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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL

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January 18, 2008

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

Re: Acquisition of Properties: Renewal of Resolutions
Pocono Lane/Mountain Road; Grenier & Wooster School properties

Dear Mayor and Council:

The attached resolutions propose to renew the Council's previous approvals of the acquisition of certain properties by this office in order to facilitate the above municipal projects. By state law, your authorization must be re-approved after the expiration of six months, where acquisition has not been completed. We will need additional time to finish the process of negotiation and/or acquisition by condemnation of these properties.

Thank you for your consideration in adopting the proposed Resolutions. Please feel free to call me should you have any questions.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

:ras
Attachments

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT



_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury desires to secure the safety and mobility of traffic in the Pocono Lane area on the east side of Danbury; and

WHEREAS, in order to do so, it is in the best interests of Danbury to secure a temporary and/or permanent easement and fee acquisition across property depicted on Schedule A attached hereto; and

WHEREAS, the property secured would be utilized for one way motor vehicle traffic to access main artery road(s), thereby reducing the risks to travel and road access; and

WHEREAS, necessary interests in said property shall be secured at fair market value, either through negotiation with the property owners, or by eminent domain, if such negotiations are unsuccessful.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the office of the Corporation Council, be and hereby is authorized to acquire the said property rights as set forth and described in Schedule A, within six (6) months of approval hereof, either by negotiation or by 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.

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**10.5' WIDE MAINTENANCE AND UTILITY EASEMENT
PEBBLE MORTGAGE, LLC.
5 MOUNTAINVIEW ROAD TAX ASSESSOR'S LOT No. M10028**

A certain piece or parcel of land containing 1,973 square feet (0.045 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 5 Mountainview Road and known as Tax Assessor's Lot No. M10028 (portion of) bounded and described as follows:

Commencing at a point on the easterly street line of Mountainview Road, which point is the northwesterly corner of land of the Grantors, thence running in a southerly direction along the easterly street line of Mountainview Road S. 16° 14' 50" E. a distance of 20.50' to a point, said point being the true point or place of beginning and the northwesterly corner of land herein described, thence turning and running in a easterly direction through the land of the Grantors N. 72° 51' 10" E. a distance of 188.72' to a point on the westerly street line of Pocono Lane, thence turning and running in a southerly direction along the westerly street line of Pocono Lane S. 07° 42' 50" E. a distance of 10.64' to a point, thence turning and running in a westerly direction through the land of the Grantors S. 72° 51' 10" W. a distance of 187.14' to a point on the easterly street line of Mountainview Road, thence turning and running in a northerly direction along the easterly street line of Mountainview Road N. 16° 14' 50" W. a distance of 10.50' to the point or place of beginning.

Bounded:

Northerly: By other land of the Grantor.

Easterly: By Pocono Lane.

Southerly: By other land of the Grantor.

Westerly: By Mountainview Terrace.

For a more particular description, reference is made to a map entitled "Map Showing Road-Way Easement Across the Property of Pebble Mortgage, LLC. To be Geanted to The City Of Danbury Pocono Lane and Mountainview Road Danbury, Connecticut Scale: 1" = 20' October 30, 2006 Revised: July 31, 2007" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.

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**20.5' WIDE PERMANENT ROADWAY EASEMENT
PEBBLE MORTGAGE, LLC.
5 MOUNTAINVIEW ROAD TAX ASSESSOR'S LOT No. M10028**

A certain piece or parcel of land containing 3,900 square feet (0.090 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 5 Mountainview Road and known as Tax Assessor's Lot No. M10028 (portion of) bounded and described as follows:

Commencing at a point on the easterly street line of Mountainview Road, which point is the northwesterly corner of land of the Grantors and the northwesterly corner of land herein described, being the true point or place of beginning, thence running in a easterly direction along the northerly boundary line of the Grantors N. 72° 51' 10" E. a distance of 191.81' to a point on the westerly street line of Pocono Lane, thence turning and running in a southerly direction along the westerly street line of Pocono Lane S. 07° 42' 50" E. a distance of 20.78' to a point, thence turning and running in a westerly direction through the land of the Grantors S. 72° 51' 10" W. a distance of 188.72' to a point on the easterly street line of Mountainview Road, thence turning and running in a northerly direction along the easterly street line of Mountainview Road N. 16° 14' 50" W. a distance of 20.50' to the point or place of beginning.

Bounded:

Northerly: By land now or formerly Christine Bojarczyk.

Easterly: By Pocono Lane.

Southerly: By land now or formerly Four Star Reality, LLC.

Westerly: By Mountainview Terrace.

For a more particular description, reference is made to a map entitled "Map Showing Road-Way Easement Across the Property of Pebble Mortgage, LLC. To be Geanted to The City Of Danbury Pocono Lane and Mountainview Road Danbury, Connecticut Scale: 1" = 20' October 30, 2006 Revised: July 31, 2007" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200__



RESOLVED by the Common Council of the City of Danbury:

WHEREAS, in order to enhance airport safety, the City of Danbury wishes to acquire approximately 9.727 acres of land on Miry Brook Road, including Tax Assessor's lots nos. E19017 (formerly known as E19023), E19024, E19025, E19026, E19027, E19031, E19032 and a portion of Stable Drive as shown on Town Clerk Map no. 6262, all as more particularly described in Schedule A 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, 95% of the grant funds will be committed by the Federal Aviation Administration, 3.75% of the grant funds will be committed by the State of Connecticut and the City will be responsible to fund 1.25% 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 the said land as set forth in Schedule A, 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 Common Council authorizes Mayor Mark D. Boughton and 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 1.25% 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.

GRENIER PROPERTY
(STABLE DRIVE)
MIRY BROOK ROAD

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A certain piece or parcel of land containing 423,721 square feet (9.727 Acres), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Miry Brook Road and known as Tax Assessor's Lot Nos. E19017, E19024, E19025, E19026, E19027, E19031 and E19032 and a portion of Stable Drive bounded and described as follows:

Commencing at a point on the southerly street line of Miry Brook Road, which point is the northwesterly corner of land of the Grantor and the northeasterly corner of land of The Wooster School Corporation, said point being the northwesterly corner of land herein described, thence running easterly along the southerly street line of Miry Brook Road on the following courses and distances; N. 65° 22' 40" E. a distance of 105.60' to a point, thence N. 75° 07' 30" E. a distance of 171.91' to a point, thence N. 80° 43' 30" E. a distance of 123.10' to a point, thence N. 84° 39' 00" E. a distance of 91.91' to a point, thence due east a distance of 63.85' to a point, thence S. 65° 33' 40" E. a distance of 59.32' to a point, thence S. 57° 06' 10" E. a distance of 156.35' to a point, thence turning and running through the land of the Grantor the following courses and distances; S. 23° 42' 10" W. a distance of 398.68' to a point, thence S. 52° 41' 50" W. a distance of 251.59' to a point, thence S. 40° 42' 40" E. a distance of 84.00' to a point, thence S. 49° 17' 20" W. a distance of 165.00' to a point on the easterly line of Stable Drive, thence turning and running northerly along the easterly street line of stable drive N. 40° 42' 40" W. a distance of 107.35', thence turning and running westerly to the westerly street line of Stable Drive S. 61° 17' 33" W a distance of 50.96', thence S. 70° 18' 50" W. a distance of 246.80' to a point, thence turning and running northerly along the westerly boundary of the Grantor N. 06° 02' 50" E. a distance of 196.51' to a point, thence N. 04° 39' 00" E. a distance of 215.51' to a point, thence N. 03° 12' 50" E. a distance of 139.47' to a point, thence N. 02° 42' 20" E. a distance of 158.69 to the point or place of beginning.

Bounded:

Northerly : By Miry Brook Road.

Easterly : By other land now or formerly of Grantor.

Southerly : By other land now or formerly of Grantor.

Westerly : By land now or formerly of The Wooster School Corporation.

Also known as lots 1, 2, 62, 63, 64, 65, and 66 as well as a portion of Stable Drive as shown on the map referenced below.

For a more particular description reference is made to a map entitled "Sheet 1 of 2 Final Subdivision El Morro-Section 2 Danbury, Connecticut Scale: 1" = 100' Total Area: 99.876 Ac. Zone: RA-40 Aug. 27, 1976 Revised Nov. 2, 1976 Revised Nov. 5, 1976 Owned & to be Developed by: Frank, John, & Eugene Grenier" prepared by Surveying Associates, P.C. 432 Main St.- Danbury, Conn. and certified substantially correct by Paul M. Fagan, L.S. No. 7756, which map is on file in the Danbury Land Records as Town Clerk map No. 6262.

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RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT



_____ A. D., 200__

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, in order to enhance airport safety, the City of Danbury wishes to acquire easements in nine parcels of land on Miry Brook Road and Ye Olde Road known as Tax Assessor's lots nos. E19001, E19002, E19011, E19012, E19013, E19014, E19015, E19016, and E18003, and which easements are more particularly described in Schedule A 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 easements in accordance with relevant state statutes; and

WHEREAS, said easements 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 easements; and

WHEREAS, pursuant to the Federal Aviation Administration grant application process, 95% of the grant funds will be committed by the Federal Aviation Administration, 3.75% of the grant funds will be committed by the State of Connecticut and the City will be responsible to fund 1.25% 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 the said easements as set forth in Schedule A, 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 Common Council authorizes Mayor Mark D. Boughton and 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 1.25% 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

The avigation easement rights more fully set forth below, including the perpetual right and easement, which easement shall be appurtenant to and run with the adjoining land of the City of Danbury, Grantee herein, its successors and assigns, said adjoining land now known and used as the Danbury Municipal Airport, for the purposes described below, over that portion of the land of the grantors herein described as follows:

Those certain pieces or parcels of land shown as "Easements To Be Acquired" on a certain plan on file in the Danbury Engineering Department and at Danbury Municipal Airport entitled "Danbury Airport Acquisition Plan - Runway 8" dated April 12, 2007, drawn by Hoyle, Tanner & Associates, Inc., consulting engineers, said easement areas being more particularly described as follows:

1. That portion of Danbury Tax Assessor's Lot No. E19001 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined hereinbelow. Said Lot No. E19001 is more particularly described in instrument recorded in Volume 172 at Page 229 of the Danbury Land Records.
2. That portion of Danbury Tax Assessor's Lot No. E19002 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined hereinbelow. Said Lot No. E19002 is more particularly described in instrument recorded in Volume 407 at Page 552 of the Danbury Land Records;
3. That portion of Danbury Tax Assessor's Lot No. E19011 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined hereinbelow. Said Lot No. E19011 is more particularly described in instrument recorded in Volume 1833 at Page 428 of the Danbury Land Records;
4. That portion of Danbury Tax Assessor's Lot No. E19012 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined hereinbelow. Said Lot No. E19012 is more particularly described in instrument recorded in Volume 882 at Page 239 of the Danbury Land Records;
5. That portion of Danbury Tax Assessor's Lot No. E19013 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined hereinbelow. Said Lot No. E19013 is more particularly described in instrument recorded in Volume 1588 at Page 1005 of the Danbury Land Records;
6. That portion of Danbury Tax Assessor's Lot No. E19014 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined hereinbelow. Said Lot No. E19014 is more particularly described in instrument recorded in Volume 1270 at Page 49 of the Danbury Land Records;
7. That portion of Danbury Tax Assessor's Lot No. E19015 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport

Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined hereinbelow. Said Lot No. E19015 is more particularly described in instrument recorded in Volume 315 at Page 505 of the Danbury Land Records;

8. That portion of Danbury Tax Assessor's Lot No. E19016 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined hereinbelow. Said Lot No. E19016 is more particularly described in instrument recorded in Volume 172 at Page 229 of the Danbury Land Records;

9. That portion of Danbury Tax Assessor's Lot No. E18003 as is contained within the area shown as "Easements To Be Acquired" on the above referenced Danbury Airport Acquisition Plan; and also that portion of said Lot which is contained within and/or affected by the Approach Surface defined hereinbelow. Said Lot No. E18003 is more particularly described in instrument recorded in Volume 215 at Page 377 of the Danbury Land Records.

Said easement, appurtenant to the Danbury Municipal Airport, shall be for the unobstructed passage of all aircraft ("aircraft" being defined for the purpose of this instrument as any machine or contrivance now known or hereafter invented, used or designated for navigation of, or flight in, the air) by whomsoever owned and operated in all airspace above the surface of the premises conveyed hereby as follows:

APPROACH SURFACE

A sloping imaginary plane beginning at the displaced threshold bar on Runway 8, Four Hundred (400) feet in width at elevation 457, extending outward and upward from the extended runway centerline, at a slope of 20 feet horizontal for every one-foot vertical, for a distance of One Thousand Five Hundred (1,500) feet from the end of the runway and a final width of One Thousand (1,000) feet; then extending upward at a slope of 20 feet horizontal for every one-foot vertical, at the One Thousand foot width to a final distance of Ten Thousand feet from the displaced threshold bar on Runway 8.

ALSO, together with the right to cause in all air space above the surface of the premises such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on said Danbury Municipal Airport, and Grantor/s do hereby fully waive, remise and release any right of cause of action which they or their heirs, successors or assigns may now have or which they may have in the future against the Grantee, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on said Danbury Municipal Airport.

The easement and right of way hereby granted includes the continuing right in the Grantee to prevent the erection upon the premises of any building, structure, or other manmade object, extending into the air space above the aforesaid imaginary plane, and to remove from said air space and/or to mark and light, at the Grantee's sole discretion, as obstructions to air navigation, any such building, structure, tree or other object now upon, or which in the future may be upon the premises, together with the right to ingress to, egress from and passage over the premises for the above purposes.

ALSO, the continuing right of the Grantee to prevent the growth upon the premises of any tree or other natural growth, within the above described surfaces at the date hereof, and to remove or cut such tree or other natural growth or object to the ground level, along with the right

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of ingress to, egress from and passage over the premises for all of the above purposes. The Grantee agrees that, in the event it decides to cut trees or other natural growth pursuant to this paragraph, the Grantee will remove all timber cut, in a manner and location satisfactory to the Grantor/s in their sole discretion, and remove all slash resulting from the cutting.