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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 22, 2006

Honorable Mark D. Boughton, Mayor  
Honorable Members of the Common Council  
City of Danbury, Connecticut

Re: Irving Place

Dear Mayor and Council Members:

Some time ago you authorized the acceptance of Irving Place and the acquisition of related water line easements. Following that action, we obtained title searches that revealed the need to acquire an additional easement. Accordingly, we have prepared a resolution for your consideration that would authorize the acquisition. Please obtain a report from the planning commission and adopt the attached resolution in the usual fashion. If you have any questions, please feel free to contact us.

Sincerely,

Eric L. Gottschalk  
Deputy Corporation Counsel

Attachment

cc: William J. Buckley, Jr., Director of Public Works



## 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 accept Irving Place as a city street; and

**WHEREAS**, as part of the acceptance of Irving Place, the City of Danbury seeks to acquire title to the road right of way, sewer and water lines and all necessary easements; and

**WHEREAS**, it will be necessary to acquire interest in and to real property as set forth in the Schedule A attached hereto containing the legal description of the property involved; and

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

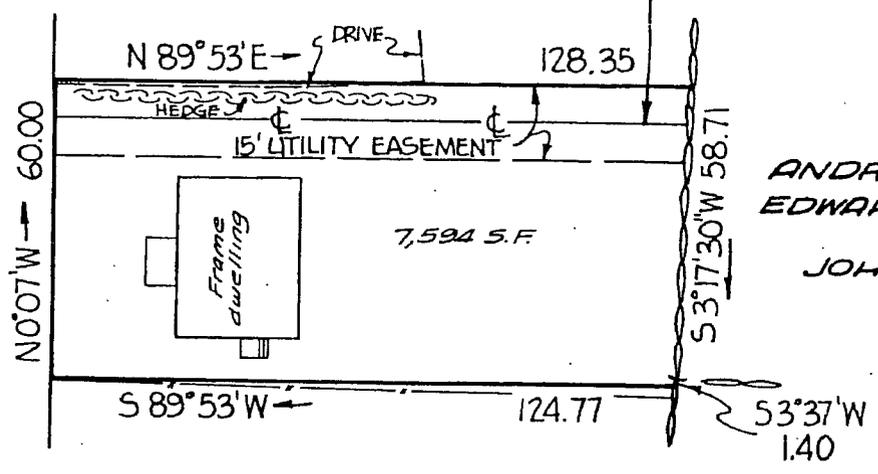
**NOW, THEREFORE, BE IT RESOLVED THAT** the Corporation Counsel of the City of Danbury is hereby authorized to acquire on or prior to January 1, 2007, property interests as set forth in the attached legal description either by negotiation or by eminent domain through the institution of suit against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.



N/F  
ANDRE E. & LOIS S. PRINCE

CL OF PROPOSED 8"  
CAST IRON WATER MAIN

HAKIM ST.



ANDREW T. KILIAN  
EDWARD J. KILIAN  
&  
JOHN F. GREEN

JOSEPH J. & CHRISTINE A.  
KILLIANY

RECEIVED AND FILED

MAY 5 1972

At 3:20 o'clock P. M. No. 5030

TOWN CLERK'S OFFICE  
DANBURY, CONN.

*Margaret M. Ward*  
Town Clerk

# MAP

SHOWING

## UTILITY EASEMENT

TO BE CONVEYED TO

ANDREW T. KILIAN - EDWARD J. KILIAN

AND

JOHN F. GREEN

DANBURY CONNECTICUT

SCALE ~ 1" = 40'

DATE: APRIL 6, 1972

OWNERS OF RECORD

RALPH SCINICARIELLO & ZIGMAS STEPONAVICIUS

# 5030

REFER TO MAP ENTITLED, "PLOT PLAN  
SHOWING EXISTING DWELLING ON  
PROPERTY OF RALPH SCINICARIELLO  
AND ZIGMAS STEPONAVICIUS" DATED  
DEC. 13, 1971 REVISED FEB 1, 1972 FROM  
THIS OFFICE

CERTIFIED SUBSTANTIALLY  
CORRECT TO THE BEST OF  
MY KNOWLEDGE AND BELIEF.  
SURVEYING ASSOCIATES, P.C.  
432 MAIN ST. DANBURY, CONN.  
*Paul M. Fagan*

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That We, RALPH SCINICARIELLO and ZIGMAS STEPONAVICIUS, both of the City of Stamford, County of Fairfield and State of Connecticut, for the consideration of THREE THOUSAND (\$3,000.00) DOLLARS received to our full satisfaction of JOHN F. GREEN, ANDREW T. KILIAN and EDWARD J. KILIAN, all of the City of Danbury, County of Fairfield and State of Connecticut do give, grant, bargain, sell and confirm unto the said JOHN F. GREEN, ANDREW T. KILIAN and EDWARD J. KILIAN, their heirs and assigns forever, the right, privilege and authority to perpetually maintain an eight-inch castiron water main, including the right to lay, maintain, operate, construct, alter, repair and replace the same in or through a strip of land fifteen (15) feet in width and 128.35 feet in length upon land of the Grantors adjacent to land of the Grantees and immediately West thereof.

The land affected by said easement is more particularly bounded and described as follows:

Commencing at a point which point is the Northwest corner of property of the Grantors herein; fence running North 89° 53' East 128.35 feet along land now or formerly of Andre E. and Lois S. Prince to a stone wall; fence running South 3° 17' 30" West 15 feet along land of the Grantees herein; fence running South 89° 53' West 128 feet, more or less, in a straight line parallel with the first mentioned course which was of a distance of 128.35 feet to a point on the Easterly side of Hakim Street; fence running along the Easterly side of Hakim Street North 0° 07' West a distance of 15 feet to the point or place of beginning.

Said easement is shown on a certain map entitled "Map Showing Utility Easement To Be Conveyed to John F. Green, Andrew T. Kilian and Edward J. Kilian dated April 6, 1972, Scale 1" = 40'" certified substantially correct by Paul M. Fagan, L.S., which map will be filed in the Office of the Town Clerk of the City of Danbury simultaneously herewith.

Also the right to enter on the land within said easement at any time for the purpose of constructing, servicing, repairing or replacing said water main or any material therein; however, the Grantees agree that the construction of said water main on the above described premises shall be completed within ninety (90) days from the date hereof.

The Grantees agree for themselves and their heirs and assigns to restore the land within said easement to as nearly its present condition as possible commensurate with the above provided use of the land and to similarly restore the land at any time that it is necessary to disturb the surface thereof in connection with servicing, repairing or replacing said water main.

The Grantors herein reserve the right to themselves, their

heirs and assigns to continue to use the land within which the aforesaid easement has been granted for any uses and purpose which do not in any way interfere with the use thereof by the Grantees, their heirs and assigns in fulfilling the purpose for which this easement is granted.

TO HAVE AND TO HOLD the above granted rights, privilege and authority unto the said Grantees, their heirs and assigns forever to their own proper use and behoof.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 17<sup>th</sup> day of April, 1972.

Robert N. Talarico  
Robert N. Talarico

Ralph Scinicariello  
Ralph Scinicariello

Barbara Catalanotto  
Barbara Catalanotto

Zigmas Steponavicius  
Zigmas Steponavicius

LAW OFFICES  
LORNIC AND McNAMARA  
5 WEST STREET  
DANBURY, CONNECTICUT 06810

STATE OF CONNECTICUT }  
COUNTY OF FAIRFIELD }

ss Danbury

April 17, 1972

Personally appeared RALPH SCINICARIELLO and ZIGMAS STEPONAVICIUS Signers and Sealers of the foregoing Instrument, and acknowledged the same to be their free act and deed, before me.

Received for record April 26, 1972 at 3:45 P.M.

Attest: Margaret M. Ward  
Town Clerk

Robert N. Talarico  
Commissioner of Superior Court  
~~Notary Public~~ Robert N. Talarico