

CITY COUNCIL COMMITTEE, AD HOC COMMITTEE,  
IVES TRAIL GREENWAY---  
THURSDAY, MARCH 10, 2011 6:15PM

The City Council Ad Hoc Committee met in the 3rd Floor Caucus Room of City Hall on Thursday, 10-March-2011. Chair, Joseph Cavo called the meeting to order at 6:17 pm.

**PRESENT**

**Committee Members:** Joseph Cavo, Chairman and Jack Knapp

**Ex Officio Council Member:** Phil Curran, Mary Teicholz, and Nancy Deep- Damici.

**ABSENT:** Committee Member: Duane E. Perkins

**ALSO IN ATTENDANCE:**

- City of Officials: Raymond Yamin, Corporation Counsel; David St. Hilaire, Director of Finance; Dennis I. Elpern, Director of Planning and Zoning.
- Mike Cunningham- Ives Trail Task Force, Chairman; Jack Kozuchowski- Environmental Consultant
- Interested members of the Public

Chairman Cavo began the meeting with introductions and reminded the committee and those present that this is a continuation of a previous meeting , as he stated there has already been a Public Hearing on this matter. Chairman Cavo asked Attorney Yamin to give a brief description of the current status of the easement in question. Attorney Yamin stated that the City is seeking to obtain an easement from Danbury resident Noel C. Roy for the completion of the Ives Trail Greenway. This easement is in the middle of two long parts of the trail that have been completed. He continued that each easement along the trail is unique and this is one of the last few which need to be obtained. This easement would go through the middle of the land owned by Mr. Roy.

Mr. Yamin continued with the proposed easement details. To complete this easement it is being proposed that the city trades a piece of property adjacent to Mr. Roy's property. The property would have conservation restriction and has little real value to the City. In addition, because it is currently owned by the City ,it does not generate any tax revenue. Attorney Yamin continued by addressing concerns that were raised at the public hearing.

- 1. Why not trade land for land instead of land for an easement?** This would divide the property owner's parcel of land and would then be subject to City Subdivision Regulation which would be non-conforming. In addition, there is no value for Mr. Roy.
- 2. What are the monetary considerations?** There has been approximately \$11,000 allocated to this easement. This money will pay for Attorney's Fees for the Property Owner and City and ATV barriers on the trail.
- 3. Is the City forgoing additional revenue by not selling the parcel?** There is currently no alternative buyer. The parcel is land locked and has no direct street access. Finally, the current assessed value would decrease once the Conservation Restriction is in place, making the value below the City's per acre benchmark. This would make an alternative sale unlikely.

Mr. Yamin concluded by informing the Committee that the alternatives are to purchase the land needed for the trail or to try and seize it through eminent domain. Neither of these is very feasible and would have a great financial impact to the tax payer.

Chairman Cavo asked if the transfer of property would give Mr. Roy any advantage. Attorney Yamin speculated there is little or no advantage to the property owner. He further stated that the property owner's advantage would not be a lost to the City.

Mr. Knapp asked Director of Finance what the current tax revenue would be if the property was sold. Mr. St. Hilaire estimated that it would be around \$400. Mr. St. Hilaire pointed out that there is some liability to the City owning this piece of property.

Chairman Cavo asked Mr. Cunningham to comment on the easement. Mr. Cunningham stated that there have been 3 alternate trail placements that did not work. He believes there are no other options.

Chairman Cavo asked Mr. Kozuchowski to comment on the easement. Mr. Kozuchowski spoke about the environmental value of the land which would be swapped. He stated that it is wet and steep. He does not believe the land could be used for development and given the conservation restriction open space is protected.

Chairman Cavo asked Mr. Elpern to comment on the easement. Mr. Elpern stated that the others have stated for details very well, and he has no objections.

Mr. Curran asked how long the easement would last. Mr. Yamin stated that the easement was in perpetuity. Mr. Curran then complimented the property owner for being willing to do this for the Greenway and City.

Chairman Cavo asked Mr. Cunningham what precautions would there be to keep hikers off of Mr. Roy's private property. Mr. Cunningham stated that there will be signs directing hikers to stay on the trail.

*Jack Knapp moved to recommend the transfer of City-owned Lot No. 123012 to Noel C. Roy for purposes of the creation of the Ives Trail Greenway, and as described in the posted notice pursuant to statute. The motion was seconded by Joseph Cavo. Vote, all in favor, motion unanimously approved.*

As there was no further business on the agenda ,Mr. Knapp moved to adjourn the meeting. Chairman Cavo seconded the motion. Vote, all in favor, motion unanimously approved. The meeting adjourned at 6:46pm.

Respectfully Submitted

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Joseph Cavo, Chairman

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Jack Knapp

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Duane Perkins



# 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.