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

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PLEASE REPLY TO:

September 1, 2004

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

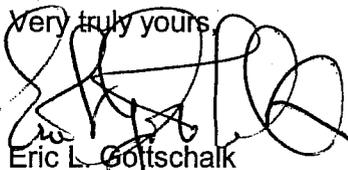
Re: Acquisition of Properties:
Shore Road; Parking Garage/Library Place; North Main Street; East Ditch;
Senior Center; Backus Avenue; Olive Street; Cobblestone Trail;

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. Gotschalk

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, is proceeding through plans and designs, to make necessary improvements to the Backus Avenue sanitary sewer; and

WHEREAS, the property to be acquired is described and identified in EXHIBITS A, B, C and D 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 on EXHIBITS A, B, C and D 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.

**A SANITARY SEWER EASEMENT
THE WOOSTER SCHOOL CORPORATION
BACKUS AVENUE (TAX ASSESSOR'S LOT No. E18003)**

A certain piece or parcel of land containing 2,418 square feet (.0555 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Backus Avenue and known as Tax Assessor's Lot No. E18003 (portion of) bounded and described as follows:

Commencing at a point on the westerly street line of Backus Avenue, which point is the northeasterly corner of land of the Grantor, said point being the northeasterly corner of land herein described, thence running southerly along the westerly street line of Backus Avenue on the following courses and distances; S. 20° 32' 20" W. a distance of 20.00' to a point, thence S. 22° 33' 30" W. a distance of 97.04' to a point, thence turning and running northerly through land of the Grantor on the following courses and distances; N. 20° 49' 58" W. a distance of 32.77' to a point, thence N. 21° 26' 08" E. a distance of 90.97' to a point, thence turning and running easterly along the northerly boundary line of the Grantor S. 72° 54' 16" E. a distance of 23.70' to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of Miller-Stephenson
Chemical Co., Inc.

Easterly : By Backus Avenue.

Southerly : By other land of Grantor.

Westerly : By other land of Grantor.

For a more particular description reference is made to a map entitled "Map Showing Proposed Sanitary Sewer Easement Through the Land of the Wooster School Corporation Backus Avenue Danbury, Connecticut Scale: 1" = 20' February 27, 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.

**A SANITARY SEWER EASEMENT
MILLER-STEPHENSON CHEMICAL COMPANY, INC.
BACKUS AVENUE (TAX ASSESSOR'S LOT No. E18004)**

A certain piece or parcel of land containing 1,438 square feet (.0330 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Backus Avenue and known as Tax Assessor's Lot No. E18004 (portion of) bounded and described as follows:

Commencing at a point on the westerly street line of Backus Avenue, which point is the southeasterly corner of land of the Grantor, said point being the southeasterly corner of land herein described, thence running westerly along the southerly boundary line of the Grantor N. 72° 54' 16" W. a distance of 23.70' to a point, thence turning and running northerly through land of the Grantor N. 21° 26' 08" E. a distance of 43.93' to a point, thence turning and running easterly through the land of the Grantor N. 52° 01' 24" E. a distance of 43.98' to a point, thence turning and running southerly along the westerly street line of Backus Avenue S. 20° 32' 20" W. a distance of 80.01' to the point or place of beginning.

Bounded:

Northerly : By other land of Grantor.

Easterly : By Backus Avenue.

Southerly : By land now or formerly of The Wooster School Corporation.

Westerly : By other land of Grantor.

For a more particular description reference is made to a map entitled "Map Showing Proposed Sanitary Sewer Easement Through the Land of Miller-Stephenson Chemical Company, Inc. Backus Avenue Danbury, Connecticut Scale: 1" = 20' February 27, 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.

EXHIBIT C

**A SANITARY SEWER EASEMENT
DACEL REALTY, LLC.
BACKUS AVENUE (TAX ASSESSOR'S LOT No. F18001)**

A certain piece or parcel of land containing 3,026 square feet (.0695 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Backus Avenue and known as Tax Assessor's Lot No. F18001 (portion of) bounded and described as follows:

Commencing at a point on the northerly street line of Backus Avenue, which point is 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. 24° 45' 37" W. a distance of 38.19' to a point, thence turning and running easterly through land of the Grantor N. 55° 36' 52" E. a distance of 68.90' to a point, thence turning and running southerly through the land of the Grantor S. 59° 45' 31" E. a distance of 41.08' to a point, thence turning and running westerly along the northerly street line of Backus Avenue S. 55° 17' 19" W. a distance of 92.89' to the point or place of beginning.

Bounded:

Northerly : By other land of Grantor.

Easterly : By other land of Grantor.

Southerly : By Backus Avenue.

Westerly : By land now or formerly of United States Postal Service.

Together with a temporary construction easement located adjacent to and parallel with the northerly and easterly lines of said permanent easement as shown on the below referenced map.

For a more particular description reference is made to a map entitled "Map Showing Proposed Sanitary Sewer Easement Through the Land of Dacel Realty, LLC., Backus Avenue Danbury, Connecticut Scale: 1" = 20' February 27, 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.

EXHIBIT D

**A SANITARY SEWER EASEMENT
UNITED STATES POSTAL SERVICE
BACKUS AVENUE (TAX ASSESSOR'S LOT No. E18010)**

A certain piece or parcel of land containing 3,450 square feet (.0792 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Backus Avenue and known as Tax Assessor's Lot No. E18010 (portion of) bounded and described as follows:

Commencing at a point on the northerly street line of Backus Avenue, which point is the southeasterly corner of land of the Grantor, said point being the southeasterly corner of land herein described, thence running westerly along the northerly street line of Backus Avenue S. 59° 43' 03" W. a distance of 106.16' to a point, thence turning and running northerly through land of the Grantor N. 05° 01' 09" W. a distance of 34.48' to a point, thence turning and running easterly through the land of the Grantor N. 55° 36' 52" E. a distance of 95.36' to a point, thence turning and running southerly along the easterly boundary line of the Grantor S. 24° 45' 37" E. a distance of 38.19' to the point or place of beginning.

Bounded:

Northerly : By other land of Grantor.

Easterly : By land now or formerly of Dacel Realty, LLC.

Southerly : By Backus Avenue.

Westerly : By other land of Grantor.

Together with a temporary construction easement located adjacent to and parallel with the northerly and westerly lines of said permanent easement as shown on the below referenced map.

For a more particular description reference is made to a map entitled "Map Showing Proposed Sanitary Sewer Easement Through the Land of United States Postal Service Backus Avenue Danbury, Connecticut Scale: 1" = 20' February 27, 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.