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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:

October 27, 2004

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

Re: O & G Industries, Inc. – Segar Street

Dear Mayor and Council:

The attached resolution proposes to renew the Council's earlier approval of the acquisition of a sanitary sewer easement by this office in order to facilitate the West Side Interceptor 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 the additional time to finish the process of negotiation and/or acquisition by condemnation of this easement.

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

Attachment

cc: William J. Buckley, Jr., P.E. Dir. Public Works/City Engineer



## RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

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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 Segar Street sanitary sewer; and

**WHEREAS**, the property to be acquired is described and identified in EXHIBIT A attached hereto; and

**WHEREAS**, said easement will have to be acquired either by negotiation with the property owner 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 easement set forth on EXHIBIT A 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 May 1, 2005.

**O&G INDUSTRIES INC.  
30 FEET WIDE SANITARY SEWER EASEMENTS  
AND TEMPORARY CONSTRUCTION EASEMENT  
(TAX ASSESSOR'S LOT NO.G16008)**

Two parcels of land, one containing 26,938 square feet (0.6184Acre), more or less, to be called "Sanitary Sewer Easement No. 1" and the second containing 1,613 square feet (0.0370Acre), more or less, to be called "Sanitary Sewer Easement No. 2", situated in the City of Danbury, County of Fairfield and State of Connecticut located at Segar Street being a portion of Tax Assessors Lot No. G16008 bounded and described as follows:

**SANITARY SEWER EASEMENT NO. 1**

Commencing at a point on the easterly street line of Segar Street, which point is the southwesterly corner of an existing sanitary sewer easement in favor of the City of Danbury and said point being the northwesterly corner of land herein described, thence running easterly through the land of the Grantor along the southerly line of the existing sanitary sewer easement N. 79° 06' 48" E. a distance of 50.00 feet to a point, thence turning and running southerly through the land of the Grantor S. 10° 25' 15" E. a distance of 24.40 feet to a point, thence turning and running easterly through the land of the Grantor on the following courses and distances S. 71° 56' 04" E. a distance of 591.63 feet to a point, thence on a curve to the left with a delta angle of 10° 45' 12" a radius of 1243.03 feet and length of curve of 233.30 feet to a point on the westerly line of the existing sanitary sewer easement, thence turning and running southerly along the westerly line of the existing sanitary sewer easement S. 17° 53' 06" E. a distance of 33.07 feet to a point on the southerly boundary line of land of the Grantor being the northerly boundary line of land now or formerly of Maybrook Railroad Company, thence turning and running westerly along the northerly boundary line of land now or formerly of Maybrook Railroad Company along a curve to the right with a delta angle of 11° 23' 14" a radius of 1,273.03 feet and a length of curve of 253.005 feet, thence N. 71° 56' 04" W. a distance of 619.02 feet to a point being the southeasterly corner of an existing sanitary sewer easement, thence turning and running northwesterly along the easterly line of the existing sanitary sewer easement N. 36° 38' 06" W. a distance of 27.90 feet to a point on the easterly street line of Segar Street, thence turning and running northerly along the easterly street line of Segar Street on the following courses and distances N. 00° 48' 02" E. a distance of 3.62 feet to a point, thence N. 10° 25' 15" W. a distance of 8.72 feet to the point or place of beginning.

**Bounded:**

- Northerly: By other land of the Grantor and by an existing sanitary sewer easement, each in part.
- Easterly : By other land of the Grantor and by an existing sanitary sewer easement, each in part.
- Southerly: By land now or formerly of Maybrook Railroad Company and by an existing sanitary sewer easement, each in part.
- Westerly : By Segar Street and by an existing sanitary sewer easement , each in part.

SANITARY SEWER EASEMENT NO. 2

Commencing at a point on the southerly boundary line of land of the Grantor being the northerly boundary line of land now or formerly of Maybrook Railroad Company, said point being the southeasterly corner of an existing sanitary sewer easement in favor of the City of Danbury and the southwesterly corner of land herein described, thence running northwesterly along the existing sanitary sewer easement line N. 17° 53' 06" W. a distance of 32.745 to a point, thence turning and running easterly through the land of the Grantor on a curve to the left with a delta angle of 03° 11' 06" a radius of 1243.03 feet and length of curve of 69.097 feet to a point on the easterly boundary line of land of the Grantor being the westerly boundary line of land now or formerly of Maybrook Railroad Company, thence turning and running southwesterly along the westerly boundary line of land now or formerly Maybrook Railroad Company S. 35° 21' 16" W. a distance of 34.40 feet to a point, thence turning and running westerly along the northerly boundary line of land now or formerly of Maybrook Railroad Company on a curve to the right with a delta angle of 01° 43' 52" a radius of 1273.03 feet and length of curve of 38.464 feet to the point or place of beginning.

Bounded:

Northerly : By other land of the Grantor.

Easterly : By land now or formerly of Maybrook Railroad Company.

Southerly : By land now or formerly of Maybrook Railroad Company.

Westerly : By an existing sanitary sewer easement in favor of the City of Danbury.

Together with a 20 feet wide and 15 feet wide temporary construction easements located adjacent to and parallel with the northerly and easterly lines of said permanent easements as shown on the hereunder referenced map.

For a more particular description, reference is made to a map entitled "Map Showing Proposed 30 Ft. Wide Sanitary Sewer Easements Through the Land of O&G Industries Inc. Segar Street Danbury, Connecticut Scale: 1" = 40' November 24, 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 in the Danbury Land Records.