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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT

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April 24, 2007

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

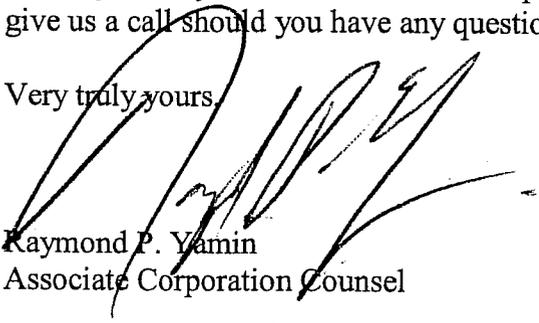
Re: Birch Road Drainage Plan
Acquisition of Easements from Susan K. and Robert E. Olsen, 32 Birch Rd.
And Kevin and Lauren Broggy, 34 Birch Rd.

Dear Mayor and Council:

The attached Resolution proposes to obtain your approval for the acquisition of storm drainage easements from each of the above referenced property owners residing at the above referenced addresses. These easements are deemed necessary by the Highway Department to relieve flooding in the area of these properties. To that end, an open swale will be replaced by a storm drain pipe that will run through the above properties and connect to existing City road drainage. The new pipe will provide additional capacity to accept storm events and avoid future flooding.

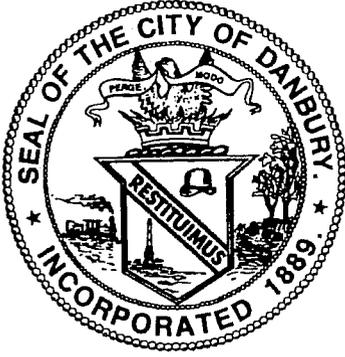
Thank you for your consideration in adopting the proposed resolution. Please feel free to give us a call should you have any questions.

Very truly yours,


Raymond P. Yamin
Associate Corporation Counsel

RPY:la
Enclosures





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, in order to improve drainage and relieve flooding on Birch Road, wishes to replace an open swale with a storm drain pipe; and

WHEREAS, the City will have to obtain two (2) easements, one from each of two property owners on Birch Road, in order to accomplish said drainage project; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A and B attached hereto; and

WHEREAS, said easements 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 easements 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 November 1, 2007.

EXHIBIT A

**7.5 FOOT WIDE DRAINAGE EASEMENT
SUSAN K. OLSEN AND ROBERT E. OLSEN
32 BIRCH ROAD TAX ASSESSOR'S LOT No. C07078**

A certain piece or parcel of land containing 512 square feet (0.012 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 32 Birch Road and known as Tax Assessor's Lot No. C07078 (portion of) bounded and described as follows:

Commencing at a point on the southerly street line of Birch Road, which point is the northwesterly corner of land of the Grantors, thence running easterly along the southerly street line of Birch Road S. 77° 10' 00" E. a distance of 8.08' to a point, which point is the true point or place of beginning, thence continuing easterly along the southerly street line of Birch Road S. 77° 10' 00" E. a distance of 8.08' to a point, thence turning and running southerly through the land of the Grantors the following courses and distances S. 08° 57' 40" E. a distance of 58.01' to a point, thence S. 14° 04' 01" W. a distance of 19.17' to a point, thence turning and running northerly through the land of the Grantors N. 08° 57' 40" W. a distance of 78.65' to the point or place of beginning.

Bounded:

Northerly: By Birch Road.

Easterly: By other land of Grantors.

Southerly: By other land of Grantors.

Westerly: By other land of Grantors and by an existing drainage and water easement as shown on the below referenced map.

For a more particular description, reference is made to a map entitled "Map Showing Proposed 7.5 Foot Wide Drainage Easement Through the Land of Susan K. Olsen and Robert E. Olsen 32 Birch Road Danbury, Connecticut Scale: 1" = 20' March 22, 2007" 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.

**15 FOOT WIDE DRAINAGE EASEMENT
KEVIN BROGGY AND LAUREN BROGGY
34 BIRCH ROAD TAX ASSESSOR'S LOT No. C07079**

A certain piece or parcel of land containing 1762 square feet (0.040 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 34 Birch Road and known as Tax Assessor's Lot No. C07079 (portion of) bounded and described as follows:

Commencing at a point on the southerly street line of Birch Road, which point is the northeasterly corner of land of the Grantors, thence running westerly along the southerly street line of Birch Road N. 77° 10' 00" W. a distance of 121.70' to a point, which point is the northwesterly corner of land of the Grantors, thence turning and running southerly along the westerly boundary line of the Grantors S. 08° 57' 40" E. a distance of 187.28' to a point, thence turning and running easterly through the land of the Grantors N. 81° 02' 20" E. a distance of 7.5' to a point, which point is the true point or place of beginning, thence turning and running northeasterly through the land of the Grantors N. 62° 03' 38" E. a distance of 87.95' to a point, thence turning and running northerly through the land of the Grantors N. 14° 04' 01" E. a distance of 37.92' to a point, thence turning and running southerly through the land of the Grantors the following courses and distances S. 08° 57' 40" E. a distance of 38.35' to a point, thence S. 14° 04' 01" W. a distance of 9.31' to a point, thence turning and running southwesterly through the land of the Grantors S. 62° 03' 38" W. a distance of 99.78' to a point, thence turning and running northerly through the land of the Grantors N. 08° 57' 40" W. a distance of 15.86' to the point or place of beginning.

Bounded:

Northerly: By Birch Road.

Easterly: By other land of Grantors and by an existing drainage and water easement as shown on the below referenced map.

Southerly: By other land of Grantors.

Westerly: By other land of Grantors and by an existing drainage and water easement as shown on the below referenced map.

For a more particular description, reference is made to a map entitled "Map Showing Proposed 15 Foot Wide Drainage Easement Through the Land of Kevin Broggy and Lauren Broggy 34 Birch Road Danbury, Connecticut Scale: 1" = 20' March 22, 2007" 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.