(17.)

CITY OF DANBURY

OFFICE OF THE CORPORATION COUNSEL

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
(203) 797-4518 (203)796-8043 FAX

November 26, 2007

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

Re: Hawthorn Terrace Water System well lot acquisition

Dear Mayor and Council Members:

Some time ago you authorized the acquisition of the Hawthorn Terrace Water System and the extension of water lines designed to incorporate the existing private system into our public system. A portion of the water service provided by this system depends upon a well located on Hillcrest Road and during the course of the work in the vicinity of the well lot, it came to the attention of staff that property owners residing adjacent to this lot claim an interest in it.

City officials have been involved in negotiating with these property owners for several months without resolving the issues. While we remain hopeful that a solution will be found, completion of the project cannot be delayed much longer. In order to eliminate any question regarding the ownership of the well lot, the exercise of the city's power of eminent domain may become necessary.

Accordingly, we have prepared a resolution that would allow for the acquisition of the lot from the Hawthorn Terrace Association and anyone else claiming an interest in it. Please adopt the resolution in the usual fashion. If you have any questions in the meantime, please contact us.

Sincerely,

Laszlo L. Pinter
Deputy Corporation Counsel

Attachment
cc: Antonio Iadarola, Director of Public Works
Farid Khouri, City Engineer

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

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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 is in the process of completing renovations to and acquisition of the Hawthorn Terrace Water System; and,

WHEREAS, the Hawthorn Terrace Water System includes, among other facilities and properties, a well and well lot located on Hillcrest Road; and,

WHEREAS, property owners residing adjacent to said well lot claim an interest in said lot; and,

WHEREAS, the acquisition of said lot 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 owners 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 within six months of the date hereof, against the named property owners, their heirs, executors, successors and assigns and their mortgage holders, encumbrancers and other parties claiming interests therein, if any.

Schedule A

A certain piece or parcel of land containing 6699 square feet (0.154 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at Hillcrest Road bounded and described as follows:

Commencing at a point on the southerly street line of Hillcrest Road, which point is the northeasterly corner of land now or formerly of The Hawthorn Terrace Association, Incorporated, which point is also the northwesterly corner of the land now or formerly of Timothy E. Groski and Denise A. Groski also known as #8 Hillcrest Road as shown on the below referenced map, said point being the true point or place of beginning, thence running in a southerly direction along the easterly boundary line of The Hawthorn Terrace Association, Incorporated S 15° 31' 00" E a distance of 144.31' to a point, thence turning and running in a westerly direction along the southerly boundary line of The Hawthorn Terrace Association, Incorporated N 89° 27' 52" W a distance of 132.22' to a point, thence turning and running in a northerly direction along the westerly boundary line of The Hawthorn Terrace Association, Incorporated N 19° 45' 04" W a distance of 16.49' to a point, thence turning and running in an easterly direction along the northerly boundary line of The Hawthorn Terrace Association, Incorporated N 74° 38' 00" E a distance of 99.00' to a point, thence turning and running in a northerly direction along the westerly boundary line of The Hawthorn Terrace Association, Incorporated N 09° 43' 00" W a distance of 96.24' to a point, thence turning and running in an easterly direction along the southerly street line of Hillcrest Road N 86° 33' 00" E a distance of 20.00' to the point or place of beginning.

Bounded:

Northerly : By Hillcrest Road and by land now or formerly of John Gammie, each in part.
Easterly : By land now or formerly of Timothy E. Groski and Denise A. Groski.
Southerly : By land now or formerly of John Gammie.
Westerly : By land now or formerly of John Gammie and by a one foot wide reserved strip of land as shown on T.C. map #400 of the Danbury Land Records, each in part.

For a more particular description reference is made to a map entitled "Map Showing Proposed Open Space on the land of The Hawthorn Terrace Association, Incorporated – Well Lot Danbury, Conn. Scale 1"=20' May 21, 2007" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.

Also known as the Well Lot.