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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
(203) 797-4518 (203)796-8043 FAX

August 30, 2011

Hon. Mayor Mark D. Boughton
Hon. Members of the City Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: Danbury Rail Yard/Lease and License Agreements Renewal
Danbury Railroad Museum

Dear Mayor and Council:

In 1994, the CTDOT entered into a Lease and License Agreement with the City of Danbury, for property depicted on the attachment, and located adjacent to the Danbury Railroad Museum ("DRRM") property between White Street and the train station on Pahquioque Avenue, comprising about 10.3 acres. The property has been used for beneficial purposes of the DRRM through these years.

It was recently discovered that the *actual* area used (10.3 acres) was not appropriately reflected or designated in the original documentation in 1994; rather, only a lesser portion was actually leased to Danbury and subsequently sub-leased and licensed to the DRRM. The CTDOT and Danbury and DRRM have been working to correct this. The full, uninterrupted use of this property by the DRRM has been continuing pursuant to a temporary Right of Entry, offered as a courtesy by CTDOT officials that would expire once these agreements are signed.

What is proposed, therefore, is to obtain your approval for a **revised** Lease and License Agreement (the lease is for the full 10.3 acres; the license for an at-grade crossing adjustment) so as to correct the original depiction and approval.

Kindly consider this request in the usual fashion, including a report from the Planning Commission, and attendance by Museum and other officials in the event you refer this matter to a committee. The full documentation is on file in the office of the Legislative Assistant, and in this office. As this matter of adjustment has been long standing, your attention to this correction is requested. Please contact us if you have any questions.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

Attachments

cc: Antonio Iadarola, P.E., Director of Public Works
Farid Khouri, P.E., City Engineer, Engineering Division
Patricia Ellsworth, P. E., Engineering Division
Rick Palanzo, Superintendent Public Buildings

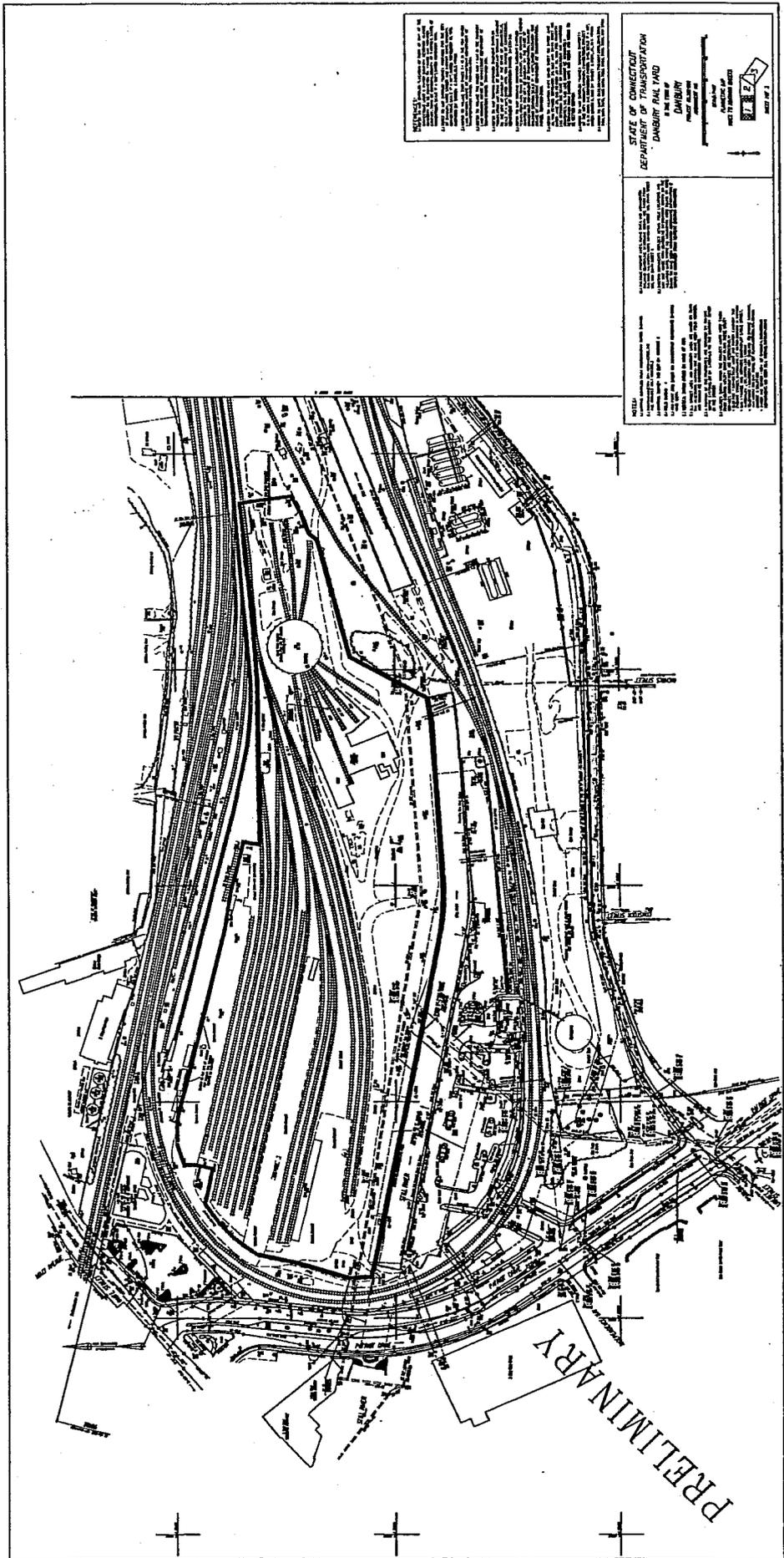
Llp/DRRM

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NOTES:
 1. ALL TRACKS ARE TO BE GRADED TO THE ELEVATION SHOWN ON THE DRAWING.
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STATE OF CONNECTICUT
 DEPARTMENT OF TRANSPORTATION
 DANBURY RAIL YARD
 DANBURY
 PROJECT NUMBER 6-1
 SHEET NO. 1

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RECORDED IN _____ LAND RECORDS
AT VOLUME _____ PAGE _____

Agreement No. 3.17-01(11)

**LEASE AGREEMENT FOR OCCUPATIONS
WITHIN THE DANBURY RAIL YARD**

BETWEEN

**THE STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION**

AND

**THE CITY OF DANBURY
RAIL FILE NO. (34) 7001-MISC-961**

THIS LEASE AGREEMENT, concluded at Newington, Connecticut, this _____ day of _____, 2011, by and between the State of Connecticut, Department of Transportation, James P. Redeker, Acting Commissioner, duly authorized, hereinafter referred to as the "State", and the City of Danbury, a municipal corporation having its territorial limits within the County of Fairfield, State of Connecticut and having a principal place of business at City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, acting herein by Mark D. Boughton, its Mayor, hereunto duly authorized, hereinafter referred to as the "Second Party".

WITNESSETH: THAT,

WHEREAS, the State and the Second Party previously entered into a License Agreement for Occupations within the Danbury Rail Yard, Agreement, No. 11.15-02(94), dated December 21, 1994, hereinafter referred to as the "Original" Agreement, for the purpose of establishing the Danbury Railway Museum with a "private at-grade pedestrian crossing" for museum access, and

WHEREAS, funds granted to the Second Party in the Original Agreement for the "WORK" described therein were used exclusively by the Second Party for the Original Agreement's intended purpose and were completely and properly accounted for to the State's satisfaction in year 2006, and

WHEREAS, the State and the Second Party entered into a "Temporary Right-of-Entry" Agreement on May 25, 2010, to increase the area of land being licensed by the

RECORDED IN _____ LAND RECORDS
AT VOLUME _____ PAGE _____

Agreement No. 1.21-01(11)

**LICENSE AGREEMENT
FOR PRIVATE RAILROAD GRADE CROSSING**

BETWEEN

**THE STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION**

AND

THE CITY OF DANBURY

RAIL FILE NO. (34) 7001-MISC-961A

THIS LICENSE AGREEMENT, concluded at Newington, Connecticut, this day of , 2011, by and between the State of Connecticut, Department of Transportation, James P. Redeker, Acting Commissioner, duly authorized, hereinafter referred to as the "State", and the City of Danbury, a municipal corporation having its territorial limits within the County of Fairfield, State of Connecticut and having a principal place of business at City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, acting herein by Mark D. Boughton, Mayor, hereunto duly authorized, hereinafter referred to as the "Licensee".

WITNESSETH, THAT:

WHEREAS, on December 21, 1994, the State and the Licensee entered into a License Agreement, No. 11.15-02(94), for various occupations within the Danbury Rail Yard in Danbury, Connecticut, that included a private at-grade crossing, hereinafter referred to as the CROSSING, and

WHEREAS, both parties now desire to replace the aforementioned License Agreement with two new Agreements such that all terms and conditions associated with the CROSSING are contained in its own separate license agreement, and