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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT
(203) 797-4525
(203) 797-4586 (FAX)

To: Hon. Mayor Mark D. Boughton and Members of Common Council

From: Sharon B. Calitro, Deputy Planning Director *SB*

Date: May 29, 2007

Re: Acquisition of Sidewalk Easements from The Great Danbury State Fair Inc., 132-136 White Street and Felix Torres, 127-133 White Street, White Street Streetscape Project

The City is about to initiate the first construction phase of a multi-phase streetscape improvement project on White Street from Main Street to Bates Place/Fifth Avenue. Funding has been allocated and construction is anticipated to begin late summer 2007. The improvements will include:

- widening the road to accommodate four lanes of traffic;
- installation of new sidewalks and curbing;
- construction of new driveway aprons;
- installation of decorative lighting; and
- installation of street trees and landscaping at selected locations.

The majority of the improvements will occur within the White Street right-of-way. However, there are two locations, at the addresses noted above, where the City is requesting private property owners to provide a Sidewalk Easement to allow pedestrian access over a small portion of new sidewalk to be installed on private property. The attached easements have been approved by the Office of Corporation Counsel.

The streetscape improvement project is specifically endorsed in the Plan of Conservation and Development. On May 16, 2007, the Planning Commission issued a positive referral regarding the acquisition of said sidewalk easements.

We request your approval to proceed with the acquisition of said easements from each property owner either by negotiation or eminent domain.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Attachments



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

May 17, 2007

To: Mayor Mark Boughton
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/Additional CC Referral – Acquisition of Sidewalk Easements, White Street Streetscape Project.

The Planning Commission has received a request from the Common Council for a report pursuant to CT General Statutes/Sec 8-24, regarding the above referenced item.

At the May 16, 2007 meeting, the Planning Commission made a motion to give this a positive recommendation because the White Street Streetscape Improvement project is endorsed in the Plan of Conservation & Development.

Arnold E. Finaldi Jr.
Chairman

AEF/jr

Attachment

c: Engineering Dept.
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, in order to implement the White Street Streetscape Improvement Project on White Street, desires to widen the roadway and construct new sidewalks, and

WHEREAS, the City will have to obtain two (2) easements, one from each of two property owners on White Street in order to construct said sidewalk; and

WHEREAS, the properties to be acquired are shown on Exhibit 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 for in Exhibit 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 mortgage encumbering the properties, if any by December 1, 2007.

SIDEWALK EASEMENT

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KNOW ALL MEN BY THESE PRESENTS:

That **FELIX TORRES**, with an address of 66 Patterson Street, Torrington, Connecticut 06790, owner of Tax Assessor Parcel I13190 located in the City of Danbury, Connecticut, 06810, (hereinafter referred to as the "Grantor") for One Dollar and No/100 (\$1.00) and other valuable consideration received to its full satisfaction of the **CITY OF DANBURY**, 155 Deer Hill Avenue, Danbury, Connecticut 06810, County of Fairfield and State of Connecticut (hereinafter referred to as "Grantee"), does hereby give, grant, bargain, sell and confirm unto the said **CITY OF DANBURY**, its successors, heirs and assigns:

The perpetual right, privilege, authority and easement for the purposes of pedestrian travel across that certain piece or parcel of land of the Grantor, being shown on Exhibit A attached hereto together with the right to enter upon the land within said easement at any reasonable time and from time to time for the purpose of constructing said sidewalk.

It is hereby agreed that the Grantee, its successors and assigns, shall, subsequent to construction of said sidewalk restore the bituminous pavement surfaces or any unpaved surfaces overlying said land to substantially the same condition as existing immediately prior to any such work, provided, however, that said restoration shall not include any structures, other improvements (except for bituminous surfaces), or plantings (except for ground sod) made by the Grantor, its successors or assigns.

The Grantor herein reserves the right to continue to use the land within which the aforesaid easements have been granted for any uses or purposes which do not in any way interfere with the use thereof by the Grantee in fulfilling the purpose for which this easement is granted.

It being further agreed that the Grantor shall retain all responsibilities for the ongoing maintenance of such sidewalk as presently exists pursuant to Chapter 17 of the Code of Ordinances, City of Danbury, as may be amended.

TO HAVE AND TO HOLD the above granted rights, privileges, reservations, authority, and easement unto the said Grantors and Grantee, their respective heirs, successors and assigns forever, to their own proper use and behoof.

IN WITNESS WHEREOF, the Grantor has set its hand and seal, this ____ day of ____, 2007.

Signed, Sealed and Delivered
In the Presence of

By: _____
Owner

"B"

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SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____, owner(s) of Tax Assessor Parcel I13270 located at 132-136 White Street in the City of Danbury, Connecticut, 06810, (hereinafter referred to as the "Grantor") for One Dollar and No/100 (\$1.00) and other valuable consideration received to its full satisfaction of the **CITY OF DANBURY**, 155 Deer Hill Avenue, Danbury, Connecticut 06810, County of Fairfield and State of Connecticut (hereinafter referred to as "Grantee"), does hereby give, grant, bargain, sell and confirm unto the said **CITY OF DANBURY**, its successors, heirs and assigns:

The perpetual right, privilege, authority and easement for the purposes of pedestrian travel across that certain piece or parcel of land of the Grantor, being shown on Exhibit A attached hereto together with the right to enter upon the land within said easement at any reasonable time and from time to time for the purpose of constructing said sidewalk.

It is hereby agreed that the Grantee, its successors and assigns, shall, subsequent to construction of said sidewalk restore the bituminous pavement surfaces or any unpaved surfaces overlying said land to substantially the same condition as existing immediately prior to any such work, provided, however, that said restoration shall not include any structures, other improvements (except for bituminous surfaces), or plantings (except for ground sod) made by the Grantor, its successors or assigns.

The Grantor herein reserves the right to continue to use the land within which the aforesaid easements have been granted for any uses or purposes which do not in any way interfere with the use thereof by the Grantee in fulfilling the purpose for which this easement is granted.

It being further agreed that the Grantor shall retain all responsibilities for the ongoing maintenance of such sidewalk as presently exists pursuant to Chapter 17 of the Code of Ordinances, City of Danbury, as may be amended.

TO HAVE AND TO HOLD the above granted rights, privileges, reservations, authority, and easement unto the said Grantors and Grantee, their respective heirs, successors and assigns forever, to their own proper use and behoof.

IN WITNESS WHEREOF, the Grantor has set its hand and seal, this ____ day of ____, 2007.

Signed, Sealed and Delivered
In the Presence of

By: _____
Owner

STATE OF CONNECTICUT)

) ss:

COUNTY OF FAIRFIELD

On this ___ day of _____, 2007, before me, the undersigned officer, personally appeared _____, who acknowledged ___self to be _____ of _____ and that he/she as such _____ being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by him/her self as a _____.

In Witness Whereof, I hereunto set my hand and official seal.

Notary Public
Commissioner of the Superior Court
My Commission Expires:

