

TOWN OF DRYDEN RESOLUTION NO. ___ OF 2022

**A RESOLUTION AUTHORIZING THE ATTORNEYS FOR THE
TOWN OF DRYDEN, COUGHLIN & GERHART, LLP, TO COMMENCE
A CIVIL ACTION IN THE SUPREME COURT IN TOMPKINS COUNTY
ON BEHALF OF THE TOWN OF DRYDEN AGAINST ELAINE SCHWARTZ**

At a meeting of the Town Board of the Town of Dryden, held at Dryden Town Hall, 93 E. Main Street, Dryden, New York on the 8th day of September, 2022, the following resolution was offered and seconded:

SECTION 1. The Town Board of the Town of Dryden (“Town”) hereby authorizes Coughlin & Gerhart, LLP, Attorneys for the Town, to commence a civil action in New York State Supreme Court in Tompkins County on behalf of the Town and to appear as the attorneys for the Town of Dryden, as Plaintiff, against Elaine Schwartz, as Defendant, as well as any other persons with a recorded interest in the property that is the subject of this resolution, pursuant to § 118-15F(6) of the Town Code, if the Defendant and other persons fail to commence demolition and removal of the structure located at 28 Leisure Lane, Tax Map No. 27.1-2-15, within ___ days of this order, and/or fail to complete the demolition and removal of such structure within ___ days of this order (or otherwise fail to comply with the plan for demolition and removal as approved by the Town).

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 and Local Law No. 4 of 2021 (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 the premises at 28 Leisure Lane, designated as Tax Map No. 27.1-2-15 (“Subject Property”) reputedly owned by Elaine Schwartz, 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 Defendant apply for and obtain all necessary permits required to demolish the unsafe/dangerous building at Subject Property and to remove said building as ordered by the Code Enforcement Officers 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 this 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.