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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 8, 2006

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

Re: Acquisition of Property: Hawthorn Terrace – water system

Dear Mayor and Council:

The attached resolution proposes to renew the Council's previous approval of the acquisition of certain properties by this office in order to facilitate the above project. 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 resolution. Please feel free to give us a call should you have any questions.

Very truly yours,

Eric L. Gottschalk
Deputy Corporation Counsel

:ras
Attachment

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200__

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, on November 6, 2003, the Common Council of the City of Danbury authorized the design and construction of improvements to the existing Hawthorn Terrace water system; and,

WHEREAS, the City of Danbury engineering department is nearing completion of the design of improvements; and,

WHEREAS, in the course of preparing said design it was determined that two existing water system pump houses and the properties on which they are located need to be acquired by the city; and,

WHEREAS, the acquisition of said properties is in the best interests of the City of Danbury; and,

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owner named in Schedule A, upon the amount to be paid for the interests to be taken in and to the real property described in said schedule;

NOW, THEREFORE, BE IT RESOLVED, THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit on or before December 1, 2006, against the named property owner, its successors and assigns as well as against mortgage holders and encumbrancers of the property, if any.

The Hawthorn Terrace Association, Incorporated

Two parcels of land described herein:

Parcel 1. Pump House Site #1. A 6,699 square foot parcel of land located on the south side of Hillcrest Road, further described as follows:

Beginning at a point on the southerly line of Hillcrest Road, said point being the northeast corner of the parcel being described herein, said point also being the northwest property corner of land now or formerly of Timothy E. Groski and Denise A. Groski, thence running along the property line between the land of the Grantor and land now or formerly of Timothy E. Groski and Denise A. Groski S 15° 31' 00" E a distance of 144.31 feet to a point, thence turning and running along the property line between the land of the Grantor and a 3 foot more or less wide reserved strip N 89° 27' 52" W a distance of 132.22 feet to a point, thence turning and running along the property line between the land of the Grantor and a one foot wide reserved strip N 19° 45' 04" W a distance of 16.49 feet to a point, thence turning and running along the property line between the land of the Grantor and land now or formerly of John Gammie the following courses and distances: N 74° 38' 00" E a distance of 99.00 feet to a point and N 09° 43' 00" W a distance of 96.24 feet to a point on the southerly line of Hillcrest Road, thence turning and running along the southerly line of Hillcrest Road N 86° 33' 00" E a distance of 20.00 feet to the point or place of beginning.

Bounded:

Northerly	by Hillcrest Road and by land now or formerly of John Gammie, each in part
Easterly	by land now or formerly of Timothy E. Groski and Denise A. Groski
Southerly	by a 3 foot more or less wide reserved strip as shown on map no. 725 of the Danbury Land Records
Westerly	by a 1 foot wide reserved strip as shown on map no. 400 of the Danbury Land Records and by land now or formerly of John Gammie, each in part

For more detailed information, reference is made to the map referenced below

Parcel 2. Pump House Site #2. A 5,193 square foot parcel of land located on the east side of Forty Acre Mountain Road, further described as follows:

Beginning at a point on the easterly line of Forty Acre Mountain Road, said point being the southwesterly corner of the parcel of land being described, said point also being the northwesterly corner of land now or formerly of Solomon Viera and Susan M. Viera, thence running along the easterly line of Forty Acre Mountain Road N 17° 21' 00" W a distance of 36.00 feet to a point, thence turning and running along the property line between the land of the Grantor and land now or formerly of Hawthorne Terrace Association N 70° 55' 32" E a distance of 143.20 feet to a point, thence turning and running along the property line between the land of the Grantor and land now or formerly of Bruce K. Hoffmann and Leslie M. Hoffmann S 20° 57' 03" E a distance of 36.00 feet to a point, thence turning and running along the property line between the land of the Grantor and land now or formerly of Solomon Viera and Susan M. Viera S 70° 55' 27" W a distance of 145.46 feet to the point or place of beginning.

Bounded

Northerly	by land now or formerly of Hawthorne Terrace Association
Easterly	by land now or formerly of Bruce K. Hoffmann and Leslie M. Hoffmann
Southerly	by land now or formerly of Solomon Viera and Susan M. Viera
Westerly	by Forty Acre Mountain Road

For more detailed information, reference is made to a map entitled "Improvement Location Survey Showing Location of Pump House Site #1 and Pump House Site #2 "Hawthorn Terrace" Forty Acre Mountain Road & Hillcrest Road Danbury, Connecticut Scale: 1"=30' Area: As-Shown Zone: RA-80 Date: July 20, 2004" which map was certified substantially correct by Sydney A. Rapp, Jr., L.S. # 7400 and which map is to be filed in the Danbury Land Records.