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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

November 4, 2004

Mayor Mark D. Boughton
Members of the Common Council

Re: **Concord Street, LLC**

The Common Council Committee appointed to review two requests from Concord Street, LLC, one utility extensions and a condemnation of a utility easement met on October 27, 2004 at 8:00 P.M. in the Caucus Room in City Hall. In attendance were committee members Riley, Stanley and Visconti. Also in attendance were Deputy Corporation Counsel Eric Gottschalk and Council President Vin Nolan, ex-officio.

Mr. Buckley issued a report recommend approval of the request for sewer and water extensions subject to the required eight steps and also approval of the condemnation of the utility easement. The Planning Commission issued a positive recommendation as well.

Attorney Gottschalk pointed out on Merrimac Street and Concord Street on a map and showed a two-family dwelling. The present utility lines are in Concord Street, but they are private. The City requires a more organized approach for installation of utility lines. If lines are to serve more than one dwelling, the City requires that it must own the line. The request is for the public system up Concord Street and shall the public system be extended, and if so, how is the city going to do it because it is private property.

He received a letter from Attorney Mark Neilsen saying this line is part of a 1929 system. At that time he would have gone to the owners and asked for the extension. He is now asking the City to authorize condemnation of the utility easement in the street. The City would own and maintain the line. There is some precedent for this such as Duck Street and Victor Street. The Common Council authorized condemnation of those easements provided the cost is borne by the developer. He would put up \$4,000 to defray the cost and he would pay more if the cost were higher. Any remaining balance would be returned to him. The City would acquire the easement, the line becomes part of the public system and the development of the two-family dwelling is completed.

Mr. Riley asked if the City would anticipate any problem with the system dating back to the 1930s? Attorney Gottschalk said no problems are anticipated. Attorney Gottschalk said the City would require a deposit, will publish the request in the newspaper, then the Court will give the city a document that will be put on the land records that it acquired the easement. That will cover the utilities. The road will remain private.

Mr. Visconti made a motion to authorize the extension of the utilities subject to the required eight steps and to authorize condemnation of the necessary easement, conditioned upon payment of \$4,000 to cover estimated costs of the condemnation. Seconded by Mrs. Stanley. Motion carried unanimously.

Respectfully submitted,

ROBERT RILEY, Chairman

COLLEEN STANLEY

FRED VISCONTI