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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
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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 Acquisition -- Ives Trail Greenway
Easement on Land of Noel C. Roy - Assessor's Lot No. I24011;
Transfer of City-owned tax assessor's Lot No. I23012 ,

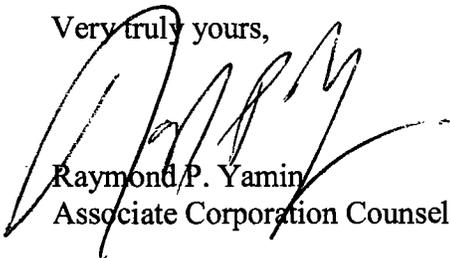
Dear Mayor and Council:

The attached resolution proposes to obtain your approval for the acquisition of the above referenced easement, which will constitute a section of the Ives Trail Greenway, pursuant to the Open Space Bond Acquisition of 2008. This land has 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 this easement to the City has been expressed by the owner of the property.

Said resolution further proposes to hold a public hearing on the conveyance to Noel C. Roy, in consideration of the aforementioned Easement, of the above-referenced landlocked City parcel. The deed of conveyance would contain a conservation restriction, and Mr. Roy would convey to the City an Easement and Conservation Restriction for the Ives Trail over this parcel as well as over the land he presently owns.

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
Enclosure

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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 property located along the western section of the proposed Ives Trail Greenway, more particularly described in the Exhibit A attached hereto, has 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 an Easement and Conservation Restriction agreement with the owner of said property for the purpose of enabling the Ives Trail to pass over said property and to conserve it as open space; and

WHEREAS, in consideration of said Easement and Conservation Restriction agreement to be conveyed to the City by the property owner, the City proposes to convey to the property owner a certain City-owned property, more particularly described in Exhibit B attached hereto, upon which City parcel an easement for a portion of the Ives Trail corridor shall be located and further upon which a conservation restriction shall be placed; and

WHEREAS, it will be necessary for the City to appropriate from said Open Space bond fund the sum of \$11,000.00 for costs associated with acquiring said property interests, easement implementation costs and professional services fees;

NOW, THEREFORE, BE IT RESOLVED THAT the City at Danbury, through the Office of the Corporation Counsel, be and hereby is authorized to acquire and execute an Easement and Conservation Restriction agreement with the owner of the property described in Exhibit A attached hereto for the purpose of incorporating said property into the Ives Trail Greenway, 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 owner and holders of the mortgages encumbering the property, if any; and

BE IT FURTHER RESOLVED THAT the sum of \$11,000.00 shall be appropriated from the aforesaid Open Space Bond fund for the cost of acquiring said Easement and Conservation Restriction agreement, implementation costs and professional services fees; and

BE IT FURTHER RESOLVED THAT, a public hearing on the aforesaid proposed conveyance of the property described in Exhibit B shall be held in accordance with the provisions of Connecticut General Statute Section 7-163e, after which the City Council shall render a final decision regarding said proposed conveyance.

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EXHIBIT A

All that certain piece or parcel of land described as "Proposed 100' Wide Easement 'C' For Hiking Trail Area = 10,771 Sq. Ft. (Shaded Area) To Be Acquired From Noel C. Roy", and as "Proposed 100' Wide Easement 'E' For Hiking Trail Area = 24,919 Sq. Ft. (Hatched Area) To Be Reserved By The City of Danbury", respectively, 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 4 of 6", Scale 1" = 50', dated January 15, 2010, revised February 8, 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.

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EXHIBIT B

ALL THAT CERTAIN piece or parcel of land, situate in the City of Danbury, County of Fairfield and State of Connecticut, bounded Northerly by land now or formerly of Rowena Road; Easterly by land now or formerly of Rachael Crothers; Southerly and Westerly by other land now or formerly of Joseph E. Merriam, et als. Said parcel of land is triangular in form and is included within a line drawn between Line 186 and 188, a Line drawn between Points 186 and 187 and a Line drawn between Points 187 and 188 on a map or plan on file in the office of the Town Clerk of the City of Danbury as Map #382, which map is entitled "Title Survey of land on Starrs Plain District for Hiram J. Kellogg, et als", made by Frederick J. Kellogg, civil engineer.

Further identified as Danbury Tax Assessor's Lot No. I23012.