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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

November 4, 2004

Mayor Mark D. Boughton  
Members of the Common Council

Re: **Request for Easement – AutoZone**

The Common Council Committee appointed to review the request from AutoZone for an easement met on October 27, 2004 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Riley, Stanley and Visconti. Also in attendance were Tax Assessor Colleen Velez, John LaFonte for the petitioner, Deputy Corporation Counsel Eric Gottschalk and Council President Vin Nolan, ex-officio.

Mr. Buckley submitted a report recommending approval of the requested drainage easement. The Planning Commission submitted a positive recommendation.

Attorney Gottschalk pointed out the AutoZone parcel on a map, as well as the proposed construction and drainage easements. He showed the temporary easement and the permanent easement. The question is whether the City would be willing to grant the easement. If it were granted, he would work out the terms and conditions.

Mr. Visconti asked if the Common Council would be acting on the entire site or just the easement. Attorney Gottschalk said that just the easement was before the committee. Mr. Visconti asked if this would drain directly into the Still River. Attorney Gottschalk said it would. Mr. LaFonte explained the water purification system. He said that the Environmental Impact Commission had required that a maintenance schedule be filed with the Health Department.

Mr. Riley asked what the cost for the easement would be. Attorney Gottschalk said that AutoZone is seeking to use City property just as the City sometimes seeks to use private property. Tax Assessor Colleen Velez stated that based on the location and size of the property, she would assess it in the range of \$700 to \$1,500. Mr. Nolan stated that given there is a range of value, would it be appropriate for the committee to authorize Attorney Gottschalk to negotiate

the terms. Attorney Gottschalk said that would be appropriate, but the Common Council could establish the price. It could be handled either way.

Mrs. Stanley made a motion to recommend approval of the request for an easement and to authorize the Corporation Counsel to negotiate the price. Seconded by Mr. Riley. Attorney Gottschalk said his office will negotiate a price and the terms and conditions for an easement and present the Common Council with a proposed document that will contain a description of the area and the Common Council as a whole will vote whether or not to grant the easement. Motion carried with committee members Riley and Stanley voting in the positive and committee member Visconti voting in the negative.

Respectfully submitted,

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ROBERT RILEY, Chairman

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COLLEEN STANLEY

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FRED VISCONTI