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August 6, 2020

Mr. Philip Bein
Watershed Inspector General & Senior Counsel
New York State Attorney General's Office
Environmental Protection Bureau
28 Liberty Street
New York, New York 10005

**RE: Modification of Conservation Easement - Notice of Condemnation Proceeding,
Acquisition of Land in Fee Simple Absolute and Permanent Easement on
Property located in Town of Middletown, County of Delaware for a
Community Septic System; Tax Parcel No. 241.-1-1.1**

Dear Mr. Bein:

This office represents the Town of Middletown ("Town") and the New Kingston Sewer District ("District"). I am writing in response to your email to Kevin Young dated July 24, 2020, concerning the above-referenced material modification of a Conservation Easement between Michael Moriarty and Donna S. Hollon (now deceased), and The Watershed Agricultural Council of the New York City Watersheds, dated October 27, 2006, and recorded in Delaware County on November 2, 2006 ("WAC Easement"). In your email, you reminded the Town of its obligations to provide the Office of Attorney General notice of the above referenced condemnation proceeding, including notice pursuant to the WAC Easement, and under Section 83 of the New York City Watershed Memorandum of Agreement. In May, 2020, by Resolution 9 of 2020 and Resolution 12 of 2020, the Town commenced an eminent domain proceeding for condemnation of certain portions of Tax Parcel 241.-1-1.1, 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.

Said portions of property and termination of the WAC Easement are necessary for siting the community septic system (which will include, but not be limited to a manhole, a flow meter, an absorption bed dosing pump station and shallow absorption beds (“Treatment System”), as well as access necessary for ingress and egress to the Treatment System for access, installation, maintenance, operation and repairs to the Treatment System.

Please accept this letter as the Town’s notice of the condemnation proceeding against Michael Moriarty and The Watershed Agricultural Council of the New York City Watersheds. Pursuant to Paragraph 29 of the WAC Easement, Grantee, Grantor, and the City of New York are copied on this notice.

Thank you.

Sincerely,



Allyson M. Phillips

cc: Carl Patrick Davis, Supervisor, Town of Middletown
Patty Kelly, Town Clerk, Town of Middletown
Michael Moriarty, Grantor
Ryan Naatz, Watershed Agricultural Council of the New York City Watersheds, Grantee
John Schwartz, New York City Department of Environmental Protection
Tina Mole’, Chairman, Delaware County Board of Supervisors
Shelley Bennett-Johnson, Director, Delaware County Planning