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# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

RECEIVED  
NOV 18 2005  
CORPORATION COUNSEL

ENGINEERING DEPARTMENT  
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WILLIAM J. BUCKLEY, JR., P.E.  
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

November 18, 2005

Honorable Mark D. Boughton  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Garfield Avenue  
Sidewalk and Access Easements

An existing safety condition exists on Garfield Avenue in the vicinity of a 54" elm tree that is located in front of number 98 Garfield Avenue. Tree roots have caused the sidewalk to heave and the tree itself is so large that it impairs access to the driveway to 98 Garfield Avenue. To preserve this very old tree, to correct the sidewalk safety issue and to provide adequate driveway access to 98 Garfield Avenue, the Public Works Department requests that easements be acquired that would allow the City to install a safe sidewalk around the tree and to provide an accessible means for residents to drive vehicles from Garfield Avenue to existing paved portions of the driveway on the 98 Garfield Avenue property.

Enclosed please find copies of the easement maps and proposed legal descriptions prepared by our department. The easements required are as follows:

Lot No. I15135	David Kiley (Sidewalk and Access Easement) 96 Garfield Avenue
Lot No. I15134	Maria Augusta Corte-Rail (Sidewalk Easement) 98 Garfield Avenue

We would appreciate if you would authorize the Corporation Counsel's office to take the steps necessary to acquire these easements.

If you have any questions, please give me a call.

Very truly yours,

William J. Buckley, Jr., P.E.  
Director of Public Works/City Engineer

Encl.

C: Eric L. Gottschalk, Esq., with encl. (3 copies each)



## RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

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RESOLVED by the Common Council of the City of Danbury:

**WHEREAS**, an existing safety condition at 98 Garfield Avenue will require sidewalk improvements and remediation of driveway access conditions; and

**WHEREAS**, in order to accomplish the work required, it is necessary that the City of Danbury acquire sidewalk and access easements across adjoining property at 96 and 98 Garfield Avenue; and

**WHEREAS**, in order to preserve an existing and aged elm tree, remediate a safety hazard and improve driveway access, it is in the best interest of the City of Danbury to acquire, either by negotiation with the property owners or by eminent domain if such negotiations are unsuccessful, property identified in the attached Exhibits A and B.

**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 in Exhibits A and B 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 June 1, 2006.

**A SIDEWALK AND ACCESS EASEMENT  
DAVID KILEY, 96 GARFIELD AVENUE  
TAX ASSESSOR'S LOT No. I15135**

A certain piece or parcel of land containing 100 square feet (.0023 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 96 Garfield Avenue and known as Tax Assessor's Lot No. I15135 (portion of) bounded and described as follows:

Commencing at a point on the westerly street line of Garfield Avenue, which point is the northeasterly corner of land of the Grantor, said point being the northeasterly corner of land herein described, thence running southerly along the westerly street line of Garfield Avenue S.  $13^{\circ} 47' 07''$  E. a distance of 10.00' to a point, thence turning and running westerly through land of the Grantor N.  $77^{\circ} 24' 17''$  E. a distance of 22.32' to a point on the northerly boundary line of the Grantor, thence turning and running easterly along the northerly boundary line of the Grantor N.  $75^{\circ} 59' 03''$  E. a distance of 20.00' to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of Maria Augusta Corte-Real

Easterly : By Garfield Avenue.

Southerly : By other land of Grantor.

For a more particular description reference is made to a map entitled "Map Showing Proposed Sidewalk and Access Easement Through the Land of David Kiley 96 Garfield Avenue Danbury, Connecticut Scale: 1" = 10' November 9, 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.

**A SIDEWALK EASEMENT  
MARIA AUGUSTA CORTE-REAL, 98 GARFIELD AVENUE  
TAX ASSESSOR'S LOT No. I15134**

A certain piece or parcel of land containing 75 square feet (.0017 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 98 Garfield Avenue and known as Tax Assessor's Lot No. I15134 (portion of) bounded and described as follows:

Commencing at a point on the westerly street line of Garfield Avenue, which point is the southeasterly corner of land of the Grantor, said point being the southeasterly corner of land herein described, thence running westerly along the southerly boundary line of the Grantor S. 75° 59' 03" W. a distance of 5.00', thence turning and running northerly through land of the Grantor N. 13° 47' 07" W. a distance of 15.02' to a point, thence turning and running easterly through land of the Grantor N. 76° 12' 53" E. a distance of 5.00' to a point on the westerly street line of Garfield Avenue, thence turning and running along the westerly street line of Garfield Avenue S. 13° 47' 07" E. a distance of 15.00' to the point or place of beginning.

**Bounded:**

Northerly : By other land of Grantor.

Easterly : By Garfield Avenue.

Southerly : By land now or formerly of David Kiley.

Westerly : By other land of Grantor.

For a more particular description reference is made to a map entitled "Map Showing Proposed Sidewalk Easement Through the Land of Maira Augusta Corte-Real 98 Garfield Avenue Danbury, Connecticut Scale: 1" = 10' November 9, 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.