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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

December 28, 2010

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

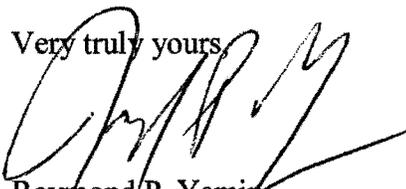
Re: Open Space Bond Acquisitions – Ives Trail Greenway
Easements on Land of Joao and Joseph Da Cruz, Lot No. I21002, and
Joao and Anabela Da Cruz, Lot No. I20003

Dear Mayor and Council:

The attached resolution proposes to renew prior City Council approvals to acquire easements which will constitute sections of the Ives Trail Greenway pursuant to the Open Space Bond Acquisition of 2008. These properties have been identified as suitable and desirable for the goals of the open space initiative as well as for the Ives Trail Greenway, and interest in conveying these easements to the City has been expressed by the owners of the 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,



Raymond P. Yamin
Associate Corporation Counsel

RPY:la
Enclosures



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 seeks to continue to preserve open space throughout the City, and to that end the citizens of Danbury approved an open space initiative and Open Space Bond Acquisition in 2008; and

WHEREAS, the City has established the Ives Trail Task Force to locate appropriate properties for the purpose of establishing and extending the Ives Trail Greenway and to conserve open space throughout said Ives Trail Greenway; and

WHEREAS, through the efforts of the Ives Trail Task Force and others, certain properties located along the proposed Ives Trail Greenway, more particularly described in Exhibits A and B attached hereto, have been found to be desirable for purposes of the open space initiative and for the Ives Trail Greenway; and

WHEREAS, by approval of the Council, authority will be granted to the City to execute and enter into Easement and Conservation Restriction agreements with the owners of said properties for the purpose of enabling the Ives Trail to pass over said properties and to conserve such easement areas as open space; and

WHEREAS, in connection with said Easement and Conservation Restriction agreements, it will be necessary for the City to appropriate \$6,100.00 for the cost of acquiring said property interests, including implementation costs and fees for professional services in connection therewith.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of the Corporation Counsel, be and hereby is authorized to execute Easement and Conservation Restriction agreements with the owners of the properties described in Exhibits A and B attached hereto by which the City will acquire easements for purposes of the Ives Trail Greenway, as well as a conservation restrictions over said easement areas, upon negotiation with the owners of said properties, within six (6) months of approval hereof, in accordance with the procedures established by State law, either by negotiation or by eminent domain through the institution of suit against the interested property owners and holders of the mortgages encumbering the properties, if any; and

BE IT FURTHER RESOLVED THAT the sum of \$6,100.00 shall be appropriated from the aforesaid Open Space Bond fund for the cost of acquiring said Easement and Conservation Restriction agreements, including implementation costs and fees for professional services.

EXHIBIT A

Easement and Conservation Restriction on Property of
Joao M. Da Cruz and Joseph M. Da Cruz
Danbury Tax Assessor's Lot No. I21002

All that certain Easement and Conservation Restriction located in the City of Danbury, County of Fairfield and State of Connecticut, described as "Proposed 10.0' Wide Easement 'B' For Hiking Trail Area = 10,004 Sq. Ft. (Shaded Area)" on a certain map entitled, "Ives Trail Corridor Survey, Map Showing Easements To Be Acquired By The City Of Danbury For The Ives Hiking Trail, Old Post Road And Starrs Plain Road To Long Ridge Road - Danbury, Connecticut, Sheet 1 of 6", Scale 1" = 50', dated January 15, 2010, and prepared by Sydney A. Rapp, Jr., L.S. License No. 7400, which map is to be filed simultaneously herewith in the office of the Town Clerk of the City of Danbury.

EXHIBIT B

Easement and Conservation Restriction on Property of
Joao M. Da Cruz and Anabela E. Da Cruz
Danbury Tax Assessor's Lot No. I20003

All that certain Easement and Conservation Restriction located in the City of Danbury, County of Fairfield and State of Connecticut, described as "Proposed 10.0' Wide Easement 'A' For Hiking Trail Area = 2,451 Sq. Ft. (Shaded Area)" on a certain map entitled, "Ives Trail Corridor Survey, Map Showing Easements To Be Acquired By The City Of Danbury For The Ives Hiking Trail, Old Post Road And Starrs Plain Road To Long Ridge Road - Danbury, Connecticut, Sheet 1 of 6", Scale 1" = 50', dated January 15, 2010, and prepared by Sydney A. Rapp, Jr., L.S. License No. 7400, which map is to be filed simultaneously herewith in the office of the Town Clerk of the City of Danbury.