

SPECIAL COMMON COUNCIL MEETING

NOVEMBER 10, 1997

Meeting to be called to order at 7:00 P.M. by Mayor Eriquez

PLEDGE OF ALLEGIANCE
PRAYER

ROLL CALL

Scalzo, Abrantes, McAllister, Arconti, Coladarci, Boynton,
Buzaid, Valeri, Machado, Shuler, Setaro, Esposito, Levy, Charles,
Gomez, Basso, Butera, Fox, Gallagher, Nolan, Mead

17 Present 4 Absent

NOTICE OF THE SPECIAL MEETING - There will be a Special Meeting of the Common Council of the City of Danbury in the Common Council Chambers in City Hall to act upon the items listed below.

PUBLIC SPEAKING

1

COMMUNICATION & RESOLUTION - Authorization to transfer Redevelopment Parcel Five and related property to ARC Danbury, Inc. and authorization of the contract of sale.

There being no further business to come before the Common Council a motion was made at _____ P.M. by _____ for the meeting to be adjourned.

RETURN OF SERVICE

By virtue of the within warning, I have served Notice on each of the members of the Common Council of the City of Danbury, of the Special Meeting of said Board, each Notice duly signed by the Mayor and City Clerk, by leaving such written Notice with each of the following members of said Common Council, to-wit:

NAME

TIME

1. Janet Butten 1915 HRS
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
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11. _____
12. _____
13. _____
14. _____
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16. _____
17. _____
18. _____
19. _____
20. _____
21. _____

Each Notice so served upon each member, all having been done by me on this date 11-11-97.

Attest: [Signature]
Policemen of the City of
Danbury

RETURN OF SERVICE

By virtue of the within warning, I have served Notice on each of the members of the Common Council of the City of Danbury, of the Special Meeting of said Board, each Notice duly signed by the Mayor and City Clerk, by leaving such written Notice with each of the following members of said Common Council, to-wit:

	<u>NAME</u>	<u>TIME</u>
1.	Christopher Setaro	6:50
2.	Ernest M. Bryant	6:55
3.	John J. [unclear]	6:55
4.	[unclear]	1915
5.	[unclear]	1919
6.	[unclear]	7:25
7.	[unclear]	7:20
8.	[unclear]	7:25
9.	William Plechoda	7:25
10.	W. Tom Ayont	7:25
11.	Harvey Seabro	7:25
12.	[unclear]	7:25
13.	Marcia [unclear]	
14.	Tom Valeri	
15.	Matt Gallagher	
16.	Karen [unclear]	
17.	Louis F. Charles, Jr.	1170.5 hrs
18.	Paula Graca	1200
19.		
20.		
21.		

Each Notice so served upon each member, all having been done by me on this date 11/08/57.


 #527
 (#18 & #19 delivered on 11/8/57)

Attest: _____
 Policemen of the City of Danbury

RETURN OF SERVICE

By virtue of the within warning, I have served Notice on each of the members of the Common Council of the City of Danbury, of the Special Meeting of said Board, each Notice duly signed by the Mayor and City Clerk, by leaving such written Notice with each of the following members of said Common Council, to-wit:

NAME

TIME

1. ROBERTO GOMEZ

1723

- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____
- 15. _____
- 16. _____
- 17. _____
- 18. _____
- 19. _____
- 20. _____
- 21. _____

Each Notice so served upon each member, all having been done by me on this date _____.

Attest: P.O. Stephen J. Bobb
Policemen of the City of
Danbury

RETURN OF SERVICE

By virtue of the within warning, I have served Notice on each of the members of the Common Council of the City of Danbury, of the Special Meeting of said Board, each Notice duly signed by the Mayor and City Clerk, by leaving such written Notice with each of the following members of said Common Council, to-wit:

- | | <u>NAME</u> | <u>TIME</u> |
|-----|-------------------|-------------|
| 1. | <i>Al Mead Jr</i> | <i>4:58</i> |
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| 21. | | |

Each Notice so served upon each member, all having been done by me on this date 11/7/97.

Attest: *[Signature]*
Policemen of the City of
Danbury

CITY OF DANBURY

To: Members of the Common Council

A special meeting of the Common Council _____ of the City of Danbury will be held on the 10th day of November 19 97 at 7:00 o'clock p.m., at the City Hall in said Danbury.

For the purpose of

- 1. COMMUNICATION & RESOLUTION - Authorization to transfer Redevelopment Parcel Five and related property to ARC Danbury, Inc. and authorization of the contract of sale.

Dated at Danbury, this 6th day of November 19 97.

[Signature] Mayor

[Signature] Clerk

To the sheriff or any policeman of the City of Danbury:

You are hereby required to notify the above named member _____ of the Common Council of the City of Danbury of the special meeting of said board by leaving with or at the usual place of abode or place of business of such member not less than 24 hours before the hour specified for said meeting, a notice in form annexed, and to make due return thereof at the time of said meeting.

[Signature] Mayor

✓

COMMON COUNCIL
OF THE CITY OF DANBURY
RESOLUTION

NOVEMBER 10, 1997

WHEREAS, in furtherance of the objectives of Chapter 130 of the Connecticut General Statutes, the Redevelopment Agency of the City of Danbury ("Agency") has undertaken a program for the clearance, reconstruction and/or rehabilitation of a deteriorated area in the City of Danbury, Connecticut, and in this connection is engaged in carrying out a downtown redevelopment project (hereinafter called "Project") in a 7.7 acre area (hereinafter called "Project Area") located in the center of the City; and

WHEREAS, as of the date hereof the Agency has prepared and approved an urban renewal plan for the Project, entitled "Downtown Danbury Redevelopment Plan" dated August 1, 1990 (hereafter called the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan has identified certain parcels of land in the Project Area for sale and redevelopment as hereinafter set forth; and

WHEREAS, on or about April 1, 1995, the Agency issued a Request for Proposals from persons interested in acquiring one or more parcels of land in the Project Area for uses specified in the Redevelopment Plan; and

WHEREAS, the Request for Proposals was published on April 12 and April 14, 1995 in the Danbury News-Times and in other regional newspapers; and

WHEREAS, Western Connecticut Sportsplex, LLC ("Sportsplex"), a limited liability corporation organized and existing under the laws of the State of Connecticut, submitted a proposal in response to the Request for Proposals, to purchase Parcel 5 in the Project Area ("Parcel 5") and to redevelop Parcel 5 as a dual ice-rink recreational facility in accordance with the Redevelopment Plan; and

WHEREAS, the Parcel 5 is shown and described as Parcel 5 on a certain map entitled, "Perimeter Survey Showing Properties of City of Danbury and Redevelopment Agency of the City of Danbury to be Conveyed to 'Arc Danbury, Inc.' Patriot Drive, Liberty Street, Delay Street and Independence Way Scale: 1" = 20' Area: 1.6957 Acres (Total) Zone: C-CBD Date: November 10, 1997 Prepared by Surveying Associates, P.C." (the "Map") which map is to be filed in the office of the Town Clerk of the City of Danbury; and

WHEREAS, the Agency conditionally approved the preliminary selection of Sportsplex as the Redeveloper on or about May 30, 1995; and

WHEREAS, Sportsplex advised the Agency at the time of its preliminary selection that it was searching for a potential investor or investors to furnish the equity capital for the project; and

WHEREAS, Arc Danbury, Inc. is a Delaware corporation with its principal place of business in McLean, Virginia, and is a wholly owned subsidiary of Arc International Corporation ("Arc International"), a Canadian corporation with its principal place of business in Ontario, Canada; and

WHEREAS, Arc International is in the business of building and operating recreational ice rink facilities in Canada and the United States; and

WHEREAS, Arc International has proposed to Sportsplex that Arc Danbury, Inc. not only will provide the equity capital for the project but will build and operate the ice rink facility; and

WHEREAS, Sportsplex has assigned to Arc Danbury, Inc. all of its rights to site plan and other approvals which Sportsplex has received since its preliminary selection by the Agency; and

WHEREAS, Arc Danbury, Inc. has submitted plans for the ice rink facility which are substantially similar to the plans submitted to the Agency by Sportsplex; and

WHEREAS, the Agency has determined, and Sportsplex and Arc International agree, that it is in the best interest of the ice rink project that the Agency should rescind its preliminary

approval of Sportsplex and should grant preliminary and final approval to Arc Danbury, Inc. as Redeveloper; and

WHEREAS, the plans submitted by Arc Danbury, Inc. require the City of Danbury to transfer to it a strip of land abutting Parcel 5 on Patriot Drive to accommodate the footprint of the ice rink facility, which strip of land is shown and described on the Map as Parcel 5A; and

WHEREAS, on November 6, 1997, the Agency rescinded its preliminary approval of Sportsplex, granted preliminary and final approval to Arc Danbury, Inc. as Redeveloper, and approved the Contract of Sale and the transfer of Parcels 5 and 5A to the Redeveloper in accordance with the terms of the Contract of Sale, which approval was made conditional on approval by the Common Council; and

WHEREAS, the Agency's Technical Advisory Committee has reviewed and approved Arc Danbury, Inc.'s plans and the proposed Contract of Sale of Parcels 5 and 5A to Arc Danbury, Inc. (the "Contract of Sale") which contract has been drafted by the Corporation Counsel and approved by counsel for Arc Danbury, Inc.; and

WHEREAS, on November 7, 1997 the Planning Commission voted a positive recommendation on the proposed transfer of Parcels 5 and 5A to the Redeveloper pursuant to §8-24 of the Connecticut General Statutes; and

WHEREAS, Arc International Corporation, as parent of Arc Danbury, Inc., has agreed to guarantee the obligations of Arc Danbury, Inc. under the Contract of Sale to complete the ice rink facility, as evidenced by the Guaranty Agreement which is attached to the Contract of Sale and which will be executed at the same time as the execution of the Contract of Sale.

NOW THEREFORE, BE IT RESOLVED:

1. The Common Council hereby approves the Contract of Sale (and the Schedule B plans, the Escrow Agreement and the Guaranty Agreement attached thereto) and the transfer of Parcels 5 and 5A

to the Redeveloper pursuant to the terms and conditions of the Contract of Sale.

2. Pursuant to § 2-133 of the Code of Ordinances, the Common Council hereby declares Parcel 5A as surplus property and authorizes its sale to the Redeveloper as in the best interests of the City.

3. The Mayor is authorized and directed to execute the Contract of Sale and all other documents (including but not limited to the Escrow Agreement and the Guaranty Agreement attached to the Contract of Sale) necessary to effectuate the transfer of the Parcels 5 and 5A to the Redeveloper in accordance with the terms of the Contract of Sale.

4. The Corporation Counsel is authorized and directed to make such minor revisions to the above agreement prior to execution by the Mayor as the Corporation Counsel deems necessary and in the best interests of the City.

Dated: Danbury, Connecticut
November 10, 1997



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525

November 10, 1997

Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

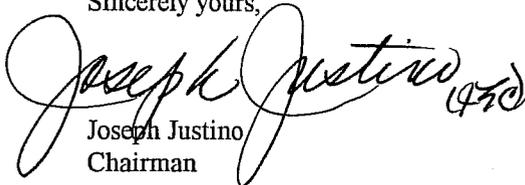
Re: Report under CGS 8-24 - Transfer of Redevelopment Parcel 5 and Certain Surrounding Property on Delay Street, Independence Way, Patriot Drive, and Liberty Street to ARC Danbury, Inc.

Dear Council Members:

The Planning Commission at its special meeting, November 7, 1997 motioned for a positive recommendation on the proposed transfer of Redevelopment Parcel 5, and the 12 foot strip encroaching onto Patriot Drive and such other surrounding property of the City of Danbury as reflected on the Site Plan entitled; ARC Ice Sports - Patriot Drive, Liberty Street, Delay Street, and Independence Way - Site Plan - Dwg. No. 95020 - SE1 - Dated: 11/6/97.

The motion was made by Mr. Zaleta, seconded by Mr. Deeb, and passed with "ayes" from Commissioners Zaleta, Deeb, Krieger, and Justino.

Sincerely yours,


Joseph Justino
Chairman

JJ/jlc