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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

July 25, 2011

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

Re: Main Elmwood, LLC - 70 Main Street
Request for Roof Overhang Easement
July City Council Agenda Item #10

Dear Mayor and Council Members:

Please accept this letter in response to your request for a thirty day report on the above referred to item. The request by Attorney Paul N. Jaber on behalf of Main Elmwood, LLC ("Elmwood") seeks to have the City grant an easement to Elmwood due to a roof overhang encroachment of 0.5 feet more or less from a building owned by Elmwood. Elmwood requests that the encroachment be permitted to remain, and the easement be granted, as the roof overhang cannot be practically remedied.

We note that in addition to referring this request to our office, you have also referred this request to the Director of Public Works and the Risk Manager for reports. If you are inclined to grant this easement once you have received favorable reports from the Director of Public Works, and the Risk Manager, please do so subject to the completion of any and all documentation deemed necessary by this office, and in a form acceptable to this office. Additionally, Elmwood may also need to obtain related approvals and permits from other City departments.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

Robin L. Edwards
Assistant Corporation Counsel

cc: Antonio Iadarola, P.E., Director of Public Works
Farid Khouri, P.E., City Engineer
Dennis I. Elpern, Director of Planning
Daniel Garrick, Risk Manager
Attorney Paul N. Jaber



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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810-7769

DAN GARRICK
ASSISTANT DIRECTOR OF FINANCE

(203) 797-4650
FAX: (203) 796-1526

July 25, 2011

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

Request for Roof Overhang Easement
70 Main Street

Dear Mayor Boughton and City Council Members:

Please accept this letter in response to your request for a thirty day report on the request for a Roof Overhang Easement at 70 Main Street.

The proposed Grant of Easement, provided to me by the petitioner through the Office of Corporation Counsel, includes requirements for the Grantee to maintain general and excess liability insurance in the amount determined by the City of Danbury, currently one million and five million dollars respectively. The City will be named as additional insured on these policies. The proposed Grant of Easement also includes indemnification/hold harmless language by the Grantee for any claim, damage, judgment, reasonable attorney fees and costs incurred by the Grantor arising from said easement.

I confirm that the proposed insurance and indemnification/hold harmless language is acceptable from a Risk Management position. Please feel free to contact me if you have any questions or require additional information.

Respectfully,

Dan Garrick
Assistant Director of Finance

cc: Laszlo Pinter, Deputy Corporation Counsel
Antonio Iadarola, Director of Public Works
Farid Khouri, City Engineer
Dennis Elpern, Director of Planning



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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

August 15, 2011

To: Mayor Mark Boughton
Members of City Council

From: Planning Commission

Re: 8-24 Referral/July 2011 City Council Agenda Item #10 - Request for Roof
Overhang Easement - 70 Main St.

The Planning Commission has received a request from the Common Council for a report pursuant to CT General Statutes/Sec 8-24, regarding the above referenced item.

At the August 3, 2011 meeting, the Planning Commission made a motion to give a **positive** recommendation subject to submission and approval of all plans and documents by the City Engineering Dept. and Corporation Counsel's Office as to form and content prior to recording.

Arnold E. Finaldi Jr.
Chairman

AEF/jr
Attachment

c: Engineering Dept.
Corporation Counsel

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CITY OF DANBURY
DEPARTMENT OF PUBLIC WORKS



155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
(203) 797-4537 FAX (203) 796-1586

MAYOR
Honorable Mark D. Boughton

PUBLIC WORKS DIRECTOR
Antonio Iadarola, P.E.

July 20, 2011

Honorable Mark D. Boughton
City Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and City Council Members:

Main Elmwood, LLC – 70 Main Street
Request for Roof Overhang Easement

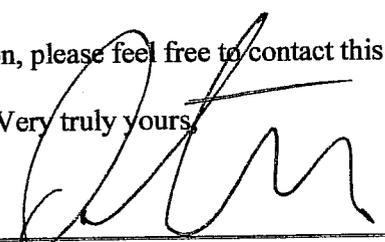
At the July 6, 2011 City Council meeting, the June 13, 2011 letter from Attorney Paul N. Jaber relative to the above noted subject was forwarded to me for a report (reference item 10 of the July 6, 2011 meeting minutes).

The roof overhang in question is the soffit along the sidewalk that serves the ramp for the handicapped at the rear of the Senior Center's Main Street building. The soffit encroachment on City property approximately 0.5 feet. The height of the soffit above the sidewalk ranges from 7.5 feet to just over 8 feet. The overhang does not obstruct pedestrian use of the sidewalk. The building is located in the City's C-CBD zone which allows building construction to the property line (no setback requirement).

I have no objection to the granting of approval of this easement with the condition that legal documents (easement, hold harmless, etc.) satisfactory to the Corporation Counsel's office are submitted and that the granting of this easement meets the requirements of other City departments which would have jurisdiction over such an issue.

If you have any questions or require additional information, please feel free to contact this office.

Very truly yours,



Antonio Iadarola, P.E.
Public Works Director

c: Laszlo L. Pinter, Esq.
Farid L. Khouri, P.E.
Sean Hearty
Dennis Elpern
Dan Garrick
Paul N. Jaber, Esq.