# GARY R. MICHAEL JR.

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(9)

August 21st, 2014

**VIA HAND DELIVERY TO:**

Jean Natale
Legislative Assistant, City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

**RE: Four Star Realty, LLC**
**Proposed Sidewalk Easement**
**5 Mountainview Terrace & 108 Newtown Road**

Dear Mayor Mark D. Boughton and the Members of the City Council:

Please allow this correspondence to serve as a request to be placed on the City Council's agenda of September 3rd, 2014. On March 20th, 2014, Four Star Realty, LLC (the owner of the above referenced parcels) received an approval of a Revised Site Plan from the City of Danbury Planning Commission to construct a gas station and convenience store.

Pursuant to said approval, Four Star Realty, LLC is to grant a sidewalk easement to the City of Danbury for the portions of the sidewalk along Mountainview Terrace and Pocono Lane that are not located within the City's right-of-way. A copy of the proposed easement map and a draft of said easement are enclosed herein.

We respectfully request that the City Council approve and accept said easement. We agree to continue to work with the Office of Corporation Counsel and the City of Danbury Engineering Department to provide any and all additional information and documents that they request. Thank you for your consideration.

Sincerely,

Gary R. Michael Jr. (Attorney for Four Star Realty, LLC)
GRM/
Encls.
cc: City of Danbury, Office of Corporation Counsel
City of Danbury Engineering Department
Mr. Sean Hearty, City of Danbury Director of permit Coordination & Zoning Enforcement Officer

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Return To:
OFFICE OF THE
CORPORATION COUNSEL

**EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

That **FOUR STAR REALTY, LLC**, a limited liability company, with an office at 70 West Street, Danbury, Connecticut 06810, for One Dollar and No/100 ($1.00) and other valuable consideration received to its full satisfaction of the **CITY OF DANBURY**, County of Fairfield, and State of Connecticut, does hereby give, grant, bargain, sell and confirm unto the said CITY OF DANBURY, its successors, heirs and assigns:

The perpetual right, privilege, authority and easement for the following purposes:

1. As a sidewalk for passing and repassing by the general public;

The easement area is over and across that certain piece or parcel of land of the Grantor being more particularly shown and delineated as follows:

A. "PROPOSED 10' SIDEWALK EASEMENT IN FAVOR OF THE CITY OF DANBURY" AND "PROPOSED 2' SIDEWALK EASEMENT IN FAVOR OF THE CITY OF DANBURY" on a certain map entitled "AS-BUILT PLAN PREPARED FOR ALLIANCE ENERGY 108 NEWTOWN ROAD DANBURY, CONNECTICUT," Scale 1" = 20', DATE 08/02/14, certified substantially correct and prepared by Denno Land Surveying & Consulting, LLC, _____, L.S. #_____, said map to be filed simultaneously herewith as map number _____, which is on file with the office of the Town Clerk of Danbury.

The Grantor herein reserves the right to continue to use the land within which the aforesaid easement has been granted for any uses or purposes, except the erection of any buildings on said easement, which do not in any way interfere with the use thereof by the Grantee in fulfilling the purposes for which this easement is granted. In no event, however, shall the Grantee be obligated to repair or maintain said pedestrian sidewalk.

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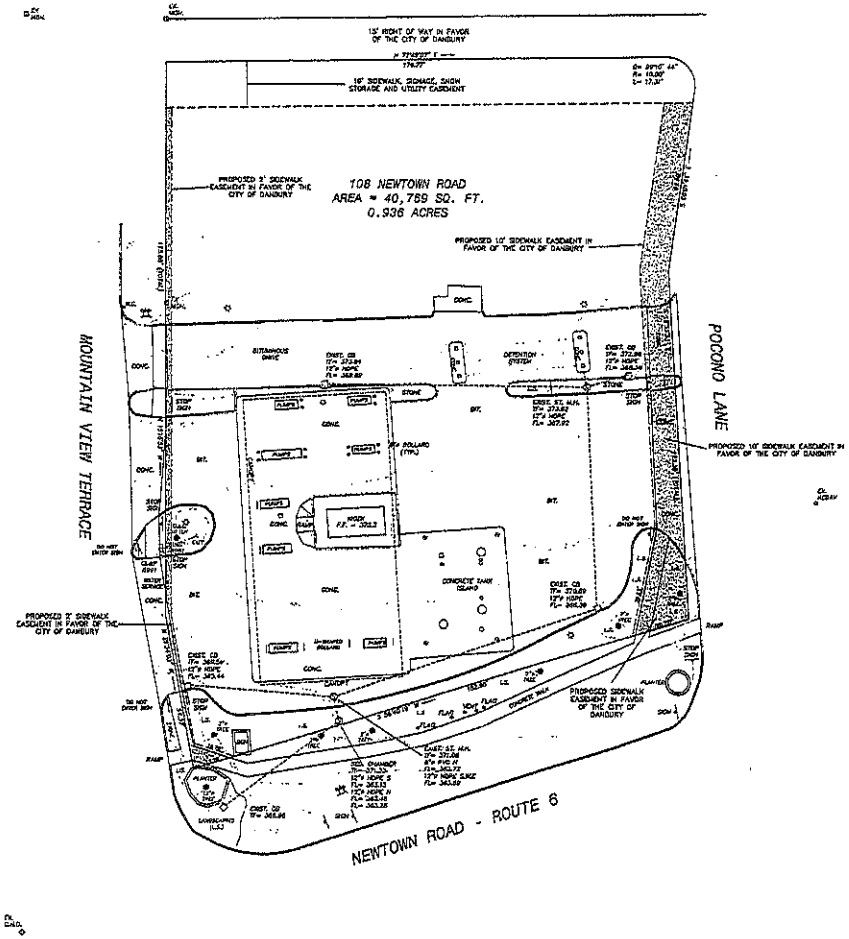


LEGEND

- PROPERTY LINE
- CHAINLINK FENCE
- TREE/VEGETATION LINE
- BITUMINOUS PAVEMENT
- BITUMINOUS/CONCRETE CURB
- MANHOLE OR YARD DRAIN
- CATCH BASIN
- FIRE HYDRANT
- WATER GATE
- UTILITY POLE
- CONCRETE
- BITUMINOUS
- MONUMENT
- FINISH FLOOR
- FLOW LINE
- TOP OF FRAME
- LIGHT

MAP REFERENCES:

1. "CONNECTICUT STATE HIGHWAY DEPARTMENT RIGHT OF WAY MAP TOWN OF DANBURY YANKEE EXPRESSWAY FROM TAMARACK AVE. EASTERLY TO THE DANBURY BETHEL TOWN LINE SCALE 1" = 50' MARCH 18, 1954 NUMBER 34-18 SHEET NO. 5 OF 6".

2. "MAP SHOWING MOUNTAIN VIEW TERRACE LOCATED IN EAST DANBURY DISTRICT TOWN OF DANBURY FAIRFIELD COUNTY CONNECTICUT SCALE: 1" = 50' AUG. 1948 SURVEYED AND DRAWN BY DOUGLAS WATSON R.E. & L.S.".

3. "LOT LINE ADJUSTMENT PLAN PROPOSED FUELING FACILITY & RETAIL BUILDING DANBURY CONNECTICUT SCALE 1" = 20' DATE 02/09/2012 C LANGAN ENGINEERING & ENVIRONMENTAL SERVICES".

4. "BOUNDARY & TOPOGRAPHIC SURVEY 108 NEWTOWN ROAD (410-028) & MOUNTAIN VIEW TERRACE (410-028) PROPOSED FUELING FACILITY & RETAIL BUILDING CITY OF DANBURY FAIRFIELD COUNTY CONNECTICUT SCALE 1" = 20' DATE 04/03/2011 C LANGAN ENGINEERING & ENVIRONMENTAL SERVICES".

5. "BOUNDARY PLAN PREPARED FOR ALLIANCE ENERGY 108 NEWTOWN ROAD & 3 MOUNTAIN VIEW TERRACE DANBURY, CONNECTICUT SCALE 1" = 20' DATE 7/23/13 SHEET NO. 1 OF 1 DENNO LAND SURVEYING & CONSULTING, LLC".

SURVEY NOTES:

THIS MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS PREPARED AND ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 20, 1996.

THE TYPE OF SURVEY PERFORMED IS AN IMPROVEMENT LOCATION SURVEY.

BOUNDARY DETERMINATION CATEGORY-RESURVEY BASED ON A DEPENDENT RESURVEY.

THIS PLAN CONFORMS TO HORIZONTAL ACCURACY CLASS A-2.

HORIZONTAL DATUM IS BASED ON MAP REFERENCE 3.

UTILITY STATEMENT

UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM FIELD TESTMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO THIS SURVEYOR. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 1-800-922-4455.

GRAPHIC SCALE

( IN FEET )
1 inch = 20 ft.

REVISIONS:
8/06/14 - PROPOSED SIDE WALK EASEMENT

TO MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

NOT VALID UNLESS LIVE SIGNATURE AND EMBOSSED SEAL IS ATTACHED

DENNO LAND SURVEYING & CONSULTING, LLC
2 TUNNIS RD STE. 210 TARIFFVILLE, CT 06081

# AS-BUILT PLAN
PREPARED FOR
## ALLIANCE ENERGY
108 NEWTOWN ROAD
DANBURY, CONNECTICUT

| SCALE | DATE | SHEET NO. |
|---|---|---|
| 1"=20' | 8/02/14 | 1 OF 1 |

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

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, this _____ day of August, 2014.

Signed, Sealed and Delivered
In the Presence of:

FOUR STAR REALTY, LLC

_____

By:_____
Gary R. Michael
Its Managing Member

_____

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

On this the _____ day of August, 2014, before me, the undersigned officer, personally appeared Gary R. Michael, Managing Member of Four Star Realty, LLC, a limited liability company, and that he being authorized so to do, executed the foregoing instrument as his free act and deed and the free act and deed of said company, for the purposes therein contained, by signing the name of the company by himself as it Managing Member.

In Witness Whereof, I hereunto set my hand and official seal.

_____
Notary Public
My Commission Expires: