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

February 25, 2013

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

Re: Open Space/Ives Trail Acquisition
Jackson Pond Property

Dear Mayor and Council:

The attached resolution proposes to acquire a final piece of Trail property on the southwesterly end of the Trail, in the area of Starrs Plain Road. This office has previously contacted the owners of the subject property to advise them of this intention. The attached property information may assist you in depiction of the location and area necessary for this concluding act in the development of the Ives Trail.

Should you decide to authorize the acquisition process, please adopt the resolution as indicated. Feel free to contact us if you have any questions or concerns.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

Attachments

cc: Jack Kozuchowski, Consultant
Michael Cunningham

Llp/ives Jackson prop ltrr

Robert J. Yamin
Corporation Counsel
r.yamin@danbury-ct.gov
(203)797-4518

Laszlo L. Pinter
Deputy Corporation Counsel
l.pinter@danbury-ct.gov
(203)797-4517

Robin L. Edwards
Assistant Corporation Counsel
r.edwards@danbury-ct.gov
(203) 797-4516

Dianne E. Rosemark
Assistant Corporation Counsel
d.rosemark@danbury-ct.gov
(203) 796-8004



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 Trial Greenway, the City Council previously approved the acquisition of an easement or fee title over property generally identified as Tax Assessor's Lot No. H23001 on Starrs Plain Road and set forth on Schedule A; and

WHEREAS, the acquisition of said property is in the best interests of the City of Danbury; and

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owner of said property upon the amount to be paid for the interests to be taken in and to the real property described in said Schedule A.

WHEREAS, it will be necessary for the City to appropriate from the Open Space Bond fund sums for surveyor's fees and to compensate the property owner for the areas(s) in question.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire all or a necessary portion of the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit within six months from the date hereof, against the named property owner, his heirs, executors, successors and assigns and mortgage holders and encumbrancers, if any.

BE IT FURTHER RESOLVED THAT sums be appropriated from the Open Space Bond fund for the cost of surveyor's fees and the cost of compensation the owner of said property for the property acquired.

SCHEDULE 'A'

All that certain pieces or parcels of land, together with any buildings and improvements thereon, situated in the City of Danbury, County of Fairfield and State of Connecticut, and more particularly shown and designated as "Parcel 1B, 2.431 acres" and "Parcel 3A, 12.936 acres" on a certain Map entitled "Map of Land of The Estate of Harold E. Jackson, Joan B. Jackson, Barbara B. Jackson and Thomas H. Jackson, Danbury, Connecticut, Scale 1"=80', April 30, 1991 Revised May 1, 1991" certified substantially correct as a Class A-2 survey by Gail G. Adams, Land Surveyor, Cl. Lic. No. 12873, and recorded in the Danbury Town Clerk's office as Map No. 10157.

Specifically excepting therefrom any portion of the premises shown as "Parcel B, 0.539 ac." on the aforementioned map.

