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

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PLEASE REPLY TO:

September 28, 2005

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

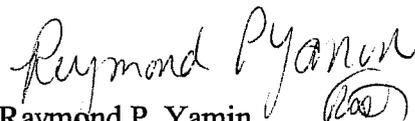
Re: Acquisition of easements for utility lines in Concord Street

Dear Mayor and Council:

On November 4, 2004, the Council approved the condemnation of certain easement rights in the private road known as Concord Street, on the condition that the private developer requesting said condemnation pay the City the sum of \$4,000.00 for estimated legal expenses to be incurred in effectuating said condemnation. This sum was not paid to the City until June of 2005, therefore, the condemnation could not be commenced within the authorized six month period. 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 acquisition by condemnation of these property interests, and accordingly propose to renew said Council Resolution in accordance with the attached proposed Resolution.

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,

  
Raymond P. Yamin   
Associate Corporation Counsel

RPY:la  
Enclosure



## RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

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RESOLVED by the Common Council of the City of Danbury:

WHEREAS, as part of a private development project, utility lines are proposed to be extended across an area described on various maps as Concord Street; and

WHEREAS, it is the intention of the private developer to offer and of the City of Danbury to accept said lines as part of the public utility system; and

WHEREAS, the ownership of Concord Street is ambiguous, and eminent domain proceedings will therefore be necessary to acquire any inconsistent private ownership interests in and to the real property easements described in the EXHIBIT A legal description attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the office of the Corporation Counsel, be and hereby is authorized to acquire property interests as set forth in the EXHIBIT A legal description attached hereto, on or before April 4, 2006, either by negotiation or by eminent domain through the institution of suit against the property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrancers, if any.

Concord Street  
Utilities Easement

A permanent utilities easement over the entire right of way (easterly street line to westerly street line) of the private roadway now or formerly known as Concord Street beginning at the northerly street line of Merrimac Street and running in a generally northerly direction for a distance of approximately 200 lineal feet to a dead end. Said portion of Concord Street being the northerly section of Concord Street as shown on a map entitled "Map of Belmont Terrace Owned by Belmont Realty Co. Providence Rhode Island" prepared by Fred J. Kellogg, Civil Engineer, dated June 6, 1929 which map is filed as map number 327A in the office of the City of Danbury Town Clerk.