

RESOLUTION ACCEPTING DEDICATION OF EASEMENT FOR STORMY VIEW ROAD TURNAROUND, DRAINAGE EASEMENT TO TRIPHAMMER ROAD, AND SURRENDER OF PAPER ROAD AND PUBLIC HIGHWAY RIGHTS IN ACRES DRIVE

RESOLUTION 26-

RESOLUTION ACCEPTING DEDICATION OF EASEMENT FOR STORMY VIEW ROAD TURNAROUND, DRAINAGE EASEMENT TO TRIPHAMMER ROAD, AND SURRENDER OF PAPER ROAD AND PUBLIC HIGHWAY RIGHTS IN ACRES DRIVE

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

WHEREAS, over 50 years ago developer Alex Cima developed several subdivisions along Hillcrest Road and dedicated several public highways in such area, some of which have been built and in long use, and some of which were merely dedicated as “paper roads” on subdivision plat mappings and thereafter accepted by the Town; and

WHEREAS, such platted and approved paper roads envisioned that development in the area would continue along known developmental lines, but that development never occurred, and some of those paper roads are no longer needed for any existing or future Town highway systems; and

WHEREAS, there was once platted, dedicated, and accepted a paper road known as “Acres Drive” that proposed to connect Stormy View Road to Triphammer Road, but there is no longer a need for such a connection in that area, adding another road at that location would be unsafe, and the Town DPW Director has agreed that the Town only need retain its rights: (1) in the portion of such dedicated highway already developed and in public use as a public highway (a truck turnaround along Stormy View Drive); and (2) in the existing the drainage easement that follows the old subdivision property lines, swales, and drainage facilities leading to Triphammer Road, including because such drainage is critical to the highways and residences along Hillcrest Road and Stormy View Road, and such drainage ways and facilities help protect those public highways by protecting them from damage from floodwaters and generally making them safer for travel by the public; and

WHEREAS, the owner of such property (Bacolas) has offered to formally dedicate easements for the turnaround and drainageway, and the Town has concomitantly agreed to formally quit claim, surrender, and abandon any remaining or other rights it now has, or at one time had, in the paper road known as Acres Drive; and

WHEREAS, this action is a Type II SEQRA Action pursuant to 6 NYCRR 617.5(1), (6), (21), (23), and (33), and therefore no further environmental review is required so, upon deliberation thereupon by the Town Board, it has been duly RESOLVED as follows:

1. The Town hereby quitclaims and surrenders to the current landowner (Bacolas) all rights and title it has in and to said Acres Drive, except as follows: (i) the Town retains and accepts a dedicated easement to maintain a portion of such paper road adjacent to Stormy View Drive that

is and has been in use as a public highway as part of the Town public highway system, such portion being located and described in the instruments submitted to this meeting; and (ii) the Town retains and accepts a drainage easement running from Stormy View Drive to Triphammer Road as also located, described, and set forth in the instruments submitted to this meeting.

2. The Town Supervisor be and hereby is authorized to execute the instruments submitted to this meeting to give force and effect to the above resolutions, and the Town Supervisor is further authorized to execute such additional instruments as may hereafter be required or convenient to verify the surrender of rights in the remainder of said paper road as may be hereafter requested by the owner, or any future owner, of the lands upon and over which such paper road was once platted.