

TOWN OF DRYDEN

RESOLUTION # ____ OF 2016 AUTHORIZING PURCHASE OF REAL PROPERTY FOR THE PURPOSES OF ESTABLISHING A PUBLIC PARK AND PROVIDING RECREATIONAL OPPORTUNITIES TO THE PUBLIC

WHEREAS, the 2005 Town of Dryden Comprehensive Plan and the 2011 Recreation Master Plan both identified a need for increased outdoor leisure and recreational space; and

WHEREAS, the Town Board of the Town of Dryden adopted “Methods and Selection Criteria for Land Protection and Acquisition” by resolution # 47(2015) on February 19, 2015, upon recommendation of the Conservation Board; and

WHEREAS, an approximately 15-acre parcel of vacant land located on Pinckney Road and bordering on Fall Creek in the Town of Dryden, which parcel is currently designated as Town of Dryden tax parcel number 44.-1-2.323 and is currently owned by Jean Hoag (“the Hoag-Harvey Parcel”), was placed on the market for sale; and

WHEREAS, the Town Conservation Board evaluated the parcel, found that it meets 18 of the 27 criteria in the Town’s “Methods and Selection Criteria for Land Protection and Acquisition,” and passed a resolution on April 28, 2015 recommending that the Town Board approve the acquisition of the Hoag-Harvey Parcel as a vital addition to the Town’s conservation lands; and

WHEREAS, the Dryden Recreation and Youth Commission adopted a resolution on August 26, 2015 in support of the Town’s purchase of the Hoag-Harvey Parcel because of its strategic value from both a recreation and youth programs perspective; and

WHEREAS, the Town Board, by resolution #136 (2015), adopted on September 10, 2015, resolved that it wished to explore the purchase of the Hoag-Harvey Parcel, and appointed Deputy Supervisor Jason Leifer and Planning Director Ray Burger to negotiate for the purchase of this parcel with a price not to exceed 122% of the appraised value reported by North East Appraisals and Management Company and that any purchase contract with complete terms would be presented for a vote of the full board; and

WHEREAS, said appraised value was \$57,000; and

WHEREAS, the Town of Dryden entered into a Purchase and Sale Contract (“the Contract”), a copy of which is attached hereto, for the Hoag-Harvey Parcel on September 14, 2015 for the sum of \$62,700, plus payment of the Seller’s closing costs in an amount not to exceed \$7,100; and

WHEREAS, the Contract is contingent upon approval by the Town Board; and

WHEREAS, the Tompkins County Legislature by resolution adopted on December 1, 2015 appropriated \$6,500 in 2015 funding from the Capital Reserve Fund for Natural Scenic and Recreational Resource Protection for the purpose of securing the Hoag-Harvey Parcel in collaboration with the Town for the purposes of conservation and providing future recreation opportunities, and the Tompkins County Planning, Energy, and Environmental Quality Committee of the Tompkins County Legislature further authorized the use of \$8,500 in funds from the Tompkins County Stream Corridor Restoration and Flood Hazard Mitigation Program to further support this acquisition and

to formally protect the stream buffer and floodplain of Fall Creek and its tributaries, subject to the Town of Dryden entering into a written agreement with the County of Tompkins to establish stream buffers on Fall Creek and its tributaries, and support collaborative stream restoration work on and adjacent to the parcel;

WHEREAS, Town Law §220(3) requires that the Town's acquisition of land for public parks and playgrounds, and the equipping of the land with suitable buildings, structures, and apparatus be subject to a permissive referendum under Town Law §90 and 91; and

WHEREAS, §247(3) of the General Municipal Law provides that the acquisition of interests or rights in real property for the preservation of open spaces is a public purpose for which public funds may be expended and that such acquisition requires a public hearing subject to due notice; and

WHEREAS, a public hearing on the proposed acquisition of the Hoag-Harvey Parcel was held on January 21, 2016 at 7:00 p.m. at the Town Hall of the Town of Dryden, 93 East Main Street, Dryden, New York 13053, and notice of such public hearing was duly given by posting at the Town Hall and publication in The Ithaca Journal on _____; and

WHEREAS, the Town Board on January 21, 2016 issued a negative declaration under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, "SEQR") with respect to the purchase of the Hoag-Harvey Parcel;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board adopts the recommendation of the Conservation Board for the purchase of the Hoag-Harvey Parcel; and be it further

RESOLVED that the Town Board finds that the purchase of the Hoag-Harvey Parcel meets 18 of the 27 criteria in the Town of Dryden's "Methods and Selection Criteria for Land Protection and Acquisition," as identified in the resolution adopted by the Conservation Board on April 28, 2015; and be it further

RESOLVED that the Town Board finds that the Hoag-Harvey Parcel is suitable for a public park and recreation for reasons including, but not limited to, ease of access and proximity to residents of the Town; and be it further

RESOLVED that, pursuant to the provisions of Town Law §220(3), the Town Board hereby authorizes and approves the purchase of the Hoag-Harvey Parcel by the Town on the terms set forth in the Contract dated September 14, 2015, at a cost to the Town of Dryden not to exceed \$62,700, plus payment of the seller's closing costs in an amount not to exceed \$7,100, plus property tax and recording charges not to exceed \$2,000; and further approves the proposed use of the Hoag-Harvey Parcel as a public park and to provide recreational opportunities to the public, subject to a permissive referendum; and be it further

RESOLVED that, pursuant to Town Law §90 and 91, within ten (10) days from the date of this resolution, the Town Clerk, in the same manner as provided for notice of a special election, shall post and publish a notice which shall set forth the date of adoption of this resolution, shall contain an abstract of such

resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum; and shall publish such notice in the Ithaca Journal, a newspaper published in Tompkins County having general circulation in the Town, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town, a copy of such notice within ten (10) days after the date of the adoption of this resolution.