



17

CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
(203) 797-4518 (203)796-8043 FAX

May 19, 2009

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

Re: Acquisition of properties: Westside Sewer Interceptor
(Renewal of Authority)

Dear Mayor and Council:

The attached Resolution proposes to renew the Council's previous approval of the acquisition of certain properties by this office in order to facilitate the above project. By state law, your authorization must be re-approved after the expiration of six months, where acquisition has not been completed. We are near agreement, but 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 proposed resolution. Please feel free to give us a call should you have any questions.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

:ras
Attachments

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 extending its sewer availability in order to serve portions of the west side of the City; and

WHEREAS, the project known as the West Side Interceptor, requires the acquisition of or taking by eminent domain of sewer, water and telecommunications easements, as well as development rights for construction of a sewer pump station, from Interstate Business Center, LLC; and

WHEREAS, such acquisitions are in the best interest of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire those sewer, water and telecommunications easements, and development rights for construction of a sewer pump station, identified in Exhibits A, B, C, D, E & F 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 or other inconsistent interest encumbering the properties, if any.

17-2
Exh. A

WEST SIDE SANITARY SEWER PROJECT
DESCRIPTIONS OF EASEMENT AREAS TO BE GRANTED TO
CITY OF DANBURY
OVER PROPERTY OF
INTERSTATE BUSINESS CENTER, LLC

EASEMENT #1
(SANITARY SEWER)

BEGINNING AT A POINT LYING ALONG THE NORTHEASTERLY HIGHWAY LINE OF A CITY OF DANBURY HIGHWAY KNOWN AS PRINDLE LANE WHICH POINT LIES S40°16'00"E, 11.11' AS MEASURED ALONG SAID NORTHEASTERLY HIGHWAY LINE OF PRINDLE LANE FROM THE NORTHWESTERLY CORNER OF LAND OF INTERSTATE BUSINESS CENTER, LLC AND THE SOUTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF B & R ASSOCIATES;

THENCE THRU LAND OF INTERSTATE BUSINESS CENTER, LLC, THE FOLLOWING COURSES AND DISTANCES: (N67°34'00"E, 55.92'), (S76°22'57"E, 645.64') AND (S37°23'00"E, 61.38') TO A POINT LYING ALONG A NORTHERLY BOUNDARY LINE OF LAND NOW OR FORMERLY OF DANBURY ACQUISITION CORP.;

THENCE TURNING AND RUNNING ALONG SAID NORTHERLY BOUNDARY LINE OF LAND NOW OR FORMERLY OF DANBURY ACQUISITION CORP. N76°22'57"W, 39.73' TO A POINT;

THENCE AGAIN RUNNING THRU LAND OF INTERSTATE BUSINESS CENTER, LLC, THE FOLLOWING COURSES AND DISTANCES: (N37°23'00"W, 21.64'), (N76°22'57"W, 628.68') AND (S67°34'00"W, 39.72') TO A POINT LYING ALONG THE AFOREMENTIONED NORTHEASTERLY HIGHWAY LINE OF PRINDLE LANE;

THENCE TURNING AND RUNNING ALONG SAID NORTHEASTERLY HIGHWAY LINE OF PRINDLE LANE N40°16'00"W, 26.26' TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 18,170 SQUARE FEET AND IS GRANTED TOGETHER WITH THE FOLLOWING:

- A) A TEMPORARY CONSTRUCTION EASEMENT LYING NORTHERLY OF THE ABOVE DESCRIBED EASEMENT AS SHOWN ON MAP HEREINAFTER REFERENCED.
- B) ASSIGNMENT OF RIGHTS OVER A 50' RIGHT OF WAY AND A 20' WIDE WATER MAIN EASEMENT OVER LAND OF DANBURY ACQUISITION CORP. AS SET FORTH IN VOLUME 911 PAGES 910-912 OF THE DANBURY LAND RECORDS.

SAID EASEMENT, TEMPORARY CONSTRUCTION EASEMENT AND 50' RIGHT OF WAY ARE SHOWN ON MAP ENTITLED: "EASEMENT PLAN FOR WEST SIDE SANITARY SEWER PROJECT EASEMENT AREAS TO BE GRANTED TO CITY OF DANBURY OVER PROPERTY OF INTERSTATE BUSINESS CENTER, LLC AND DANBURY ACQUISITION CORP. PRINDLE LANE -DANBURY, CONNECTICUT SCALE: 1"=100' PROPOSED EASEMENT AREA: (AS SHOWN) DATE: AUGUST 24, 2006, REVISED SEPT. 25, 2006", REVISED DECEMBER 21, 2006".

EXHIBIT B

17-3

WEST SIDE SANITARY SEWER PROJECT
DESCRIPTIONS OF EASEMENT AREAS AND RIGHTS TO BE
GRANTED TO CITY OF DANBURY OVER PROPERTY OF
INTERSTATE BUSINESS CENTER, LLC

EASEMENT NO. 2
SANITARY SEWER

A sanitary sewer easement at a location described as "Easement No. 2 Over Property of Interstate Business Center, LLC" on a certain map entitled, "Easement Plan for West Side Sanitary Sewer Project Easement Areas to be Granted to City of Danbury Over Property of Interstate Business Center, LLC and Danbury Acquisition Corp. Prindle Lane – Danbury, Connecticut", Scale 1" = 100' Proposed Easement Area: (As Shown), date: August 24, 2006, revised to May 14, 2009, which map was prepared and certified substantially correct by Paul M. Fagan, L.S. #7756.

EXHIBIT C

WEST SIDE SANITARY SEWER PROJECT
DESCRIPTIONS OF EASEMENT AREAS AND RIGHTS TO BE
GRANTED TO CITY OF DANBURY OVER PROPERTY OF
INTERSTATE BUSINESS CENTER, LLC

EXHIBIT F

WEST SIDE SANITARY SEWER PROJECT
DESCRIPTIONS OF EASEMENT AREAS AND RIGHTS TO BE
GRANTED TO CITY OF DANBURY OVER PROPERTY OF
INTERSTATE BUSINESS CENTER, LLC

DEVELOPMENT RIGHTS FOR SEWER PUMP STATION

Development rights to construct a sewer pump station to be conveyed to the City of Danbury on property described as "Approximate Proposed Sewer Pump Station Site" on a certain map entitled, "Easement Plan for West Side Sanitary Sewer Project Easement Areas to be Granted to City of Danbury Over Property of Interstate Business Center, LLC and Danbury Acquisition Corp. Prindle Lane – Danbury, Connecticut", Scale 1" = 100' Proposed Easement Area: (As Shown), date: August 24, 2006, revised to May 14, 2009, which map was prepared and certified substantially correct by Paul M. Fagan, L.S. #7756.

Exh-D 17-4

PROPOSED
UTILITY EASEMENT "A"
LOCATED ON PROPERTY OF
INTERSTATE BUSINESS CENTER, LLC
PRINDLE LANE DANBURY, CONNECTICUT

BEGINNING AT A POINT LYING ALONG THE EASTERLY HIGHWAY LINE OF A CITY OF DANBURY HIGHWAY KNOWN AS PRINDLE LANE, BEING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT, SAID POINT ALSO BEING THE SOUTHWESTERLY CORNER OF LAND OF INTERSTATE BUSINESS CENTER, LLC AND THE MOST SOUTHERLY POINT OF LAND NOW OR FORMERLY OF B & R ASSOCIATES;

THENCE RUNNING ALONG SAID LAND NOW OR FORMERLY OF B & R ASSOCIATES N44° 55'00"E, 44.15' TO A POINT, BEING THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING THRU SAID LAND OF INTERSTATE BUSINESS CENTER, LLC S76° 22'57"E, 657.65' TO A POINT, BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE CONTINUING THRU SAID LAND OF INTERSTATE BUSINESS CENTER, LLC THE FOLLOWING COURSES AND DISTANCES: (S54° 56'00"E, 59.95') AND (S42° 45'23"E, 50.70') TO A POINT LYING ALONG A NORTHERLY BOUNDARY LINE OF LAND OF DANBURY ACQUISITION CORP., BEING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING ALONG SAID NORTHERLY BOUNDARY LINE OF LAND OF DANBURY ACQUISITION CORP. N76° 22'57"W, 31.37' TO A POINT;

THENCE TURNING AND AGAIN RUNNING THRU SAID LAND OF INTERSTATE BUSINESS CENTER, LLC, THE FOLLOWING COURSES AND DISTANCES: (N37° 23'00"W, 23.78'), (N54° 56'00"W, 48.50'), (N76° 22'57"W, 620.58') AND (S67° 34'00"W, 56.36') TO A POINT LYING ALONG THE AFOREMENTIONED EASTERLY HIGHWAY LINE OF PRINDLE LANE;

THENCE TURNING AND RUNNING ALONG SAID EASTERLY HIGHWAY LINE OF PRINDLE LANE N40° 16'00"W, 21.60' TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 14,024 SQUARE FEET.
REFERENCE IS MADE TO MAP TITLED:

EASEMENT MAP SHOWING UTILITY EASEMENTS
TO BE GRANTED TO CITY OF DANBURY
LOCATED ON PROPERTIES OF
DANBURY ACQUISITION CORP.
AND
INTERSTATE BUSINESS CENTER, LLC
PRINDLE LANE - DANBURY, CONNECTICUT
SCALE: 1"=100' AREA: (AS SHOWN) DATE: NOVEMBER 21, 2006

SAID MAP PREPARED BY SURVEYING ASSOCIATES, P.C., PAUL M. FAGAN, R.L.S.#7756.

Exh. E

17-5

PROPOSED
UTILITY EASEMENT "C"
LOCATED ON PROPERTY OF
INTERSTATE BUSINESS CENTER, LLC
PRINDLE LANE DANBURY, CONNECTICUT

BEGINNING AT A POINT LYING ALONG A WESTERLY BOUNDARY LINE OF LAND OF INTERSTATE BUSINESS CENTER, LLC, BEING AN EASTERLY BOUNDARY LINE OF LAND OF DANBURY ACQUISITION CORP., SAID POINT LIES 219.71' NORTHWESTERLY OF THE NORTHERLY NON-ACCESS HIGHWAY LINE OF STATE OF CONNECTICUT INTERSTATE HIGHWAY 84 AS MEASURED ALONG SAID WESTERLY BOUNDARY LINE OF PROPERTY OF INTERSTATE BUSINESS CENTER, LLC, SAID POINT BEING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT AND THE SOUTHEASTERLY CORNER OF PROPOSED UTILITY EASEMENT "B" HERETOFORE DESCRIBED;

THENCE RUNNING ALONG SAID EASTERLY BOUNDARY LINE OF LAND OF DANBURY ACQUISITION CORP., THE FOLLOWING COURSES AND DISTANCES:
(N36°12'00"W, 29.13') AND (N40°52'00"W, 2.78') TO A POINT, BEING THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT AND THE NORTHEASTERLY CORNER OF PROPOSED UTILITY EASEMENT "B" HERETOFORE DESCRIBED;

THENCE TURNING AND RUNNING THRU SAID LAND OF INTERSTATE BUSINESS CENTER, LLC, THE FOLLOWING COURSES AND DISTANCES:
(S64°38'57"E, 49.11'), (N77°40'17"E, 32.31') AND (S74°40'03"E, 12.93') TO A POINT, BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND CONTINUING THRU SAID LAND OF INTERSTATE BUSINESS CENTER, LLC S15°19'57"W, 30.00' TO A POINT, BEING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND CONTINUING THRU SAID LAND OF INTERSTATE BUSINESS CENTER, LLC, THE FOLLOWING COURSES AND DISTANCES:
(N74°40'03"W, 42.87') AND (N64°38'57"W, 22.27') TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 1,576 SQUARE FEET.

REFERENCE IS MADE TO MAP TITLED:

EASEMENT MAP SHOWING
UTILITY EASEMENTS
TO BE GRANTED TO CITY OF DANBURY
LOCATED ON PROPERTIES OF
DANBURY ACQUISITION CORP.
AND
INTERSTATE BUSINESS CENTER, LLC
PRINDLE LANE - DANBURY, CONNECTICUT
SCALE: 1"=100' AREA: (AS SHOWN) DATE: NOVEMBER 21, 2006

SAID MAP PREPARED BY SURVEYING ASSOCIATES, P.C., PAUL M. FAGAN, R.L.S. #7756.