

PLEASE REPLY TO DANBURY

HERBERT L. COHEN  
(1928-1983)

February 20, 2013

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  
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  
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. PIRIS  
ELIZABETH A. ULLMAN  
ROBYN H. DRUCKER  
RACHEL A. SCHWARTZMAN

**Hand Delivered**

Mr. Joseph M. Cavo, President  
City Council of the City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

**Re: Sugar Hollow Associates, LLC  
Conveyance of Future Installation of Traffic Light Devices Easement "Z"  
to the City of Danbury  
Sugar Hollow Road & Backus Avenue, Danbury, CT**

Dear Joe:

This letter seeks to amend the previous submittal request of November 13, 2012, which appeared as Item #5 on the Council agenda of December 14, 2012. It proposes to convey an additional easement on Backus Avenue for the future installation of traffic devices. The easement is to be conveyed to the City of Danbury pursuant to the Site Plan and Special Exception approval of the Danbury Planning Commission. Copies of the easement maps have previously been given to the Office of the Corporation Counsel and to the Engineering Department for their review. Please let me know if you have any questions concerning this.

Yours Truly,



Neil R. Marcus

SPECIAL COUNSEL  
MATTHEW C. SUSMAN

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

NRM/pld  
Enclosures

cc: Laszlo L. Pinter, Esquire  
Farid Khouri, P.E.  
Dainius Virbickas, P.E.  
Michael Marcus



**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").

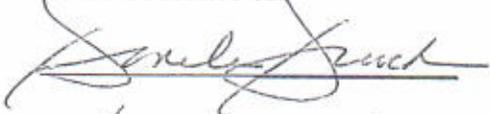
**TOGETHER WITH** all right, title and interest of the Grantors in all traffic signalization devices and other items appurtenant or affixed to any poles, as lay in, through, under or over the Easement Area; **AND TOGETHER, ALSO, WITH** the right, to the extent necessary to enjoy the rights herein granted, 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 10th day of January, 2013.

Signed, Sealed and Delivered  
in the Presence of:



Veronica Chorsky

**SUGAR HOLLOW ASSOCIATES, LLC**

By   
Michael Marcus, Manager



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 5.0’ EASEMENT “Z” FOR FUTURE INSTALLATION OF TRAFFIC DEVICES TO BE GRANTED TO THE CITY OF DANBURY 2513 SQUARE FEET ~ 0.057 ACRES”** on a certain map entitled **“EASEMENT MAP SHOWING PROPOSED EASEMENT “Z” FOR FUTURE INSTALLATION OF TRAFFIC DEVICES TO BE GRANTED TO THE CITY OF DANBURY BY SUGAR HOLLOW ASSOCIATES, LLC 4 BACKUS AVENUE FAIRFIELD COUNTY, CITY OF DANBURY, STATE OF CONNECTICUT TAX ASSESSOR LOT ~ G17002”**, Scale 1” = 20’ Area: AS SHOWN Zone: CG-20 Date: Dec. 26, 2012, Revised Feb. 15, 2013, 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.

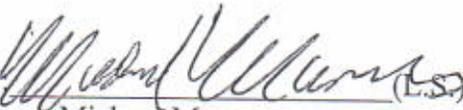
**MECHANIC'S LIEN AFFIDAVIT**

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

On January 10, 2013 before me, personally appeared, Michael Marcus, Manager of Sugar Hollow Associates, LLC, who being duly cautioned and sworn, hereby depose and say that within the last ninety (90) days no person or firm has performed work or furnished any labor, service or materials in connection with the construction or repair of any buildings or improvements on property described in Schedule A annexed hereto, or in connection with work or services on the land itself (e.g. surveyor) for which a lien could be filed.

This Affidavit is made to induce the City of Danbury to accept a traffic light easement from Sugar Hollow Associates, LLC.

**Sugar Hollow Associates, LLC**

By  (L.S.)  
Michael Marcus  
Its Member, Duly Authorized

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

On this 10th day of January, 2013, 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.

  
\_\_\_\_\_  
Neil R. Marcus  
Commissioner of the Superior Court

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 5.0’ EASEMENT “Z” FOR FUTURE INSTALLATION OF TRAFFIC DEVICES TO BE GRANTED TO THE CITY OF DANBURY 2513 SQUARE FEET ~ 0.057 ACRES”** on a certain map entitled **“EASEMENT MAP SHOWING PROPOSED EASEMENT “Z” FOR FUTURE INSTALLATION OF TRAFFIC DEVICES TO BE GRANTED TO THE CITY OF DANBURY BY SUGAR HOLLOW ASSOCIATES, LLC 4 BACKUS AVENUE FAIRFIELD COUNTY, CITY OF DANBURY, STATE OF CONNECTICUT TAX ASSESSOR LOT ~ G17002”**, Scale 1” = 20’ Area: AS SHOWN Zone: CG-20 Date: Dec. 26, 2012, Revised Feb. 15, 2013, 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 January 10, 2013, and to be recorded in the Danbury Land Records; and does hereby subordinate as to said rights and easements, the lien of:

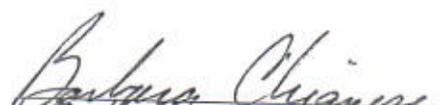
1. Mortgage in the amount of \$18,200,000.00 from Sugar Hollow Associates, LLC to Union Savings Bank dated August 30, 2011 and recorded August 31, 2011 at 1:07:00 p.m. in Volume 2147 at Page 1088 of the Danbury Land Records as modified by First Mortgage Modification Agreement dated July 10, 2012 and 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,

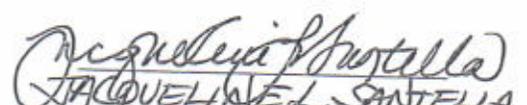
said above items 1-4 being, however, not otherwise released.

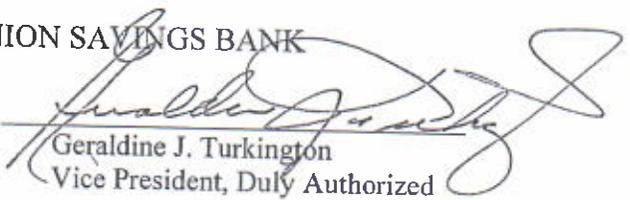
TO HAVE AND TO HOLD the premises unto the said release and to its successors and assigns forever.

IN WITNESS WHEREOF, Union Savings Bank has caused its hand and seal to be affixed this 10<sup>th</sup> day of January, 2013.

Signed, Sealed and Delivered  
in the Presence of:

  
Barbara Chiamese

  
JACQUELINE L. SANTELLA

UNION SAVINGS BANK  
By:   
Geraldine J. Turkington  
Vice President, Duly Authorized



PRELIMINARY CERTIFICATE OF TITLE

**TO: CITY OF DANBURY**

**THIS IS TO CERTIFY** that, after an examination of the Land Records, as indexed, of the City of Danbury, County of Fairfield and State of Connecticut, we are of the opinion that **SUGAR HOLLOW ASSOCIATES, LLC**, is the owner, in fee simple, of the premises more particularly described in **Schedule A** annexed hereto, and that said premises are free and clear of all encumbrances, **EXCEPT** the items listed on **Schedule B** annexed hereto.

The signatory herein has reviewed the herein referred mentioned exceptions to title identified herein as items numbers 1 - 23 and based upon such review, hereby represents that such easement/agreement/encumbrance/lien does not adversely impact, conflict with or limit any of the rights and easements to be granted by the Grantor to the City of Danbury in the Easement to which this certificate of title pertains.

Dated at Danbury, Connecticut, this 10th day of January, 2013.

COHEN AND WOLF, P.C.

By:   
\_\_\_\_\_  
Neil R. Marcus  
Attorney at Law

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 5.0’ EASEMENT “Z” FOR FUTURE INSTALLATION OF TRAFFIC DEVICES TO BE GRANTED TO THE CITY OF DANBURY 2513 SQUARE FEET ~ 0.057 ACRES”** on a certain map entitled **“EASEMENT MAP SHOWING PROPOSED EASEMENT “Z” FOR FUTURE INSTALLATION OF TRAFFIC DEVICES TO BE GRANTED TO THE CITY OF DANBURY BY SUGAR HOLLOW ASSOCIATES, LLC 4 BACKUS AVENUE FAIRFIELD COUNTY, CITY OF DANBURY, STATE OF CONNECTICUT TAX ASSESSOR LOT ~ G17002”**, Scale 1” = 20’ Area: AS SHOWN Zone: CG-20 Date: Dec. 26, 2012, Revised Feb. 15, 2013, 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.

**Schedule B**

1. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
2. Real Estate Taxes on the Grand List of October 1, 2011, not yet due and payable.
3. Water and sewer use charges due the City of Danbury. Payments are current, next payment not yet due and payable.
4. Any additional taxes or assessments becoming due and payable upon the issuance of a Certificate of Occupancy.
5. Drainage easement to the city of Danbury dated May 15, 1941 and recorded May 27, 1941 in Volume 208 at Page 364 of the Danbury Land Records.
6. Sewer easement to the City of Danbury dated April 27, 1972 and recorded April 28, 1972 in Volume 514 at Page 433 of the Danbury Land Records.
7. Rights, easements, covenants and agreements as referred to in Volume 758 at Page 143 of the Danbury Land Records.
8. Motor vehicle parking easement to George P. Valluzzo recorded June 16, 1989 in Volume 924 at Page 697 of the Danbury Land Records, as amended by a certain instrument dated October 18, 1991 and recorded December 3, 1991 in Volume 996 at Page 17 of the Danbury Land Records.
9. Fifty (50) foot drainage easement as shown on Map No. 7313 on file in the Danbury Land Records.
10. Riparian rights of others in and to Kissen Brook.
11. Private Property Permit in favor of The Danbury and Bethel Gas and Electric Light Company dated July 18, 1953 and recorded July 23, 1953 in Volume 277 at Page 210 of the Danbury Land Records.
12. Sewer easement to the City of Danbury dated June 5, 1972 and recorded June 13, 1972 in Volume 516 at Page 568 of the Danbury Land Records.
13. The right to grade and construct driveways and paved parking area and a perpetual air right easement as contained in a Certificate of Condemnation by the State of Connecticut dated

May 21, 1984 and recorded May 24, 1984 in Volume 703 at Page 301 of the Danbury Land Records.

14. Variance granted by the City of Danbury Zoning Board of Appeals dated September 8, 1988 and recorded September 2, 1988 in Volume 898 at Page 903 of the Danbury Land Records.

15. Denial of rights of ingress and egress to Ramp "R" and Ramp "X", reservation of an easement for highway purposes and restrictions contained in a certain deed from the State of Connecticut to Jack and Pearl Marcus dated September 1, 1986 and recorded August 30, 1991 in Volume 987 at Page 941 of the Danbury Land Records.

16. State of Connecticut Department of Transportation Traffic Investigation Report to the State Traffic Commission dated August 16, 2011 and recorded August 25, 2011 in Volume 2147 at Page 325 of the Danbury Land Records.

17. Grant of Special Exception by the City of Danbury Planning Commission dated October 1, 2008 and recorded January 13, 2011 in Volume 2120 at Page 1143 of the Danbury Land Records, as amended by Grant of Revised Special Exception by the City of Danbury Planning Commission dated effective June 15, 2011 and recorded August 25, 2011 in Volume 2147 at Page 454 of the Danbury Land Records.

18. 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 as subordinated to Yankee Gas Services Company Easement in Volume 2193 at Page 258 by Subordination Agreement dated August 2, 2012 and recorded in Volume 2193 at Page 257 of the Danbury Land Records.

19. 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 as subordinated to Yankee Gas Services Company Easement in Volume 2193 at Page 258 by Subordination Agreement dated August 2, 2012 and recorded in Volume 2193 at Page 257 of the Danbury Land Records.

20. 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 as subordinated to Yankee Gas Services Company Easement in Volume 2193 at Page 258 by Subordination Agreement dated August 2, 2012 and recorded in Volume 2193 at Page 257 of the Danbury Land Records.

21. 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 as subordinated to Yankee Gas

Services Company Easement in Volume 2193 at Page 258 by Subordination Agreement dated August 2, 2012 and recorded in Volume 2193 at Page 257 of the Danbury Land Records.

22. Gas easement in favor of Yankee Gas Co. recorded on August 9, 2012 in Volume 2193 at Page 258 of the Danbury Land Records and as shown on Map #13002.

23. Electric distribution easement in favor of Connecticut Light and Power Co. recorded on August 9, 2012 in Volume 2193 at Page 262 of the Danbury Land Records and as shown on Map #13003.