

## MEMORANDUM

**TO:** Mayor Lee Kyriacou and Beacon City Council Members

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

**RE:** Ferry Landing Easements

**DATE:** March 30, 2020

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Ferry Landing at Beacon, Ltd. obtained approval from the City of Beacon Planning Board on August 13, 2019 to construct six (6) single-family townhouses located at property located at the intersection of Beekman Street and Ferry Street and designated on the City tax map as Parcel No. 5954-33-556840 (“Property”) pursuant to certain plans generally entitled, “Site Information Plan for Ferry Landing at Beacon,” prepared by Ferry Landing at Beacon, Ltd, dated last revised March 20, 2019 (the “Project”).

The Planning Board Resolution requires the applicant to submit two easements which will be recorded by the Applicant in the Dutchess County Clerk’s Office: (1) Drainage Easement; (2) Sight Distance Easement. Each easement is described in relevant part below.

The proposed action for the City Council is to accept the two easements and authorize the Mayor and/or Administrator to execute the easements and all other documents as may be necessary for the recording of such Agreement, subject to review and approval by the City Attorney and City Engineer, including review of the a metes and bounds description to include the sight distance area for vehicles exiting the site driveway looking north.

### **Drainage Easement**

Existing City drainage infrastructure is located on the Property. Map of Subdivision of Armond Ninnie, filed in the Dutchess County Clerk’s Office on 12/28/88 as Filed Map 8613 makes reference to a 20’ Wide Drainage Easement without reference to a Grantee and with no other easement document recorded with the Filed Map. City storm drain pipes and appurtenances are currently located within a portion of the 20’ Wide Drainage Easement shown on Filed Map 8613.

Ferry Landing at Beacon Ltd. wishes to provide the City with a written easement for the purpose of access by the City to operate, maintain, repair, reconstruct, replace and/or inspect the existing municipal storm drain pipes and appurtenances on the

Property. Access rights include both pedestrian and vehicular. The area of the Drainage Easement is proposed to be modified to exclude certain area shown on the Filed Map 8613 at the corner of Ferry Street and Beekman Street which does not contain City drainage infrastructure (see Drainage Easement Map – Exhibit A).

### **Sight Distance Easement**

The Project meets all sight distances recommended by the City Traffic Engineer including vehicles exiting Ferry Street looking left and vehicles exiting the site driveway looking right. However, in order to maintain such sight distances no improvements can be constructed on a certain area of the Property and such area must be limited to low-growth profile vegetation.

The Sight Distance Easement requires the property owner to maintain the required sight distance and grants the City the right, but not the obligation, to enter the Property and remove sight distance obstructions in the event the owner fails to do so.

The metes and bounds description of the easement area will be modified to include the sight distance area for vehicles exiting the site driveway looking north. The City Council can accept the easement and authorize signature subject to this modification to be reviewed to the satisfaction of the City Engineer.