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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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PLEASE REPLY TO:

May 20, 2005

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

Re: Rogers Park Enhancements

Dear Mayor and Council Members:

As part of the Vision 21² Bond Issue approved in 2001, the voters authorized funding for the acquisition of private property at Rocky Glen Road and Memorial Drive. This property is virtually within Rogers Park, indeed part of the property is directly adjacent to Rogers Park Middle School, and would make a valuable addition to the park. The acquisition would afford the city a variety of options for improving recreational opportunities provided to users of Rogers Park.

This was originally presented to you on the October 2004 agenda. The Planning Commission gave a positive recommendation in November 2004 and the property acquisition has been successfully negotiated. The time on the original Resolution to acquire this property has expired. I ask that you adopt the attached resolution allowing us to move forward with this important initiative. Please contact me if you have any questions.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

Attachment



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, pursuant to authorization through the Vision² bond package, is proceeding, through plans and designs, to acquire additional property in and near Rogers Park; and

WHEREAS, in order to undertake the above referenced project, the City must acquire this parcel of land as described in the Schedule A attached hereto; and

WHEREAS, said parcel of land will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, it is in the best interest of the City of Danbury to acquire said parcel of land.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the parcel of land set forth on Schedule A 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 mortgage(s) encumbering the properties, if any, by December 1, 2005.

SCHEDULE A

All that certain piece or parcel of land, together with the buildings and improvements thereon, containing five acres, more or less, situate in the said Town of Danbury, on said Rocky Glen Road, and bounded Northerly by other land of Ellen Lynch, now or formerly; Easterly by said Rocky Glen Road; Southerly by land now or formerly of the Estate of Patrick Burke; and Westerly by land now or formerly of Mary E. Walsh and by land now or formerly of Edwin B. Harris, each in part.

Excepting therefrom all that certain piece or parcel of land conveyed to Cephias B. Rogers in volume 179 at page 309 which piece of land is bounded Northerly by land now or formerly of Ellen Lynch; Easterly by other land now or formerly of Katie Woycik; Southerly by land now or formerly of the Estate of Patrick Burke, deceased; and Westerly by other land now or formerly of Katie Woycik. The same being one hundred (100) feet on the northerly and southerly boundaries and two hundred fifty (250) feet, more or less on the easterly and westerly boundaries.

Together with the rights in and to a certain easement over the land of Cephias B. Rogers as set forth in an easement from Cephias B. Rogers to Katie Woycik dated August 2, 1928 and recorded in volume 180 at page 212 of the Danbury Land Records.