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CITY OF DANBURY

OFFICE OF THE CORPORATION COUNSEL
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June 24, 2008

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

Re: Acquisition of Easement: Renewal of Resolution
51 & 53 Beaver Brook Road

Dear Mayor and Council:

The attached resolution proposes to renew the Council's previous approval of the acquisition of certain easements by this office in order to facilitate the above municipal project. By state law, your authorization must be re-approved after the expiration of six months, where acquisition has not been completed. We will need additional time to finish the process of negotiation and/or acquisition by condemnation of these easements.

Thank you for your consideration in adopting the proposed Resolution. Please feel fee to call me should you have any questions.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

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Attachment

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DRAINAGE EASEMENT
ROBERT M. TAYLOR AND PATRICIA M. TAYLOR
53 BEAVER BROOK ROAD TAX ASSESSOR'S LOT No. K12191

A certain piece or parcel of land containing 4,618 square feet (0.106 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 53 Beaver Brook Road and known as Tax Assessor's Lot No. K12191 (portion of) bounded and described as follows:

Commencing at a point on the easterly street line of Beaver Brook Road, which point is the southwesterly corner of land of the Grantors and the southwesterly corner of land herein described, being the true point or place of beginning thence running in a northeasterly direction along the easterly street line of Beaver Brook Road the following courses and distances N. 17° 43' 53" E. a distance of 14.87' to a point, thence along a curve to the right having a radius of 109.50' and a length of 6.73' to a point, thence turning and running in a southeasterly direction through the land of the Grantors the following courses and distances S. 48° 50' 39" E. a distance of 40.70' to a point, thence S. 57° 11' 28" E. a distance of 99.35' to a point, thence turning and running in a northeasterly direction through the land of the Grantors N. 70° 30' 09" E. a distance of 49.60' to a point on the easterly boundary line of the Grantors, thence turning and running in a southeasterly direction along the easterly boundary line of the Grantors S. 37° 12' 45" E. a distance of 38.83' to a point, thence turning and running in a southwesterly direction along the southerly boundary line of the Grantors S. 54° 09' 10" W. a distance of 44.00', thence turning and running in a northwesterly direction along the westerly boundary line of the Grantors N. 57° 11' 28" W. a distance of 185.00' to the point or place of beginning.

Bounded:

Westerly: By Beaver Brook Road and by other land of the Grantors.

Northerly: By other land of Grantors, by land now or formerly of Joseph S. Chelednik and Dena M. Chelednik and by land now or formerly of The Beaver Brook Volunteer Fire Company.

Easterly: By land now or formerly Claude Silkman and Ellen Silkman.

Southerly: By land now or formerly Claude Silkman and Ellen Silkman.

For a more particular description, reference is made to a map entitled "Map Showing Proposed Drainage Easement Through the Land of Robert M. Taylor and Patricia M. Taylor 53 Beaver Brook Road Danbury, Connecticut Scale: 1" = 20' July 26, 2007" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.

EXHIBIT B

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TEMPORARY CONSTRUCTION EASEMENT
CLAUDE SILKMAN AND ELLEN SILKMAN
51 BEAVER BROOK ROAD TAX ASSESSOR'S LOT No. K12192

A certain piece or parcel of land containing 2,716 square feet (0.062 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 51 Beaver Brook Road and known as Tax Assessor's Lot No. K12192 (portion of) bounded and described as follows:

Commencing at a point on the easterly street line of Beaver Brook Road, which point is the northwesterly corner of land of the Grantors, thence running in a southeasterly direction along the northerly boundary line of the Grantors S. 57° 11' 28" E. a distance of 81.65' to a point on the northwesterly corner of land herein described, said point being the true point or place of beginning thence continuing in a southeasterly direction along the northerly boundary line of the Grantors S. 57° 11' 28" E. a distance of 103.35' to a point, thence turning and running in a southwesterly direction through the land of the Grantors S. 84° 55' 36" W. a distance of 40.71', thence turning and running in a northwesterly direction through the land of the Grantors N. 69° 05' 07" W. a distance of 72.78', thence turning and running in a northeasterly direction through the land of the Grantors N. 32° 48' 32" E. a distance of 40.00', to the point or place of beginning.

Bounded:

Northerly: By land now or formerly Robert M. Taylor and Patricia M. Taylor.

Easterly: By other land of the Grantors.

Southerly: By other land of the Grantors.

Westerly: By other land of the Grantors.

For a more particular description, reference is made to a map entitled "Map Showing Temporary Construction Easement Through the Land of Claud Silkman and Ellen Silkman 51 Beaver Brook Road Danbury, Connecticut Scale: 1" = 20' July 26, 2007" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, wants to improve drainage and relieve flooding at 51 and 53 Beaver Brook Road; and

WHEREAS, the City will have to obtain two easements, permanent or temporary, from each of two property owners on Beaver Brook Road in order to accomplish said drainage project; and

WHEREAS, the properties to be acquired are described and identified in Exhibits A and B attached hereto; and

WHEREAS, said easements will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, it is in the best interest of the City of Danbury to acquire said rights and proceed with the work required.

NOW THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is, authorized to acquire the easements set forth in Exhibits A and B attached hereto, in accordance with the procedures established by state law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, within six (6) months of the date hereof.