



**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:

August 17, 2006

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

Re: **Rose Hill Avenue Bridge Reconstruction**  
Acquisition of Easement(s)

Dear Mayor and Council:

The attached resolution will serve to renew the authority of this office to acquire, either by negotiation or eminent domain, certain easement rights associated with the scheduled reconstruction of the Rose Hill Avenue Bridge.

A number of complex issues related to this project have resulted in this request. We do not anticipate a further request for additional time, as we are now close to the conclusion of the preparation of final easement documents.

Thank you for your anticipated approval of this request. Please call me in the event you have any questions regarding this matter.

Very truly yours,

Laszlo L. Pinter  
Deputy Corporation Counsel

Attachment

cc: Farid Khouri, City Engineer  
Eric L. Gottschalk, Assistant Corporation Counsel

Llp/rosehill



## RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

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

RESOLVED by the Common Council of the City of Danbury:

**WHEREAS**, the Rose Hill Avenue Bridge is in need of reconstruction; and

**WHEREAS**, the City of Danbury is in the process of completing plans for said work; and

**WHEREAS**, the designed solution will require the acquisition of temporary construction easements from the owner of the adjacent properties; and

**WHEREAS**, said easements have required revision since the last approval by this Council in January 2006 to assure proper completion; and

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

**WHEREAS**, in the event negotiations are unsuccessful, 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 by March 6, 2007, against the named property owner, his heirs, executors, successors and assigns and mortgage holders and encumbrancers, if any.

TEMPORARY EASEMENTS

The following is a description of four temporary work area easements associated with and/or required for the demolition and reconstruction of Bridge No. 04175 and appurtenances on Rose Hill Avenue in the City of Danbury, County of Fairfield and State of Connecticut. These easements vary in width and are clearly shown on a map entitled: "Map Showing Temporary Work Easements Through the Land of Roy Young, Trustee, 88 Rose Hill Avenue & 94-96 Rose Hill Avenue for Reconstruction of Rose Hill Avenue", Scale 1"=20', Dated May 2006, Project No. 1-24, Sheets 1 & 2 of 2, prepared by AI Engineers, Inc., 919 Middle Street, Middletown, CT 06457.

As shown on Sheet 1 of 2 on the map referenced above, the first of the four easements is described as follows; Beginning at a point on the southerly street line of Rose Hill Avenue, offset right 31.59' and perpendicular from the project base line station 11+36; thence continuing counterclockwise around said easement 15.65' southwesterly to a point 46.45' offset right and perpendicular from base line station 11+40.92; thence 37.8' more or less southeasterly to a point 45.67' offset right and perpendicular from base line station 11+78.73; thence 17.39' southeasterly to a point 44.81' offset right and perpendicular from base line station 11+96.11; thence 50' more or less southeasterly to a point 38.42' offset right and perpendicular from base line station 12+43.67; thence 15' northeasterly to a point on the Rose Hill Avenue street line 23.42' offset right and perpendicular from base line station 12+43.67; thence 53' more or less northwesterly along said street line; thence 116' more or less northwesterly along said street line to the point and place of beginning. Said easement contains 1635 square feet more or less and shall terminate upon completion of said project.

Also shown on Sheet 1 of 2 on the map referenced above, the second of four easements, a temporary work area easement descriptions is as follows; Beginning at a point at or near the face of the existing five story masonry building at 88 Rose Hill Avenue approximately 27' southeasterly along the face of the building from the northwest corner of said building, offset right 22.25' and perpendicular from project base line station 12+92.63; thence continuing counterclockwise around said easement 10' southwesterly to a point inside said building, 32.25' offset right and perpendicular from base line station 12+92.63; thence 23' southeasterly and 90° from said last described course to a point inside said building; thence 10' more or less northeasterly and 90° from said last described course to a point at or near the face of said building; thence 23' more or less northwesterly along the face of said building to the point and place of beginning. Said easement contains 228 square feet more or less and shall terminate upon completion of said project.

As shown on Sheet 2 of 2 on the map referenced above, the third of four easements, temporary access to work area easement is to be performed during one continuous period between 7:00 PM Friday to 5:00 AM the following Monday for the purpose of removal of the existing and reconstruction of a new 8" sanitary sewer lateral and is described as follows; Beginning at a point on the southerly street line of Rose Hill Avenue at the approximate parcel line between 88 Rose Hill Avenue and 94-96 Rose Hill Avenue, offset right 21.69' and perpendicular from project base line station 11+12.16; thence continuing counterclockwise around said easement 89.00' southwesterly along said parcel line to a point; thence 93.00' southeasterly to a point 114.10' offset right and perpendicular from base line station 12+02.55; thence 70.34' northerly to a point 54.95' offset right and perpendicular from base line station 11+64.49; thence 22.40' northwesterly to a point 56.23' offset right and perpendicular from base line station 11+42.12; thence 25.72' more or less northeasterly to a point 32.21' offset right and perpendicular from base line station 11+40.54; thence 11.32' more or less northwesterly to a point 31.73' offset right and perpendicular from base line station 11+31.53; thence 10' more or less northeasterly to a point on the southerly street line of Rose Hill Avenue, 21.73' offset right and perpendicular from base line station 11+31.53; thence 19.37' more or less northwesterly along said street line to the point and place of beginning. Said easement contains 5040 square feet more or less and shall terminate upon completion of said project.

Also shown on Sheet 2 of 2 on the map referenced above, the fourth of four easements, a temporary work area easement is described as follows; Beginning at a point 45.67' offset right and perpendicular from the project base line station 11+78.73; thence continuing counterclockwise around said easement, 37.25' northwesterly; thence 9.8' more or less southwesterly to a point 56.23' offset right and perpendicular from base line station 11+42.12; thence 22.40' southeasterly to a point 54.95' offset right and perpendicular from

base line station 11+64.49; thence 70.34' southerly to a point 114.10' offset right and perpendicular from base line station 12+02.55; thence 15' easterly and 90° from said last described course to a point; thence 60.20' northerly to a point; thence turning an exterior angle of 147° for a distance of 3.91' to the point and place of beginning. Said easement contains 1338 square feet more or less and shall terminate upon completion of said project.

All temporary easements listed herein will be restored by removal of all temporary installations and repairs to areas damaged by contractor operations, by paving and any other work necessary to return area to original condition prior to accessing area as required.

The rights associated with said project are described below and are shown on the map identified above and on related construction plans and drawings on file in the office of the City Engineer:

- Right to remove and reconstruct fence acquired.
- Right to remove existing retaining walls acquired.
- Right to remove and fill tunnel, remove pipe and repair wall acquired.
- Right to remove and reconstruct concrete sidewalk acquired.
- Right to plug or cap existing 8" sanitary sewer lateral acquired.
- Right to reconstruct sanitary sewer lateral acquired.
- Right to construct concrete barrier with fence acquired.
- Right to remove and reconstruct driveways acquired.
- Right to grade acquired.