

30

CITY OF DANBURY

FIRE DEPARTMENT

19 NEW STREET

DANBURY, CONNECTICUT 06810

Peter Sicienski
Fire Chief

Phone 203-796-1555
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January 31, 2006

Mayor Mark D. Boughton
Members of the Common Council
City of Danbury
155 Deer Hill Ave.
Danbury, Ct. 06810

Re: Amendment of Lease

Dear Mayor Boughton and Members of the Common Council,

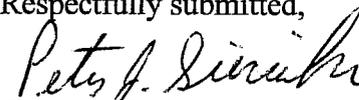
The Fire Department is in the process of upgrading radio communications to assist in emergency responses. This project is being funded by FEMA. To further enhance the system, a location for radio equipment has been located on the Boxwood Lane water tank.

In order to take advantage of this enhanced site there is a lease that needs to be amended. The Deputy Corporation Council has made the appropriate changes for your review.

The change includes the acceptance of installation, operation and maintenance of radio receivers and related appurtenances designed to receive radio signals and relay them to the Fire Department via dedicated telephone – circuits. The equipment is unobtrusive.

Your swift action on this lease amendment will assist in completing this necessary project.

Respectfully submitted,



Peter J. Sicienski,
Fire Chief

FIRST AMENDMENT TO LEASE

This First Amendment to Lease (the "Amendment") is entered into by and between the State of Connecticut, acting herein by James T. Fleming, its Commissioner of Public Works, duly authorized, pursuant to the provisions of Section 4b-38 of the General Statutes of Connecticut, as revised (the "LESSOR"), and the City of Danbury, a municipal corporation, acting herein by _____, its _____, duly authorized (the "LESSEE").

WITNESSETH:

WHEREAS, on October 27, 1980, the LESSOR and the LESSEE entered into a lease ("Lease") with respect to a certain parcel of land located in the City of Danbury, County of Fairfield and State of Connecticut, which Lease is recorded on the Danbury Land Records in Volume 718, Page 715; and

WHEREAS the parties hereto desire to modify the Lease.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties hereto covenant and agree as follows:

1. Section 4 of the Lease is hereby deleted in its entirety and replaced with the following:

The LESSEE shall use the leased premises for the purpose of constructing and operating a 1,500,000 gallon storage water tank and a related pumping station to serve the continuous needs of the LESSOR, and provided such obligation is fulfilled the LESSEE may also use the premises and the facilities to satisfy the water needs of other parties selected by the LESSEE. The leased premises may also be used by the LESSEE for the installation, operation and maintenance of radio receivers and related appurtenances designed to receive radio signals and relay them to the Danbury Fire Department via dedicated radio-telephone circuits. This lease may be terminated at the option of the LESSOR if the leased premises are used by the LESSEE for any other purposes than that allowed for herein. Before installing any radio receivers and related appurtenances, the LESSEE shall submit to the LESSOR, at the LESSEE's sole cost and expense, at least two (2) copies of detailed plans and specifications therefor, for the LESSOR's review and written approval, which may be withheld by the LESSOR in its sole discretion, and which approval shall be evidenced by a writing signed by Maribeth Amyot, Vice President for Finance and Administration of Western Connecticut State University. The said radio receivers and appurtenances shall be installed in accordance with the approved plans and specifications, and no material changes

thereto shall be made without the prior written consent of the LESSOR, which may be withheld in the LESSOR's sole discretion.

2. The Lease is hereby amended by adding the following as Section 12:

This lease is subject to the provisions of Executive Order No. Three of Governor Thomas J. Meskill, promulgated June 16, 1971, the provisions of Executive Order No. Seventeen of Governor Thomas J. Meskill, promulgated February 15, 1973 and the provisions of Executive Order No. Sixteen of Governor John C. Rowland promulgated August 4, 1999. These Executive Orders are incorporated in this lease by reference and shall be binding on the LESSEE as if they had been fully set forth herein. The LESSOR shall provide copies of such orders to the LESSEE within five (5) days of receiving a written request from the LESSEE.

3. All of the terms and conditions of the Lease to the extent that they are not hereby amended, shall remain in full force and effect.
4. This Amendment, whatever the circumstances, shall not be binding on the LESSEE unless and until approved by the State Properties Review Board and by the Attorney General of the State of Connecticut, as evidenced by their signatures hereon, and delivered to the LESSOR.
5. The LESSEE shall record this Amendment, at its own expense, in the Danbury Land Records and provide evidence of such recording to the LESSOR.

[Intentionally left blank. Signature page follows.]

IN WITNESS WHEREOF, the parties have hereunto set their hands.

Signed in the presence of:

CITY OF DANBURY

By
Its
duly authorized

Date signed: _____

STATE OF CONNECTICUT

James T. Fleming
Its Commissioner of Public Works
duly authorized

Date signed: _____

STATE OF CONNECTICUT)
) ss: _____
COUNTY OF _____) City/Town

On this the ____ day of _____, 200__, before me, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the _____ of the City of Danbury, a municipal corporation, whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes and consideration therein expressed in the capacity as therein stated as his free act and deed and that of the municipal corporation.

In Witness Whereof I hereunto set my hand.

Commissioner of the Superior Court
Notary Public
My Commission Expires:

STATE OF CONNECTICUT)
) ss: Hartford
COUNTY OF HARTFORD)

On this the ____ day of _____, 200__, before me, the undersigned officer, personally appeared James T. Fleming, Commissioner of the Department of Public Works, State of Connecticut, known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity as therein stated and for the purposes therein contained.

In Witness Whereof I hereunto set my hand.

Commissioner of the Superior Court
Notary Public
My Commission Expires:

Accepted:
CONNECTICUT STATE UNIVERSITY SYSTEM
BOARD OF TRUSTEES

by _____

Date signed: _____

Its

Approved:
STATE PROPERTIES REVIEW BOARD

by _____

Date signed: _____

Pasquale A. Pepe
Its Chairman

Approved:
ATTORNEY GENERAL

by _____

Date signed: _____

William B. Gundling
Its Associate Attorney General