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CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

PLEASE REPLY TO:
4 Moss Avenue
DANBURY, CT 06810
Tel. 203-744-7090

December 19, 2012

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

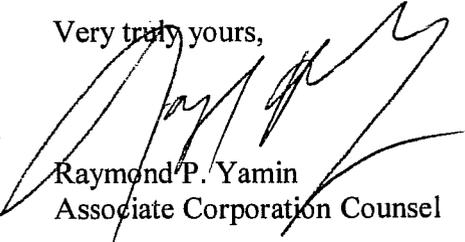
Re: Open Space Bond Acquisition – Ives Trail Greenway
Modification of Easement on Land of Robert Ruscoe, Assessor's Lot No. J24004

Dear Mayor and Council:

The attached resolution proposes to obtain your approval to add a small parcel of land to an existing easement previously acquired by the City from the above referenced property owner. This parcel of land is necessary to correct an encroachment caused by the construction of a parking area on the existing easement, which parking area slightly exceeded the bounds of the acquired easement. Your consent to add the additional parcel to the existing easement is necessary to correct the resulting title issue caused by the encroachment.

Thank you for your consideration in adopting the proposed resolution. Please feel free to give us a call should you have any questions.

Very truly yours,



Raymond P. Yamin
Associate Corporation Counsel

RPY:la
Enclosure



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2013

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, the City of Danbury seeks to continue to preserve open space throughout the City, and to that end the citizens of Danbury approved an open space initiative and Open Space Bond Acquisition in 2008; and

WHEREAS, for purposes of constructing the Ives Trail Greenway, the City Council previously approved the acquisition of an easement over property identified as Tax Assessor's Lot No. J24004, which acquisition was consummated by an Easement and Conservation Restriction executed by the owner of said Lot on January 18, 2012; and

WHEREAS, in the course of the City's construction of a parking area on the acquired easement, a portion of the constructed parking area encroached on land of the aforesaid property owner which was outside of the confines of the easement; and

WHEREAS, it is necessary to expand the existing easement to encompass the land encroached upon by the parking area so as to cure the title issue resulting from the encroachment; and

WHEREAS, it will be necessary for the City to appropriate from the Open Space Bond fund the sum of \$500.00 for surveyor's fees in order to revise the easement, and \$100.00 to compensate the property owner for the additional easement area.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of the Corporation Counsel, be and hereby is authorized to acquire an easement on the land described in Exhibit A attached hereto, by means of an addendum to or modification of the City's existing Easement and Conservation Restriction agreement on Tax Assessor's Lot No. J24004, upon negotiation with the owner of said property, within six (6) months of approval hereof, in accordance with the procedures established by State law, either by negotiation or by eminent domain through the institution of suit against the interested property owner and holders of any mortgages encumbering the property; and

BE IT FURTHER RESOLVED THAT the sum of \$500.00 shall be appropriated from the Open Space Bond fund for the cost of surveyor's fees and \$100.00 for the cost of compensating the owner of said property for the Easement.

EXHIBIT A

Easement and Conservation Restriction on Property of
Robert Ruscoe
Danbury Tax Assessor's Lot No. J24004

All that certain piece or parcel of land located in the City of Danbury, County of Fairfield and State of Connecticut, described as "Easement X Easement To Be Granted To The City Of Danbury Area = 1,478 Sq. Ft. (Ives Trail)" on a certain map entitled, "Ives Trail Corridor Survey, Map Showing Easements To Be Acquired By The City Of Danbury For The Ives Hiking Trail, Old Post Road And Starrs Plain Road To Long Ridge Road – Danbury, Connecticut, Sheet 6 of 6", Scale 1" = 50', dated January 15, 2010, revised December 7, 2012, and prepared by Sydney A. Rapp, Jr., L.S. License No. 7400, which map is to be filed simultaneously herewith in the office of the Town Clerk of the City of Danbury.