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**CITY OF DANBURY**  
**OFFICE OF THE CORPORATION COUNSEL**  
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June 26, 2007

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

Re: Wooster School – Brown, Edmund and Valencia - Property Acquisitions

Dear Mayor and Council:

The City of Danbury is seeking to acquire easements in nine parcels of land on Miry Brook Road and Ye Olde Road known as Tax Assessor's lots nos. E19001, E19002, E19011, E19012, E19013, E19014, E19015, E19016, and E18003, which parcels of land are in close proximity to the Danbury Municipal Airport, for the public convenience, necessity and aircraft approach safety.

The attached resolution (together with attached Schedule A property depiction/descriptions) will summarize the intended actions required in order to proceed. What will also be required is an appraisal, together with an application to the FAA for grant money to defray part or all of the acquisition costs. The grant would also cover accessory expenses of consultant work, legal fees and other necessary costs. By approving the resolution, you will be permitting this office to proceed with these elements of the process.

Please be aware that this is a time sensitive matter, so your early approval is requested. Such approval may be made contingent upon Planning Commission approval.

Kindly provide your approval of the attached in order that we may go forward with this important public improvement. In the event you have any questions, please do not hesitate to contact us.

Very truly yours,

Laszlo L. Pinter  
Deputy Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel  
Paul D. Estefan, Airport Administrator  
Attachment

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# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT



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

**RESOLVED** by the Common Council of the City of Danbury:

**WHEREAS**, in order to enhance airport safety, the City of Danbury wishes to acquire easements in nine parcels of land on Miry Brook Road and Ye Olde Road known as Tax Assessor's lots nos. E19001, E19002, E19011, E19012, E19013, E19014, E19015, E19016, and E18003, and which easements are more particularly described in Schedule A attached hereto; and

**WHEREAS**, the City has sought and received the opinion of the Commissioner of the Connecticut Department of Transportation that public convenience, necessity or safety require the acquisition of said easements in accordance with relevant state statutes; 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**, the City of Danbury intends to apply to the Federal Aviation Administration for grant funding for the purpose of obtaining reimbursement for the cost of acquiring said easements; and

**WHEREAS**, pursuant to the Federal Aviation Administration grant application process, 95% of the grant funds will be committed by the Federal Aviation Administration, 3.75% of the grant funds will be committed by the State of Connecticut and the City will be responsible to fund 1.25% of the total grant amount, if the City ultimately secures said grant.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City of Danbury, through the office of Corporation Counsel, be and hereby is authorized to acquire the said easements as set forth in Schedule A, on or before January 1, 2008, either by negotiation or eminent domain, through the institution of suit against the interested property owners, their heirs, executors, administrators, successors and assigns and their respective mortgage holders and encumbrancers;

**AND BE IT FURTHER RESOLVED THAT** the Common Council authorizes Mayor Mark D. Boughton and Paul D. Estefan, Airport Administrator, to apply to the Federal Aviation Administration to obtain grant funding for reimbursement for the cost of acquiring the above-mentioned real property, to obtain the real property appraisals as are necessary to file the grant application, to appropriate the 1.25% of the total grant amount, if the grant is approved, to execute any necessary documents, and to take any additional actions necessary to effectuate the purposes hereof.

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**SCHEDULE A**

The avigation easement rights more fully set forth below, including the perpetual right and easement, which easement shall be appurtenant to and run with the adjoining land of the City of Danbury, Grantee herein, its successors and assigns, said adjoining land now known and used as the Danbury Municipal Airport, for the purposes described below, over that portion of the land of the grantors herein described as follows:

Those certain pieces or parcels of land shown as "Easements To Be Acquired" on a certain plan on file in the Danbury Engineering Department and at Danbury Municipal Airport entitled "Danbury Airport Acquisition Plan - Runway 8" dated April 12, 2007, drawn by Hoyle, Tanner & Associates, Inc., consulting engineers, said easement areas being more particularly described as follows:

1. That portion of Danbury Tax Assessor's Lot No. E19001 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined herein below. Said Lot No. E19001 is more particularly described in instrument recorded in Volume 172 at Page 229 of the Danbury Land Records.

2. That portion of Danbury Tax Assessor's Lot No. E19002 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined herein below. Said Lot No. E19002 is more particularly described in instrument recorded in Volume 407 at Page 552 of the Danbury Land Records;

3. That portion of Danbury Tax Assessor's Lot No. E19011 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined herein below. Said Lot No. E19011 is more particularly described in instrument recorded in Volume 1833 at Page 428 of the Danbury Land Records;

4. That portion of Danbury Tax Assessor's Lot No. E19012 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined herein below. Said Lot No. E19012 is more particularly described in instrument recorded in Volume 467 at Page 417 of the Danbury Land Records;

5. That portion of Danbury Tax Assessor's Lot No. E19013 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined herein below. Said Lot No. E19013 is more particularly described in instrument recorded in Volume 1588 at Page 1005 of the Danbury Land Records;

6. That portion of Danbury Tax Assessor's Lot No. E19014 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined herein below. Said Lot No. E19014 is more particularly described in instrument recorded in Volume 1270 at Page 1049 of the Danbury Land Records;

7. That portion of Danbury Tax Assessor's Lot No. E19015 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined herein below. Said Lot No. E19015 is more particularly described in instrument recorded in Volume 315 at Page 505 of the Danbury Land Records;

8. That portion of Danbury Tax Assessor's Lot No. E19016 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined herein below. Said Lot No. E19016 is more particularly described in instrument recorded in Volume 172 at Page 229 of the Danbury Land Records;

9. That portion of Danbury Tax Assessor's Lot No. E18003 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined herein below. Said Lot No. E18003 is more particularly described in instrument recorded in Volume 215 at Page 377 of the Danbury Land Records.

Said easement, appurtenant to the Danbury Municipal Airport, shall be for the unobstructed passage of all aircraft ("aircraft" being defined for the purpose of this instrument as any machine or contrivance now known or hereafter invented, used or designated for navigation of, or flight in, the air) by whomsoever owned and operated in all airspace above the surface of the premises conveyed hereby as follows:

**APPROACH SURFACE**

A sloping imaginary plane beginning at the displaced threshold bar on Runway 8, Four Hundred (400) feet in width at elevation 457, extending outward and upward from the extended runway centerline, at a slope of 20 feet horizontal for every one-foot vertical, for a distance of One Thousand Five Hundred (1,500) feet from the end of the runway and a final width of One Thousand (1,000) feet; then extending upward at a slope of 20 feet horizontal for every one-foot vertical, at the One Thousand foot width to a final distance of Ten Thousand feet from the displaced threshold bar on Runway 8.

ALSO, together with the right to cause in all air space above the surface of the premises such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on said Danbury Municipal Airport, and Grantor/s do hereby fully waive, remise and release any right of cause of action which they or their heirs, successors or assigns may now have or which they may have in the future against the Grantee, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on said Danbury Municipal Airport.

The easement and right of way hereby granted includes the continuing right in the Grantee to prevent the erection upon the premises of any building, structure, or other manmade object, extending into the air space above the aforesaid imaginary plane, and to remove from said air space and/or to mark and light, at the Grantee's sole discretion, as obstructions to air navigation, any such building, structure, tree or other object now upon, or which in the future may be upon the premises, together with the right to ingress to, egress from and passage over the premises for the above purposes.

ALSO, the continuing right of the Grantee to prevent the growth upon the premises of any tree or other natural growth, within the above described surfaces at the date hereof, and to remove or cut such tree or other natural growth or object to the ground level, along with the right of ingress to, egress from and passage over the premises for all of the above purposes. The Grantee agrees that, in the event it decides to cut trees or other natural growth pursuant to this paragraph, the Grantee will remove all timber cut, in a manner and location satisfactory to the Grantor/s in their sole discretion, and remove all slash resulting from the cutting.

