

**NOTICE OF ADOPTION OF RESOLUTION**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, at a regularly scheduled meeting held on the 3<sup>rd</sup> day of January 2024 duly adopted the following resolution subject to **permissive referendum**:

**RESOLUTION AUTHORIZING GRANT OF  
TEMPORARY EASEMENT**

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2, hereby authorizes the conveyance of a temporary grading easement over the property owned by Town of Carmel/Carmel Sewer District #2, to 70 Old Route 6, LLC, said easement to be for a maximum period of two (2) years and in form and content as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that 70 Old Route 6, LLC shall be responsible for all recording fees incurred in connection therewith; and

BE IT FURTHER RESOLVED, that Town Engineer Richard J. Franzetti, P.E. is hereby authorized to issue a letter of permission/consent regarding the proposed grading and restoration activity to the New York State Department of Environmental Conservation; and

BE IT FURTHER RESOLVED that conveyance of the temporary easement interests authorized within this resolution is subject to permissive referendum.

By Order of the Town Board  
Of the Town of Carmel  
Alice Daly, Town Clerk  
January 4, 2024

**TEMPORARY GRADING EASEMENT**

THIS INDENTURE made this \_ . day of \_\_\_\_\_, 20\_\_, between THE TOWN OF CARMEL, a municipal corporation of the State of New York, on behalf of Carmel Sewer District #2 a duly formed improvement district of the Town of Carmel, with offices at 60 McAlpin Avenue, Mahopac, NY 10541, ("GRANTOR"), as owner of certain real property described herein which is located within the Town of Carmel, County of Putnam and State of New York, also hereafter referred to as "party of the first part", and 70 Old Route 6, LLC, \_\_\_\_\_ ("GRANTEE"), also hereafter referred to as "party of the second part";

**WITNESSETH:**

That the GRANTOR/party of the first part, in consideration of ONE (\$1.00) DOLLAR and good and other valuable consideration paid by the GRANTEE/party of the second part, receipt of which is hereby acknowledged, does hereby grant and release unto the GRANTEE/party of the second part, and the heirs or successors and assigns thereof forever, a TEMPORARY EASEMENT over lands of the Granter herein, solely for the purposes of grading and freshwater wetlands restoration in accordance with all local, state and federal laws and regulations the location of said easement being more particularly shown, located and described on Exhibit "A" attached hereto.

TOGETHER WITH the right of the GRANTOR, its agents, servants, contractors or other authorized representatives, to enter upon said premises for the aforementioned purposes as the GRANTOR may deem necessary;

NOTHING contained herein shall be deemed to in any way modify or restrict the right of access of the GRANTOR across the land described herein;

The GRANTEE, its heirs, successor or assigns shall be solely liable and responsible for all maintenance, repair and necessary improvements required within the boundaries of the referenced easement;

The word "Party" shall be construed as if it read "parties" whenever the sense of this Agreement so requires.

This easement shall expire by its terms no later than December 31, 2025.

IN WITNESS WHEREOF, the GRANTOR and GRANTEE have as duly executed this agreement on the day and year first above written.

\_\_\_\_\_  
The Town of Carmel, NY  
BY: Michael S. Cazzari, Town Supervisor

\_\_\_\_\_  
70 Old Route 6, LLC  
By:

**ACKNOWLEDGMENTS**

STATE OF NEW YORK) ss.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned personally appeared and \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that (s)he/they executed the same in his/her/their capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of Individual  
taking acknowledgment

STATE OF NEW YORK) ss.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_ day of \_ \_ \_ \_ in the year \_\_\_\_\_, before me, the undersigned personally appeared and \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that (s)he/they executed the same in his/her/their capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of Individual  
taking acknowledgment

EXHIBIT "A"  
70 OLD ROUTE 6, LLC  
TEMPORARY GRADING EASEMENT ON THE LANDS OF CARMEL  
PROPERTY LOCATED ON OLD ROUTE 6, CARMEL, NEW YORK  
METES AND BOUNDS DESCRIPTION

ALL that certain parcel of land situate in Town of Carmel, County of Putnam and State of New York that is a portion of the lands belonging to the Town of Carmel Central Sewer District No. 2 that is bounded and described as follows:

BEGINNING at a point being the most Southwesterly corner of the property know as Tompkins Recycling Facility and running from said point along property line between said Tompkins Recycling Facility and Town of Carmel Central Sewer District No. 2 South 24 degrees 19 minutes 00 seconds East, 30.00 feet;

THENCE through lands of Town of Carmel Central Sewer District No. 2 South 77 degrees 06 minutes 31 seconds West, 53.74 feet;

RUNNING THENCE North 78 degrees 01 minutes 19 seconds West, 25.00 feet;

RUNNING THENCE North 21 degrees 56 minutes 42 seconds West, 30.00 feet;

RUNNING THENCE North 43 degrees 14 minutes 47 seconds East, 77.45 feet;

To the lands now or formerly O'Connor

THENCE Southwesterly along property line between said now/formerly O'Conner and Town of Carmel Central Sewer District No. 2 South 24 degrees 19 minutes 00 seconds East, 55.00 feet;

To the Point or Place of BEGINNING.