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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
(203) 797-4518 (203)796-8043 FAX

February 22, 2010

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

Re: Storm Drainage Easements – Lincoln Avenue
(Renewal of Authority)

Dear Mayor and Council:

The attached Resolution proposes to renew the Council's previous approval of the acquisition of certain properties by this office in order to facilitate the above project. By state law, your authorization must be re-approved after the expiration of six months, where acquisition has not been completed. We are near agreement, but 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

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Attachments

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2010



RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, the City of Danbury, in order to improve drainage on Lincoln Avenue, wishes to upgrade existing storm drainage pipes; and

WHEREAS, the City will have to obtain two (2) easements, one from each of two property owners on Lincoln Avenue, 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, within six (6) months of approval hereof.

A DRAINAGE EASEMENT
THE POPE JOHN PAUL II CENTER FOR HEALTH CARE, INC.
33 LINCOLN AVENUE TAX ASSESSOR'S LOT No. I15066

A certain piece or parcel of land containing 12,771 square feet (0.29 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 33 Lincoln Avenue and known as Tax Assessor's Lot No. I15066 (portion of) bounded and described as follows:

Beginning at a point on the northwesterly corner of land of the Grantor, said point being the southwesterly corner of land of the City of Danbury Housing Authority and the northwesterly corner of land herein described, thence running in an easterly direction along the northerly boundary of land of the Grantor N. 81° 11' 01" E. a distance of 150.00' to a point, thence turning running in a southwesterly direction through the land of the Grantor S. 34° 01' 18" W. a distance of 193.43' to a point, thence turning and running in a westerly direction through the land of the Grantor S. 83° 35' 40" W. a distance of 24.56' to the westerly boundary of land of the Grantor, thence turning and running in a northerly direction N. 06° 24' 20" W. a distance of 146.17' to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of the City of Danbury
Housing Authority

Easterly : By other land of the Grantor

Southeasterly : By other land of the Grantor.

Westerly : By land now or formerly of Terrence McInerney,
Phyliss McInerney and Susan McInerney, by land now or
formerly of Michael T. Corbett and Judith M. Corbett and by
land now or formerly of Jorge R. Lalvay, each in part.

For a more particular description reference is made to a map entitled "Map Showing Proposed Storm Drainage Easement Across the Land of the Pope John Paul II Center For Health Care, Inc. 33 Lincoln Avenue Danbury, Connecticut Scale: 1" = 20' June 9, 2009" 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 filed as Map # _____ in the Danbury Land Records.

A DRAINAGE EASEMENT
MICHAEL T. CORBETT AND JUDITH M. CORBETT
53 LINCOLN AVENUE TAX ASSESSOR'S LOT No. I15057

A certain piece or parcel of land containing 1,793 square feet (0.041 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 53 Lincoln Avenue and known as Tax Assessor's Lot No. I15057 (portion of) bounded and described as follows:

Beginning at a point on the easterly street line of Lincoln Avenue, which point is the southwesterly corner of land of the Grantors and the southwesterly corner of land herein described, thence running in a northeasterly direction along the easterly street line of Lincoln Avenue N. $18^{\circ} 02' 02''$ W. a distance of 15.00' to a point, thence turning and running in an easterly direction through the land of the Grantors N. $71^{\circ} 43' 20''$ E. a distance of 120.91' to a point on the westerly boundary line of the land of the Grantors, thence turning and running in a southerly direction along the westerly boundary line of the land of the Grantors S. $18^{\circ} 08' 25''$ E. a distance of 15.00' to a point, thence turning and running in a westerly direction along the southerly boundary line of the land of the Grantors S. $71^{\circ} 43' 20''$ W. a distance of 120.94' to the point or place of beginning.

Bounded:

Northerly : By other land of the Grantors.

Easterly : By land now or formerly of the Pope John Paul II
Center For Health Care, Inc.

Southerly : By land now or formerly of Terrence McInerney,
Phylliss McInerney and Susan McInerney

Westerly : By Lincoln Avenue

For a more particular description reference is made to a map entitled "Map Showing Proposed 15' Wide Storm Drainage Easement Across the Land of Michael T. Corbett and Judith M. Corbett. 53 Lincoln Avenue Danbury, Connecticut Scale: 1" = 10' June 8, 2009" 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 filed as Map # _____ in the Danbury Land Records.