

RESOLUTION APPROVING AND ACCEPTING OFFER OF DEDICATION OF GORE OF LAND ON STORMY VIEW DRIVE

RESOLUTION 25-

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

WHEREAS, a 2025 survey demarked a property boundary and highway line on Stormy View Drive that had a different curve, a different arc, and different length than as the curve, and length as originally surveyed and dedicated, and this survey thus allegedly identified a new boundary line for such highway, posited that the highway boundary was in a different location than as originally dedicated and surveyed, and led the landowner to allege a trespass by the Town in its constructed and maintained public highway, and to demand an encroachment agreement; and

WHEREAS, the Town public highway known as Stormy View Drive was built within the bounds of dedicated highway lands, has never been relocated or had its location changed, and has been in its present location and regularly maintained and kept in charge for over 50 years; and

WHEREAS, regardless of whether the road crossed an alleged private property line or not, Stormy View Drive was either or both a highway by dedication at such location (if the original dedication land description was correct) or a highway by use (if the newer surveyed location was correct), such that the Town lawfully and properly refused to agree to a request for an encroachment agreement—not only because such road was a public highway either way, but because the Town could and should not: (i) surrender the public's rights in a public highway; (ii) grant private encroachment rights over public highways; or (iii) agree to remove, deconstruct, or relocate highways owned by the public and maintained and kept in charge by the Town; and

WHEREAS, the landowner then offered to convey that slice of land to the Town for public highway, drainage, and stormwater purposes, and has submitted an approved and filed land division map showing the land in question, provided a dedication and offer of cessation letter, and supplied all filing materials for the same; and

WHEREAS, the Attorney for the Town, the Town Highway Superintendent/Director of Public Works, the Planning and Code Office (and others from the Town) have examined the proposed dedication forms and maps and have approved the same, and this is a Type II SEQRA matter such that no environmental review is required; and

WHEREAS and upon due deliberation thereupon, the Town Board of the Town of Lansing has duly

RESOLVED, that the aforesaid proposed offer of cessation to and dedication of a gore of land on Stormy View Drive, being approximately 0.064 acres, near its intersection with Hillcrest Road, be and hereby is accepted and approved, and the Attorney for the Town and the Town Supervisor be

and hereby are authorized to take such other and further steps as are or may be necessary to finalize the form of such dedication and offer of cessation, to sign any filing or other documents as are or may hereafter be necessary or convenient to give effect to this resolution, and to record such conveyance and dedication of record at the Tompkins County Clerk's Office.