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**CITY OF DANBURY**  
**OFFICE OF THE CORPORATION COUNSEL**  
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September 28, 2010

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

Re: Acquisition of property  
Hawthorn Terrace Water system

Dear Mayor and Council:

The attached Resolution proposes to renew the Council's previous approval of the acquisition of certain property 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 will need the additional time to finish the process of negotiation and/or acquisition by condemnation of this property.

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 Yamin  
Associate Corporation Counsel

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Attachment



# 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 is in the process of completing renovations to and acquisition of the Hawthorn Terrace Water System; and

WHEREAS, the Hawthorn Terrace Water System includes, among other facilities and properties, a well and well lot located on Hillcrest Road, the description of which is attached hereto as Schedule A; and

WHEREAS, property owners residing on a parcel adjacent to the well lot claim an interest in said lot; and

WHEREAS, the acquisition of said well lot is in the best interests of the City of Danbury; and

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owners of the property described in Schedule A and/or with the owners of the adjacent lot who claim an interest in said well lot, upon the amount to be paid for the interests taken in and to the real property described in said Schedule A;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of the Corporation Counsel, be and hereby is authorized to acquire the property described in Schedule A within six (6) months of approval hereof, in accordance with the procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owner or owners and holders of mortgages encumbering the property, if any.

Schedule A

A certain piece or parcel of land containing 6699 square feet (0.154 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Hillcrest Road bounded and described as follows:

Commencing at a point on the southerly street line of Hillcrest Road, which point is the northeasterly corner of land now or formerly of The Hawthorn Terrace Association, Incorporated, which point is also the northwesterly corner of the land now or formerly of Timothy E. Groski and Denise A. Groski also known as #8 Hillcrest Road as shown on the below referenced map, said point being the true point or place of beginning, thence running in a southerly direction along the easterly boundary line of The Hawthorn Terrace Association, Incorporated S 15° 31' 00" E a distance of 144.31' to a point, thence turning and running in a westerly direction along the southerly boundary line of The Hawthorn Terrace Association, Incorporated N 89° 27' 52" W a distance of 132.22' to a point, thence turning and running in a northerly direction along the westerly boundary line of The Hawthorn Terrace Association, Incorporated N 19° 45' 04" W a distance of 16.49' to a point, thence turning and running in an easterly direction along the northerly boundary line of The Hawthorn Terrace Association, Incorporated N 74° 38' 00" E a distance of 99.00' to a point, thence turning and running in a northerly direction along the westerly boundary line of The Hawthorn Terrace Association, Incorporated N 09° 43' 00" W a distance of 96.24' to a point, thence turning and running in an easterly direction along the southerly street line of Hillcrest Road N 86° 33' 00" E a distance of 20.00' to the point or place of beginning.

Bounded:

- Northerly: By Hillcrest Road and by land now or formerly of John Gammie, each in part.
- Easterly: By land now or formerly of Timothy E. Groski and Denise A. Groski.
- Southerly: By land now or formerly of John Gammie.
- Westerly: By land now or formerly of John Gammie and by a one foot wide reserved strip of land as shown on T.C. map #400 of the Danbury Land Records, each in part.

For a more particular description reference is made to a map entitled "Map Showing Proposed Open Space on the land of The Hawthorn Terrace Association, Incorporated — Well Lot Danbury, Conn. Scale 1"=20' May 21, 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.

Also known as the Well Lot.