boundary of Danbury.

Over the past few years, the City has been negotiating with the owner of this property, Back O Beyond Inc., for the conveyance of this open space area, which would be a west side nature preserve. Following the voter approval of the open space bond in 2008, the City retained Kozuchowski Environmental Consulting to analyze and prioritize the top candidate properties in the City for open space acquisition. Mr. Kozuchowski's report identified the Back O Beyond property as the highest priority due to a wealth of environmental attributes including a source protection zone for Danbury's water supply, a ridge line, a picnic and camping area. Mr. Kozuchowski previously presented a summary of his analysis to the Common Council. The property also has several buildings that could be used to provide a nature center, a conservation and environmental meeting location and vehicle parking for the City's open space needs.

Fortuitously, the State of Connecticut recently announced a round of open space grant funding that can provide reimbursement for up to 55% of this keystone acquisition. Despite an agreement in principle on the purchase value of this property with Back O Beyond, the City needs to update the two property appraisals (a requirement for the grant proposal) that were performed more than a year ago. We do not expect the value of this property to be above that stated in the appraisals of 2007 and 2008. Hence, our request here is to apply for up to 55% of \$2.4 million, which is the value that was appraised in 2008. We are in active discussions with the owner on this purchase, so that we are unable, at this time, to publicly disclose or discuss a final purchase price; however, we will of course report back to the Council the final negotiated price.

This acquisition could easily be the most important and exciting City Open Space acquisition since the acquisition of Tarrywile many years ago. I respectfully request your prompt approval of this resolution. The grant proposal is due by May 1 and the City's application for this funding depends upon your approval of this Resolution.

Respectfully Yours,

Robert J. Yamin
Corporation Counsel and
Chief Legal Officer

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RESOLUTION

15#1

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2010

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, the citizens of the City of Danbury approved a bond for the acquisition of open space in 2008; and

WHEREAS, the City subsequently conducted a systematic prioritization of candidate properties for acquisition that formed the basis of an open space and conservation strategy; and

WHEREAS, the highest priority ranking was for open space areas greater than 100 acres; and

WHEREAS, an open space property on the western border of Danbury, totaling 192 acres, was ranked as the highest priority in this category, due to its combination of environmental attributes and its potential for acquisition; and

WHEREAS, the City has negotiated with the property owner and has come to an agreement on the acceptable value for conveyance; and

WHEREAS, in February 2010 the Connecticut Department of Environmental Protection announced a request for proposals from municipalities and land trusts to apply for grants that would subsidize up to 55% of the cost of acquisition of open space; and

WHEREAS, the City's proposed acquisition of the west side open space is eligible for receipt of said funding.

NOW THEREFORE BE IT RESOLVED that the City Council of Danbury authorizes the Mayor to apply for said grants for funding that would defray the cost of up to \$2.4 million for acquiring this property as open space.

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor or his duly authorized agent to complete the negotiations for the acquisition of this property and enter into a contract of sale to execute this acquisition