



39

# 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: **Modification of Easement, Lot B, Aunt Hack Road**

The Common Council Committee appointed to review the request for a modification of an easement for Lot B on Aunt Hack Road met on October 19, 2004 in the Third Floor Caucus Room in City Hall. In attendance were committee members Teicholz and Diggs. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Les Pinter, Attorney Neil Marcus for the petitioner and Council Member McMahon, ex-officio.

Ms. Teicholz noted the positive recommendation from the Planning Commission. There was also a report from the Environmental Impact Commission with a number of required modifications and conditions.

Attorney Marcus stated that through his petition to the EIC, they suggested he approach the Common Council to move the driveway off the right of way. The easement is over City property. The easement that was granted years ago would have to be revised. The original deed was from the City to Mary Corey. The easement was a right of way, which was called Easement B on the map. The existing easement comes in straight; the modification would make it hook to go around a pocket of wetlands, which showed up due to natural causes.

Mr. Buckley said he issued a report to the Common Council on July 20, 2004. He spelled out what his concerns were and delineated four items that the committee should make as conditions of the easement.

Attorney Pinter noted that sometimes outside counsel acquire easements for the City. Does the committee want the Tax Assessor to put a value on the easement? He reviewed the file and found a letter from a neighbor regarding the easement request. Attorney Marcus said that the neighbor is Mrs. Carlson and the originally went to her to move the easement onto her property, but she

refused. The status of the ownership is that Mrs. Corey is going to sell to Mr. Perrone. Mr. Perrone would have to comply with any conditions imposed by the Common Council.

Mr. Buckley asked the size of the wetlands. Attorney Marcus said it is very small. Ms. Teicholz asked if the new easement would negatively affect the neighbor's property? Attorney Marcus said it would not. Attorney Pinter stated that if the committee wants to approve this easement, they should get a hold harmless agreement from Mrs. Carlson.

Ms. Diggs made a motion to recommend approval of the easement, subject to the terms and conditions set by the Director of Public Works and the Environmental Impact Commission and any conditions and necessary documents that the Corporation Counsel may deem necessary. Seconded by Ms. Teicholz. Motion carried unanimously.

Respectfully submitted,

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MARY TEICHOLZ, Chairman

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JANE DIGGS

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FRED VISCONTI