



**TOWN OF DEERPARK**  
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Resolution 12-2010

PROCEDURES FOR SALE OF ABANDONED/UNOPENED  
HIGHWAY LANDS IN THE TOWN OF DEERPARK

1. When asked to do so, or upon request, the Town Board may identify potential abandoned/unopened highway lands within the Town which will include particularly lands shown as roadways or streets on filed subdivision maps which have never been opened or improved as roads.
2. Pursuant to Section 205(1) of the New York State Highway Law, the Town Board may adopt a determination/consent to abandon highway property.
3. The determination/consent must cite Section 205(1) of the Highway Law which permits Town highway lands that have never been constructed into highways and that have, therefore, been abandoned for a period of six (6) years to be conveyed to adjacent property owners.
4. The Town will require an accurate metes and bounds description of the premises to be conveyed and a map showing the premises.
5. The determination/consent must state that the property has never been converted into a highway since the date of the filing of the subdivision map with the Orange County Clerk and that date must be set forth in the determination/consent.
6. The determination/consent must state that the conditions meet the requirements of the State law for abandonment and conveyance.
7. The determination/consent must state that the abandoned highway lands are being sold to an adjacent property owner so long as the abandonment by the Town will not cause injustice or hardship to the owners or occupants of adjacent lands and so long as the Town receives fair and adequate compensation for the conveyance.
8. The determination/consent should have the legal description of the premises attached.
9. The Town Board shall send a notice to adjacent property owners of the proposed sale of the abandoned highway property and request bids; set

a date for sealed bids to be received in the Town Clerk's Office and a date for opening the bid with the highest bidder being awarded the property.

10. The Town Board should consider establishing a minimum bid price in the bid notice.

11. The Town Board should reserve the right to reject any and all bids in its discretion, with or without cause.

12. In the cases of larger boundary properties, the Town Board should also reserve the right to be able to divide up pieces of abandoned highway property so that parcels may be offered to adjacent property owners all along the abandoned street line and the abandoned highway parcel can be sold as various parcels to various owners.

13. All costs incident in the conveyance of the property, including advertising, mailing, legal or survey costs must be paid by the potential purchaser.

Signed this 28th day February 2011

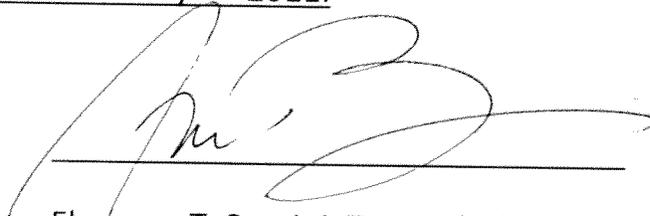
Moved by Gary Spears 2nd by David Hoovler

Roll Call: 4 Ayes: David Hoovler, Dave Dean, Gary Spears and Karl Brabenec

1 Absent: Art Trovei

MOTION PASSED

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Deerpark this 28<sup>h</sup> day of February 2011.



Florence T. Santini, Town Clerk

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Town Seal