

RESOLUTION 34 OF 2019

At a regular meeting of the Town Board of the Town Clinton duly held at the Town Hall, Centre Road in the Town of Clinton on the 9th day July, 2019. Upon the calling of the roll by the Clerk the following members were:

Present: SUPERVISOR OBERLY
COUNCILMAN WERNER
COUNCILMAN WHITTON
COUNCILMAN MICHAEL
COUNCILWOMAN CUNNINGHAM

Absent: NONE

The following resolution was offered for adoption by Councilman Werner which resolution was seconded by Councilman Whitton

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO EXECUTE ACCESS EASEMENT

WHEREAS, by Resolution No. 33 of 2019, the Town Board accepted the abandonment of a cemetery known as the Schultzville Cemetery Association a/k/a Schultzville Union Cemetery Association (the “Cemetery”), which maintains a public cemetery on 1202 Centre Road in the Town;

WHEREAS, Section 291 of the Town Law requires the Town to maintain abandoned cemeteries.

WHEREAS, in order to gain access to the parcels upon which the Cemetery is located, Tax Parcel Grid Nos.: 132400-6468-00-434623-0000 and 132400-6468-00-415624-0000 (the “Cemetery Parcels”), the Town must cross onto Tax Parcel Grid No.: 132400-6468-00-412598-0000 (the “Church Parcel”) which is owned by the Clinton Christian and Missionary Alliance Church (the “Church”); and

WHEREAS, a title search of the Church Parcel and the Cemetery Parcels has been performed and no access easement of record exists encumbering the Church Parcel in favor of the Cemetery Parcels;

WHEREAS, a recorded easement is necessary to ensure access to the Cemetery Parcels in order to maintain and operate the Cemetery.

WHEREAS, the Church has indicated a willingness to execute a perpetual easement in favor of the Town which will permit Town access to the Cemetery Parcels by crossing the

Church Parcel;

WHEREAS, a copy of the easement is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes, directs and empowers the Town Supervisor to sign the easement attached hereto; and

BE IT FURTHER RESOLVED, that the Town Board authorizes, directs and empowers the Town Supervisor to send the partially executed easement to the Executive Board of the Church for approval;

BE IT FURTHER RESOLVED, that the Town Board authorizes, directs and empowers the Town Supervisor to take all actions necessary to record the easement in the Dutchess County Clerk's Office upon receipt of the fully executed easement from the Church.

The vote having been taken upon such resolution the result was as follows:

Raymon Oberly, Town Supervisor voting	AYE
Michael Whitton, Councilman voting	AYE
Eliot Werner, Councilman voting	AYE
Dean Michael, Councilman voting	AYE
Nancy Cunningham, Councilwoman voting	AYE

There being a majority of the Town Board voting to approve the resolution, the resolution was declared by the Supervisor to have been adopted.

IN WITNESS WHEREOF, I affix the seal of the Town of Clinton as the Clerk thereof, this 9th day of July, 2019.

TOWN OF CLINTON, NEW YORK

Town Clerk:



Carol-Jean Mackin