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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

August 24, 2007

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

Re: Grenier Airport Property Acquisition
Re-Authorization

Dear Mayor and Council:

As you may recall from earlier and similar easement or fee acquisitions, we occasionally seek renewal of statutory time frame requirements to acquire property by negotiation or condemnation within six (6) months of Council approval of the acquisition. FAA processing and notice requirements pertaining to the subject acquisition require that you authorize an extension of the time frame for us to acquire the property that you had earlier authorized (April 2007 meeting).

In that regard, the amended resolution (which is identical to the one you approved in April except for the time frame) provides for a statutory acquisition date six months from the date you approve the extension (your approval would be tonight, September 5, 2007, or such later date as you may actually vote to authorize the acquisition, for that six month period to commence). Keep in mind, however, that as we advised you last month, we will likely not need that full period of time, since we are now poised and prepared to submit all necessary filings to accomplish the acquisition of the referenced property.

Kindly adopt the attached resolution at your earliest opportunity. Please do not hesitate to contact us with any questions regarding this matter.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

Attachment

cc: Ray Yamin, Associate Corporation Counsel
Paul D. Estefan, Airport Administrator
Karen Frink, PE, VP, Hoyle Tanner & Associates

Llp/reauthorizegrenier

Robert J. Yamin
Corporation Counsel
r.yamin@ci.danbury.ct.us
(203)797-4518

Laszlo L. Pinter
Deputy Corporation Counsel
l.pinter@ci.danbury.ct.us
(203)797-4517

Robin L. Edwards
Assistant Corporation Counsel
r.edwards@ci.danbury.ct.us
(203) 797-4516

Dianne E. Rosemark
Assistant Corporation Counsel
d.rosemark@ci.danbury.ct.us
(203) 796-8004

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:



WHEREAS, in order to enhance airport safety, the City of Danbury wishes to acquire approximately 9.727 acres of land on Miry Brook Road, including Tax Assessor's lots nos. E19017 (formerly known as E19023), E19024, E19025, E19026, E19027, E19031, E19032 and a portion of Stable Drive as shown on Town Clerk Map no. 6262, all as more particularly described in Schedule A attached hereto; and

WHEREAS, the City has sought and received the opinion of the Commissioner of the Connecticut Department of Transportation that public convenience, necessity or safety require the acquisition of said land in accordance with relevant state statutes; and

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

WHEREAS, the City of Danbury intends to apply to the Federal Aviation Administration for grant funding for the purpose of obtaining reimbursement for the cost of acquiring said land; and

WHEREAS, pursuant to the Federal Aviation Administration grant application process, 95% of the grant funds will be committed by the Federal Aviation Administration, 3.75% of the grant funds will be committed by the State of Connecticut and the City will be responsible to fund 1.25% of the total grant amount, if the City ultimately secures said grant.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the office of Corporation Counsel, be and hereby is authorized to acquire the said land as set forth in Schedule A, within six (6) months of approval hereof, either by negotiation or 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;

AND BE IT FURTHER RESOLVED THAT the Common Council authorizes Mayor Mark D. Boughton and Paul D. Estefan, Airport Administrator, to apply to the Federal Aviation Administration to obtain grant funding for reimbursement for the cost of acquiring the above-mentioned real property, to obtain the real property appraisals as are necessary to file the grant application, to appropriate the 1.25% of the total grant amount, if the grant is approved, to execute any necessary documents, and to take any additional actions necessary to effectuate the purposes hereof.

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**GRENIER PROPERTY
(STABLE DRIVE)
MIRY BROOK ROAD**

SCHEDULE A

A certain piece or parcel of land containing 423,721 square feet (9.727 Acres), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Miry Brook Road and known as Tax Assessor's Lot Nos. E19017, E19024, E19025, E19026, E19027, E19031 and E19032 and a portion of Stable Drive bounded and described as follows:

Commencing at a point on the southerly street line of Miry Brook Road, which point is the northwesterly corner of land of the Grantor and the northeasterly corner of land of The Wooster School Corporation, said point being the northwesterly corner of land herein described, thence running easterly along the southerly street line of Miry Brook Road on the following courses and distances; N. 65° 22' 40" E. a distance of 105.60' to a point, thence N. 75° 07' 30" E. a distance of 171.91' to a point, thence N. 80° 43' 30" E. a distance of 123.10' to a point, thence N. 84° 39' 00" E. a distance of 91.91' to a point, thence due east a distance of 63.85' to a point, thence S. 65° 33' 40" E. a distance of 59.32' to a point, thence S. 57° 06' 10" E. a distance of 156.35' to a point, thence turning and running through the land of the Grantor the following courses and distances; S. 23° 42' 10" W. a distance of 398.68' to a point, thence S. 52° 41' 50" W. a distance of 251.59' to a point, thence S. 40° 42' 40" E. a distance of 84.00' to a point, thence S. 49° 17' 20" W. a distance of 165.00' to a point on the easterly line of Stable Drive, thence turning and running northerly along the easterly street line of stable drive N. 40° 42' 40" W. a distance of 107.35', thence turning and running westerly to the westerly street line of Stable Drive S. 61° 17' 33" W a distance of 50.96', thence S. 70° 18' 50" W. a distance of 246.80' to a point, thence turning and running northerly along the westerly boundary of the Grantor N. 06° 02' 50" E. a distance of 196.51' to a point, thence N. 04° 39' 00" E. a distance of 215.51' to a point, thence N. 03° 12' 50" E. a distance of 139.47' to a point, thence N. 02° 42' 20" E. a distance of 158.69 to the point or place of beginning.

Bounded:

Northerly : By Miry Brook Road.

Easterly : By other land now or formerly of Grantor.

Southerly : By other land now or formerly of Grantor.

Westerly : By land now or formerly of The Wooster School Corporation.

Also known as lots 1, 2, 62, 63, 64, 65, and 66 as well as a portion of Stable Drive as shown on the map referenced below.

For a more particular description reference is made to a map entitled "Sheet 1 of 2 Final Subdivision El Morro-Section 2 Danbury, Connecticut Scale: 1" = 100' Total Area: 99.876 Ac. Zone: RA-40 Aug. 27, 1976 Revised Nov. 2, 1976 Revised Nov. 5, 1976 Owned & to be Developed by: Frank, John, & Eugene Grenier" prepared by Surveying Associates, P.C. 432 Main St.- Danbury, Conn. and certified substantially correct by Paul M. Fagan, L.S. No. 7756, which map is on file in the Danbury Land Records as Town Clerk map No. 6262.