



9

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DANBURY MUNICIPAL AIRPORT
P.O. BOX 2299
DANBURY, CT. 06813-2299

AIRPORT ADMINISTRATOR
PAUL D. ESTEFAN
(203) 797-4624

September 20, 2016

Honorable Mayor Mark D Boughton

Honorable Members of the City Council

City of Danbury

RE: EASEMENT ACQUISITION DANBURY AIRPORT

Honorable Mayor Boughton & Members of the City Council,

The attached resolution is a ratification of actions that have occurred, are near completion and that approval on the consent calendar is requested.

Sincerely,

Paul D Estefan

Airport Administrator

Danbury Municipal Airport

Cc: File approach to runway8



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

A.D. 2016

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, in order to enhance airport safety, the City of Danbury wishes to acquire property or interest in property or land specified in accordance with attachments hereto including Tax Assessor's lots nos. D19003, D19004, D19005, D19006, D19009, E19009, D19007 and D19008, all as more particularly described in Schedules A, B, C, D, E, F, G and H, attached hereto; and

WHEREAS, the City has sought and received the opinion of the Commissioner of the Connecticut Department of Transportation that public convenience, necessity or safety require the acquisition of said land in accordance with relevant state statutes; and

WHEREAS, said land will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, the City of Danbury intends to apply to the Federal Aviation Administration for grant funding for the purpose of obtaining reimbursement for the cost of acquiring said land; and

WHEREAS, pursuant to the Federal Aviation Administration grant application process, 90% of the grant funds will be committed by the Federal Aviation Administration, 7.5% of the grant funds will be committed by the State of Connecticut and the City will be responsible to fund 2.5% of the total grant amount, if the City ultimately secures said grant.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the office of Corporation Counsel, be and hereby is authorized to acquire and ratify the acquisition of the said land as set forth in Schedules A, B, C, D, E, F, G & H within six (6) months of approval hereof, either by negotiation or eminent domain, through the institution of suit against the interested property owners, their heirs, executors, administrators, successors and assigns and their respective mortgage holders and encumbrancers;

AND BE IT FURTHER RESOLVED THAT the City Council authorizes Mayor Mark D. Boughton and/or Paul D. Estefan, Airport Administrator, to apply to the Federal Aviation Administration to obtain grant funding for reimbursement for the cost of acquiring the above-mentioned real property, to obtain the real property appraisals as are necessary to file the grant application, to appropriate the 2.5% of the total grant amount, if the grant is approved, to execute any necessary documents, and to take any additional actions necessary to effectuate the purposes hereof.

SCHEDULE A

A certain piece or parcel of land together with the buildings and improvements contained thereon, situated in the Town of Danbury, County of Fairfield, State of Connecticut and more particularly identified and described as Lot No. Two (2) on a certain map entitled "Evans 'Section D' Property of DanCon Corporation, Briar Ridge Road" which map was certified substantially correct in April of 1965 by Arthur H. Howland, R.L.S., New Milford, Connecticut, and which map is known as Town Clerk Map #3709 in the office of the Town Clerk of said Danbury.

Subject to the following Easements:

1. From DanCon Corporation to the Connecticut Light and Power Company dated July 27, 1965 and recorded in Vol. 425 at Page 191 of the Danbury Land Records.
2. A utility easement to the Southern New England Telephone Company dated August 31, 1965 and recorded in Vol. 427 at Page 440 of the Danbury Land Records.
3. Drainage easements reserved in favor of DanCon Corporation as set forth on Danbury Town Clerk Map No. 3079.

Subject to the following Restrictions:

1. Wherever used herein, the word "grantor" shall mean the grantors, their heirs, successors or assigns, and the term "grantee" shall mean any persons, firm or corporation, and their heirs, successors, representatives or assigns.
2. No building or other structure shall be erected on any one lot other than one dwelling not more than two stories in height, with an attached garage, which dwelling shall be designed and used for the occupancy of not more than one family.
3. No building shall be erected on any lot until plans, specifications, color scheme, exterior finish, plumbing, and location of the building on the lot, shall have first been approved in writing by the grantor, nor shall any building be altered in any way unless approved by the grantor.
4. No poultry, swine, cattle or livestock of any kind, shall be kept or maintained on the premises and no domestic animals other than one dog and one cat shall be kept or maintained on said premises.
5. No outside toilets or other structure shall be erected or maintained upon any part of said lot.
6. All sewage shall be disposed of by the owner of any residence by septic tank system or other approved method, so as to conform to the sewage disposal regulations of the City of Danbury.
7. Said premises shall be used for residential purposes only, and no commercial vehicle in excess of a one-half ton truck may be kept on the premises. All permitted vehicles must be garaged on the premises.
8. No house or garage shall be erected or maintained within forty (40) feet of the roadway lines bounding said premises, nor within thirty-five (35) feet of the rear boundary lines, nor within thirty (30) feet of the side line boundaries of the said premises.
9. The grantor reserves the right to re-locate the proposed roads and/or passways as shown on the map herein mentioned, or to change the course or grade of any proposed road and/or passways.
10. The imposition of the restrictive covenants, agreements, and provisions herein contained shall not impose any restrictive covenants, agreements or provisions

whatsoever, either expressed, implied, equitable or otherwise on any of the premises of the grantor shown on said map, or other premises which the grantor now owns or may hereafter acquire in the same vicinity, and the grantor reserves the right to change or modify any setback lines or restrictions already imposed whenever it seems to it necessary or desirable to do so.

11. No fence or wall or hedge over four feet high shall be erected or maintained on said premises without the written consent of the grantor. Clothes lines may only be maintained in the rear of the dwelling.
12. The grantor reserves the right to lay and maintain gas, oil, and water pipes, drain pipes, trenches and surface water drains, and to erect or maintain electric lights, power or telephone poles or fixtures within fifteen feet of any front, side or rear boundary line of the above described premises.
13. The grantee, his heirs and assigns, shall not himself nor shall he permit his employees or agents to change or reduce the grade of his property over or adjoining any water main or pipe owned by the grantor, and being a part of the grantor's water system, if said change or reduction in grade would result in less than forty-two (42) inches of earth materials covering said mains and pipes.
14. No signs whatsoever shall be displayed upon said premises except a sign not larger than two square feet, displaying only the owner's name.
15. Failure of the grantor to enforce any of the restrictions herein contained shall in no event be deemed a waiver of its right to do so.
16. In the event the grantee desires to sell said premises to a bona fide purchaser, he shall give the grantor notice in writing, by registered mail, of his intention to sell, and the proposed terms and conditions, and shall also mail to the grantor a signed, executed copy of the contract to sell, and the grantor shall have the option of purchasing said premises within thirty (30) days from the receipt of said notice and the copy of the contract; said option to be on the same terms and conditions as said contract. The terms of this paragraph shall not be applicable to any bank, insurance company or other lending institution in the event that such bank, insurance company or lending institution acquires title by foreclosure proceedings or through any other manner.
17. The construction of a dwelling and the landscaping of the premises must be completed within nine (9) months from the commencement of the excavation work for the foundation. Occupancy of a dwelling shall not be permitted until the building is completed.
18. The restrictive covenants set forth above shall continue in full force and effect until January 1, 1986.

SCHEDULE B

All that certain piece or parcel of land together with the buildings and improvements thereon situate in the City of Danbury, County of Fairfield and State of Connecticut, shown and designated as Lot No. 3 on a certain map entitled "Evans Section D, Property of Dancon Corporation, Briar Ridge Road, Town of Danbury, County of Fairfield, State of Connecticut, Scale 1" = 100', April, 1965, and is on file in the Office of the Town Clerk of said Danbury as Map No. 3709.

Together with the right to pass and repass for all purposes whatsoever over and across all roadways as shown on said map for the purpose of gaining access to the public highway.

SCHEDULE C

ALL that certain piece of parcel of land, situate in the City of Danbury, County of Fairfield and State of Connecticut, together with buildings and improvements thereon, shown and designated as Lot No. 4 on a certain map entitled, "Evans, Section D, Property of Dancon Corporation, Briar Ridge Road, Town of Danbury, County of Fairfield, State of Connecticut, Scale 1" = 100'," which map is certified substantially correct by Arthur H. Howland, is dated April, 1965 and is on file in the office of the Town Clerk of the said City of Danbury as Map No. 3709.

SAID Lot No. 4 being bounded and described as follows:

- SOUTHERLY: by Cel Bret Drive, 121.74 feet;
- WESTERLY: by Lots No. 2 and 3, as shown on said map, each in part, 394.51 feet;
- NORTHERLY: by Lot No. 1, as shown on said map, 89.20 feet; and
- EASTERLY: by Lot No. 5, as shown on said map, 376.72 feet.

Said lot No. 4 containing 0.975 acres more or less.

TOGETHER with the right to pass and repass for all purposes whatsoever over and across all roads as shown on said map until such time as each said roadway is dedicated and conveyed to the City of Danbury.

SAID premises are subject to the following:

1. Any and all provisions of any ordinance, municipal regulations or public or private law.
2. Taxes hereinafter becoming due and payable to the City of Danbury.
3. A reservation in favor of Dancon Corporation, its successors and assigns, of a fifteen (15) foot easement over and across the front, rear and side boundary lines of said Lot No. 4 for the purpose of installing and maintaining surface water drainage ditches, trenches or pipes, and gas, oil, water and electric pipes, shut-off valves, wires or conduits.
4. A utility easement to The Connecticut Light and Power Company dated July 27, 1965, recorded in the Danbury Land Records in Volume 425 at Page 191.
5. A utility easement to The Southern New England Telephone Company dated September 30, 1965, recorded in the Danbury Land Records in Volume 427 at Page 440.
6. Certain covenants and restrictions and easements set forth in Declaration of Restrictions of Briar Ridge Estate, dated June 12, 1969, recorded in Volume 474 at Page 628 of the Danbury Land Records, as amended by instrument dated July 30, 1969, recorded in Volume 476 at Page 600 of the Danbury Land Records.

SCHEDULE D

Property: 8 Cel Bret Drive, Danbury, CT 06810

ALL THAT CERTAIN piece of parcel of land, together with the buildings and improvements thereon, situate in the City of Danbury, County of Fairfield and State of Connecticut, shown and designated as Lot No. 5 on a certain map entitled, "EVANS SECTION D, PROPERTY OF DANCON CORPORATION, BRIAR RIDGE ROAD, TOWN OF DANBURY, COUNTY OF FAIRFIELD, STATE OF CONNECTICUT", Scale 1" = 100'," which map is certified substantially correct by Arthur H. Howland, is dated April 1965, and is on file in the office of the Town Clerk of said Danbury as Map No. 3709.

SAID Lot No. 5 being bounded and described as follows:

- SOUTHERLY: by Cel Bret Drive, so called, 186.32 feet;
- WESTERLY: by Lot No. 4 and Lot No. 1, each in part, as shown on said map, 486.72 feet;
- NORTHERLY: by land now or formerly of Dancon Corporation, 50 feet;
- EASTERLY: by Lot No. 6, as shown on said map, 405.50 feet.

Said lot No. 5 containing 0.987 acres, more or less.

TOGETHER with the right to pass and re-pass for all purposes whatsoever over and across all roadways as shown on said map for the purpose of gaining access to the public highway.

SUBJECT TO:

1. Any and all provisions of any ordinance, municipal regulations or public or private law.
2. Current real estate taxes and water use charges to the City of Danbury.
3. Notes, lines and easements, etc. as appear on Map No. 3709.
4. A reservation in favor of Dancon Corporation, its successors and assigns, of a fifteen foot easement over and across the front, rear and side boundary lines of Lot No. 5 for the purpose of installing and maintaining surface water drainage ditches, trenches or pipes, and gas, oil, water and electric pipes, shut-off valves, wires or conduits.
5. A utility easement to The Connecticut Light and Power Company dated July 27, 1965, recorded in Volume 425 at Page 191 of the Danbury Land Records.
6. A utility easement to The Southern New England Telephone Company dated September 30, 1965, recorded in Volume 427 at Page 440 of the Danbury Land Records.
7. Agreements and restrictions as contained in a certain document entitled, "Restrictions of Briar Ridge, Danbury, Connecticut", dated April 8, 1969 and recorded in Volume 472 at Page 128 of the Danbury Land Records.
8. Certain covenants and restrictions and easements as set forth in Declaration of Restrictions of Briar Ridge Estates dated June 12, 1969 and recorded in Volume 474 at page 628 of the Danbury Land Records, as amended by instrument dated July 30, 1969 and recorded in Volume 476 at Page 600 of the Danbury land Records.

SCHEDULE E

ALL that certain piece of parcel of land, together with the buildings thereon, situate in the City of Danbury, County of Fairfield and State of Connecticut, shown and designated as Lot No. 8 on a certain map entitled, "REVISED EVANS SECTION D, DANCON CORPORATION, CEL BRET DRIVE, CITY OF DANBURY, COUNTY OF FAIRFIELD, STATE OF CONNECTICUT", Scale 1" = 100'," which map is dated June, 1970, and is certified substantially correct by Arthur H. Howland, R.L.S. and is on file in the office of the Town Clerk of the said Danbury as Map No. 4680.

SAID premises are also subject to the following:

1. Any restrictions or limitations imposed or to be imposed by governmental authority, including the zoning and planning rules and regulations of the City or Town, and region or district, if any, in which the Premises are situated.
2. Taxes of the City or Town and/or Tax district in which the Premises are situated and any fees or charges of any private Association which hereinafter become due and payable.
3. Public improvement assessments, and/or any unpaid installments thereof which are referred to herein, which assessment and/or installments hereinafter become due and payable.
4. A reservation in favor of Dancon Corporation, its successors and assigns, of a fifteen foot easement over and across the front, rear and side boundary lines of said Lot No. 8 for the purpose of installing and maintaining surface water drainage ditches, trenches or pipes and gas, oil water and electric pipes, shut-off valves, wires or conduits as set forth in Volume 495 at Page 270 and as shown on Map No. 3709 of the Danbury Land Records.
5. A Utility Easement to the C.L.& P. Co. dated 7/27/65 and recorded in Volume 425 at Page 191 of the Danbury Land Records.
6. A Utility Easement to the S.N.E.T. Co. dated 9/30/65 and recorded in Volume 427 at Page 440 of the Danbury Land Records.
7. Agreements and restrictions as contained in a document dated April 8, 1969, and recorded in Volume 472 at Page 128 of the Danbury Land Records.
8. Certain Covenants and Restrictions and Easements as set forth in Declaration of Restrictions of Briar Ridge Estates dated 6/12/69 and recorded in Volume 474 at Page 600 of the Danbury Land Records and as further amended in Volume 629 at Page 445 of the Danbury Land Records.
9. Notes and notations as contained on Map Nos. 4680 and 3709 of the Danbury Land Records.

9-8

SCHEDULE F

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, TOGETHER WITH THE BUILDINGS AND IMPROVEMENTS THEREON, situated in the City of Danbury and County of Fairfield, Connecticut and more particularly described in a map filed in the Danbury Land Records being Map Number 9342 entitled "MAP PREPARED FOR WOOSTER SCHOOL CORPORATION, 98 MIRY BROOK ROAD, DANBURY, CONNECTICUT SCALE 1" = 40' " dated November 28, 1989 (revised April 27, 1990) prepared by Sydney A. Rapp, Jr. & Associates, Land Surveyors, 11 Harmony Street, Danbury, Connecticut.

TOGETHER WITH AND SUBJECT TO:

1. Any and all provisions of any ordinance, municipal regulation, public or private law, including but not limited to zoning, planning and subdivision regulations of the City of Danbury.
2. Pole line easement in favor of The Danbury and Bethel Gas and Electric Light Company (now The C.L. & P. Co.) dated November 14, 1947 and recorded in the Danbury Land Records in Volume 229 at Page 285.
3. A mortgage from the grantors and the grantee herein to Gateway Bank dated May 1, 1990 and recorded in the Danbury Land Records on May 2, 1990 at 3:49 p.m.
4. A Corrected Access Agreement recorded in Volume 960, page 575 of the Danbury Land Records dated August 13, 1990.

SCHEDULE G

A certain piece or parcel of land, together with the buildings and improvements thereon, situated in the City of Danbury, County of Fairfield and State of Connecticut, shown and designated as Lot #6 on a certain map entitled "REVISED EVANS SECTION D. DANCON CORPORATION, CEL BRET DRIVE, CITY OF DANBURY, certified substantially correct by Arthur H. Howland, L.L.S., on January, 1969, and on file in the office of the Town Clerk of said Danbury as Map No. 4331.

TOGETHER WITH the right to pass and repass for all purposes whatsoever over and across all fifty (50) foot roadways on the above-described map until such time as each roadway is dedicated and conveyed to the City of Danbury.

Property is known as 10 Cel Bret Drive, Danbury, CT.

Said premises are free and clear of all encumbrances, except:

1. Building lines, if established, building and zoning ordinances, and any and all municipal and state and federal regulations including inland wetlands regulations and provisions of any public or private law affecting said premises.
2. Notes, easements, conditions and building lines as shown on Map #3709 and #4331.
3. A reservation in favor of Dancon Corporation, its successors and assigns, of a fifteen (15) foot easement over and across the front, rear and side boundary lines of said Lot No. 6 for the purpose of installing and maintaining surface water drainage ditches, trenches or pipes, and gas, oil, water and electric pipes, shut-off valves or conduits.
4. A Utility Easement to The Connecticut Light and Power Company dated July 27, 1965, and recorded in Volume 425 at Page 191 of the Danbury Land Records.
5. A Utility Easement to The Southern New England Telephone Company dated August 31, 1965, and recorded in Volume 427 at Page 440 of the Danbury Land Records.

SCHEDULE H

ALL THAT CERTAIN piece or parcel of land, together with the buildings and improvements thereon, situate in the City of Danbury, County of Fairfield and State of Connecticut, shown and designated as Lot No. 7 on a certain map entitled, "REVISED EVANS SECTION D - DANCON CORPORATION - CEL BRET DRIVE, CITY OF DANBURY, COUNTY OF FAIRFIELD, STATE OF CONNECTICUT, SCALE 1" = 100', JANUARY, 1969", certified substantially correct by A. H. Howland, R.L.S., New Milford, Connecticut, and filed in the office of the Town Clerk of said Danbury as Map No. 4331. Containing 1.187 acres, more or less.

TOGETHER WITH the right to pass and repass for all purposes whatsoever over and across all roadways, as shown on said map, for the purpose of gaining access to the public highway.

Said premises are subject to the following:

1. Any and all provisions of any ordinance, municipal regulations or public or private law.
2. Current real estate taxes to the City of Danbury.
3. A reservation in favor of Dancon Corporation, its successors and assigns, of a 15 foot easement over and across the front, rear and side boundary lines of said Lot No. 7 for the purpose of installing and maintaining surface water drainage ditches, trenches, or pipes, and gas, oil, water and electric pipes, shut-off valves, wires or conduits.
4. A utility easement to The Connecticut Light and Power Company dated July 27, 1965, and recorded in Volume 425 at Page 191 of the Danbury land Records.
5. A utility easement to The Southern New England Telephone Company dated September 30, 1965, and recorded in Volume 427 at Page 440 of the Danbury Land Records.
6. Agreements and Restrictions as contained in a certain instrument entitled, "Restrictions of Briar Ridge, Former Dancon-Evans Property Located at Briar Ridge, Danbury, Connecticut", dated April 8, 1969, and recorded in Volume 472 at Page 128 of the Danbury Land Records.
7. Certain covenants and restrictions and easements as set forth in Declaration of Restrictions of Briar Ridge Estates, dated June 12, 1969, and recorded in Volume 474 at Page 628 of the Danbury Land Records, and as amended by instrument dated July 30, 1969, and recorded in Volume 476 at Page 600 of the Danbury Land Records.