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

(203) 797-4518
(203) 796-8043 FAX

PLEASE REPLY TO:

September 1, 2004

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

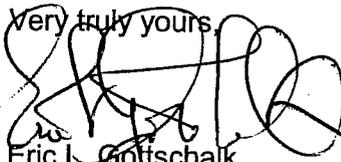
Re: Acquisition of Properties:
Shore Road; Parking Garage/Library Place; North Main Street; East Ditch;
Senior Center; Backus Avenue; Olive Street; Cobblestone Trail;

Dear Mayor and Council:

The attached resolutions propose to renew the Council's earlier approvals of the acquisitions of properties by this office in order to facilitate several projects. By state law, your authorization must be re-approved after the expiration of six months, where acquisition has not been completed. We will need the additional time to finish the process of negotiation and/or acquisition by condemnation of these properties.

Thank you for your consideration in adopting the attached resolution. Please feel free to give us a call should you have any questions.

Very truly yours,



Eric L. Gottschalk
Deputy Corporation Counsel

Attachments

cc: William J. Buckley, Jr., P.E. Dir. Public Works/City Engineer
Raymond Yamin, Associate Corporation Counsel



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, pursuant to authorization through the Vision² bond package, is proceeding, through plans and designs, to construct a downtown parking garage; and

WHEREAS, in order to undertake the above referenced project, the City must acquire certain parcels of land or interests in real property as described in the Exhibits attached hereto; and

WHEREAS, said easements and property interests 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 and property interests set forth on EXHIBITS A, B, C, D, E, F and G attached hereto, in accordance with 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, by March 1, 2005.

**FIRST PORTUGUESE SPEAKING BAPTIST CHURCH
OF DANBURY, INC.
(TAX ASSESSOR'S LOT NOS. I14162 AND I14169-PORTION OF)**

A certain piece or parcel of land containing 28,783 square feet (0.6608Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 234 Main Street and Library Place and know as Tax Assessor's Lot Nos. I14162 and I14169 (portion of) bounded and described as follows:

Commencing at a point on the westerly street line of Main Street said point being the southeasterly corner of land now or formerly of Charles A. Duncan, III and Louise K. Michael and the northeasterly corner of land herein described, thence running southerly along the westerly street line of Main Street S. $41^{\circ} 29' 15''$ E. a distance of 10.11 feet to a point, thence turning and running westerly through the land of the Grantor and along the northerly brick face of the existing building S. $61^{\circ} 15' 18''$ W. a distance of 143.11 feet to a point, thence turning and running southerly through the land of the Grantor S. $28^{\circ} 40' 00''$ E. a distance of 39.89 feet to a point on the southerly boundary line of land of the Grantor, thence turning and running westerly along the southerly boundary line of land of the Grantor on the following courses and distances S. $62^{\circ} 04' 25''$ W. a distance of 91.01 feet to point, thence S. $62^{\circ} 04' 25''$ W. a distance of 10.16 feet to a point, thence S. $61^{\circ} 35' 35''$ W. a distance of 81.25 feet to the southwesterly corner of land of the Grantor, thence turning and running northerly along the westerly boundary line of land of the Grantor N. $35^{\circ} 19' 25''$ W. a distance of 110.00 feet to the northwesterly boundary corner of land of the Grantor, thence turning and running easterly along the southerly boundary line of land now or formerly of the Estate of Joseph DaSilva and Maria DaSilva N. $61^{\circ} 31' 45''$ E. a distance of 55.31 feet to a point, thence turning and running northerly along the easterly boundary line of land now or formerly of the Estate of Joseph DaSilva and Maria DaSilva N. $36^{\circ} 27' 35''$ W. a distance of 106.28 feet to a point on the southerly street line of Library Place, thence turning and running easterly along the southerly street line of Library Place N. $53^{\circ} 32' 25''$ E. a distance of 55.00 feet to a point, thence turning and running southerly along the westerly boundary line of land now or formerly of the City of Danbury S. $36^{\circ} 27' 35''$ E. a distance of 114.00 feet to a point, thence turning and running easterly along the southerly boundary line of land now or formerly of the City of Danbury and land now or formerly of The Daniels Agency of New York, Inc, each in part N. $61^{\circ} 31' 45''$ E. a distance of 89.52 feet to a point, thence turning and running southerly along the westerly boundary line of land now or formerly of JDM LLC and land now or formerly of Charles A. Duncan, III and Louise K. Michael, each in part, on the following courses and distances S. $42^{\circ} 50' 35''$ E. a distance of 40.00 feet to a point, thence S. $60^{\circ} 30' 05''$ W. a distance of 2.45 feet to a point, thence S. $33^{\circ} 45' 45''$ E. a distance of 18.40 feet to a point, thence turning and running easterly along the southerly boundary line of land now or formerly of Charles A. Duncan, III and Louise K. Michael on the following courses and distances N. $71^{\circ} 08' 41''$ E. a distance of 27.10 feet to a point, thence N. $60^{\circ} 30' 05''$ E. a distance of 100.00 feet to the point or place of beginning.

Bounded:

- Northerly : By Library Place, by land now or formerly of Estate of Joseph DaSilva and Maria DaSilva, by land now or formerly of the City of Danbury, by land now or formerly of The Daniels Agency of New York, Inc., by land now or formerly of Charles A. Duncan, III and Louise K. Michael, each in part.
- Easterly : By Main Street, by land now or formerly of the City of Danbury, by land now or formerly of JDM LLC, by land now or formerly of Charles A. Duncan, III and Louise K. Michael and by other land of the Grantor, each in part.
- Southerly : By other land of the Grantor, by land now or formerly of Union Savings Bank and by land now or formerly of James Nolan and Kim E. Nolan, Trustees of the Arline A. Nolan Revocable Trust Indenture, each in part.
- Westerly : By land now or formerly of James Nolan, by land now or formerly of The Vincent Administration Limited Liability Partnership, by land now or formerly Juan Gonzalez and Eustolia Gonzalez and by land now or formerly of Estate of Joseph DaSilva and Maria DaSilva, each in part.

Together with the rights to use and connect lighting, canopies, trusses and related appurtenances on the northerly brick face of the existing building.

Subject to passway rights in favor of Charles A. Duncan, III and Louise K. Michael and JDM LLC as more particularly described in Vol. 91, Pg. 572, Vol. 92, Pg. 538, Vol. 416, Pg. 89 and Vol. 619, Pg. 822 of the D.L.R.

For a more particular description reference is made to a map entitled " Map Showing Property of First Portuguese Speaking Baptist Church of Danbury, Inc. to be Acquired by The City of Danbury Main Street and Library Place Danbury, Connecticut Scale 1" = 20' May 15, 2003" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Ireneo H. Despojado, P.E. &L.S. No. 12050, which map is to be filed on the Danbury Land Records.

JDM LLC
240-242 MAIN STREET
(TAX ASSESSOR'S LOT NO. I14167)

A certain piece or parcel of land containing 276 square feet (0.0063Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 240-242 Main Street and known as Tax Assessor's Lot No. I14167 (portion of) bounded and described as follows:

Commencing at a point on the southwesterly corner of land of the Grantor, said point being the southwesterly corner of land herein described, thence running northerly along the westerly boundary line of the Grantor N. $42^{\circ} 50' 35''$ W. a distance of 40.00 feet to a point on the southerly boundary line of land now or formerly of The Daniels Agency of New York, Inc., thence turning and running easterly along the southerly boundary line of land now or formerly of The Daniels Agency of New York, Inc. N. $60^{\circ} 42' 20''$ E. a distance of 11.59 feet to a point, thence turning and running southerly through the land of the Grantor S. $29^{\circ} 51' 34''$ E. a distance of 38.88 feet to a point on the northerly boundary line of land now or formerly of Charles A. Duncan, III and Louise K. Michael, thence turning and running westerly along the northerly boundary line of land now or formerly of Charles A. Duncan, III and Louise K. Michael S. $60^{\circ} 30' 05''$ W. a distance of 2.60 feet to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of The Daniels Agency of New York, Inc.

Easterly : By other land of the Grantor.

Southerly : By land now or formerly of Charles A. Duncan, III and Louise K. Michael.

Westerly : By land now or formerly of the First Portuguese Speaking Baptist Church of Danbury, Inc.

For a more particular description reference is made to a map entitled " Map Showing Property of JDM LLC to be Acquired by The City of Danbury 240-242 Main Street, Danbury Connecticut Scale: 1" = 10' May 15, 2003" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Ireneo H. Despojado, P.E.&L.S. No. 12050, which map is to be filed on the Danbury Land Records.

CHARLES A. DUNCAN, III AND LOUISE K. MICHAEL
238 MAIN STREET
(TAASSESSOR'S LOT NO. I14168)

A certain piece or parcel of land containing 386 square feet (0.0089 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 238 Main Street and known as Tax Assessor's Lot No. I14168 (portion of) bounded and described as follows:

Commencing at a point on the northerly side of land now or formerly of the First Portuguese Speaking Baptist Church of Danbury, Inc. known as a passway and said point being the southwesterly corner of land herein described, thence running northerly along the face of a stone retaining wall N. $33^{\circ} 45' 45''$ W. a distance of 18.40 feet to a point, thence turning and running easterly along the southerly boundary line of land now or formerly of JDM LLC N. $60^{\circ} 30' 05''$ E. a distance of 17.31 feet to a point, thence turning and running southerly through the land of the Grantor S. $42^{\circ} 50' 35''$ E. a distance of 22.96 feet to a point on the northerly boundary line of land now or formerly of First Portuguese Speaking Baptist Church of Danbury, Inc., thence turning and running westerly along the northerly boundary line of land now or formerly of the First Portuguese Speaking Baptist Church of Danbury, Inc. S. $71^{\circ} 08' 40''$ W. a distance of 21.61 feet to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of JDM LLC.

Easterly : By other land of the Grantor.

Southerly : By land now or formerly of the First Portuguese Speaking Baptist Church of Danbury, Inc., known as passway.

Westerly : By land now or formerly of the First Portuguese Speaking Baptist Church of Danbury, Inc.

Together with the rights to use and connect lighting, canopies, trusses and related appurtenances on the southerly brick wall face of the existing building.

For a more particular description reference is made to a map entitled "Map Showing Property of Charles A. Duncan, III and Louise K. Michael to be Acquired by The City of Danbury 238 Main Street Danbury, Connecticut Scale: 1" = 10' May 15, 2003" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Ireneo H. Despojado, P.E.&L.S. No. 12050, which map is to be filed on the Danbury Land Records.

THE DANIELS AGENCY OF NEW YORK, INC.
248 MAIN STREET
(TAX ASSESSOR'S LOT NO. I14164)

A certain piece or parcel of land containing 767 square feet (0.01765 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 248 Main Street and known as Tax Assessor's Lot No. I14164 (portion of) bounded and described as follows:

Commencing at a point on the southwesterly corner of land of the Grantor and said point being the southwesterly corner of land herein described, thence running northerly N. $47^{\circ} 37' 35''$ W. a distance of 7.50 feet to a point on the southerly boundary line of land now or formerly of the City of Danbury, thence turning and running easterly along the southerly boundary line of land now or formerly of the City of Danbury N. $48^{\circ} 27' 23''$ E. a distance of 58.90 feet to a point, thence turning and running southerly through the land of the Grantor S. $25^{\circ} 34' 33''$ E. a distance of 20.16 feet to a point on the southerly boundary line of the Grantor and the northerly boundary line of land now or formerly of JDM LLC, thence turning and running westerly along the southerly boundary line of the Grantor S. $60^{\circ} 42' 20''$ W. a distance of 19.02 feet to the northeast corner of land now or formerly of the First Portuguese Speaking Baptist Church of Danbury, Inc., thence continuing westerly along the northerly boundary line of land now or formerly the First Portuguese Speaking Baptist Church of Danbury, Inc. S. $61^{\circ} 31' 45''$ W. a distance of 34.90 feet to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of The City of Danbury.

Easterly : By other land of the Grantor.

Southerly : By land now or formerly of JDM LLC and by land now or formerly of the First Portuguese Speaking Baptist Church, Inc., each in part.

Westerly : By land now or formerly of The City of Danbury.

For a more particular description reference is made to a map entitled " Map Showing Property of The Daniels Agency of New York, Inc. to be Acquired by The City of Danbury 248 Main Street Danbury, Connecticut Scale: 1" = 10' May 15, 2003" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Ireneo H. Despojado, P.E.&L.S. No. 12050, which map is to be filed on the Danbury Land Records,

UNION SAVINGS BANK
PROPOSED 25 FEET WIDE TEMPORARY CONSTRUCTION EASEMENT
AND 20 FEET WIDE TEMPORARY CONSTRUCTION ACCESS EASEMENT
(TAX ASSESSOR'S LOT NO. 114170)

A 25 feet wide temporary construction easement containing 2,625 square feet, more or less, located adjacent to and parallel with the northerly boundary line (portion of) of the Grantor and a 130 feet long by 20 feet wide temporary construction access easement located along the westerly boundary line of the Grantor starting at Chapel Street and running northerly through the existing driveway and parking lot of the Grantor to the southerly line of the temporary construction easement, all as shown on the hereunder referenced map.

For a more particular description referenced is made to a map entitled "Map Showing Proposed Construction and Access Easement Over the Land of Union Savings Bank to be Acquired by The City of Danbury Chapel Place, Danbury, Connecticut Scale: 1" = 20' May 15, 2003" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Ireneo H. Despojado, P.E.&R.L.S. No. 12050, which map is to be filed on the Danbury Land Records.

**JAMES NOLAN AND KIM E. NOLAN
TRUSTEE OF THE ARLINE A. NOLAN REVOCABLE TRUST INDENTURE
PROPOSED 25 FEET WIDE TEMPORARY CONSTRUCTION EASEMENT
AND TEMPORARY CONSTRUCTION ACCESS EASEMENT
(TAX ASSESSOR'S LOT NOS. I14155)**

A 25 feet wide temporary construction easement containing approximately 2,285 square feet, more or less, located adjacent to and parallel with the northerly boundary line of the Grantors and a 130 feet long by 12 to 15 feet wide temporary construction access easement located along on the easterly boundary line of the Grantors starting at Chapel Place and running northerly through the existing driveway and parking lot of the Grantors to the southerly line of the temporary construction easement, all as shown on the hereunder referenced map.

For a more particular description reference is made to a map entitled "Map Showing Proposed Construction and Access Easements Over the Land of James Nolan and Kim E. Nolan Trustee of the Arline A. Nolan Revocable Trust Indenture to be Acquired by The City of Danbury Chapel Place, Danbury, Connecticut Scale: 1" = 20' May 15, 2003" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Ireneo H. Despojado, P.E.&R.L.S. No. 12050, which map is to be filed on the Danbury Land Records.

**A TEMPORARY CONSTRUCTION AND GRADING EASEMENT
THE ESTATE OF JOSEPH DASILVA AND MARIA DASILVA
LIBRARY PLACE (TAX ASSESSOR'S LOT No. I14161)**

A certain piece or parcel of land containing 657 square feet (.0151 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Library Place and known as Tax Assessor's Lot No. I14161 (portion of) bounded and described as follows:

Commencing at a point on the southerly street line of Library Place, which point is the northeasterly corner of the land of the Grantors, said point being the northeasterly corner of the land herein described, thence running southerly along the easterly boundary line of the Grantors S. 36° 27' 36" E. a distance of 106.28' to a point, thence turning and running westerly along the southerly boundary line of the Grantors S. 61° 31' 33" W. a distance of 10.10' to a point, thence turning and running northerly through the land of the Grantors N. 36° 26' 18" W. a distance of 40.15' to a point, thence turning and running easterly through the land of the Grantors N. 53° 19' 04" E. a distance of 6.90' to a point, thence turning and running northerly through the land of the Grantors N. 36° 38' 10" W. a distance of 16.66' to a point, thence turning and running westerly through the land of the Grantors N. 53° 19' 04" W. a distance of 0.87' to a point, thence turning and running northerly through the land of the Grantors N. 36° 40' 56" W. a distance of 48.06' to a point, thence turning and running easterly along the southerly street line of Library Place N. 53° 48' 04" E. a distance of 4.20' to the point or place of beginning.

Bounded:

Northerly : By Library Place and by other land of Grantors, each in part.

Easterly : By land now or formerly of The First Portuguese Speaking Baptist Church of Danbury, Inc.

Southerly : By land now or formerly of The First Portuguese Speaking Baptist Church of Danbury, Inc. and by other land of Grantors, each in part.

Westerly : By other land of Grantors.

For a more particular description reference is made to a map entitled "Map Showing Proposed Construction and Grading Easement over the Land of The Estate of Joseph DaSilva and Maria DaSilva to be Acquired by The City of Danbury Main Street and Library Place Danbury, Connecticut Scale: 1" = 20' March 5, 2004" 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.