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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
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PLEASE REPLY TO:

June 22, 2006

Honorable Mark D. Boughton, Mayor
Honorable Members of the Common Council
City of Danbury, Connecticut

Re: Hawthorne Terrace Water System Acquisition and Extension

Dear Mayor and Council Members:

Some time ago you authorized the acquisition of the Hawthorne Terrace Water System and the extension of water lines designed to incorporate the existing private system into our public system. During the course of deliberations it became clear that in some instances service to certain sites would be difficult or impossible because of the existence of so-called privacy strips located between the public right-of-way and the private properties involved. The acquisition of two of these three foot strips would eliminate this problem and allow for service connections to be made once the lines have been installed in the streets in this area.

Accordingly, we have prepared a resolution that would allow for the acquisition of these strips. Please obtain a planning commission report and adopt the resolution in the usual fashion. If you have any questions in the meantime, please contact us.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

Attachment

cc: William J. Buckley, Jr., Director of Public Works



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, on November 6, 2003, the Common Council of the City of Danbury authorized the design and construction of improvements to the existing Hawthorn Terrace water system; and,

WHEREAS, in two areas along the proposed route of the water line, long narrow strips of land, approximately three feet wide, separate the city's right-of-way from the properties of others; and,

WHEREAS, in order to provide public water service to these other property owners, the city will need to acquire these two strips of land; and,

WHEREAS, the acquisition of said properties is in the best interests of the City of Danbury; and,

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owner named in Schedule A, upon the amount to be paid for the interests to be taken in and to the real property described in said schedule;

NOW, THEREFORE, BE IT RESOLVED, THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit on or before January 1, 2007, against the named property owner, its successors and assigns as well as against mortgage holders and encumbrancers of the property, if any.

**GAMMIE
TWO RESERVED STRIPS OF LAND
FORTY ACRE MOUNTAIN ROAD AND HILLCREST ROAD
DANBURY, CONNECTICUT**

Parcel #1

A certain piece or parcel of land containing 623 square feet (0.0143 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Forty Acre Mountain Road and adjacent to Tax Assessor's Lot No. K02078 bounded and described as follows:

Commencing at a point on the westerly street line of Forty Acre Mountain Road, which point is the southeasterly corner of lot no. 18 as shown on the below referenced map, said point being the northeasterly corner of land herein described and the true point of beginning, thence running in a southerly direction the following courses and distances, S 24° 14' 00" E a distance of 3.98' to a point, thence S 17° 21' 00" E a distance of 187.75' to a point, thence turning and running in a westerly direction S 72° 38' 31" E a distance of 2.85' to a point, thence turning and running in a northerly direction the following courses and distances, N 17° 23' 25" W a distance of 91.96' to a point, thence N 18° 06' 27" W a distance of 100.59' to a point, thence turning and running in a easterly direction N 85° 17' 18" E a distance of 3.86' to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of John F. Lawlor and Melissa N. Lawlor.

Easterly : By Forty Acre Mountain Road.

Southerly : By land now or formerly of Joseph Bischof and Nushi Bischof.

Westerly : By land now or formerly of James R. Staib and Yvonne J. Staib.

For a more particular description reference is made to a map entitled "Revised Map Showing New Plan of Lots Hawthorn Terrace John Gammie Danbury, Conn. Scale 1"=60' May, 1930" prepared by L. W. Marsh, Surveyor, which map is on file in the Danbury Land Records as map no. 725.

Parcel #2

A certain piece or parcel of land containing 447 square feet (0.0103 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Hillcrest Road and adjacent to Pump House Site #1 as shown on below referenced map bounded and described as follows:

Commencing at a point on the southerly street line of Hillcrest Road, which point is the northwesterly corner of lot no. 15 as shown on the below referenced map, thence running in a southerly direction S 15° 31' 00" E a distance of 144.31' to a point, said point

being the northeasterly corner of land herein described and the true point of beginning, thence continuing in a southerly direction S 15° 31' 00" E a distance of 2.73' to a point, thence turning and running in a westerly direction the following courses and distances S 89° 21' 58" W a distance of 55.45' to a point, thence N 89° 07' 20" W a distance of 76.32' to a point, thence turning and running in a northerly direction N 19° 45' 04" W a distance of 3.51' to a point, thence turning and running in a easterly direction S 89° 27' 52" E a distance of 132.22' to the point or place of beginning.

Bounded:

Northerly : By land now or formerly of The Hawthorn Terrace Association, Incorporated.

Easterly : By land now or formerly of Timothy E. Groski and Denise A. Groski.

Southerly : By land now or formerly of James R. Staib and Yvonne J. Staib.

Westerly : By a one foot wide reserved strip of land as shown on the below referenced map.

For a more particular description reference is made to a map entitled "Improvement Location Survey Showing Location of Pump House Site #1 and Pump House Site #2 Hawthorn Terrace Forty Acre Mountain Road & Hillcrest Road Danbury, Connecticut Scale:1"=30' Area:As-Shown Zone:RA-80 Date:July 20, 2004" prepared by Surveying Associates 432 Main Street Danbury Connecticut, which map is to be filed in the Danbury Land Records.