

MEMORANDUM

TO: Mayor Randy Casale and Beacon City Council Members

FROM: Keane & Beane, P.C.

RE: Sanitary Sewer Easement – 135-137 Spring Valley Street

DATE: June 21, 2018

On May 10, 2016, the Planning Board approved a two-lot subdivision at 135-137 Spring Valley Street. The Preliminary and Final Subdivision Approval Resolution was subject to a condition that the Applicant submit to the City a Sanitary Sewer Easement Agreement which would provide the City with written, recorded easement rights to the existing 24" CIP sanitary sewer main that traverses the rear of the subject property along Fishkill Creek. The 20-foot wide easement area is shown at the rear of the Property on the enclosed subdivision plat.

In satisfaction of the condition, the Applicant submitted the enclosed "Agreement Granting Sewer Line Easement," which has been reviewed by the City Attorney's office as to form and found to be acceptable. The metes and bounds description for the easement has been reviewed by the City Engineer's office and found to be accurate.

The easement includes routine terms which provide written, recorded rights for the City to access the property the purpose of using, inspecting, maintaining, repairing and replacing the sewer trunk line. The property owner agrees that no structures will be constructed or maintained over the City's easement area. In the event the City excavates or otherwise disturbs the easement area the City would be obligated to restore the easement area to its pre-disturbed condition to the extent practicable at the City's sole cost. These terms are the same or similar to utility easements the City has previously accepted.

The City Council should decide whether it would like to accept the offered easement for the existing 24" CIP sanitary sewer main and authorize the Mayor and/or City Administrator to sign the easement and all other documents necessary for the recording of the easement. A proposed resolution is enclosed for your review.