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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:

January 5, 2006

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

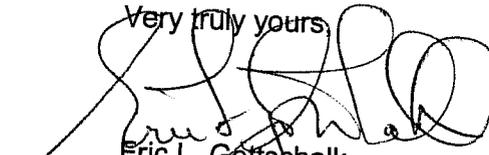
Re: Acquisition of Property: Olive Street/Tilden Road – storm drainage
Shore Road drainage
Westside Interceptor - Segar Street / O & G
Carolyn Avenue sewer project

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

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Attachments

**A SANITARY SEWER EASEMENT
BARBARA J. SPRINDIS AND ROBERT SPRINDIS
MORGAN AVENUE (TAX ASSESSOR'S LOT No. K11040 & K11041)**

A certain piece or parcel of land containing 5,757 square feet (0.1322 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Morgan Avenue and known as Tax Assessor's Lot No. K11040 & K11041 (portion of) bounded and described as follows:

Commencing at a point on the westerly street line of Morgan Avenue, which point is the southeasterly corner of land of the Grantors, said point being the southeasterly corner of land herein described, thence running westerly along the southerly boundary line of the Grantors S. 61° 48' 45" W. a distance of 208.95' to a point, thence turning and running northwesterly through land of the Grantors N. 45° 39' 57" W. a distance of 77.74' to a point, thence turning and running northerly along the westerly boundary line of the Grantors the following courses and distances: N. 18° 43' 29" W. a distance of 5.86' to a point, thence N. 16° 52' 22" W. a distance of 20.17' to a point, thence turning and running easterly through land of the Grantors N. 80° 31' 38" E. a distance of 9.46' to a point, thence turning and running southeasterly through land of the Grantors S. 45° 39' 57" E. a distance of 80.38' to a point, thence turning and running easterly through land of the Grantors N. 61° 48' 45" E. a distance of 196.24' to a point on the westerly street line of Morgan Avenue, thence turning and running southerly along the westerly street line of Morgan Avenue S. 22° 34' 08" E. a distance of 20.10' to the point or place of beginning.

Bounded:

Northerly : By other land of Grantors.

Easterly : By Morgan Avenue and by other land of the Grantors, each in part.

Southerly : By land now or formerly of Donald F. Kennen and Elizabeth K. Kennen and by other land of the Grantors, each in part.

Westerly : By land now or formerly of Kittie M. Holton and by other land of Grantors, each in part.

Together with a 10 foot wide temporary construction easement located adjacent and parallel with the northerly and easterly line of the said permanent easement and a 10 foot wide temporary construction easement located adjacent and parallel with a portion of the southerly line and the westerly line of the said permanent easement all as shown on the below referenced map.

For a more particular description reference is made to a map entitled "Map Showing Proposed 20 Ft. Wide Sanitary Sewer Easement Through the Land of Barbara J. Sprindis and Robert Sprindis with life use by Helen M. Sprindis Morgan Avenue Danbury, Connecticut Scale: 1" = 20' February 6, 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.



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 July 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
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.

**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.



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 July 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 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 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 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 owner and holders of mortgages encumbering the properties, if any, by July 1, 2006.

**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 $S65^{\circ}07'55''W$, 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 $N19^{\circ}29'58''E$, 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 $N65^{\circ}07'55''E$, 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 $S33^{\circ}02'50''E$, 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".