

**RESOLUTION #21 of 2020**  
**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF MIDDLETOWN**  
**AUTHORIZING THE SUBDIVISION OF PROPERTY FOR THE**  
**COMMUNITY WASTEWATER MANAGEMENT PROGRAM IN THE**  
**HAMLET OF HALCOTTSVILLE**

**WHEREAS**, the Town Board of the Town of Middletown previously entered into an agreement with the Catskill Watershed Corporation (“CWC”) to participate in the Community Wastewater Management Program, which program will provide for the design and construction of a wastewater management project in the Hamlet of Halcottsville (“Project”); and

**WHEREAS**, the CWC through the program, will provide full funding for the wastewater management project through a block grant; and

**WHEREAS**, in order to proceed with the planning and permitting for the Project, the Town of Middletown (“Town”) must select and acquire property for use in the construction of the community sewer system; and

**WHEREAS**, the Town has selected the location which meets specified criteria regarding size, location, elevation, environmental, and availability; and

**WHEREAS**, the subject property is located off of New York State Route 30 in the Town of Middletown, including Tax Parcel No. 242.2-2-18 (“Property”). The Property will be subdivided. The Town desires to purchase a 0.38 acre portion of the Property, as shown on the attached proposed Subdivision Plat, identified as “Lot 1”; and

**WHEREAS**, the Town’s special project attorney has determined that under the “balancing of public interests” test adopted by the Court of Appeals in the *Matter of County of Monroe v. City of Rochester*, the Town’s purchase and subsequent subdivision of the Property is immune from the subdivision law. (See *Matter of County of Monroe v. City of Rochester*, 72 NY2d 338 (1988)); and

**WHEREAS**, it is in the interest of the Town to proceed and purchase “Lot 1” as soon as practical so that the Project can proceed as soon as possible.

**NOW BE IT RESOLVED:**

1. The Town hereby authorizes the subdivision of the Property; and
2. Supervisor Davis is authorized to execute the attached subdivision map and record same with the Delaware County Clerk’s Office.

Whereupon, the Resolution was put to a vote, recorded as follows:

Motion made by: Julia Reischel

Seconded by: Brian Sweeney

Resolution adopted by a vote of 5 ayes and 0 nays

I hereby certified that the above resolution was duly adopted by the Town Board of the Town of Middletown at its regular meeting held on December 9<sup>th</sup>, 2020.

Dated: December 9<sup>th</sup>, 2020

  
Patricia F. Kelly, Town Clerk  
Town of Middletown

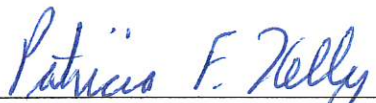
SEAL

STATE OF NEW YORK            }  
COUNTY OF DELAWARE        }  
TOWN OF MIDDLETOWN         }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Middletown at a regular meeting held December 9<sup>th</sup>, 2020, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

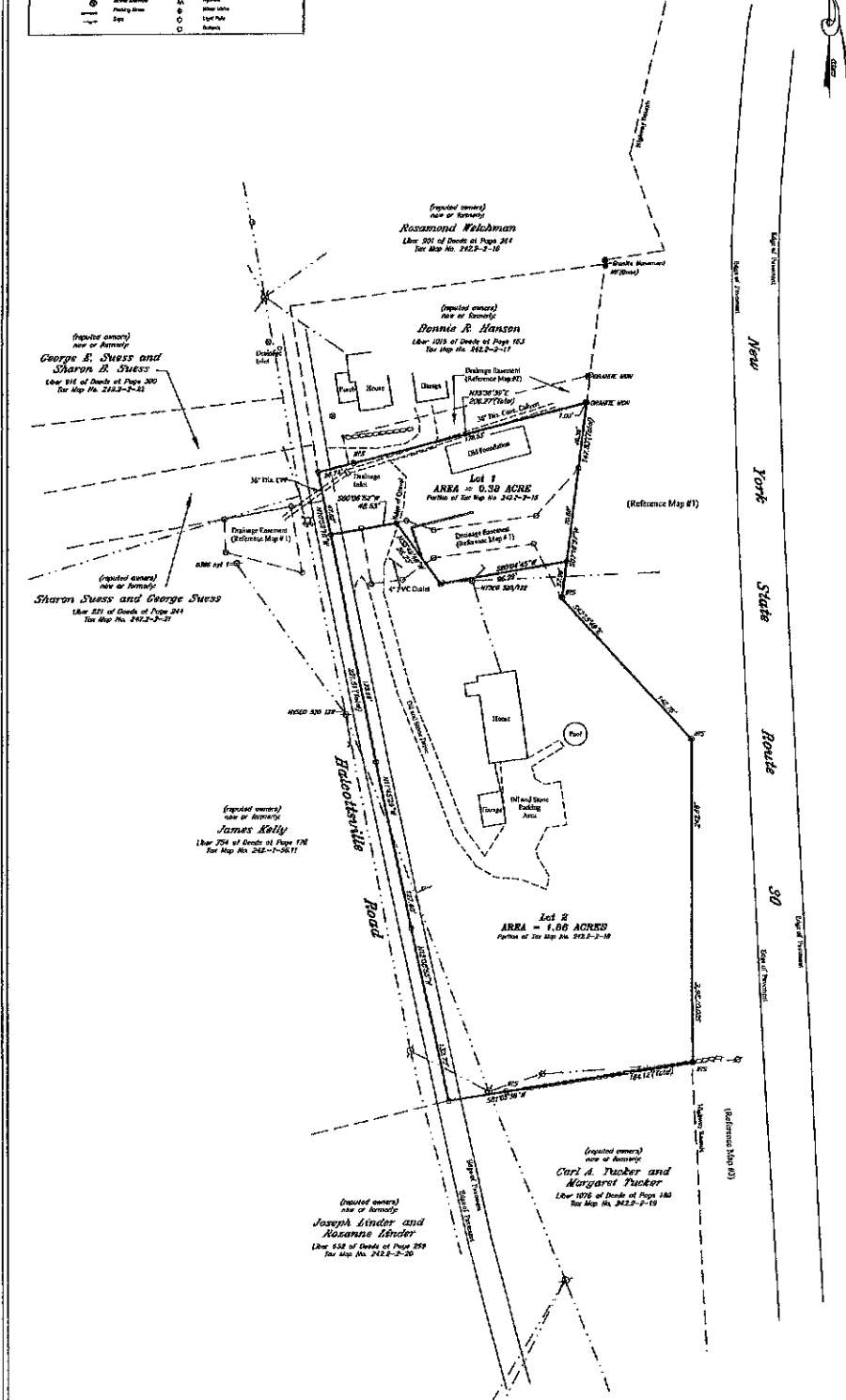
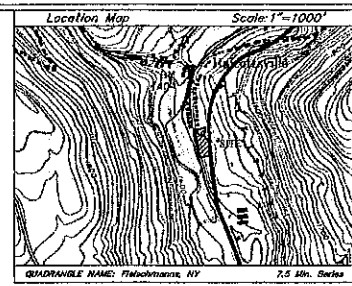
MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Supervisor Davis		<u>Yea</u> /Nay/Abstain
Councilperson Sweeney		<u>Yea</u> /Nay/Abstain
Councilperson Delameter		<u>Yea</u> /Nay/Abstain
Councilperson Reischel		<u>Yea</u> /Nay/Abstain
Councilperson Dabritz		<u>Yea</u> /Nay/Abstain

Dated: December 9<sup>th</sup>, 2020

  
Patricia F. Kelly, Town Clerk  
Town of Middletown

SEAL

Legend	
Proprietor's	A
Adverse Parties	B
Quarried Litter	C
Contours of Elevation	D
Edges	E
Phase Foot	F
Interior Foot	G
Edge of Block	H
Property	I
Discharge Pipe	J
Other Foot	K
Other Marker	L
Other Marker	M
Other Marker	N
Other Marker	O
Other Marker	P
Other Marker	Q
Other Marker	R



- NOTES:
1. Subject to all legally enforceable covenants, easements, restrictions, conditions and provisions of record.
  2. This survey was prepared for the parties and purposes indicated hereon. Any extension of the use beyond the purpose stated is between the client and the surveyor outside the scope of the engagement.
  3. Any certification expressed or implied herein applies only to the individuals, agencies, associations, and/or professions explicitly listed and is invalid without the signature and endorsement of or by the individual named as the named land surveyor.
  4. Any unauthorized alteration or addition to a survey map bearing the signature and seal of a licensed land surveyor is a violation of Sec. 2208-a, Subdivision 2, of the New York State Education Law.
  5. Subject to any right, title or interest in the Town of Middletown, and/or the public may have in the bounds of the existing roadway within the surveyed parcel.
  6. This map may be affected by instruments which have not been made known to these surveyors. Users of this map should verify the same by independent title examination.
  7. Underground improvements, easements and/or encroachments that may exist, but are neither visible during normal field operations nor described in the instruments provided to these surveyors, will not be shown on this survey.

- REFERENCE MAPS:
1. "New York State Department of Public Works Description and Map for the Acquisition of Property Marginalia - Historic State Highway No. 6384 Delaware County Wilson A. Davis and Cynthia J. Davis (Repealed Owners)" Map No. 46, Parcels No. 85, 86, 87 and 88.
  2. "New York State Department of Public Works Description and Map for the Acquisition of Property Marginalia - Historic State Highway No. 6384 Delaware County Wilson A. Davis and Cynthia J. Davis (Repealed Owners)" Map No. 179, Parcels No. 225.
  3. "New York State Department of Public Works Description and Map for the Acquisition of Property Marginalia - Historic State Highway No. 6384 Delaware County Little of Chester Steep (Repeated Owners)" Map No. 45, Parcels No. 85, 86 and 87.

TAX MAP NUMBER:  
Town of Middletown, Delaware County, New York  
Section 242.2, Block 2, Lot 18

DEED REFERENCE:  
Leighton K. Shuttis  
to  
Leighton K. Shuttis and Erica M. Shuttis  
Deed Liber 1504 Page 293  
Dated: May 01, 2016  
Recorded: May 07, 2016

- CONSTRUCTION NOTES:
1. No construction shall take place on Saturdays or Sundays.
  2. A fence shall be installed on town easement to enclose the proposed building and associated facilities from view by the Shuttis'. Fence shall extend to the edge of the NYS Route 30 easement. The Shuttis' will be allowed to choose the type of fence to be used. Its fence shall be installed in the driveway area between the Shuttis' property and the proposed driveway.
  3. The existing drain piping from the Shuttis' property shall be extended and connected to the project's proposed storm sewer work.
  4. No parking lot turn around signs to be installed at driveway entrance to the project station.
  5. During construction, the owner of 242.2-2-18 shall have access to driveway between 3:00 am and 6:00 am during weekdays.
  6. The purchaser will allow Halcottsville fire department to continue to use the parking area for stored loading of fire apparatus.
  7. An area will be designated as a stored snow removal/storage area.
  8. Landscaping (masonry and planting) of lawn and garden property.
  9. No other signs will be allowed for equipment, storage. Only Work Signs will be provided.
  10. No rights shall be exercised towards the owner's heirs.
  11. Owner will be involved in selecting building and roof color of the proposed building.
  12. If noise is detected, it shall be addressed as soon as practical.
  13. Topsoil used on owner property shall be free of rocks prior to seeding and establishing.
  14. Any damage (ruts, pooling water, etc.) to the driveway area shall be repaired by the project.
  15. Purchaser to provide a certificate of insurance regarding liability/damage arising from the construction project including damage to existing facilities.

REVISION DATE	TYPE	BY
September 24, 2020	Add Ordinance/Notes	DSW

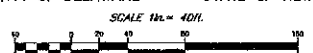
**CRSS**  
Catskill Region Surveying Services, P.C.  
70 West Hill  
Catskill, NY 12018  
(815) 241-6000  
Headquarters: Catskill, NY  
Topographical, GIS

Approved by Resolution of the  
Town Board of Middletown

We hereby certify that the survey shown hereon was completed by us on January 28, 2020 and that this map was completed on January 28, 2020 and that this survey has been prepared in accordance with the existing Code of Practice for Land Surveying adopted by the New York State Association of Professional Land Surveyors, Inc.

Catskill Region Surveying Services, P.C.

Map of Survey and Subdivision of Lands of  
**Leighton K. Shuttis and Erica M. Shuttis**  
REAL PROPERTY LOCATED IN THE  
HAMLET OF HALCOTTSVILLE TOWN OF MIDDLETOWN  
COUNTY OF DELAWARE STATE OF NEW YORK



For CRSS, P.C.: Robert W. Allison, Sr.  
N.Y.S. Licensed Land Surveyor  
License No. 63711

JANUARY 28, 2020

SHEET 1 OF 1

TAX MAP ID #242.2-18 18-0041-003-S0