



TOWN OF DEERPARK

KARL A. BRABENEC, SUPERVISOR
DAVID M. HOOVLER, COUNCILMAN
GARY SPEARS, COUNCILMAN
ARTHUR T. TROVEI, COUNCILMAN
DAVID M. DEAN, COUNCILMAN

RESOLUTION #17 OF 2011 **CONSENT TO ABANDON HIGHWAY PROPERTY IN THE TOWN OF DEERPARK,** **ORANGE COUNTY, NEW YORK**

WHEREAS, the Town Board of the Town of Deer Park, Orange County, New York, are permitted by Section 205 of the New York State Highway Law to sell Town highway lands that have never been constructed into highways, and that have, therefore, been abandoned for a period of six (6) years or more, and

WHEREAS, a portion of the property commonly known as Coleman Drive, as shown on a subdivision map entitled "Map Of Oak Ridge Park", filed in the Orange County Clerk's Office on July 24, 1922 as Map No. 446, has never been constructed into a highway and has, therefore, been abandoned for a period of at least six (6) years or more and said premises are described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Deer Park, County of Orange and the State of New York, being known and designated as a Portion of Coleman Drive, as Office on July 24, 1922, as Map No. 446, and being more particularly described as follows:

BEGINNING at a point marked by a set iron pipe located on the northwesterly side of Coleman Drive, where the same is intersected by the southwesterly side of Sweet Fern Drive, said point marks the easterly most corner of Lot 43 and the northerly most corner of the parcel herein described; running thence along the southwesterly side of Sweet Fern Drive and cutting across Coleman Drive, South 51 degrees 48 minutes 05 seconds East 16.06 feet to an iron pipe set for a corner; thence running along the southeasterly side of Coleman Drive and along the northwesterly lines of Lots 54, 55 & 56, South 43 degrees 18 minutes 00 seconds West 172.00 feet to a found iron pipe marking the northerly corner of Lot 57; thence cutting through Coleman Drive, North 46 degrees 42 minutes 00 seconds West 16.00 feet to an iron pipe set for a corner located on the northwesterly side of Coleman Drive; thence running along the northwesterly side of Coleman Drive and along the southeasterly lines of Lots 46, 45, 44 & 43, North 43 degrees 18 minutes 00 seconds East 170.57 feet to the point and place of BEGINNING. Containing 0.06 acre, more or less.

SUBJECT TO AND TOGETHER WITH any easements, restrictions or rights-of-way of record.

WHEREAS, abandoned highway land may be sold to an adjacent property owner, so long as such abandonment by the Town will not cause injustice or hardship to the owners or occupants of adjacent land and so long as the Town receives fair and adequate compensation for the conveyance.

NOW, THEREFORE, it is determined that the property previously described herein and being a portion of the unopened and unconstructed portion of Coleman Drive appearing on the aforesaid subdivision map on file with

the Orange County Clerk is hereby declared abandoned highway property and it ceases to be considered a highway within the Town of Deerpark.

FURTHER, the Town Board hereby determines that:

1. Such lands may be sold to an adjacent property owner for adequate consideration.
2. Notice of the proposed sale of said lands shall be sent to all adjacent property owners by certified mail, return receipt requested and by regular mail.
3. The Town Board shall solicit bids for said premises and does hereby set a minimum bid of \$5,000.00 for said property.
4. The Notice of Abandoned Highway Property to be sent to adjacent property owners shall contain the minimum bid amount and a description of the property to be conveyed.
5. A copy of the map depicting said property shall remain available at the Town Clerk's office for review by any interested parties.
6. The potential purchaser of said property shall pay transfer tax and recording fees on the recording of the Deed with the Orange County Clerk and shall be responsible for all other expenses associated with the sale of this property from the Town of Deerpark to said potential purchaser.
7. The Town Board reserves the right to reject any and all bids received for the sale of this property, in its absolute discretion, with or without cause.
8. All sealed bids must be received by the Town Clerk, Florence T. Santini, at the Town Clerk's Office, 420 Route 209, Huguenot, New York, 12746, no later than 12:00 p.m. on the 20th day of May, 2011, with a bid opening to be on the 20th day of May, 2011 at 2:00 p.m. at the Town Clerk's Office. The premises will be sold to the highest bidder.

Dated: May 2, 2011

Motion by:

Seconded by:

Ayes:

Nays:

Abstentions:

Drafted by:

William Bavoso, Town Attorney