

NOTICE OF PUBLIC HEARING
Town of Middletown, New York

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Middletown (“Town Board”) at the Middletown Town Hall, located at 42339 State Highway 28, Margaretville, NY 12455 on the 8th day of July, 2020, pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York (“EDPL”), to consider the Town’s acquisition by exercise of the power of eminent domain of property (in fee) in connection with the Town’s New Kingston Sewer District (“District”) and a feasible site for the construction of a community subsurface wastewater treatment facility (the “Project”). The public will also have remote access to the public hearing as part of the Town’s COVID-19 response plan using the following Zoom Meeting link or dial in phone number and conference ID:

Topic: New Kingston Public Hearing

Time: July 8, 2020 06:00 PM Eastern Time (US and Canada)

Join by Zoom Meeting Link:

<https://zoom.us/j/99163668612?pwd=YWpOdkdSQUlrYzhnYW1Eb1FSTVQUT09>

Join by phone: 1-929-205-6099

Meeting ID: 991 6366 8612

Password: 117891

The lands under consideration for permanent acquisition are as follows:

- Fee Acquisition of a 21.7 acres portion of an 89.85 acres parcel identified on the Middletown Tax Map as Parcel No. 241.-1-1.1 (the 21.7 acre portion of the parcel to be acquired is hereinafter referred to as the “Fee Parcel”);
- Permanent Easement for access to the Treatment System over the remaining portion of Tax Map Parcel No. 241.-1-1.1 (“Easement Parcel”); and
- Termination of a Watershed Agricultural Council (“WAC”) Conservation Easement encumbering the Fee Parcel.

The portions of property comprising the Fee Parcel and Easement Parcel 2 are owned by Michael Moriarty (hereinafter, the “Property Owner”).

There is an existing deed of conservation easement affecting Tax Map Parcel 241.-1-1.1, which Property Owner conveyed to Watershed Agricultural Council of New York City Watersheds, Inc. (“WAC”) by deed of conservation easement dated October 27, 2006, filed in the Office of the Delaware County

Clerk's Office on November 2, 2006, and recorded in Deed Book 1158 at Page 261 ("WAC Easement"). The WAC Easement restricts use of the property comprising the Fee Parcel and property comprising the Easement Parcel and requires WAC approval before Tax Map Parcel 241.-1-1.1 can be subdivided for the Project. WAC subdivision approval has been denied.

The Town Board proposes a fee acquisition of the Fee Parcel where the Treatment System will be located and termination of the WAC Conservation Easement which encumbers the Fee Parcel.

The Town Board also proposes the acquisition of a required permanent access easement over the remaining portion of Tax Map as Parcel No. 241.-1-1.1 to install, inspect, operate, maintain and repair the Treatment System (including a waiver of WAC's approval for the access easement).

The Project proposes to construct a community subsurface wastewater treatment facility, consisting of a manhole, a flow meter, an absorption bed dosing pump station and shallow absorption beds, and any ancillary piping or components, on property owned by Michael Moriarty. The purpose of this hearing is to outline the Project purpose, its proposed location, and to provide other pertinent information, including maps and property descriptions of the property(ies) to be acquired and adjacent parcels.

Maps of the currently proposed Project are available for public examination at the Middletown Town Hall, located at 42339 State Highway 28, Margaretville, NY, during the hours: Monday-Friday, 8:30 a.m. - 12:00 p.m. A copy of the proposed Project will be made available for public inspection on the Town's website in advance of the public hearing.

Any property owners who may subsequently wish to challenge the condemnation of their property by judicial review may do so only on the basis of issues, facts, and objections raised at the hearing.

By Order of the Town Board

Dated: June 10th, 2020

Patricia F. Kelly
Town Clerk
Town of Middletown