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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:

January 30, 2007

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

Re: Acquisition of properties:
Olive/Tilden; Senior Center Phase II/Grand Street; and Hawthorn Terrace Water system

Dear Mayor and Council:

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

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

:ras
Attachments

45-1

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 Olive Street / Tilden Road 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 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 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 August 6, 2007.

**A SANITARY SEWER AND STORM DRAINAGE EASEMENT
BARBARA J. SPRINDIS AND ROBERT SPRINDIS
MORGAN AVENUE (TAX ASSESSOR'S LOT No. K11040 & K11041)**

A certain piece or parcel of land containing 8,916 square feet (0.2047 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Morgan Avenue and known as Tax Assessor's Lot No. K11040 & K11041 (portion of) bounded and described as follows:

Commencing at a point on the westerly street line of Morgan Avenue, which point is the southeasterly corner of land of the Grantors, said point being the southeasterly corner of land herein described, thence running westerly along the southerly boundary line of land of the Grantors S. 61° 48' 45" W. a distance of 208.95' to a point, thence turning and running northwesterly through land of the Grantors N. 45° 39' 57" W. a distance of 77.74' to a point, thence turning and running northerly along the westerly boundary line of land of the Grantors the following courses and distances: N. 18° 43' 29" W. a distance of 5.86' to a point, thence N. 16° 52' 22" W. a distance of 44.32' to a point, thence N. 14° 31' 20" W. a distance of 4.90' to a point, thence turning and running easterly through land of the Grantors N. 71° 20' 00" E. a distance of 14.83' to a point, thence turning and running southerly through land of the Grantors S. 18° 40' 00" E. a distance of 21.47' to a point, thence turning and running southeasterly through land of the Grantors S. 45° 39' 57" E. a distance of 78.12' to a point, thence turning and running easterly through land of the Grantors N. 61° 48' 45" E. a distance of 189.89' to a point on the westerly street line of Morgan Avenue, thence turning and running southerly along the westerly street line of Morgan Avenue S. 22° 34' 08" E. a distance of 30.14' to the point or place of beginning.

Bounded:

Northerly : By other land of Grantors.

Easterly : By Morgan Avenue and by other land of the Grantors, each in part.

Southerly : By land now or formerly of Donald F. Kennen and Elizabeth K. Kennen and by other land of the Grantors, each in part.

Westerly : By land now or formerly of Kittie M. Holton, by land now or formerly of Dorothy M. Posem and by other land of Grantors, each in part.

Together with a 15 foot wide temporary construction easement for swale abandonment located adjacent and parallel with the northerly and easterly line of the said permanent easement and a 10 foot wide temporary construction easement located adjacent and parallel with a portion of the southerly line and the westerly line of the said permanent easement all as shown on the below referenced map.

For a more particular description reference is made to a map entitled "Map Showing Proposed 30 Ft. Wide Sanitary Sewer and Storm Drainage Easement Through the Land of Barbara J. Sprindis and Robert Sprindis with life use by Helen M. Sprindis

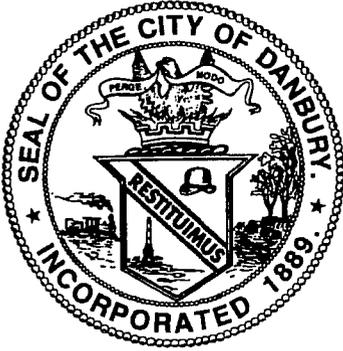
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Morgan Avenue Danbury, Connecticut Scale: 1" = 20' May 4, 2006" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.

45-4

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 received HUD financing approval through the HUD Development Block Grant Section 108 Program, for development of the proposed Senior Center Campus; and

WHEREAS, the development of the Campus will require the acquisition of several parcels of land in the vicinity of the existing Senior Center; and

WHEREAS, the properties to be acquired are described and identified in EXHIBIT A 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 Senior Center Campus project.

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 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 properties, if any, by August 6, 2007.

Edward S. Youngberg, Sr.
 Tax Assessor's Lot Nos. I15269 and I15268
 65 and 67 Grand Street

45-6

Parcel One:

A certain piece or parcel of land containing 9,350 square feet (0.2146 acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut on Grand Street and known as Tax Assessor's Lot No. I15268, bounded and described as follows:

Beginning at a point on the easterly street line of Grand Street at a point being the northwest corner of land now or formerly of The Danbury Square Box Company and being the southwest corner of the parcel of land being described herein, then running northerly along the easterly street line of Grand Street N 27° 41' 42" W a distance of 104.24 feet to a point, thence turning and running along the boundary line between the land of the Grantor and Parcel Two, also owned by the Grantor and described below, N 62° 41' 40" E a distance of 107.90 feet to a point, thence turning and running along the boundary line between the land of the Grantor and land now or formerly of The Danbury Square Box Company S 27° 50' 27" E a distance of 88.14 feet to a point, thence turning and running along the boundary line between the land of the Grantor and land now or formerly of The Danbury Square Box Company S 64° 21' 23" W a distance of 108.19 feet to the point or place of beginning.

Bounded:

Northerly: by other land of the Grantor (Parcel Two described below)
 Easterly: by land now or formerly of The Danbury Square Box Company
 Southerly: by land now or formerly of The Danbury Square Box Company
 Westerly: by Grand Street

For a more particular description reference is made to a map entitled "Map Prepared for the City of Danbury Grand Street and Elmwood Place Danbury, Connecticut Scale 1" = 20' May 13, 2002" 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 on the Danbury Land Records.

Parcel Two:

A certain piece or parcel of land containing 7,334 square feet (0.1684 acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut on Grand Street and known as Tax Assessor's Lot No. I15269 bounded and described as follows:

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Beginning at a point on the easterly street line of Grand Street at a point being the northwest corner of other land of the Grantor (Parcel One described above) and being the southwest corner of the parcel of land being described herein, then running northerly along the easterly street line to Grand Street N 26° 59' 07" W a distance of 48.68 feet to a point, thence turning and running along the boundary line between the land of the Grantor and land now or formerly of Antonio A. Sousa and Ana P. Sousa N 62° 26' 28" E a distance of 107.12 feet to a point, thence turning and running along the boundary line between the land of the Grantor and land now or formerly of The Danbury Square Box Company S 27° 50' 27" E a distance of 68.40 feet to a point, thence turning and running along the boundary line between the land of the Grantor and other land of the Grantor, being Parcel One described above, S 64° 41' 40" W a distance of 107.90 feet to the point or place of beginning.

Bounded:

- Northerly: by land now or formerly of Antonio A. Sousa and Ana P. Sousa
- Easterly: by land now or formerly of The Danbury Square Box Company
- Southerly: by other land of the Grantor (Parcel One described above)
- Westerly: by Grand Street

For a more particular description reference is made to a map entitled "Map Prepared for the City of Danbury Grand Street and Elmwood Place Danbury, Connecticut Scale 1" = 20' May 13, 2002" 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 on the Danbury Land Records.



RESOLUTION 45-8

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, in two areas along the proposed route of the water line, long narrow strips of land, approximately three feet wide, separate the city's right-of-way from the properties of others; and,

WHEREAS, in order to provide public water service to these other property owners, the city will need to acquire these two strips of land; 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 August 6, 2007, against the named property owner, its successors and assigns as well as against mortgage holders and encumbrancers of the property, if any.

GAMMIE
TWO RESERVED STRIPS OF LAND
FORTY ACRE MOUNTAIN ROAD AND HILLCREST ROAD
DANBURY, CONNECTICUT

45-a

Parcel #1

A certain piece or parcel of land containing 623 square feet (0.0143 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Forty Acre Mountain Road and adjacent to Tax Assessor's Lot No. K02078 bounded and described as follows:

Commencing at a point on the westerly street line of Forty Acre Mountain Road, which point is the southeasterly corner of lot no. 18 as shown on the below referenced map, said point being the northeasterly corner of land herein described and the true point of beginning, thence running in a southerly direction the following courses and distances, S $24^{\circ} 14' 00''$ E a distance of 3.98' to a point, thence S $17^{\circ} 21' 00''$ E a distance of 187.75' to a point, thence turning and running in a westerly direction S $72^{\circ} 38' 31''$ E a distance of 2.85' to a point, thence turning and running in a northerly direction the following courses and distances, N $17^{\circ} 23' 25''$ W a distance of 91.96' to a point, thence N $18^{\circ} 06' 27''$ W a distance of 100.59' to a point, thence turning and running in a easterly direction N $85^{\circ} 17' 18''$ E a distance of 3.86' to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of John F. Lawlor and Melissa N. Lawlor.

Easterly : By Forty Acre Mountain Road.

Southerly : By land now or formerly of Joseph Bischof and Nushi Bischof.

Westerly : By land now or formerly of James R. Staib and Yvonne J. Staib.

For a more particular description reference is made to a map entitled "Revised Map Showing New Plan of Lots Hawthorn Terrace John Gammie Danbury, Conn. Scale 1"=60' May, 1930" prepared by L. W. Marsh, Surveyor, which map is on file in the Danbury Land Records as map no. 725.

Parcel #2

A certain piece or parcel of land containing 447 square feet (0.0103 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Hillcrest Road and adjacent to Pump House Site #1 as shown on below referenced map bounded and described as follows:

Commencing at a point on the southerly street line of Hillcrest Road, which point is the northwesterly corner of lot no. 15 as shown on the below referenced map, thence running in a southerly direction S $15^{\circ} 31' 00''$ E a distance of 144.31' to a point, said point

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being the northeasterly corner of land herein described and the true point of beginning, thence continuing in a southerly direction S 15° 31' 00" E a distance of 2.73' to a point, thence turning and running in a westerly direction the following courses and distances S 89° 21' 58" W a distance of 55.45' to a point, thence N 89° 07' 20" W a distance of 76.32' to a point, thence turning and running in a northerly direction N 19° 45' 04" W a distance of 3.51' to a point, thence turning and running in a easterly direction S 89° 27' 52" E a distance of 132.22' to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of The Hawthorn Terrace Association, Incorporated.

Easterly : By land now or formerly of Timothy E. Groski and Denise A. Groski.

Southerly : By land now or formerly of James R. Staib and Yvonne J. Staib.

Westerly : By a one foot wide reserved strip of land as shown on the below referenced map.

For a more particular description 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" prepared by Surveying Associates 432 Main Street Danbury Connecticut, which map is to be filed in the Danbury Land Records.



RESOLUTION

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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 August 6, 2007, 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

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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

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- 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.