



**CITY OF DANBURY**  
**OFFICE OF THE CORPORATION COUNSEL**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

(203) 797-4518  
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PLEASE REPLY TO:

August 22, 2006

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

Re: Acquisition of Properties:  
New Police Department; Westside Sewer sewer; Padanaram Road drainage;  
Garfield Avenue sidewalk; Lover's Lane fire hydrant

Dear Mayor and Council:

The attached resolutions propose to renew the Council's earlier approvals of the acquisitions of properties by this office in order to facilitate several 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 attached resolutions. Please feel free to give us a call should you have any questions.

Very truly yours,

Laszlo L. Pinter  
Deputy Corporation Counsel

Attachments

cc: Antonio Iadarola, Director Public Works  
Farid Khouri, City Engineer  
Raymond Yamin, Associate Corporation Counsel



# 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, pursuant to authorization through the 21<sup>st</sup> Century Bond Issue, is proceeding, through plans and designs, to construct a new police station; and

**WHEREAS**, in order to undertake the above referenced project, the City must acquire certain parcels of land as described in the Exhibits attached hereto; and

**WHEREAS**, said properties 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 properties 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 properties set forth on EXHIBITS A and B 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 March 1, 2007.

**Land Of**  
**Isabelle M. Kalil, Louis S. Owen, III and David G. Owen**  
**7 East Franklin Street – Tax Assessor's Lot # H13306**

A parcel of land 13,725 square feet, more or less, in area located on the north side of East Franklin Street further described as follows:

Beginning at a point on the north street line of East Franklin Street said point also being the southwest corner of the land being described herein, thence running along the property line between the land of the Grantors and land now or formerly of The Estate of Joseph DaSilva, land now or formerly of Kapil M. Bhavsar and Panna Bhavasar, and land now or formerly of St. Joseph's Roman Catholic Church Corporation, the following courses and distances: N 32° 26' 46" W a distance of 56.85 feet, thence N 66° 28' 29" E a distance of 1.25 feet, thence N 20° 17' 37" W a distance of 35.42 feet, thence N 14° 40' 44" W a distance of 40.92 feet to a point, thence turning and running along the boundary line between the land of the Grantors and land now or formerly of St. Joseph's Roman Catholic Church Corporation N 81° 00' 20" E a distance of 117.58 feet, thence turning and running along the boundary line between the land of the Grantors and land now or formerly of Aberdeen Development, LLC S 31° 41' 00" E a distance of 87.27 feet to a point on the northerly street line of East Franklin Street, thence turning and running along the northerly street line of East Franklin Street along the following courses and distances: S 59° 17' 20" W a distance of 65.51 feet, thence S 59° 13' 28" W a distance of 62.43 feet to the point or place of beginning.

Bounded:	Northerly	by land now or formerly of St. Joseph's Roman Catholic Church Corporation and by land now or formerly of Aberdeen Development, LLC, each in part
	Easterly	by land now or formerly of Aberdeen Development, LLC
	Southerly	by East Franklin Street
	Westerly	by land now or formerly of The Estate of Joseph DaSilva, by land now or formerly of Kapil M. Bhavsar and Panna Bhavsar, and by land now or formerly of St. Joseph's Roman Catholic Church Corporation, each in part

For a more particular description, reference is made to a map entitled "Map Showing the Land of Isabelle M. Kalil, Louis S. Owen, III and David G. Owen to be Acquired by the City of Danbury 7 East Franklin Street Danbury, Connecticut Scale 1" = 20' April 2, 2004" which map is certified substantially correct by Michael S. Pierwola, R.L.S. and is to be filed in the Danbury Land Records.

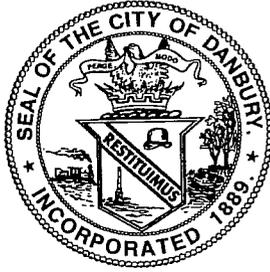
**Land of  
Aberdeen Development, LLC  
East Franklin Street and Maple Avenue**

Three parcels of land located on the north side of East Franklin Street and the west side of Maple Avenue further described as follows:

Parcel One (East Franklin Street):

Beginning at a point on the north street line of East Franklin Street said point also being the southwesterly corner of the parcel being described, thence running along the boundary line between the land of the Grantor and land now or formerly of Isabelle M. Kalil, Louis S. Owen, III and David G. Owen, land now or formerly of St. Joseph's Roman Catholic Church Corporation, land now or formerly of Maria DaSilva, land now or formerly of Michael K. Will and Lisa Marie Will, land now or formerly of Lu Li and land now or formerly of the Housing Authority of the City of Danbury the following courses and distances: N 31° 41' 00" W a distance of 87.27 feet, thence S 81° 00' 20" W a distance of 31.42 feet, thence N 12° 46' 10" W a distance of 86.26 feet, thence N 14° 26' 00" W a distance of 111.57 feet, thence N 18° 37' 50" W a distance of 87.75 feet, thence turning and running along the boundary line between the land of the Grantor and land now or formerly of the Housing Authority City of Danbury N 69° 47' 50" E a distance of 265.01 feet, thence turning and running through Padanaram Brook along the boundary line between herein described Parcel One and Parcel Two also owned by the Grantor the following courses and distances: S 28° 02' 45" E a distance of 37.641 feet, thence S 38° 31' 49" E a distance of 34.515 feet, thence S 33° 09' 47" E a distance of 60.326 feet, thence S 28° 35' 16" E a distance of 101.357 feet, thence S 45° 43' 48" E a distance of 108.405 feet to the northerly street line of East Franklin Street, thence turning and running along the northerly street line of East Franklin Street the following courses and distances: S 62° 38' 40" W a distance of 214.07 feet and thence S 59° 17' 20" W a distance of 187.78 feet to the point or place of beginning.

Bounded:	Northerly	by land now or formerly of the Housing Authority City of Danbury
	Easterly	by other land of the Grantor (Parcel Two)
	Southerly	by East Franklin Street
	Westerly	by land now or formerly of Isabelle M. Kalil, Louis S. Owen, III and David G. Owen, by land now or formerly of St. Joseph's Roman Catholic Church Corporation, by land now or formerly of Maria DaSilva, by land now or formerly of Michael K. Will and Lisa Marie Will, by land now or formerly of Lu Li, and by land now or formerly of the Housing Authority City of Danbury, each in part



## 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 March 1, 2007.

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.

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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 seeks to formally accept a drainage easement relative to an existing storm drain from Ezra Road/Juniper Ridge Road area to the Padanaram Brook; and

**WHEREAS**, it will be necessary to acquire interest in and to real property as set forth in 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 the interest 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 March 1, 2007, the property interest as set forth in the attached legal description either by negotiation or by eminent domain through the institution of suit against the named property owner, his heirs, executors, successors and assigns and his respective mortgage holders and encumbrances, if any.

**STORM DRAINAGE EASEMENT**  
**ELIA Y. ASSAF**  
**18-20 PADANARAM ROAD (TAX ASSESSOR'S LOT No. H10123)**

A certain piece or parcel of land containing 3,124 square feet (.0717 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Padanaram Road and known as Tax Assessor's Lot No. H10123 (portion of) bounded and described as follows:

Commencing at a point on the westerly street line of Padanaram Road, which point is the northeasterly corner of land of the Grantor, thence running northerly along the westerly street line of Padanaram Road the following courses and distances; N. 38° 07' 21" W. a distance of 38.24' to a point, thence N. 45° 41' 11" W. a distance of 50.23' to a point, thence turning and running westerly along the northerly boundary line of the Grantor the following courses and distances; N. 57° 45' 30" W. a distance of 23.08' to a point, thence N. 68° 08' 30" W. a distance of 9.85' to a point, said point being the northeasterly corner of land herein described and the true point or place of beginning, thence turning and running southerly through land of the Grantor S. 35° 11' 22" W. a distance of 159.13' to a point, thence turning and running westerly along the southerly boundary line of the Grantor the following courses and distances; N. 50° 55' 30" W. a distance of 16.22' to a point, thence N. 65° 55' 10" W. a distance of 3.89' to a point, thence turning and running northerly through land of the Grantor, N. 35° 11' 22" E. a distance of 154.05', thence turning and running easterly along the northerly boundary line of the Grantor S. 68° 08' 30" E. a distance of 20.55' to the point or place of beginning.

**Bounded:**

Northerly : By land now or formerly of RDB Associates, LLC.

Easterly : By other land of Grantor.

Southerly : By land now or formerly of Richard P. Schnell  
and Pierrette C. Schnell.

Westerly : By other land of Grantor.

For a more particular description reference is made to a map entitled "Map Showing Proposed 20 Ft. Wide Drainage Easement Through the Land of Elia Y. Assaf to be acquired by the City of Danbury 18-20 Padanaram Road Danbury, Connecticut Scale: 1" = 20' January 27, 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.



## RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A. D., 200\_

**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 a sidewalk and access easement across adjoining property at 96 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 owner(s) or by eminent domain if such negotiations are unsuccessful, property identified in the attached Exhibit A.

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 in Exhibit A, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owner(s) and holders of mortgages encumbering the properties, if any, by March 1, 2007.

**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 Corté-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.  $75^{\circ} 59' 03''$  W. a distance of 5.00', thence turning and running northerly through land of the Grantor N.  $13^{\circ} 47' 07''$  W. a distance of 15.02' to a point, thence turning and running easterly through land of the Grantor N.  $76^{\circ} 12' 53''$  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.  $13^{\circ} 47' 07''$  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.

# 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 has caused a fire hydrant to be installed at the end of the water main located on Lovers Lane; and

**WHEREAS**, difficult field conditions required the city's contractor to install said hydrant on private property; and

**WHEREAS**, said installation will require the acquisition of a forty square foot easement from the property owners involved; and

**WHEREAS**, the easement to be acquired is described in EXHIBIT A attached hereto; and

**WHEREAS**, said easement will 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 easement.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the property interest 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 or other inconsistent interests encumbering the property, if any, by March 1, 2007.

**A FIRE HYDRANT EASEMENT  
JEFFREY C. BECK and DANIELLE BECK  
9 LOVERS LANE TAX ASSESSOR'S LOT No. I07113**

A certain piece or parcel of land containing 40 square feet (0.0009 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 9 Lovers Lane and known as Tax Assessor's Lot No. I07113 (portion of) bounded and described as follows:

Commencing at a point on the southerly street line of Lovers Lane, which point is the southeasterly corner of land of the Grantor, thence running northwesterly along the southerly street line of Lovers Lane N. 40° 28' 00" W. a distance of 3.84' to a point, said point being the southeasterly corner of land herein described and the true point or place of beginning, thence turning and running southwestery through the land of the Grantor S. 49° 32' 00" W. a distance of 4.00' to a point, thence turning and running northwesterly through the land of the Grantor N. 40° 28' 00" W. a distance of 10.00' to a point, thence turning and running northeasterly through the land of the Grantor N. 49° 32' 00" E. a distance of 4.00' to a point on the southerly street line of Lovers Lane, thence turning and running southeasterly along the southerly street line of Lovers Lane S. 40° 28' 00" E. a distance of 10.00' to the point or place of beginning.

**Bounded:**

Northerly : By Lovers Lane

Easterly : By other land of Grantor.

Southerly : By other land of Grantor.

Westerly : By other land of Grantor.

For a more particular description, reference is made to a map entitled "Map Showing Proposed 10 ft. Wide Easement For Fire Hydrant Through the Land of Jeffrey C. Beck and Danielle Beck to be Acquired by the City of Danbury 9 Lovers Lane Danbury, Connecticut Scale: 1" = 10' December 5, 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.