

**RESOLUTION AND FINAL ORDER OF FORMATION FOR DRAINAGE
DISTRICT #11 FOR EAST SHORE CIRCLE MAJOR AND EAST SHORE CIRCLE
MINOR SUBDIVISIONS AND THEIR RESPECTIVE STORMWATER PRACTICES**

RESOLUTION 24-

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The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, John Young, *et al.* (the “Developer”) proposed the dedication of stormwater facilities and easements relating thereto for the purposes of fulfilling Planning Board approval conditions and ensuring the long-term maintenance of stormwater facilities for the East Shore Circle Major and Minor Subdivisions, including the dedication of stormwater pond lots identified on the major subdivision plat as Lots 8 and 9, and the easements and facilities shown upon project development plans, subdivision plats, and in project SWPPPs, which have envisioned that the facilities and stormwater operation, maintenance, reporting, and repair obligations would be managed by a drainage district; including further that the final approval of the major subdivision issued by the Planning Board defined the boundary of this subdivision and required district formation for the whole thereof as a condition of approval, and the landowners in the adjacent minor subdivision unanimously petitioned to join such drainage district; and

WHEREAS, the Town Board accepted the planning board’s and town engineer’s recommendation as to this district and forwarded the same, together with resolutions, maps, landowner petitions, and related information to the Water and Sewer Advisory Board (“WSAB”), which agency reviews and issues advisory recommendations on all special benefit districts for the town, and the WSAB unanimously recommended by written memorandum that the town proceed with formation of this district as mapped and proposed, and the Town Board duly accepted and adopted such advisory opinion and recommendations and, by resolution, authorized the town engineer to proceed with a Map, Plan and Report (“MPR”) for this proposed district based upon all of the foregoing; and

WHEREAS, a Town Law §§ 209-c and 209-d Map, Plan and Report (“MPR”) was duly prepared relative to proposed Drainage District #11 and the Town Board duly issued an Order under Town Law §209-d and determined that (i) the final Map, Plan and Report complies with the requirements of Town Law, and (ii) it is in the public interest and to the benefit of all parcels in the proposed district to establish the Town of Lansing Drainage District #11, and (iii) all benefited parcels are included, and no benefited parcels were excluded, from such district, and a public hearing was duly held upon December 20, 2023 at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, to consider district formation, the public interest order, and the environmental review thereof, and all persons thereat were duly heard, a negative declaration under SEQRA was duly continued as no supplemental review was determined as needed given a comprehensive review of this issue and these impacts as part of the subdivision review process for each such subdivision, and the formation of the district was conditionally approved; and

WHEREAS, the establishment of Town of Lansing Drainage District #11 was approved subject to permissive referendum pursuant to Town Law §209-e and Town Law Article 7, and the Notice of Permissive Referendum was properly and timely posted and published and more than 30 days has passed since adoption of such prior resolution conditionally approving formation of Drainage District #11, and no request for a referendum and no petitions in relation thereto have been received by or filed with the Town; and

WHEREAS, and after due deliberation hereupon be it now:

RESOLVED that the following findings be made and that a Final Order approving the formation of Drainage District #11 be approved and issued as follows, including pursuant to Town Law § 209-f(2):

1. No additional SEQRA review is necessary or required due to the passage of time, as (i) no significant changes in the property or project have occurred, and (ii) the Town finds that conducting SEQRA review as soon as is possible in relation to any project is consistent with the goals and requirements of SEQRA.
2. The boundaries of Drainage District #11 are inclusive of the tax parcel numbers comprising the East Shore Circle subdivisions and all lots therein, as shown on the sealed plats and survey maps as filed in the Town and County Clerk's Offices, and the Map, Plan and Report on file at the Town Clerk's Office, as more specifically described in the MPR, and in accordance with the real property metes and bounds descriptions as are on file at the Tompkins County Clerk's Office for such lands (which are each expressly herein incorporated).
3. Drainage District #11 be approved and constructed as set forth in the order calling a public hearing, and the Town shall assess, levy, and collect special assessments upon the several lots and parcels of land within the said district, which the Town Board has determined and hereby again determines are especially benefited thereby, so much and from each as shall be in just proportion to the benefit thereof, each and all to pay the operation and maintenance costs of such district and any existing or future indebtedness lawfully incurred for such district.
4. The Town Clerk shall file: (i) a certificate with the County Clerk certifying that no referendum was requested; and (ii) a certified copy of this Resolution with the Tompkins County Clerk and the New York State Department of Audit and Control (at the NYS Comptroller's Office) within 10 days of the adoption of this Final Order.
5. Drainage District #11 and the Town of Lansing are each severally and jointly hereby empowered to approve and accept contracts, agreements, dedications and assignments of lands, easements, and rights-of-way relating to the district and the stormwater facilities thereof, including from the developer and the owners of benefitted parcels within such district, and the Town Supervisor be and is hereby authorized on behalf of the Town of Lansing and Drainage District #11, upon approval of the form thereof by the Attorney for the Town and the Town's SMO, to do such things and negotiate and execute such documents as are or may be necessary or desirable for stormwater management and the needs of said Drainage District #11, including attaining such easements and rights as are or may hereafter be so determined as necessary or desirable.

6. That upon submission and filing of easement appropriate for access to all stormwater facilities, as determined in the manner as set forth above, the existing Stormwater Operating, Management, and Reporting Agreement of record for the East Shore Circle minor subdivision may be cancelled by instrument duly executed by the Town and, as above, the Town Supervisor be and hereby is further authorized to execute the same.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson _____, duly seconded by Councilperson _____, and put to a roll call vote with the following results:

Councilperson Judy Drake –

Councilperson Christine Montague –

Supervisor Ruth Groff –

Councilperson Laurie Hemmings –

Councilperson Joseph Wetmore –

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on February 28, 2024.