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## MEMORANDUM

**TO:** Mayor Randy Casale and Beacon City Council Members

**FROM:** Keane & Beane, P.C. 

**RE:** The View - Amended Pedestrian Walkway Easement & Dedication of Lighting System

**DATE:** August 15, 2019

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### A. Amended Pedestrian Walkway Easement

The approved Site Plan for “The View” at 26 Beekman Street includes an easement to be conveyed to the City for public use of the walkway extending from Beekman Street toward Wolcott Avenue (Route 9D). In the future, the proposed walkway was to connect to another future walkway to be constructed on the parcel that is now West End Lofts.

A Pedestrian Walkway Easement was recorded in the Dutchess County Clerk’s Office on August 30, 2017 which identified a certain easement area on the parcel for “The View” within which the walkway was anticipated to be constructed. At the time the easement was recorded the precise location for the walkway’s connection with the West End Lofts parcel was unknown. The connection point is now further south than originally anticipated and accordingly the easement area needs to be modified to match the as-built location of the walkway.

The proposed Amended Pedestrian Walkway Easement modifies the metes and bounds description of the easement area to reflect the as-built location of the walkway on “The View” parcel. All other provisions of the easement negotiated and recorded in August 2017 remain in full force and effect.

If the City Council wishes to authorize the Mayor or City Administrator to execute the Amended Pedestrian Walkway Easement, a resolution to that effect will be prepared for the next available regular City Council meeting.

### B. Dedication of Lighting System

During the negotiation of the Pedestrian Walkway Easement in 2017, the City Council and the developer agreed that the developer will pay for the capital costs of the lighting system for the walkway and will offer the lighting system for dedication to the City after installation, whereupon the City’s acceptance of the lighting system will not be unreasonably withheld. The recorded Pedestrian Walkway Easement

includes an easement to allow the City access to maintain, repair and replace the lighting fixtures.

The developer submitted an Irrevocable Offer of Dedication and a Bill of Sale for the lighting system. The City Building Inspector confirmed that the lighting system has been installed properly. It is recommended that the City's acceptance of the lighting system should be conditioned upon (1) the developer providing a one year maintenance guaranty in an amount to be approved by the City Engineer and/or City Building Inspector, and (2) payment of any and all outstanding escrow monies due and owing to the City of Beacon for professional review fees.

If the City Council wishes to accept dedication of the lighting system, a resolution to that effect will be prepared for the next available regular City Council meeting.