10

CITY OF DANBURY

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

(203) 797-4518
(203) 796-8043 FAX

PLEASE REPLY TO:

September 1, 2004

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

Re: Acquisition of Properties:
Shore Road; Parking Garage/Library Place; North Main Street; East Ditch; Senior Center; Backus Avenue; Olive Street; Cobblestone Trail;

Dear Mayor and Council:

The attached resolutions propose to renew the Council's earlier approvals of the acquisitions of properties by this office in order to facilitate several 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 the additional time to finish the process of negotiation and/or acquisition by condemnation of these properties.

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

Very truly yours,

Eric L. Gottschalk
Deputy Corporation Counsel

Attachments

cc: William J. Buckley, Jr., P.E. Dir. Public Works/City Engineer
Raymond Yamin, Associate Corporation Counsel

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 has received HUD financing approval through the HUD Development Block Grant Section 108 Program, for development of the proposed Senior Center Campus; and

WHEREAS, the development of the Campus will require the acquisition of several parcels of land in the vicinity of the existing Senior Center; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A and B attached hereto; and

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

WHEREAS, it is in the best interest of the City of Danbury to acquire said properties and proceed with the Senior Center Campus project.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the properties set forth on EXHIBITS A and B attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages or other inconsistent interests encumbering the properties, if any, by March 1, 2005.

THE DANBURY SQUARE BOX COMPANY
Tax Assessor's Lot No. I15311
Elmwood Place and Grand Street

A certain piece or parcel of land containing 25,739 square feet (0.5909 acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Grand Street and Elmwood Place and known as Tax Assessor's Lot No. I15311 bounded and described as follows:

Commencing at a point on the easterly side of Grand Street which is the northwesterly corner of land now or formerly of Jerome F. Perrone and Joan B. Perrone and which point is the southwesterly corner of land herein described, thence running along the easterly side of Grand Street N. 27° 41' 42" W. a distance of 23.93 feet to a point, thence turning and running easterly along the southerly boundary line of land now or formerly of Edward S. Youngberg, Sr. N. 64° 21' 23" E. a distance of 108.19 feet to a point, thence turning and running northerly along the easterly boundary line of land now or formerly of Edward S. Youngberg, Sr. N. 27° 50' 27" W. a distance of 156.54 feet to a point on the southerly boundary line of land now or formerly of Antonio A. Sousa and Ana P. Sousa, thence turning and running easterly along the southerly boundary line of land now or formerly of Antonio A. Sousa and Ana P. Sousa N. 62° 25' 33" E. a distance of 10.40 feet to point, thence turning and running northerly along the easterly boundary line of land now or formerly of Antonio A. Sousa and Ana P. Sousa N. 26° 54' 17" W. a distance of 48.52 feet to a point on the southerly boundary line of land now or formerly of Main Elmwood, LLC, thence turning and running easterly along the southerly boundary line of land now or formerly of Main Elmwood, LLC N. 62° 25' 33" E. a distance of 54.22 feet to a point, which point is the northwesterly corner of Elmwood Place, thence turning and running southerly along the westerly line of Elmwood Place, along land now or formerly of the City of Danbury and along land now or formerly of Donna K. Kalb and Sharon L. Siegel the following courses and distances, S. 27° 42' 17" E. 96.07 feet to a point, thence N. 62° 54' 53" E. 23.51 feet to a point, thence S. 28° 16' 47" E. 203.99 feet to a point on the northerly boundary line of land now or formerly of Harrison Square Limited Partnership, thence turning and running westerly along the northerly boundary line of land now or formerly of Harrison Square Limited Partnership S. 66° 42' 59" W. a distance of 75.09 feet to a point, which point is the southeasterly corner of land now or formerly of Jerome F. Perrone and Joan B. Perrone, thence turning and running northerly along the easterly boundary line of land now or formerly of Jerome F. Perrone and Joan B. Perrone N. 28° 16' 47" W. a distance of 58.33 feet to a point, which point is the northeasterly corner of land now or formerly of Jerome F. Perrone and Joan B. Perrone, thence turning and running westerly along the northerly boundary line of land now or formerly of Jerome F. Perrone and Joan B. Perrone S. 67° 30' 38" W. a distance of 123.68 feet to the point or place of beginning.

Bounded:

Northerly: by land now or formerly of Main Elmwood, LLC and by land now or formerly of the City of Danbury, each in part

Easterly: by Elmwood Place, by land now or formerly of the City of Danbury and by land now or formerly of Donna K. Kalb and Sharon L. Siegel, each in part

Southerly: by land now or formerly of Harrison Square Limited Partnership and land now or formerly of Jerome F. Perrone and Joan B. Perrone, each in part

Westerly: by Grand Street, by land now or formerly of Antonio A. Sousa and Ana P. Sousa, by land now or formerly of Edward S. Youngberg, Sr. (two parcels of land), and by land now or formerly of Jerome F. Perrone and Joan B. Perrone, each in part.

For a more particular description reference is made to a map entitled "Map Prepared for the City of Danbury Grand Street and Elmwood Place Danbury, Connecticut Scale 1" = 20' May 13, 2002" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Ireneo H. Despojado, P.E.&L.S. No. 12050, which map is to be filed on the Danbury Land Records.

Tax Assessor's Lot No. I15308
4 Elmwood Place
Rullo Holding LLC

A parcel of land 6,401 square feet in area located on the south side of Elmwood Place further described as follows:

Beginning at a point located on the southerly line of Elmwood Place said point being located 109.64 feet southwest of the intersection of the southerly line of Elmwood Place and the westerly street line of Main Street, said point also being the northeast corner of the parcel of land being described herein, thence turning and running along the boundary line between the land of the Grantor and land now or formerly of Thomas Cheney et al S 27° 13' 06" E a distance of 82.10 feet to the southeast east corner of the parcel of land being described herein, thence turning and running along the boundary line between the land of the Grantor and land now or formerly of the Estate of John O'Hara S 60° 56'17" W a distance of 76.50 to the southwest corner of the parcel of land being described herein, thence turning and running along the boundary line between the land of the Grantor and land now or formerly of Ventura Francisco et ux N 28° 30' 50" W a distance of 83.22 feet to a point on the southerly line of Elmwood Place said point being the northwest corner of the parcel of land being described herein, thence turning and running along the southerly line of Elmwood Place N 61° 47' 08" E a distance of 78.35 feet to the point or place of beginning.

Bounded:	Northerly:	by Elmwood Place
	Easterly:	by land now or formerly of Thomas Cheney et al
	Southerly:	by land now or formerly of the Estate of John O'Hara and by land now or formerly of Mary Magnifico et al, each in part
	Westerly:	by land now or formerly of Ventura Francisco et ux

Reference is made to a map entitled "Map Prepared for Park Garage 4 Elmwood Place Danbury, Connecticut Scale 1" = 40' Aug. 12, 1976" which map was certified as an A-2 survey by Sydney A. Rapp, Jr., R.L.S. No. 7400 and which map is filed as map number 6016 in the Danbury Land Records.