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

(203) 797-4518
(203) 796-8043 FAX

PLEASE REPLY TO:

June 23, 2005

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

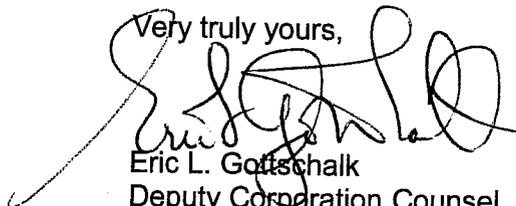
Re: Acquisition of Property: Jackson Drive sewer project
Shore Road drainage
Segar Street / O & G – sewer
Carolyn Avenue sewer project

Dear Mayor and Council:

The attached resolutions propose to renew the Council's previous approvals of the acquisition of certain properties by this office in order to facilitate the above projects. By state law, your authorization must be re-approved after the expiration of six months, where acquisition has not been completed. We 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 Resolutions. Please feel free to call me should you have any questions.

Very truly yours,



Eric L. Gottschalk
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 proceeding through plans and designs, to make necessary improvements to the Jackson Drive area sanitary sewer; and

WHEREAS, the Common Council previously approved the acquisition of easements in connection with the project; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A, B, C, D and E attached hereto; and

WHEREAS, said easements 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 rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B, C, D and E 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 encumbering the properties, if any, by January 1, 2006.

SANITARY SEWER EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM
JONATHAN TURNER

A CERTAIN PIECE OR PARCEL OF LAND SITUATED AT 2 HAWLEY ROAD IN THE CITY OF DANBURY CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF HAWLEY ROAD MARKING THE SOUTHEASTERLY PROPERTY CORNER OF JONATHAN TURNER AND THE SOUTHWESTERLY PROPERTY CORNER OF LAND NOW OR FORMERLY OF HOLLY J. NOEL, THENCE RUNNING IN A WESTERLY DIRECTION ALONG THE NORTHERLY SIDE OF HAWLEY ROAD $S86^{\circ}26'10''W$, A DISTANCE OF 20.21' TO A POINT MARKING THE SOUTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHERLY DIRECTION THROUGH LAND OF JONATHAN TURNER THE FOLLOWING COURSES AND DISTANCES: $N04^{\circ}43'00''E$, A DISTANCE OF 226.82' TO A POINT, THENCE $N02^{\circ}14'40''W$, A DISTANCE OF 57.45' TO A POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHEASTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF NOEL MACCARRY AND DEBORAH MACCARRY $S20^{\circ}00'00''E$, A DISTANCE OF 64.48' TO A POINT MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE RUNNING IN A SOUTHWESTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF HOLLY J. NOEL $S04^{\circ}43'00''W$, A DISTANCE OF 222.36' TO A POINT MARKING THE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 5,056 S.F.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP SHOWING PROPOSED SANITARY SEWER EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM JONATHAN TURNER 2 HAWLEY ROAD DANBURY, CONNECTICUT, SCALE: 1"=20' MARCH 18, 2004, REVISED MAY 18, 2004 CERTIFIED SUBSTANTIALLY CORRECT BY SYDNEY A. RAPP, JR., L.S.#7400".

TEMPORARY CONSTRUCTION EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM HOLLY J. NOEL

A CERTAIN PIECE OR PARCEL OF LAND SITUATED AT THE REAR OF 4 HAWLEY ROAD IN THE CITY OF DANBURY, CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKING THE NORTHWESTERLY PROPERTY CORNER OF HOLLY J. NOEL AND THE SOUTHWESTERLY PROPERTY CORNER OF NOEL MACCARRY AND DEBORAH MACCARRY, THENCE RUNNING IN A NORTHEASTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF NOEL MACCARRY AND DEBORAH MACCARRY N70°00'00"E. A DISTANCE OF 22.02' TO A POINT MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHERLY DIRECTION THROUGH LAND OF HOLLY J. NOEL S04°43'00"W, A DISTANCE OF 154.86' TO A POINT MARKING THE SOUTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHWESTERLY DIRECTION STILL THROUGH LAND OF HOLLY J. NOEL N85°17'00"W, A DISTANCE OF 20.00' TO A POINT MARKING THE SOUTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHERLY DIRECTION ALONG LAND NOW OR FORMERLY OF JONATHAN TURNER N04°43'00"E, A DISTANCE OF 145.66' TO A POINT MARKING THE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 3,005 S.F.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP SHOWING PROPOSED TEMPORARY CONSTRUCTION EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM HOLLY J. NOEL 4 HAWLEY ROAD DANBURY, CONNECTICUT, SCALE: 1"=20' MARCH 18, 2004, REVISED MAY 18, 2004 AND MAY 19, 2004 CERTIFIED SUBSTANTIALLY CORRECT BY SYDNEY A. RAPP, JR. L.S. #7400".

SANITARY SEWER EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM
NOEL MACCARRY AND DEBORAH MACCARRY

A CERTAIN PIECE OR PARCEL OF LAND SITUATED AT THE REAR OF 4 JACKSON DRIVE IN THE CITY OF DANBURY, CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKING THE SOUTHWESTERLY CORNER OF PROPERTY OF NOEL MACCARRY AND DEBORAH MACCARRY AND THE NORTHWESTERLY PROPERTY CORNER OF LAND NOW OR FORMERLY OF HOLLY J. NOEL, THENCE RUNNING IN A NORTHWESTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF JONATHAN TURNER N20°00'00"W, A DISTANCE OF 64.48' TO A POINT;

THENCE RUNNING THROUGH LAND OF NOEL MACCARRY AND DEBORAH MACCARRY N02°14'40"W, A DISTANCE OF 26.79' TO A POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHEASTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF JAMES LANGTON AND PATRICIA LANGTON N70°00'00"E, A DISTANCE OF 21.00' TO A POINT MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHEASTERLY DIRECTION THROUGH LAND OF NOEL MACCARRY AND DEBORAH MACCARRY S02°14'40"E, A DISTANCE OF 94.50' TO A POINT MARKING THE SOUTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHWESTERLY DIRECTION ALONG LAND OF HOLLY J. NOEL S70°00'00"W, A DISTANCE OF 0.35' TO A POINT MARKING THE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 1,224 S.F.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP SHOWING PROPOSED SANITARY SEWER EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM NOEL MACCARRY AND DEBORAH MACCARRY 4 JACKSON DRIVE, DANBURY, CONNECTICUT, SCALE: 1"=20' MARCH 18, 2004, REVISED MAY 18, 2004 CERTIFIED SUBSTANTIALLY CORRECT BY SYDNEY A. RAPP, JR., L.S.#7400".

TOGETHER WITH THE TEMPORARY CONSTRUCTION EASEMENT SHOWN ON THE ABOVE REFERENCED MAP.

SANITARY SEWER EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM
JOHN THOMAS KAMINSKY AND ELLEN S. KAMINSKY

A CERTAIN PIECE OR PARCEL OF LAND SITUATED AT THE REAR OF 12 JACKSON DRIVE IN THE CITY OF DANBURY, CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED $S70^{\circ}00'00''W$, A DISTANCE OF 237.03' FROM THE SOUTHEASTERLY PROPERTY CORNER OF JOHN THOMAS KAMINSKY AND ELLEN S. KAMINSKY AND THE NORTHEASTERLY CORNER OF LAND OF ROBERT S. RONAN AND SUSAN O. RONAN, SAID POINT MARKING THE SOUTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT AND THE TRUE POINT OF BEGINNING;

THENCE RUNNING IN A SOUTHWESTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF ROBERT S. RONAN AND SUSAN O. RONAN $S70^{\circ}00'00''W$, A DISTANCE OF 20.07' TO A POINT MARKING THE SOUTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHWESTERLY DIRECTION THROUGH LAND OF JOHN THOMAS KAMINSKY AND ELLEN S. KAMINSKY THE FOLLOWING COURSES AND DISTANCES: $N24^{\circ}53'09''W$, A DISTANCE OF 87.48' TO A POINT, THENCE $N02^{\circ}59'31''W$, A DISTANCE OF 2.97' TO A POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHEASTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF CHARLES V. PENN AND TRACY L. PENN $N70^{\circ}00'00''E$, A DISTANCE OF 20.91' TO A POINT MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHEASTERLY DIRECTION THROUGH LAND OF JOHN THOMAS KAMINSKY AND ELLEN S. KAMINSKY THE FOLLOWING COURSES AND DISTANCES: $S02^{\circ}59'31''E$, A DISTANCE OF 5.22' TO A POINT, THENCE $S24^{\circ}53'09''E$, A DISTANCE OF 85.32' TO A POINT MARKING THE TRUE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 1,809 S.F.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP MAP SHOWING PROPOSED SANITARY SEWER EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM JOHN THOMAS KAMINSKY AND ELLEN S. KAMINSKY 12 JACKSON DRIVE DANBURY, CONNECTICUT, SCALE: 1"=20' MARCH 18, 2004, REVISED MAY 18, 2004 CERTIFIED SUBSTANTIALLY CORRECT BY SYDNEY A.RAPP,L.S.#7400".

TOGETHER WITH THE TEMPORARY CONSTRUCTION EASEMENT SHOWN ON THE ABOVE REFERENCED MAP.

SANITARY SEWER EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM
RICHARD C. DARR AND CAROL J. O'SULLIVAN

A CERTAIN PIECE OR PARCEL OF LAND SITUATED AT THE REAR OF 16 JACKSON DRIVE IN THE CITY OF DANBURY, CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED $S70^{\circ}00'00''W$, A DISTANCE OF 215.24' FROM THE SOUTHEASTERLY CORNER OF PROPERTY OF RICHARD C. DARR AND CAROL J. O'SULLIVAN AND THE NORTHEASTERLY CORNER OF LAND OF CHARLES V. PENN AND TRACY L. PENN, SAID POINT MARKING THE SOUTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT AND THE TRUE POINT OF BEGINNING,

THENCE RUNNING IN A SOUTHWESTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF CHARLES V. PENN AND TRACY L. PENN $S70^{\circ}00'00''W$, A DISTANCE OF 20.91' TO A POINT MARKING THE SOUTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHERLY DIRECTION THROUGH LAND OF RICHARD C. DARR AND CAROL J. O'SULLIVAN THE FOLLOWING COURSES AND DISTANCES: $N02^{\circ}59'31''W$, A DISTANCE OF 91.03 TO A POINT; THENCE $N01^{\circ}03'32''W$, A DISTANCE OF 3.11' TO A POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHEASTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF HAROLD VENEGAS AND BRIDGET TODD $N70^{\circ}00'00''E$, A DISTANCE OF 21.14' TO A POINT MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHERLY DIRECTION THROUGH LAND OF RICHARD C. DARR AND CAROL J. O'SULLIVAN THE FOLLOWING COURSES AND DISTANCES: $S01^{\circ}03'32''E$, A DISTANCE OF 9.64' TO A POINT, THENCE $S02^{\circ}59'31''E$, A DISTANCE OF 84.57' TO A POINT MARKING THE TRUE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 1,883 S.F.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP MAP SHOWING PROPOSED SANITARY SEWER EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM RICHARD C. DARR AND CAROL J O'SULLIVAN 16 JACKSON DRIVE DANBURY, CONNECTICUT, SCALE: 1"=20' MARCH 18, 2004, REVISED MAY 18, 2004 CERTIFIED SUBSTANTIALLY CORRECT BY SYDNEY A. RAPP, JR., L.S. #7400".

TOGETHER WITH THE TEMPORARY CONSTRUCTION EASEMENT SHOWN ON THE ABOVE REFERENCED MAP.



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 correct drainage problems on Shore Road; and

WHEREAS, it will be necessary to acquire interest in and to real property as set forth in the Schedules A and B attached hereto containing the legal descriptions of the properties involved; and

WHEREAS, eminent domain proceedings will be necessary if the City Of Danbury cannot agree with the owners of said properties upon the amount, if any, to be paid for their respective interests to be taken in and to the real property listed on said schedules.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City Of Danbury is hereby authorized to acquire on or prior to January 1, 2006 property interests as set forth in the attached legal descriptions either by negotiation or by eminent domain through the institution of suit against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

A STORM DRAINAGE EASEMENT
ANTHONY J. CHIAPPINELLI and VIVIAN CHIAPPINELLI
22 & 24 SHORE ROAD (TAX ASSESSOR'S LOT No. K02110 & K02112)

A certain piece or parcel of land containing 2,009 square feet (.0461 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Shore Road and known as Tax Assessor's Lot No. K02110 & K02112 (portion of) bounded and described as follows:

Commencing at a point on the easterly street line of Shore Road, which point is the southwesterly corner of land of the Grantor, thence running easterly along the southerly boundary line of the Grantor N. 61° 05' 30" E. a distance of 21.60' to a point, said point being the southwesterly corner of land herein described and the true point or place of beginning, thence turning and running through land of the Grantor the following courses and distances; N. 04° 24' 03" E. a distance of 17.95' to a point, thence N. 61° 05' 30" E. a distance of 127.80' to a point on the easterly boundary of the Grantor, thence turning and running southerly along the easterly boundary of the grantor S. 37° 48' 21" E. a distance of 15.18' to a point, said point being the southeasterly corner of the Grantor, thence turning and running westerly along the southerly boundary of the grantor, S. 61° 05' 30" W. a distance of 140.00 to the point or place of beginning.

Bounded:

Northerly : By other land of Grantor.

Easterly : By land now or formerly of Northeast Generation Company.

Southerly : By land now or formerly of Susan A. Davis.

Westerly : By other land of Grantor.

Together with a temporary construction easement located adjacent to and parallel with the northerly line of said permanent easement and adjacent to the westerly boundary of the land of the Grantor, as shown on the below referenced map.

For a more particular description reference is made to a map entitled "Map Showing Proposed Drainage Easement Through the Land of Anthony J. and Vivian Chiappinelli 22 & 24 Shore Road Danbury, Connecticut Scale: 1" = 10' November 19, 2004" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.

**A STORM DRAINAGE EASEMENT
SUSAN A. DAVIS
26 SHORE ROAD (TAX ASSESSOR'S LOT No. K02114)**

A certain piece or parcel of land containing 835 square feet (.0192 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Shore Road and known as Tax Assessor's Lot No. K02114 (portion of) bounded and described as follows:

Commencing at a point on the easterly street line of Shore Road, which point is the northwesterly corner of land of the Grantor, thence running easterly along the northerly boundary line of the Grantor N. 61° 05' 30" E. a distance of 21.60' to a point, said point being the northwesterly corner of land herein described and the true point or place of beginning, thence N. 61° 05' 30" E. a distance of 17.95' to a point, thence turning and running southerly through land of the Grantor S. 04° 24' 03" W. a distance of 72.01' to a point on the easterly street line of Shore Road, thence turning and running northerly along the easterly street line of Shore Road N. 28° 54' 30" W. a distance of 27.31' to a point, thence turning and running northerly through land of the Grantor N. 04° 24' 03" E. a distance of 39.33' to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of Anthony J. Chiappinelli
and Vivian Chiappinelli.

Easterly : By other land of Grantor.

Westerly : By other land of Grantor and by Shore Road, each in part.

Together with a temporary construction easement located adjacent to and parallel with the easterly and westerly lines of said permanent easement and adjacent to and parallel with the northerly boundary of the land of the Grantor, as shown on the below referenced map.

For a more particular description reference is made to a map entitled "Map Showing Proposed Drainage Easement Through the Land of Susan A. Davis 26 Shore Road Danbury, Connecticut Scale: 1" = 20' November 19, 2004 Revised February 23, 2005" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.



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 proceeding through plans and designs, to make necessary improvements to the Segar Street sanitary sewer; and

WHEREAS, the property to be acquired is described and identified in EXHIBIT A attached hereto; and

WHEREAS, said easement will have to be acquired either by negotiation with the property owner 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 rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easement set forth on EXHIBIT 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 mortgages encumbering the properties, if any, by January 1, 2006.

**O&G INDUSTRIES INC.
30 FEET WIDE SANITARY SEWER EASEMENTS
AND TEMPORARY CONSTRUCTION EASEMENT
(TAX ASSESSOR'S LOT NO. G16008)**

Two parcels of land, one containing 26,938 square feet (0.6184Acre), more or less, to be called "Sanitary Sewer Easement No. 1" and the second containing 1,613 square feet (0.0370Acre), more or less, to be called "Sanitary Sewer Easement No. 2", situated in the City of Danbury, County of Fairfield and State of Connecticut located at Segar Street being a portion of Tax Assessors Lot No. G16008 bounded and described as follows:

SANITARY SEWER EASEMENT NO. 1

Commencing at a point on the easterly street line of Segar Street, which point is the southwesterly corner of an existing sanitary sewer easement in favor of the City of Danbury and said point being the northwesterly corner of land herein described, thence running easterly through the land of the Grantor along the southerly line of the existing sanitary sewer easement N. 79° 06' 48" E. a distance of 50.00 feet to a point, thence turning and running southerly through the land of the Grantor S. 10° 25' 15" E. a distance of 24.40 feet to a point, thence turning and running easterly through the land of the Grantor on the following courses and distances S. 71° 56' 04" E. a distance of 591.63 feet to a point, thence on a curve to the left with a delta angle of 10° 45' 12" a radius of 1243.03 feet and length of curve of 233.30 feet to a point on the westerly line of the existing sanitary sewer easement, thence turning and running southerly along the westerly line of the existing sanitary sewer easement S. 17° 53' 06" E. a distance of 33.07 feet to a point on the southerly boundary line of land of the Grantor being the northerly boundary line of land now or formerly of Maybrook Railroad Company, thence turning and running westerly along the northerly boundary line of land now or formerly of Maybrook Railroad Company along a curve to the right with a delta angle of 11° 23' 14" a radius of 1,273.03 feet and a length of curve of 253.005 feet, thence N. 71° 56' 04" W. a distance of 619.02 feet to a point being the southeasterly corner of an existing sanitary sewer easement, thence turning and running northwesterly along the easterly line of the existing sanitary sewer easement N. 36° 38' 06" W. a distance of 27.90 feet to a point on the easterly street line of Segar Street, thence turning and running northerly along the easterly street line of Segar Street on the following courses and distances N. 00° 48' 02" E. a distance of 3.62 feet to a point, thence N. 10° 25' 15" W. a distance of 8.72 feet to the point or place of beginning.

Bounded:

Northerly: By other land of the Grantor and by an existing sanitary sewer easement, each in part.

Easterly : By other land of the Grantor and by an existing sanitary sewer easement, each in part.

Southerly: By land now or formerly of Maybrook Railroad Company and by an existing sanitary sewer easement, each in part.

Westerly : By Segar Street and by an existing sanitary sewer easement , each in part.

SANITARY SEWER EASEMENT NO. 2

Commencing at a point on the southerly boundary line of land of the Grantor being the northerly boundary line of land now or formerly of Maybrook Railroad Company, said point being the southeasterly corner of an existing sanitary sewer easement in favor of the City of Danbury and the southwesterly corner of land herein described, thence running northwesterly along the existing sanitary sewer easement line N. $17^{\circ} 53' 06''$ W. a distance of 32.745 to a point, thence turning and running easterly through the land of the Grantor on a curve to the left with a delta angle of $03^{\circ} 11' 06''$ a radius of 1243.03 feet and length of curve of 69.097 feet to a point on the easterly boundary line of land of the Grantor being the westerly boundary line of land now or formerly of Maybrook Railroad Company, thence turning and running southwesterly along the westerly boundary line of land now or formerly Maybrook Railroad Company S. $35^{\circ} 21' 16''$ W. a distance of 34.40 feet to a point, thence turning and running westerly along the northerly boundary line of land now or formerly of Maybrook Railroad Company on a curve to the right with a delta angle of $01^{\circ} 43' 52''$ a radius of 1273.03 feet and length of curve of 38.464 feet to the point or place of beginning.

Bounded:

Northerly : By other land of the Grantor.

Easterly : By land now or formerly of Maybrook Railroad Company.

Southerly : By land now or formerly of Maybrook Railroad Company.

Westerly : By an existing sanitary sewer easement in favor of the City of Danbury.

Together with a 20 feet wide and 15 feet wide temporary construction easements located adjacent to and parallel with the northerly and easterly lines of said permanent easements as shown on the hereunder referenced map.

For a more particular description, reference is made to a map entitled "Map Showing Proposed 30 Ft. Wide Sanitary Sewer Easements Through the Land of O&G Industries Inc. Segar Street Danbury, Connecticut Scale: 1" = 40' November 24, 2003" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Ireneo H. Despojado, P.E.&L.S. No. 12050, which map is to be filed in the Danbury Land Records.



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 proceeding with plans and designs to implement the Carolyn Avenue area sanitary sewer project; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A, B, C, D and E attached hereto; and

WHEREAS, said easements 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 rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B, C, D and E 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 encumbering the properties, if any, by January 1, 2006.

Ex. A

**SANITARY SEWER AND DRAINAGE EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM
MARIO M. BORGES AND MARIA J. BORGES**

A CERTAIN PIECE OR PARCEL OF LAND SITUATED ON THE WESTERLY SIDE OF COZY HOLLOW ROAD IN THE CITY OF DANBURY, CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY SIDE OF COZY HOLLOW ROAD MARKING THE SOUTHEASTERLY PROPERTY CORNER OF MARIO M. BORGES AND MARIA J. BORGES AND THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF PETER A. SETARO, JR. AND CAROL ANN SETARO, THENCE RUNNING IN A SOUTHWESTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF PETER A. SETARO, JR. AND CAROL ANN SETARO $S76^{\circ}57'00''W$, A DISTANCE OF 107.61' TO A POINT;

THENCE TURNING AND RUNNING IN A NORTHWESTERLY DIRECTION THROUGH LAND OF MARIO M. BORGES AND MARJA J. BORGES $N77^{\circ}16'35''W$, A DISTANCE OF 42.22' TO A POINT MARKING THE SOUTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHWESTERLY DIRECTION ALONG DIANA ROAD $N22^{\circ}01'00''W$, A DISTANCE OF 30.42' TO A POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHEASTERLY AND NORTHEASTERLY DIRECTION THROUGH LAND OF MARIO M. BORGES AND MARIA J. BORGES THE FOLLOWING COURSES AND DISTANCES, $S77^{\circ}16'35''E$, A DISTANCE OF 65.34' TO A POINT, THENCE $N76^{\circ}57'00''E$, A DISTANCE OF 94.07' TO A POINT ON THE WESTERLY SIDE OF COZY HOLLOW ROAD MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHEASTERLY DIRECTION ALONG THE WESTERLY SIDE OF COZY HOLLOW ROAD $S05^{\circ}49'00''E$, A DISTANCE OF 20.16' TO A POINT MARKING THE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 3,361 S.F.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP, MAP SHOWING PROPOSED SANITARY SEWER AND DRAINAGE EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM MARIO M. BORGES AND MARIA J. BORGES, 7 COZY HOLLOW ROAD, SCALE: 1"=20' DATE: OCTOBER 13, 2004 CERTIFIED SUBSTANTIALLY CORRECT BY SYDNEY A. RAPP, JR. L.S.#7400".

**SANITARY SEWER AND DRAINAGE EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM
EFTHEMIOS CHAMOURES AND FRANCES E. CHAMOURES**

A CERTAIN PIECE OR PARCEL OF LAND SITUATED ON THE EASTERLY SIDE OF COZY HOLLOW ROAD IN THE CITY OF DANBURY, CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF COZY HOLLOW ROAD MARKING THE SOUTHWESTERLY PROPERTY CORNER OF LAND OF EFTHEMIOS CHAMOURES AND FRANCES E. CHAMOURES AND THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF JANE M. McDONALD, THENCE RUNNING IN A NORTHWESTERLY DIRECTION ALONG THE EASTERLY SIDE OF COZY HOLLOW ROAD N05°49'00"W, A DISTANCE OF 25.12' TO A POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING THROUGH LAND OF EFTHEMIOS CHAMOURES AND FRANCES E. CHAMOURES THE FOLLOWING COURSES AND DISTANCES; N78°35'00"E, A DISTANCE OF 25.00' TO A POINT, THENCE S11°25'00"E, A DISTANCE OF 2.00' TO A POINT, THENCE N78°35'00"E, A DISTANCE OF 45.00' TO A POINT, THENCE N11°25'00"W, A DISTANCE OF 2.00' TO A POINT, THENCE N78°35'00"E, A DISTANCE OF 91.81' TO A POINT MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHEASTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF GERALDINE SIBBITT S19°39'00"E, A DISTANCE OF 25.26' TO A POINT MARKING THE SOUTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHWESTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF JANE M. McDONALD S78°35'00"W, A DISTANCE OF 167.88' TO A POINT MARKING THE SOUTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT AND THE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 4,031 S.F.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP, MAP SHOWING PROPOSED SANITARY SEWER AND DRAINAGE EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM EFTHEMIOS CHAMOURES AND FRANCES E. CHAMOURES, 8 COZY HOLLOW ROAD, DANBURY, CONNECTICUT, SCALE: 1"=20' DATE: OCTOBER 13, 2004 CERTIFIED SUBSTANTIALLY CORRECT BY SYDNEY A. RAPP, JR., L.S.#7400".

Ex. C

**SANITARY SEWER AND DRAINAGE EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM
RICHARD NEWTON AND LYNN NEWTON**

A CERTAIN PIECE OR PARCEL OF LAND SITUATED ON THE WESTERLY SIDE OF GREAT PLAIN ROAD IN THE CITY OF DANBURY, CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY SIDE OF GREAT PLAIN ROAD, SAID POINT MARKING THE NORTHEASTERLY PROPERTY CORNER OF LAND NOW OR FORMERLY OF MICHAEL E. SIBBITT AND NAOMI R. SIBBITT AND THE SOUTHEASTERLY PROPERTY CORNER OF LAND OF RICHARD NEWTON AND LYNN NEWTON;

THENCE RUNNING IN A WESTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF MICHAEL E. SIBBITT AND NAOMI R. SIBBITT S65°07'55"W, A DISTANCE OF 207.982' TO A POINT MARKING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHEASTERLY DIRECTION THROUGH LAND OF RICHARD NEWTON AND LYNN NEWTON N19°29'58"E, A DISTANCE OF 6.99' TO A POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHEASTERLY DIRECTION THROUGH LAND OF RICHARD NEWTON AND LYNN NEWTON N65°07'55"E, A DISTANCE OF 202.37' TO A POINT ON THE WESTERLY SIDE OF GREAT PLAIN ROAD MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHEASTERLY DIRECTION ALONG THE WESTERLY SIDE OF GREAT PLAIN ROAD S33°02'50"E, A DISTANCE OF 5.05' TO A POINT MARKING THE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 1,025 SQ.FT.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP, MAP SHOWING PROPOSED SANITARY SEWER AND DRAINAGE EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM RICHARD NEWTON AND LYNN NEWTON 58½ GREAT PLAIN ROAD, DANBURY, CONNECTICUT SCALE: 1"=30' DATE: NOVEMBER 22, 2004, REVISED NOVEMBER 29, 2004, CERTIFIED SUBSTANTIALLY CORRECT BY SYDNY A. RAPP, JR., L.S. #7400".

Ex. D

**SANITARY SEWER AND DRAINAGE EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM
GERALDINE SIBBITT**

A CERTAIN PIECE OR PARCEL OF LAND SITUATED AT THE REAR OF 54 GREAT PLAIN ROAD IN THE CITY OF DANBURY, CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED N69°06'38"E, A DISTANCE OF 15.368' FROM THE NORTHWESTERLY PROPERTY CORNER OF LAND OF GERALDINE SIBBITT AND THE SOUTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF MICHAEL E. SIBBITT AND NAOMI R. SIBBITT, SAID POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT AND THE TRUE POINT OF BEGINNING;

THENCE RUNNING IN A NORTHEASTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF MICHAEL E. SIBBITT AND NAOMI R. SIBBITT N69°06'38"E, A DISTANCE OF 32.823' TO A POINT MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHWESTERLY DIRECTION THROUGH LAND OF GERALDINE SIBBITT S19°29'58"W, A DISTANCE OF 76.31' TO A POINT MARKING THE SOUTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHWESTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF JANE M. McDONALD AND EFTHEMIOS CHAMOURES AND FRANCES E. CHAMOURES EACH IN PART N19°39'00"W, A DISTANCE OF 39.60' TO A POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHEASTERLY DIRECTION THROUGH LAND OF GERALDINE SIBBITT N19°29'58"E, A DISTANCE OF 24.335' TO A POINT MARKING THE TRUE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 1,258 SQ.FT.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP, MAP SHOWING PROPOSED SANITARY SEWER AND DRAINAGE EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM GERALDINE SIBBITT 54 GREAT PLAIN ROAD, DANBURY, CONNECTICUT SCALE: 1"=30' DATE: OCTOBER 13, 2004 CERTIFIED SUBSTANTIALLY CORRECT BY SYDNEY A. RAPP, JR., L.S. #7400".

TOGETHER WITH THE TEMPORARY CONSTRUCTION EASEMENT SHOWN ON THE ABOVE REFERENCED MAP.

Ex. E

**SANITARY SEWER AND DRAINAGE EASEMENT
TO BE ACQUIRED BY
THE CITY OF DANBURY
FROM
MICHAEL E. SIBBITT AND NAOMI R. SIBBITT**

A CERTAIN PIECE OR PARCEL OF LAND SITUATED ON THE WESTERLY SIDE OF GREAT PLAIN ROAD IN THE CITY OF DANBURY, CONNECTICUT AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY SIDE OF GREAT PLAIN ROAD MARKING THE NORTHEASTERLY PROPERTY CORNER OF MICHAEL E. SIBBITT AND NAOMI R. SIBBITT AND THE SOUTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF RICHARD NEWTON AND LYNN NEWTON;

THENCE RUNNING IN A SOUTHEASTERLY DIRECTION ALONG THE WESTERLY SIDE OF GREAT PLAIN ROAD S51°41'25"E, A DISTANCE OF 22.41' TO A POINT MARKING THE SOUTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A SOUTHWESTERLY DIRECTION THROUGH LAND OF MICHAEL E. SIBBITT AND NAOMI R. SIBBITT THE FOLLOWING COURSES AND DISTANCES: S65°07'55"W, A DISTANCE OF 202.68' TO A POINT; THENCE S19°29'58"W, A DISTANCE OF 132.74' TO A POINT MARKING THE INTERSECTION OF HEREIN DESCRIBED EASEMENT WITH LAND NOW OR FORMERLY OF GERALDINE SIBBITT;

THENCE TURNING AND RUNNING IN A SOUTHWESTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF GERALDINE SIBBITT S69°06'38"W, A DISTANCE OF 32.823' TO A POINT MARKING THE SOUTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHEASTERLY DIRECTION THROUGH LAND OF MICHAEL E. SIBBITT AND NAOMI R. SIBBITT N19°29'58"E, A DISTANCE OF 157.514' TO A POINT MARKING THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE TURNING AND RUNNING IN A NORTHEASTERLY DIRECTION ALONG LAND NOW OR FORMERLY OF RICHARD NEWTON AND LYNN NEWTON N65°07'55"E, A DISTANCE OF 207.982' TO A POINT MARKING THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED EASEMENT AND POINT OR PLACE OR BEGINNING.

THE ABOVE DESCRIPTION INCLUDES AN AREA OF 7,736 SQ.FT.

FOR A MORE PARTICULAR DESCRIPTION, REFERENCE IS MADE TO A MAP ENTITLED "EASEMENT MAP, MAP SHOWING PROPOSED SANITARY SEWER AND DRAINAGE EASEMENT TO BE ACQUIRED BY THE CITY OF DANBURY FROM MICHAEL E. SIBBITT AND NAOMI R. SIBBITT, 56 GREAT PLAIN ROAD, DANBURY, CONNECTICUT, SCALE: 1"=30', DATE: OCTOBER 13, 2004, CERTIFIED SUBSTANTIALLY BY SYDNEY A. RAPP, JR., L.S.#7400.

TOGETHER WITH THE TEMPORARY CONSTRUCTION EASEMENT SHOWN ON THE ABOVE REFERENCED MAP.