

**RESOLUTION NO. __ (2018) AMEND RESOLUTION #81 (2017) TO APPROVE
DEVELOPMENT PLAN AND SITE PLAN FOR A PLANNED UNIT
DEVELOPMENT DISTRICT AT 1061 DRYDEN ROAD FOR
TOWNHOUSE DEVELOPMENT**

WHEREAS, the Town Board on May 30, 2017 by Resolution #81 (2017) approved a Development Plan and Site Plan for a Planned Unit Development at 1061 Dryden Road, Tax Parcel 55.-1-16, for Townhouse Development presented by M&R Entities, LLC (“Developer”); and

WHEREAS, a condition of said approval was that prior to issuance of any certificate of occupancy for the PUD, the Developer would deed to the Town approximately 1.2 acres of land as shown in the Development Plan for recreational purposes (the “Parcel”); and

WHEREAS, the Town wishes to receive now an easement over the Parcel in order to complete Phase I of the Town recreational trail (“Rail Trail”) and qualify the Rail Trail project for funding from the State of New York, said easement to be in the place and stead of the deed of the Parcel at some future date; and

WHEREAS, the Developer has agreed to grant an easement over the Parcel now instead of waiting until completion of the planned unit development to obtain the Parcel;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board finds that the grant and acceptance of an easement over the Parcel for the Rail Trail now will permit the Town to qualify for state grant funds for the construction of the Rail Trail.
2. The Town Board hereby amends Resolution #81 (2017) (i) to delete therefrom in its entirety subdivision (b) of the second decretal paragraph of said Resolution, which reads “Prior to the Town’s issuance of any certificate of occupancy for the PUD, the developer must deed the approximately 1.2 acres of land (as shown in the Development Plan) to the Town for recreational purposes. The deed shall be in a form acceptable to the Attorney for the Town and the Town Board, and the surveyed locations, deed, and abstract must show good and marketable title for the land to be deeded to the Town.”, and to substitute therefor a new subdivision (b) to read as follows: “Developer shall execute and deliver to the Town for recordation in the real property records of the County of Tompkins within a reasonable time after this resolution becomes fully effective a permanent Trail Easement Agreement over the approximately 1.2 acres of land (as shown on the Development Plan) which shall run with the land and permitting the Town to improve and maintain the Rail Trail, said easement to be in a form acceptable to the Attorney for the Town and the Town Board.”, and (ii) to delete paragraph “K” of the recitals to said resolution, which reads “The developer shall deed approximately 1.2 acres of land to the Town for recreational purposes”, and to substitute therefor a new recital “K”, to read as follows: “The developer shall convey an easement over approximately 1.2 acres of land to the Town for recreational purposes.”
3. Payment of any filing fee required to record said easement is authorized.
4. This Resolution shall be effective immediately.