

PLEASE REPLY TO DANBURY

HERBERT L. COHEN
(1928-1983)

November 13, 2012

AUSTIN K. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
IRVING J. KERN
STEWART I. EDELSTEIN
NEIL R. MARCUS
G. KENNETH BERNHARD
DAVID L. GROGINS
GRETA E. SOLOMON
ROBIN A. KAHN
RICHARD SLAVIN
DANIEL S. NAGEL

Hand Delivered
City Council of the City of Danbury
City Hall
155 Deer Hill Avenue
Danbury, CT 06810

**Re: Sugar Hollow Associates, LLC
Conveyance of Traffic Light Easement
Sugar Hollow Road, Danbury, CT**

RICHARD J. DI MARCO
DAVID B. ZABEL
MARK A. KIRSCH
DAVID M. LEVINE
JOSEPH G. WALSH
DAVID A. BALL
JOCELYN B. HURWITZ
STUART M. KATZ
MONTE E. FRANK
PATRICIA C. SULLIVAN
VINCENT M. MARINO
JULIE D. KOHLER
ARI J. HOFFMAN
COURTNEY A. GEORGE
BARBARA M. SCHELLENBERG

Ladies and Gentlemen:

This letter is to request approval by the City Council of the acceptance by the City of Danbury of a traffic light easement on property owned by Sugar Hollow Associates, LLC on Sugar Hollow Road a/k/a The Shops at Marcus Dairy.

Copies of the easement and the easement map have been delivered to the Office of the Corporation Counsel and the Engineering Department for review.

Kindly place this request on the agenda of the next meeting of the Council for consideration.

If you have any questions, or require any further information, please feel free to contact me.

RACHEL A. PENCU
GARY E. PHELAN
JANE L. HARNESS
JASON A. BUCHSBAUM
L. JOYELLE DEFELICE
LAUREN G. WALTERS
DAVID M. MOROSAN
MARCIA M. ESCOBEDO
DAVID DOBIN
NATHAN C. ZEZULA
PHILIP C. PIRES
ELIZABETH A. ULLMAN
ROBYN H. DRUCKER
RACHEL A. SCHWARTZMAN

Very truly yours,



Neil R. Marcus

SPECIAL COUNSEL
MATTHEW C. SUSMAN

OF COUNSEL
MARTIN J. ALBERT
PETER A. ARTURI
LEONARD C. BLUM
ANN L. FOWLER-CRUZ
THEMIS KLARIDES
ROSAMOND A. KOETHER
BRUCE L. LEVIN
JACK E. MCGREGOR
ALLAN J. ROSEN
MARTIN F. WOLF

NRM/pln

cc: Laszlo L. Pinter, Esquire
Patricia A. Ellsworth, P.E.

TRAFFIC LIGHT EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT SUGAR HOLLOW ASSOCIATES, LLC, a Connecticut limited liability company with an address of Danbury, Connecticut 06810 (hereinafter the "Grantors"), for the consideration of One Dollar (\$1.00) and other valuable consideration, received to their full satisfaction of the CITY OF DANBURY, a municipal corporation located in Fairfield County, and organized and existing under and by virtue of the laws of the State of Connecticut (hereinafter, the "Grantee"), does GIVE, GRANT, BARGAIN, SELL AND CONFIRM unto the Grantee, its successors and assigns, the right, privilege, authority and easement more particularly described in Schedule A annexed hereto and made a part hereof over property described in said Schedule A (hereinafter, the "Easement Area").

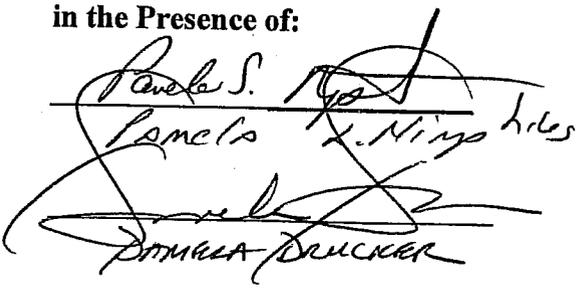
TOGETHER WITH all right, title and interest of the Grantors in all traffic signalization devices and other items appurtenant or affixed to any poles, as lay in, through, under or over the Easement Area; AND TOGETHER, ALSO, WITH the right, to the extent necessary to enjoy the rights herein granted, to enter upon said Easement Area for the purposes of maintaining said water lines or mains and appurtenances thereto; RESERVING, HOWEVER, UNTO THE GRANTORS, their successors and assigns, the right to continue to use the Easement Area for all uses and purposes which do not interfere with the rights of the Grantee hereunder.

IT BEING HEREBY AGREED that the Grantee, its successors and assigns, shall, subsequent to any such repair, replacement or maintenance, restore the bituminous paved surfaces or any unpaved surfaces overlying said strip or parcel of land to substantially its original condition; PROVIDED, HOWEVER, that said restoration shall not include any structures, other improvements (except for bituminous surfaces) or plantings (except ground sod) made by the Grantors, their successors and assigns.

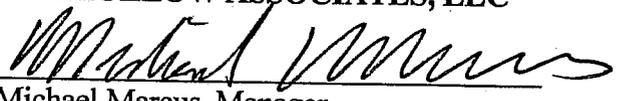
TO HAVE AND TO HOLD the above granted rights, privileges, authority and easement unto the said Grantee, its successors and assigns, forever, to its and their own proper use and behoof.

IN WITNESS WHEREOF, the Seller has executed this Traffic Light Easement this 2nd day of November, 2012.

Signed, Sealed and Delivered
in the Presence of:


Pamela S. [unclear]
Pamela S. Ningo
Pamela Drucker

SUGAR HOLLOW ASSOCIATES, LLC

By 
Michael Marcus, Manager

STATE OF CONNECTICUT)
) ss. Danbury
COUNTY OF FAIRFIELD)

On this 2nd day of November, 2012, before me, the undersigned officer, personally appeared Michael Marcus, Manager of Sugar Hollow Associates, LLC, and that as signer and sealer of the foregoing instrument he acknowledged the execution of the same to be his free act and deed individually and as such Manager and the free act and deed of such limited liability company.

Pamela S. Nimphius

Notary Public

PAMELA L. NIMPHIUS
NOTARY PUBLIC 2017
MY COMMISSION EXPIRES SEPT. 30, 2012

Schedule A

The perpetual right, privilege, authority and easement to construct and maintain traffic signalization devices, together with the necessary appurtenances therefor, in, through, under and over that strip or parcel of land situated in the City of Danbury, County of Fairfield and State of Connecticut, more particularly shown and designated as more particularly shown and designated as **“PROPOSED TRAFFIC LIGHT EASEMENT “X” TO BE CONVEYED TO THE CITY OF DANBURY 667 SQUARE FEET ~ 0.015 ACRES”** and as **“PROPOSED TRAFFIC LIGHT EASEMENT “Y” TO BE CONVEYED TO THE CITY OF DANBURY 1210 SQUARE FEET ~ 0.027 ACRES** on a certain map entitled **“TRAFFIC LIGHT EASEMENT MAP SHOWING EASEMENT TO BE GRANTED TO THE CITY OF DANBURY BY SUGAR HOLLOW ASSOCIATES, LLC 3-5 SUGAR HOLLOW ROAD AND 4 BACKUS AVENUE FAIRFIELD COUNTY, CITY OF DANBURY, STATE OF CONNECTICUT TAX ASSESSOR LOT ~ G17002”**, 1” = 20’ Area: AS SHOWN Zone: CG-20 Date: Sept. 27, 2012, which map is certified substantially correct as a Class A-2 Survey by Sydney A. Rapp Jr., L.S., CT License No. 7400, 30 Lindencrest Drive, Danbury, Connecticut 06811, which map is to be filed on the Danbury Land Records.

Record & Return To:
Attorney Neil R. Marcus
Cohen and Wolf, P.C.
158 Deer Hill Avenue
Danbury, CT 06810

SUBORDINATION

KNOW YE, That UNION SAVINGS BANK, a Connecticut bank with its principal office at 226 Main Street, Danbury, Connecticut 06810, for one dollar and other consideration, does hereby grant, remise, release and quit-claim, without warranties of any kind, the rights and easements granted by Sugar Hollow Associates, LLC to the City of Danbury by Traffic Light Easement dated November 2, 2012, and to be recorded in the Danbury Land Records; and does hereby subordinate as to said rights and easements, the lien of:

1. Mortgage in the amount of \$18,200,000.00 from Sugar Hollow Associates, LLC to Union Savings Bank dated August 30, 2011 and recorded August 31, 2011 at 1:07:00 p.m. in Volume 2147 at Page 1088 of the Danbury Land Records as modified by First Mortgage Modification Agreement dated July 10, 2012 and recorded July 11, 2012 in Volume 2189 at Page 180.
2. Assignment of Leases and Rents from Sugar Hollow Associates, LLC to Union Savings Bank dated August 30, 2011 and recorded August 31, 2011 at 1:07:44 p.m. in Volume 2147 at Page 1100 of the Danbury Land Records.
3. UCC-1 Financing Statement from Sugar Hollow Associates, LLC to Union Savings Bank recorded August 31, 2011 at 1:12:28 p.m. in Volume 2147 at Page 1132 of the Danbury Land Records.
4. Mortgage in the amount of \$250,000.00 from Sugar Hollow Associates, LLC to Union Savings Bank dated August 30, 2011 and recorded August 31, 2011 at 1:11:33 p.m. in Volume 2147 at Page 1117 of the Danbury Land Records as subordinated to modified mortgage from Union Savings Bank in the amount of \$21,500,000.00 by Subordination Agreement dated July 10, 2012 and recorded July 11, 2012 in Volume 2189 at Page 176,

said above items 1-4 being, however, not otherwise released.

TO HAVE AND TO HOLD the premises unto the said release and to its successors and assigns forever.

IN WITNESS WHEREOF, Union Savings Bank has caused its hand and seal to be affixed this 14 day of November, 2012.

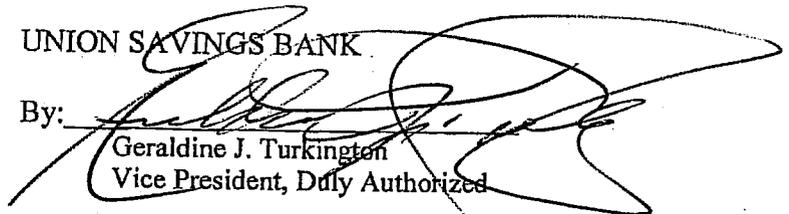
Signed, Sealed and Delivered
in the Presence of:





UNION SAVINGS BANK

By:


Geraldine J. Turkington
Vice President, Duly Authorized

STATE OF CONNECTICUT)
) ss: Danbury
COUNTY OF FAIRFIELD)

The foregoing instrument was acknowledged before me, this ^{1st} ~~10th~~ day of ^{November} ~~July~~, 2012, by Geraldine J. Turkington, as Vice-President of Union Savings Bank as her free act and deed, the free act and deed of Union Savings Bank.

Barbara J. Chianese

Commissioner of the Superior Court

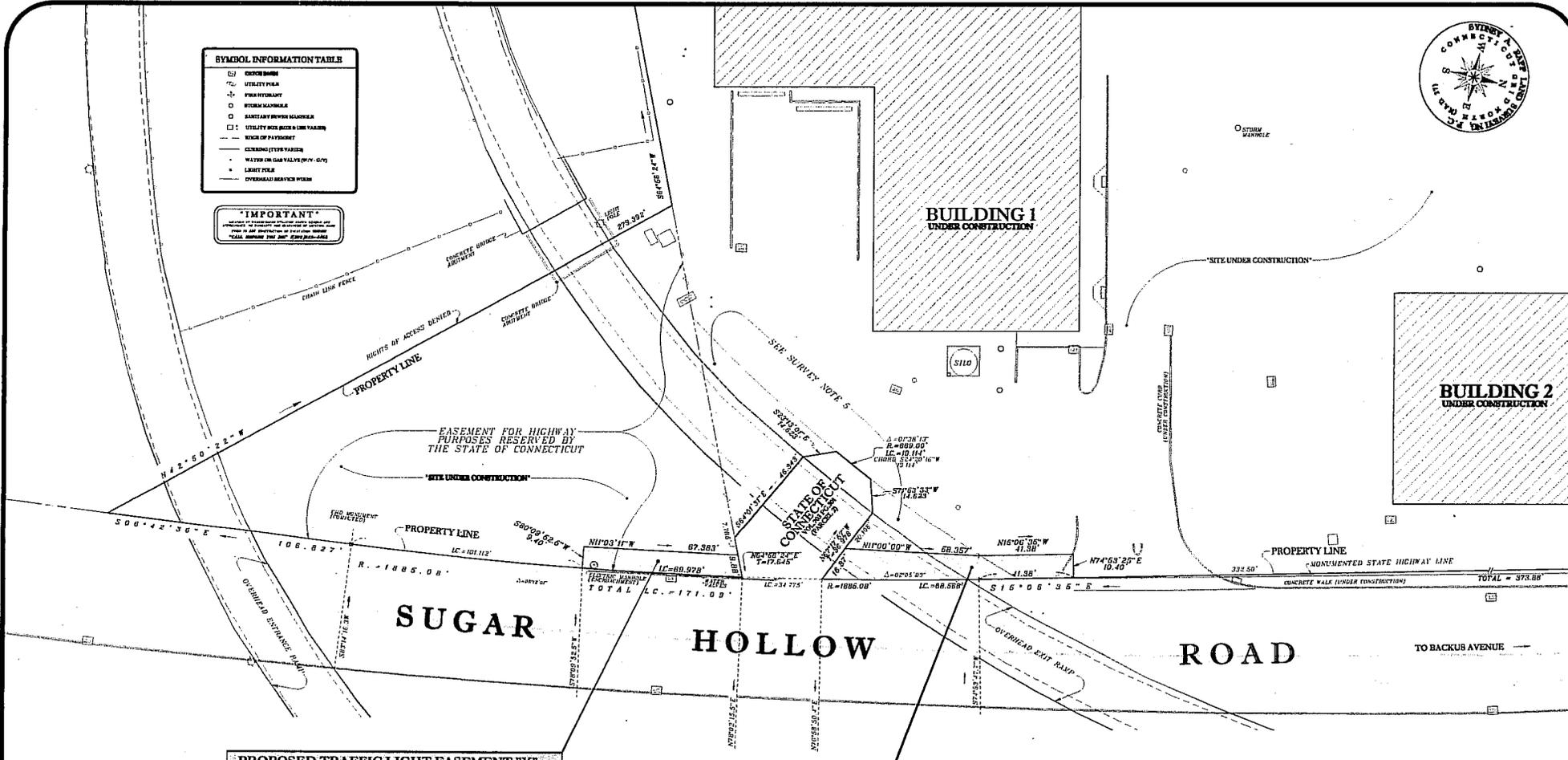
BARBARA J. CHIANESE
NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 30, 2014



SYMBOL INFORMATION TABLE

(X)	EXISTING BURN
(U)	UTILITY POLE
(+)	POLE HYDRANT
(O)	STORM MANHOLE
(□)	HAZARDOUS WASTE MANHOLE
(□)	UTILITY BOX WITH LOW VOLTAGE
(---)	EDGE OF PAVEMENT
(---)	CURBING (SIDE WALK)
(---)	WATER OR GAS VALVE (POV, GUY)
(---)	LIGHT POLE
(---)	OVERHEAD SERVICE WIRE

"IMPORTANT"
 NOTICE: A "TRAFFIC LIGHT EASEMENT" IS A LEGAL INTEREST IN REAL ESTATE AND MUST BE RECORDED IN THE OFFICE OF THE CLERK OF FAIRFIELD COUNTY, CONNECTICUT, IN ORDER TO BE ENFORCEABLE.
 *CALL BEFORE YOU DIG - 800-485-2888



**PROPOSED TRAFFIC LIGHT EASEMENT "X"
 TO BE CONVEYED TO THE CITY OF DANBURY
 667 SQUARE FEET - 0.015 ACRES**

**PROPOSED TRAFFIC LIGHT EASEMENT "Y"
 TO BE CONVEYED TO THE CITY OF DANBURY
 1210 SQUARE FEET - 0.027 ACRES**

OWNERSHIP:
 1. OWNER OF RECORD: SUGAR HOLLOW ASSOCIATES, LLC - VOL 2147 PG.1071-1075 OF THE D.L.R.

- SURVEY NOTES:**
1. REFER TO MAP NO 5025, 5049, 5632, 7312, 7782, 8494, 8538, 9574, 12895, 12906, 13002 AND 13003 OF THE D.L.R.
 2. MONUMENTATION FOUND OF SET DEPICTED HEREON.
 3. REFER TO POLE LINE EASEMENT RECORDED IN VOL 277 PG 210 OF THE DANBURY LAND RECORDS.
 4. PROPERTY MAY BE SUBJECT TO ADDITIONAL DRAINAGE EASEMENTS THAT MAY APPEAR OF RECORD.
 5. PORTION OF PROPERTY (CROSS HATCHED AREA) SUBJECT TO STATE OF CONN. (AIR RIGHT EASEMENT) REFER TO VOL 507 PG 041 OF THE D.L.R.
 6. REFER TO GRANT OF SPECIAL EXCEPTION BY THE CITY OF DANBURY PLANNING COMMISSION, RECORDED IN VOL 2100 PG 1143 OF THE D.L.R.
 7. UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE, LOCATIONS ESTABLISHED FROM EXISTING PLANS AND MAPS. FIELD LOCATION OF EXISTING STRUCTURES, AND UTILITY MARKINGS IF ANY, NO WARRANTY AND GUARANTEE OF UTILITY LOCATIONS MADE. ADDITIONAL UTILITIES MAY EXIST.
 8. PROPERTY LINES SHOWN HEREON ESTABLISHED FROM MAP NO 18085 OF THE DANBURY LAND RECORDS.
 9. REFER TO DRAINAGE EASEMENT TO THE CITY OF DANBURY RECORDED IN VOL 200 PG 364 OF THE D.L.R.
 10. REFER TO MEMORANDUM OF LEASE RECORDED IN VOL 214 PG 506 OF THE D.L.R.
 11. REFER TO GRANT OF SPECIAL EXCEPTION BY THE CITY OF DANBURY PLANNING COMMISSION RECORDED IN VOL 2100 PG 1143 OF THE D.L.R.
 12. REFER TO PLAN ENTITLED "CITY OF DANBURY ENGINEERING DEPARTMENT SHOWS AT WARDUS DAIRY" DATED AUGUST 21, 2012 PREPARED BY DL COMPANIES, 305 RESEARCH PARKWAY, MERIDEN, CT 06450.
 13. THE PURPOSE OF THIS MAP IS TO SHOW PROPOSED TRAFFIC LIGHT EASEMENTS "X" AND "Y" TO BE GRANTED TO THE CITY OF DANBURY.
 14. PROPERTY SUBJECT TO EASEMENTS OF RECORD.

TRAFFIC LIGHT EASEMENT MAP
 SHOWING EASEMENTS TO BE GRANTED TO
THE CITY OF DANBURY
 BY
SUGAR HOLLOW ASSOCIATES, LLC
 3-5 SUGAR HOLLOW ROAD AND 4 BACKUS AVENUE
 FAIRFIELD COUNTY, CITY OF DANBURY, STATE OF CONNECTICUT
 TAX ASSESSOR LOT - G17002

AREA: AS SHOWN
 ZONE: G-20
 SCALE: 1"=50'
 DATE: SEP. 27, 2012
 REVISED:
 DRAWN BY: A.E.E.
 CHECKED BY: S.A.J., JR.
 DPW 0075-TL-040

1" 0 50' 100'

THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATION OF CONNECTICUT STATE ENGINEERS BY ORDER OF THE BOARD OF REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREON IS ACCURATE TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

SYDNEY A. RAFF, P.E. - L.S. LICENSE NUMBER (CT) 101944 (NY) 101944
 NOT VALID WITHOUT A L.S. SIGNATURE AND EXHIBED SEAL OF SYDNEY A. RAFF, P.E.

5-6