

RESOLUTION NO. \_\_\_\_ OF THE TOWN OF DRYDEN –Water Service Agreement at 802 Dryden Road

WHEREAS, the Town owns and controls all facilities that operate the water supply system serving users within the Town; and

WHEREAS, NYSDOT owns and operates the highway known as NYS Route 366 (Dryden Road) that runs through the Town (“NYSDOT ROW”); and

WHEREAS, it is NYSDOT policy to discourage the installation and maintenance of privately-owned infrastructure in the NYSDOT ROW, favoring the ownership of such infrastructure only by public agencies and subdivisions of the State; and

WHEREAS, the Town deems it to be in the interest of the public safety and welfare to, in accordance with NYSDOT policy, control water infrastructure in the NYSDOT ROW for the benefit of its residents; and

WHEREAS, the Town Planning Board on November 15, 2017 approved a Site Plan for the planned construction of a residential multi-family complex at 802 Dryden Road (“Project”) by Developer’s predecessor in title, Modern Living Rentals, LLC, which planned Project has since been acquired by Cornell TH, LLC (“Developer”); and

WHEREAS, Developer wishes to connect to the water supply system in the Town for purposes of providing water access to its townhouse development located at 802-812 Dryden Road, which connection requires passing piping and related infrastructure in the NYSDOT ROW; and

WHEREAS, the Developer is willing to construct the required water connection infrastructure in the NYSDOT ROW and bear the cost for such construction, after which Developer shall convey all interest in said infrastructure over to the Town; and

WHEREAS, on October 5, 2018, NYSDOT issued a Highway Work Permit Number 20180372956 to the Developer authorizing the work; and

WHEREAS, the Town and the Developer wish to enter into an agreement for the provision of such water service by the Town to the Developer, whereby Developer shall be responsible for installing the required infrastructure and then convey the same to the Town which shall own the same as a public utility,

NOW THEREFORE BE IT RESOLVED THAT the Town Board approves the execution of such an agreement between the Developer and the Town to be signed by Town Supervisor, Jason Leifer, which agreement shall be in a form that meets approval of the Town Attorney and Town Engineer.