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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

October 20, 2008

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

Re: Acquisition of property: Pocono Lane / Mountainview Road

Dear Mayor and Council:

The attached Resolution proposes to renew the Council's previous approval of the acquisition of certain property by this office in order to facilitate the above project. By state law, your authorization must be re-approved after the expiration of six months, where acquisition has not been completed.

To be certain that renewal authority is in place, please adopt the attached Resolution just prior to your final action on the road and easement issues.

Thank you for your consideration in adopting the proposed resolution. Please feel free to give us a call should you have any questions.

Very truly yours,

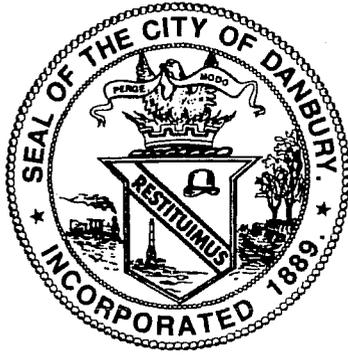
Laszlo L. Pinter
Deputy Corporation Counsel

ras
Attachment

10-1

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.

(10-2)

**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. $16^{\circ} 14' 50''$ 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. $72^{\circ} 51' 10''$ 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. $07^{\circ} 42' 50''$ E. a distance of 10.64' to a point, thence turning and running in a westerly direction through the land of the Grantors S. $72^{\circ} 51' 10''$ 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. $16^{\circ} 14' 50''$ 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 Granted 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.