

HERBERT L. COHEN  
(1928-1983)

October 28, 2008

Jean Natale, City Clerk  
Danbury City Hall  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: E. W. B. Family Limited Partnership – Osborne Street  
Sidewalk Easement

Dear Jean:

We have delivered a proposed Sidewalk Easement and drawings to the Corporation Counsel for its review and for review by the City Engineer in order to satisfy the requirements of the Planning Department as it pertains to the Site Plan Approval for the above referenced property. I am requesting that the matter be presented on the agenda of the Danbury Common Council for consideration of the acceptance of the sidewalk easement at the earliest possible date.

Should you have any questions concerning this please do not hesitate to contact me.

Yours Truly,



Neil R. Marcus

NRM:pld  
Enclosure

cc: Ed Batista  
Mike Struna

OF COUNSEL  
MARTIN J. ALBERT  
PETER A. ARTURI  
LEONARD C. BLUM  
ANN L. FOWLER-CRUZ  
JOSHUA Z. HERSH  
ROSAMOND A. KOETHER  
JACK E. MCGREGOR  
KAREN WACKERMAN MYERS  
ALLAN J. ROSEN  
BARBARA M. SCHELLENBERG  
MARTIN F. WOLF

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SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That **E W BATISTA FAMILY LIMITED PARTNERSHIP**, a Connecticut limited partnership, with an office at 21 Equestrian Ridge Road, Newtown, Connecticut (the "Grantor"), for One Dollar and 00/100 (\$1.00) and other valuable consideration received to its full satisfaction of the **CITY OF DANBURY**, a municipal corporation located in the County of Fairfield and organized and existing under and by virtue of the laws of the State of Connecticut, does hereby give, grant, bargain, sell and confirm unto the said **CITY OF DANBURY**, (the "Grantee") its successors, heirs and assigns the perpetual right, privilege, authority and easement for passing and re-passing by the general public over and across that certain piece or parcel of land of the Grantor being shown and delineated as "CONCRETE WALK" and more particularly described on Schedule A annexed hereto and made a part hereof.

In no event, however, shall the Grantee be obligated to repair or maintain said sidewalk.

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.

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

IN WITNESS WHEREOF, the undersigned has set its hand and seal this 23rd day of October, 2008.

In the Presence of:

E W BATISTA FAMILY LIMITED PARTNERSHIP  
By: E W MANAGEMENT CORP., its  
General Partner

By: Eduardo C. Batista  
Eduardo C. Batista, President

Judith A. DePrimo  
Judith A. DePrimo

Pamela Drucker  
Pamela Drucker

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STATE OF CONNECTICUT)

ss: Danbury

COUNTY OF FAIRFIELD )

On this 23rd day of October, 2008, before me, the undersigned officer, personally appeared Eduardo C. Batista, President of E W Management Corp., general partner of E W Batista Family Limited Partnership, 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 President and the free act and deed of said limited partnership.



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Neil R. Marcus  
Commissioner of Superior Court

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SCHEDULE A

BEGINNING AT A POINT LYING ALONG AN EASTERLY HIGHWAY LINE OF A CITY OF DANBURY HIGHWAY KNOWN AS OSBORNE STREET, WHICH POINT MARKS THE SOUTHWESTERLY CORNER OF PROPERTY NOW OR FORMERLY OF LILA JOAN SHAKER AND THE NORTHWESTERLY CORNER OF PROPERTY OF EW BATISTA FAMILY LIMITED PARTNERSHIP, WHICH POINT ALSO MARKS THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE RUNNING ALONG THE SOUTHERLY BOUNDARY LINE OF SAID LAND NOW OR FORMERLY OF LILA JOAN SHAKER AND THE NORTHERLY BOUNDARY LINE OF SAID LAND OF EW BATISTA FAMILY LIMITED PARTNERSHIP N87°02'17"E, 5.50', WHICH POINT MARKS THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING THROUGH SAID LAND OF EW BATISTA FAMILY LIMITED PARTNERSHIP AS FOLLOWS: (S10°19'00"E, 144.40'); (ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 22.50', A DISTANCE OF 11.46') AND (S39°30'00"E, 3.00') TO A POINT;

THENCE TURNING AND CONTINUING THROUGH SAID LAND OF EW BATISTA FAMILY LIMITED PARTNERSHIP AS FOLLOWS: (ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 15.00', A DISTANCE OF 13.68') AND (N88°15'00"E, 14.16') TO A POINT, WHICH POINT MARKS THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT AND WHICH POINT LIES ALONG A NORTHERLY HIGHWAY LINE OF A CITY OF DANBURY HIGHWAY KNOWN AS SPRINGSIDE AVENUE AND THE SOUTHERLY BOUNDARY LINE OF SAID LAND OF EW BATISTA FAMILY LIMITED PARTNERSHIP;

THENCE TURNING AND RUNNING ALONG SAID NORTHERLY HIGHWAY LINE OF SPRINGSIDE AVENUE AND SAID SOUTHERLY BOUNDARY LINE OF LAND OF EW BATISTA FAMILY LIMITED PARTNERSHIP S77°45'56"W, 32.549' TO A POINT; WHICH POINT MARKS THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT, THE WESTERLY TERMINUS OF SAID SPRINGSIDE AVENUE THE SOUTHWESTERLY CORNER OF SAID LAND OF EW BATISTA FAMILY LIMITED PARTNERSHIP AND WHICH POINT LIES ALONG THE AFOREMENTIONED EASTERLY HIGHWAY LINE OF A CITY OF DANBURY HIGHWAY KNOWN AS OSBORNE STREET;

THENCE TURNING AND RUNNING ALONG SAID EASTERLY HIGHWAY LINE OF OSBORNE STREET AND ALONG THE WESTERLY BOUNDARY LINE OF SAID LAND OF EW BATISTA FAMILY LIMITED PARTNERSHIP (N11°46'01"W, 55.559') AND (N10°39'59"W, 113.87') TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 945 SQ.FT. AND IS MORE PARTICULARLY DESCRIBED ON A CERTAIN MAP ENTITLED: "EASEMENT MAP SHOWING SIDEWALK EASEMENT TO BE GRANTED CITY OF DANBURY ACROSS THE PROPERTY OF EW BATISTA FAMILY LIMITED PARTNERSHIP PROPERTY SITUATED AT OSBORNE SREET & SPRINGSIDE AVENUE - DANBURY, CONNECTICUT SCALE: 1"=20' EASEMENT AREA: 945 s.f. DATE: SEPTEMBER 24, 2008", WHICH MAP IS TO BE RECORDED ON THE DANBURY LAND RECORDS.