

26

Mr. Neuzat Murtishi  
237 Franklin Street Ext.  
Danbury, CT 06810

February 23, 2005

Councilman Charles J. Trombetta  
Members of the Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: 57-59 Bear Mountain Rd., Danbury, CT  
Conveyance of private road for access to property

Dear Councilman Trombetta and Members of the Common Council:

On July 30, 2004, I purchased the above-referenced parcels of land (which I will refer to as "57" and "59"), totalling approximately four acres, from Sara and Paul Gaston for the sum of \$222,500.00. A title search of this land showed that it fronted on a "Proposed Road" (a/k/a a "paper" road) as described on various maps recorded in the Danbury Town Clerk's office starting as early as 1958. A right of ingress and egress over this Proposed Road to access my property was included in my deeds and in prior deeds.

In 1964, No. 57 was approved by the Planning Commission as a building lot as part of a 5-lot subdivision, as shown on Map No. 3576 (attached). In 1968, No. 59 was added to 57, bringing the total acreage of the property to approximately four acres.

Based on the 1964 approved subdivision map, I believed at the time of my purchase that I could construct a home on the property which could be accessed by a driveway running over the Proposed Road. However, the Zoning Enforcement Officer takes the position that the Proposed Road must be completed as such – as a 50-foot wide public road meeting all City specifications, and not merely as an accessway – before a building permit can issue for my property. Such a requirement would result in such prohibitive cost (perhaps hundreds of thousands of dollars) that construction of a home on my property would not be economically feasible.

The City's zoning regulations do allow a lot in an RA-80 zone, such as mine, to be served by an accessway, provided the accessway is owned by the property owner in fee simple. Since I do not own the "Proposed Road" but merely have an easement for ingress and egress over it, I have been unable to obtain a building permit based upon this zoning provision.

A title search of the Proposed Road shows that the City apparently obtained fee simple title to it by its incidental inclusion in the deed in which the Bear Mountain Reservation (approximately 42 acres) was conveyed to the City in 1974. The City does not access Bear Mountain Reservation over this "road", and in fact has no present use or likely future use for it. In fact, the City is apparently oblivious to its ownership of the road and the only consequence of its ownership is potential liability to the City.

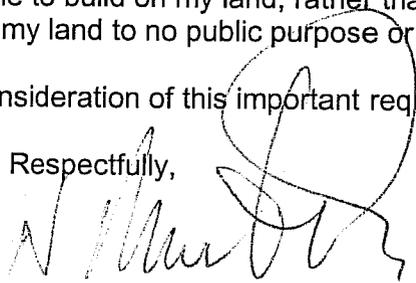
Since the City has no use for this property, I am urgently requesting the City to convey the fee simple title to the Proposed Road to me (by way of a Quit Claim deed in which the City does not even have to represent or make any covenants of title to me). In this deed, the City could retain an easement over the road, meaning the City would have every right to use the same in the unlikely event it ever desires to. Therefore the City would retain the use of the road while being relieved of any liability for it.

I would like to point out a number of factors that support the fundamental fairness of this request:

1. Despite the fact that the Zoning Enforcement Officer takes the position that a City-specification road must be built to access this lot, the City apparently did NOT take that position in the past, because it permitted a house to be built on the Proposed Road (on tax assessor's lot H03072) which is served only by a driveway running over the Proposed Road and which (like my land) has NO frontage on Bear Mountain Road. In short, the City is taking a position which is inconsistent with the position taken by officials in the past with respect to this very same 5-lot subdivision and Proposed Road. (Note: even in 1964, when this subdivision was approved, requiring the Proposed Road to be built as a public road to serve only two or three homes would have been prohibitively expensive, which in my mind raises the question of whether such a requirement was indeed intended.)
2. The City has and continues to tax both No. 57 and 59 as highly valued parcels of land – values that would only apply if not only one, but BOTH of my parcels of land were building lots (that is an entirely separate issue not intended to be addressed here). Therefore, I and my predecessors in title have been paying far more in taxes than we should have, perhaps for 40 years.
3. I have spoken with City officials, including Mr. William Buckley, who have reviewed the maps and have expressed no concern about my property being served by an accessway instead of a public road, and see no problem with my proposal to do so from a practical standpoint.
4. The other properties abutting the Proposed Road either have deeded rights of ingress and egress over the Proposed Road, or frontage on Bear Mountain Road, and would be unaffected by the transfer of title from the City to me. I am the only property owner remaining in the subdivision who has any need for title to the road.
5. Clearly the City contemplated that at least one home would be built on my land when it approved the subdivision in 1964, and in a two-acre zone with no density issues. The City will only be gaining in its tax base by allowing me to build on my land, rather than taking a position which would destroy the economic value of my land to no public purpose or benefit.

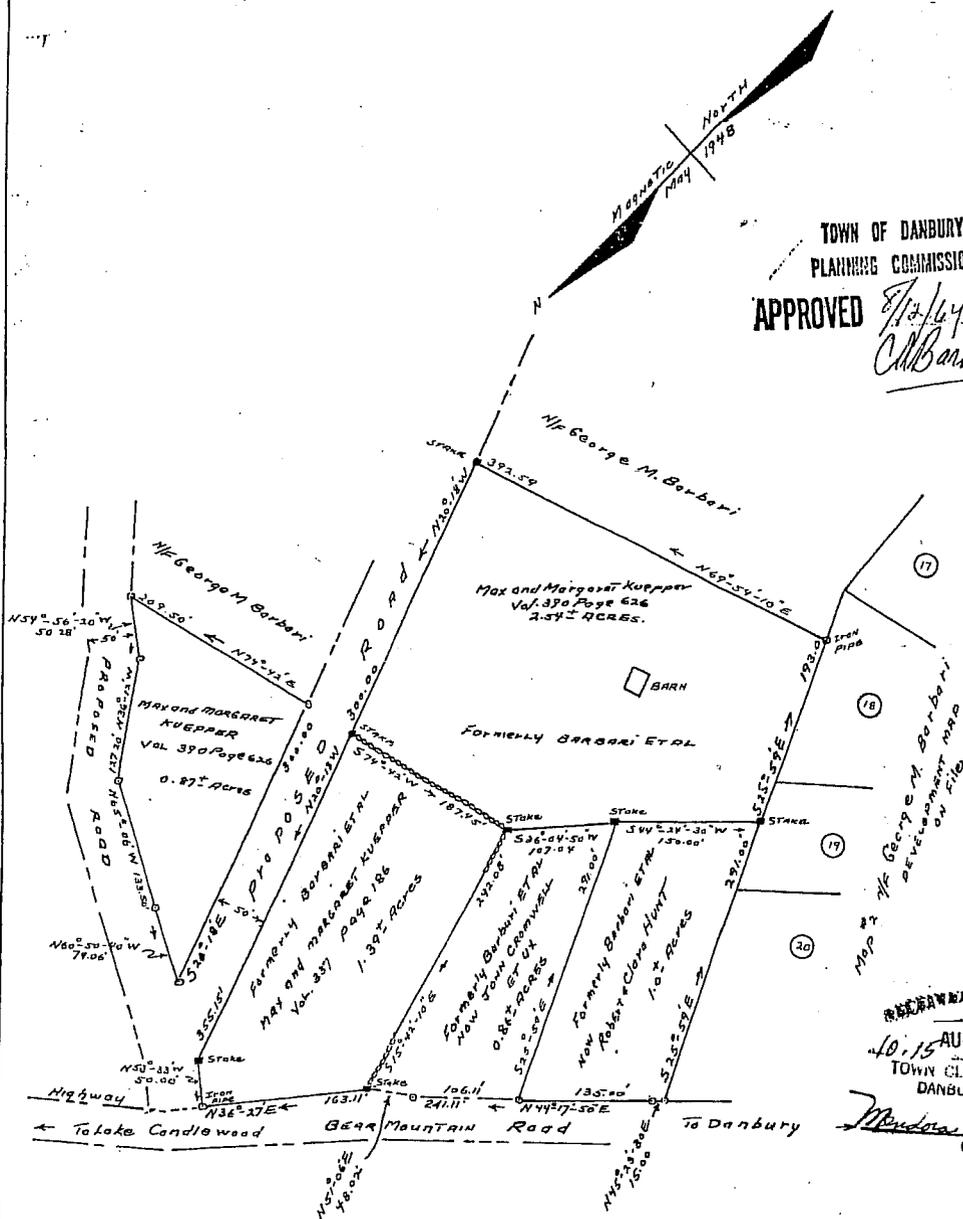
I thank you in advance for your time and consideration of this important request.

Respectfully,



Neuzat Murtishi

TOWN OF DANBURY  
 PLANNING COMMISSION  
 APPROVED *8/14/64* DATE  
*ChBards*



RECEIVED AND FILED  
 AUG 19 1964  
 10:15  
 TOWN CLERK'S OFFICE  
 DANBURY, CONN.  
*Mandora J. Rine*  
 Court Town Clerk

NOTE - THE SUBDIVISION REGULATIONS OF THE DANBURY TOWN PLANNING COMMISSION ARE A PART OF THIS PLAN, AND APPROVAL OF THIS PLAN IS CONTINGENT ON COMPLETION OF ALL THE REQUIREMENTS OF SAID SUBDIVISION REGULATIONS, EXCEPTING ONLY ANY VARIANCE OR MODIFICATIONS MADE IN WRITING BY THE PLANNING COMMISSION OF THE TOWN OF DANBURY and attached hereto.

FINAL MAP  
 FIVE PARCELS OF LAND  
 AS PURCHASED FROM  
 JOHN A. KEATING AND GEORGE M. BARBARI.  
 BY  
 MAX AND MARGARET KUEPPER, JOHN CROMWELL ETUX  
 AND ROBERT AND CLARA HUNT, EACH IN PART AS SHOWN  
 BEAR MOUNTAIN SECTION  
 TOWN OF DANBURY, CONN  
 SCALE 1"=100'  
 TOTAL AREA - NOT INCLUDING PROPOSED  
 ROAD = 6.66+ ACRES

3576

CERTIFIED SUBSTANTIALLY CORRECT  
*J. L. Bennett* R.L.S.  
 MAY, 29, 1964.

REVISED JULY 22, 1964.

