

**TOWN OF PLATTSBURGH
TOWN BOARD WORK SESSION MEETING
December 9, 2020**

Resolution No. 021-222

LOCAL LAW NO. 1 OF THE YEAR 2021

**A LOCAL LAW ANNEXING CERTAIN PROPERTY LOCATED AT 15/27 LEMAY
DRIVE IN THE CITY OF PLATTSBURGH**

Be it enacted by the Town Board of the Town of Plattsburgh, County of Clinton, State of New York (the “Town Board”) as follows:

**SECTION 1
PURPOSE AND INTENT**

The purpose of this Local Law is to complete the annexation of approximately 18.05 +/- acres of uninhabited territory located at 15/27 LeMay Drive, identified as Clinton County Tax Map Parcel Nos. 233.6-1-2.1, and as further described in Section 3 herein (the “LeMay Drive Property”) from the City of Plattsburgh (the “City”) to the Town of Plattsburgh (the “Town”).

**SECTION 2
FINDINGS**

The Town Board finds, pursuant to that certain “Plattsburgh Compact Between the City and the Town” dated as of April 16, 2021 (the “Compact”), the City of Plattsburgh Common Council (“City Council”), and the Town Board, made a commitment to resolve the conflicts of past administrations, and to focus on mutually beneficial solutions, shared goals, and regional successes to establish a strong foundational bedrock to last far into the future, by adopting a specific framework to accomplish numerous goals, including: the resolution of all pending litigation between the municipalities; a binding path to resourcefully and efficiently adjusting the boundaries of the City and the Town such that both municipalities mutually benefit; a joint planning initiative for areas where the communities intersect; and a joint infrastructure initiative.

The Town Board finds that, pursuant to that certain Settlement Agreement dated as of April 16, 2021 between the City and Town (the “Settlement Agreement”); the parties agreed to a binding Settlement Agreement in which the City and Town agreed, in consideration of each component of the Settlement Agreement, to mutually discontinue certain litigation between the parties, and the City and Town agreed to commit to, among other things, facilitate the legal process allowing the Town to expeditiously adjust its boundaries to include a certain parcel located at 15/27 LeMay Drive in the City, owned by the County of Clinton (the “County”), as further described below, in an effort to forge a more positive relationship between the neighboring communities and encourage and pursue a more cooperative and mutually beneficial resolution to outstanding controversies.

The Town Board finds that on September 13, 2021, a request for annexation pursuant to Article 17, Section 703 of the New York General Municipal Law was submitted to the Town Board by Clinton County, as record owner of the LeMay Drive Property, for the annexation of the LeMay Drive Property from the City to the Town (the “LeMay Drive Property Annexation”).

On or about September 21, the Town and the City together jointly caused notice of a required joint public hearing (the “Notice”) to be made to members of the public, with a copy of such Notice sent the impacted school districts, EMS and volunteer fire departments, and a joint public hearing of the City Council and the Town Board was held on October 21, 2021.

The Town Board, as the lead agency for the unlisted, uncoordinated environmental review of this action, and in accordance with SEQR, reviewed the potential adverse environmental effects, if any, related to the LeMay Drive Property Annexation, and on November 18, 2021 the Town Board adopted a negative determination of environmental significance in accordance with SEQRA for the LeMay Drive Property Annexation.

The Town Board finds that on November 18, 2021, a meeting of the City Council was held, and in accordance with Section 711 of Article 17 of the New York General Municipal Law, the City Council made certain findings and thereupon adopted certain resolutions and orders based upon such findings, which such findings and orders determined that the requested annexation was made in conformance with Article 17 of the Municipal Annexation Law, that the LeMay Drive Property Annexation was in the overall public interest, and that the City approved the LeMay Drive Property Annexation.

A meeting of the Town Board was held on December 2, 2021, and in accordance with Section 711 of Article 17 of the New York General Municipal Law, the Town Board made certain findings and thereupon adopted certain resolutions and orders based upon such findings, which such findings and Order determined that the requested annexation was made in conformance with Article 17 of the Municipal Annexation Law, that the LeMay Drive Property Annexation was in the overall public interest, and that the Town approved the LeMay Drive Property Annexation.

The Town Board finds that certified copies of each of the aforementioned resolutions, findings and Orders of the City Council and Town Board were then filed with the Town Clerk of the Town Board as well as the City Clerk of the City of Plattsburgh.

The Town Board now desires to complete the annexation process of the LeMay Drive Property by the adoption of a local law pursuant to § 714 of the General Municipal Law.

The Town Board also finds that for all the reasons set forth in the aforementioned Resolutions, Findings and Orders, as well as the Negative Declaration, that it is in the public interest to annex the LeMay Drive Property from the City into the Town, and that the LeMay Drive Property Annexation is consistent with the terms of the Compact and the Settlement Agreement.

SECTION 3
ANNEXATION OF PARCEL

The Town Board of the Town of Plattsburgh does hereby annex the LeMay Drive Property described as follows:

Parcel One

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate along NYS Rt. 22 on the former Plattsburgh Air Force Base in the City of Plattsburgh, County of Clinton, State of New York, being parcel 45 (Tax# 233.006-1-2.1) as shown on sheet S5 of the subdivision plans entitled PARC SUBDIVISION PHASE III, IV & V CITY OF PLATTSBURGH, NY, prepared by AES Northeast, PLLC, Scott B. Allen, L.S. and recorded in the office of the Clinton County Clerk as PL-B-349 through PL-B-357, more particularly described as follows:

BEGINNING at a point having a Northing of 1702843.39 and an Easting of 725455.94, which point lies at the southeast of the premises being described herein;

Thence along the following three (3) courses and distances:

1. S 35°09'53" W, 883.41 feet;
2. N 23°06'28" W, 1301.32 feet;
3. N 22°47'10" W, 271.51 feet to a point in the bounds of NYS Rt. 22;

Thence along the bounds of NYS Rt. 22 the following two (2) courses and distances:

1. N 69°55'10" E, 179.40 feet;
2. N 66°16'07" E, 179.50 feet;

Thence S 42°40'27" E, 1168.21 feet to the point or place of beginning.

Containing herein 18.05 acres of land more or less.

Subject to all easements and rights of ways as shown on said subdivision plans.

Environmental Easements shall be a superior interest to all prior easements, rights of way, agreements, and to any and all interests in said parcel.

Subject to all easements and rights of ways as shown on said subdivision plans.

Environmental Easements shall be a superior interest to all prior easements, rights of way, agreements, and to any and all interests in said parcel.

The LeMay Drive Property Annexation shall be effective immediately upon the filing of this Local Law in the office of the Secretary of State. The effective date of the

annexation has been determined after giving due regard to the taxable status dates of the City and the Town, as well as the fiscal years of both municipalities.

SECTION 4 **AUTHORITY**

This Local Law is enacted pursuant to General Municipal Law Section 714 .

SECTION 5 **RULES AND REGULATIONS**

The Town Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

SECTION 6 **SEPARABILITY**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 7 **REPEAL**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 8 **EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of New York State.

Motion to waive the read and straight to vote: Barbara E. Hebert

Seconded by: Meg E. Bobbin

Discussion: Yes

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u> x	<u>Tabled</u>
Thomas E. Wood	x				
Meg E. Bobbin	x				
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Michael S. Cashman	x				