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CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT
(203) 797-4525
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April 27, 2009

To: The Honorable Mayor Mark D Boughton
Members of the Common Council

From: Dennis I. Elpern, Planning Director

Re: Ives Trail Easement Resolution

The City of Danbury, through the efforts of the Ives Trail Task Force and our consultant, Jack Kozuchowski, continues to work toward completion of the Ives Trail Greenway. The Trail was initially proposed in the 2002 *Plan of Conservation and Development* as an inter-municipal urban wilderness greenway that would extend over 15 miles from Pine Mountain Park in Ridgefield through Wooster Mountain State Park and Tarrywile Park in Danbury. The vision was to provide local residents with a means of escaping the hustle of urban life by experiencing the natural world in our backyard.

After 5 years, the Task Force is nearing completion of its work. One of the few remaining obstacles is the need to secure an easement for the Trail to pass through a relatively small stretch of private land owned by the Lake Waubeeka Association that separates Wooster Mountain State Park from Tarrywile Park.

The Resolution prepared by Corporation Counsel would authorize the City to retain an appraiser to determine the value of the easement and for the Mayor to negotiate with the Association for the easement. If we are successful in our negotiations, including an agreed upon cost for the easement, we will then come back to the Common Council for final approval.

Note, however, that there is some *urgency* for timely action on this matter, for a preliminary offer needs to be forwarded to the Lake Waubeeka Association Board for consideration at their annual meeting in mid-June. Otherwise, they will not consider our offer until next year.

Please let us know if you have any questions on this proposed Resolution.

c: Laszlo Pinter, Deputy Corporation Counsel
David St. Hilaire, Finance Director
Jean Natale, City Clerk

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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 seeks to continue to preserve open space throughout the City, and to that end the citizens of Danbury approved an open space initiative and Open Space Bond Acquisition in 2008; and

WHEREAS, through the efforts of the Ives Trail Task Force, and others, one of these properties along the western section of the proposed Ives Trail Greenway, an approximately fifteen (15) acre parcel, is desirable for purposes of the Trail and for preservation; and

WHEREAS, by approval of the Council, authority will be granted to proceed with negotiations toward the acquisition by easement of rights to the parcel, said parcel being described or depicted in the attached Schedule A; and

WHEREAS, with said approval, the City may proceed to secure the services of an approved, local appraiser, negotiate with the owner(s) thereof, and return to the Council for final approval and funding and to reimburse said costs from the Open Space funding; and

WHEREAS, it is *estimated* that the costs of such preliminary review and property acquisition shall not exceed Fifty Thousand ($50,000.00) dollars; and

WHEREAS, it is in the best interests of the City of Danbury to proceed with the referenced steps to secure the property so described;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of the Corporation Counsel, be and hereby is authorized to take the necessary preliminary steps to secure pre-acquisition cost and other estimates and information sufficient to acquire the rights to the property as set forth in Schedule A within six (6) months of approval hereof, in accordance with the procedures established by State law, either by negotiation or by eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the property, if any.