

TOWN OF DRYDEN RESOLUTION No. ____ OF 2018

A RESOLUTION AUTHORIZING ATTORNEY FOR THE TOWN OF DRYDEN, NY

TRUE, WALSH & SOKONI, LLP TO COMMENCE A

CIVIL ACTION IN NEW YORK STATE SUPREME COURT, ON BEHALF OF THE TOWN OF DRYDEN, AGAINST
RANDY AVERY

The Town Board of the Town of Dryden, duly convened in regular session, does hereby resolve as follows:

SECTION 1. The Town Board of the Town of Dryden ("Town") hereby authorizes True, Walsh & Sokoni, LLP, Attorneys for the Town, to commence a civil action in New York State Supreme Court on behalf of the Town and to appear as the attorney for the Town of Dryden, as Plaintiff, against Randy Avery, as Defendant as well as any other persons with a recorded interest in the property that is the subject of this resolution.

In said civil action, the Town, as the Plaintiff, shall, among other things, ask the Court: (a) to enjoin and restrain the Defendant from violating the provisions of the Local Law No. 1 of 2007 of the Town as amended by Local Law No.4 of 2017 (hereinafter the "Local Law") and the provisions of the New York State Uniform Fire Prevention and Building Code (hereafter "Uniform Code") which are being violated with respect to premises at 107 Morris Road, Dryden, NY designated as Tax Map No. 24.1-1-2.43 ("Subject Property") reputedly owned by Randy Avery, in the Town of Dryden, County of Tompkins, State of New York; and direct that said violations be terminated and abated; (b) to permanently enjoin the alleged violations of the Local Law and the Uniform Code; (c) to direct the Defendant to permanently cease and desist the alleged illegal use(s) of the subject premises; (d) to direct that the Defendants apply for, and obtain all necessary permits required to remove the unsafe/dangerous building at Subject Property and to demolish said building as ordered by the Code Enforcement Officer of the Town; and (e) to direct that the Defendant takes all necessary steps to comply with the Local Law and the Uniform Code; and (f) to permanently prohibit all other persons from using the subject premises in violation of the Local Law and the Uniform Code; (g) to enjoin and restrain the Defendant from creating and maintaining a public nuisance; and (h) to grant the Plaintiff, Town, such other and further relief as to the Court may seem just and proper, together with the costs and disbursements of the action.

SECTION 2. The Town Supervisor is authorized to contract for the services of a title search company to search for persons with a recorded interest in the Subject Property for purposes of ensuring that such persons can be served with notice of the proceedings contemplated by herein.

SECTION 3. This Resolution shall take effect immediately.

Dated: _____