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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

January 28, 2013

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

Re: Acquisition of Sewer Easement
DePalma Lane

Dear Mayor and Council:

Please consider and adopt the attached resolution authorizing this office to obtain, by negotiation or eminent domain, necessary rights for maintenance and related purposes for sewer service in the described and depicted area.

Thank you for consideration of this matter.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

Attachments

"DePalmaitem"



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2013

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, On November 6, 2003 the Council approved a sewer line extension to service Lot #1 now known as 18 DePalma Lane on behalf of the petitioners Jorge G. Pereira and Maria F. Pereira; and

WHEREAS, the sewer line extension was constructed and all conditions required by the council approval were complied with except for the petitioner's obtaining easements from adjacent property owners, Patrick R. DeGrosse and Lee Ellen DeGrosse; and

WHEREAS, the petitioner, Pereiras, commenced use of the sewer line and paying sewer use charges for that use to the City of Danbury; and

WHEREAS, the adjacent property owners, Patrick R. DeGrosse and Lee Ellen DeGrosse, have failed to respond to all attempts to obtain an easement for the constructed and now in use sewer line extension; and

WHEREAS, other property owners on DePalma Lane have need to connect to and utilize the sewer line extension but the lack of the easement prevents the use of the sewer extension; and

WHEREAS, the solution will require the acquisition of both permanent easement from the owners of the adjacent property as depicted on Schedule A showing site and legal description; and

WHEREAS, the acquisition of said easement 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 named in Schedule A upon the amount to be paid for the interests to be taken in and to the real property described in said schedule.

NOW, THEREFORE, BE IT RESOLVED, THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit within six months from the date hereof, against the named property owners, their heirs, executors, successors and assigns and mortgage holders and encumbrancers, if any.

Schedule A

All that certain piece or parcel of land shown and designated as

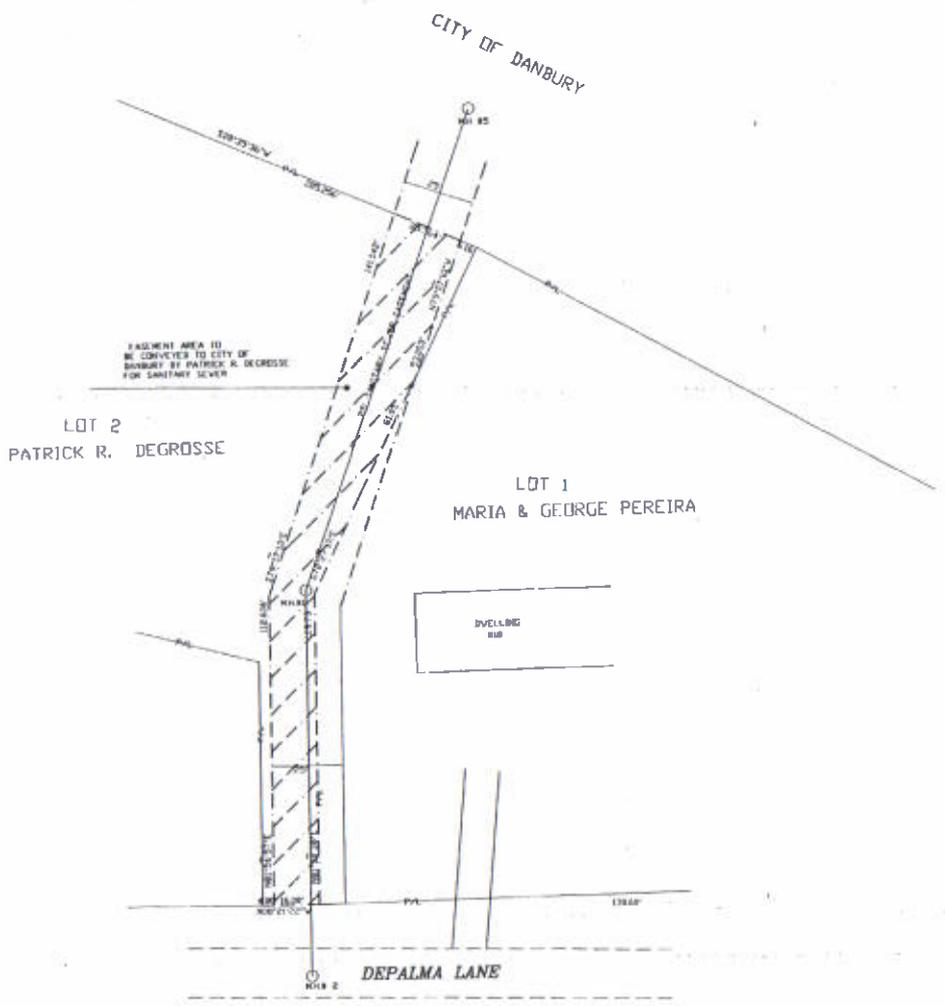
"EASEMENT AREA TO BE CONVEYED TO CITY OF DANBURY BY PATRICK R. DeGROSSE FOR SANITARY SEWER" as shown on a certain map entitled "EASEMENT SURVEY SHOWING SANITARY EASEMENT AREA TO CITY OF DANBURY PREPARED FOR PATRICK R. DEGROSSE, DEPALMA LANE, DANBURY CONNECTICUT, SCALE 1" = 20', dated February 6, 2006," certified substantially correct by Linwood R. Gee, CT Lic. #7759, Linwood R. Gee & Son L.L.S., 27 Country Farm Lane, New Milford, CT 06776, to be filed in the Office of the Town Clerk of the City of Danbury.

Together with the right to enter upon the land within said easement at any reasonable time and from time to time, for the purpose of constructing, servicing, repairing, maintaining, or replacing said utilities or any material therein.

Together also with the right to pass and repass over the driveways and parking areas on the site to access the Sanitary Sewer Easement area above mentioned.

Together also with all sewer mains and water mains, pipes, manholes and appurtenances located within said easement.

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EASEMENT SURVEY
 SHOWING SANITARY SEWER EASEMENT AREA
 TO CITY OF DANBURY
 PREPARED FOR
PATRICK R. DEGROSSE

DEPALMA LANE
 DANBURY, CONNECTICUT

SCALE 1"=20'
 FEBRUARY 4, 2004
 REVISED AUGUST 22, 2004



NOTES:

1. THIS SURVEY CONFORMS TO THE STANDARDS OF A CLASS A-2 SURVEY AND WAS PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THROUGH 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES AND THE MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 20, 1996.
2. THIS SURVEY IS AN EASEMENT SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2
3. REFER TO MAPS #9309 & MUNICIPAL SEWER EXTENSION PLAN BY R.J. GALLAGHER & ASSOCIATES 2-28-1999

This Map Prepared by
 Original and Certified
 Surveyor
 LINDWOOD R. DEE & SON
 P.O. Box 1808
 New Britain, CT 06110

"TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
 SUBSTANTIALLY CORRECT AS NOTED HEREIN"

LINDWOOD R. DEE, CT. LAND SURVEYOR
 LINDWOOD R. DEE & SON, L.L.C.
 27 COUNTRY PARK LANE
 NEW BRITAIN, CT 06110
 (860) 248-9114

NOT VALID WITHOUT EMBOSSED SEAL