

## MEMORANDUM

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

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

**RE: 32 Alice Street - Stormwater Management Facility Maintenance  
Agreement and Easement**

**DATE: January 24, 2019**

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Attached is (1) a Stormwater Maintenance Facility Maintenance Agreement and Easement (the “Agreement”); and (2) a resolution authorizing the Mayor or Administrator to sign the Agreement and any other necessary documents, including recording forms.

### Background

On October 10, 2018, the City of Beacon Planning Board approved a 2-lot residential subdivision located at 32 Alice Street, which included stormwater management facilities. Lot 2 is proposed to be improved with a new single family dwelling plus stormwater facilities that include a yard drain, footing drain, roof leader and underground infiltrators. Lot 1 is improved with an existing single family dwelling and a rain garden is proposed to be added in the rear yard which will collect stormwater from the dwelling’s roof leaders. (See, Sheet 2 of 5, Preliminary Subdivision Plan, prepared by Hudson Land Design Professional Engineering P.C.)

The purpose of the Agreement is to ensure the stormwater management facilities required by the approved plans will be maintained by current and future property owners in perpetuity.

The Agreement conveys an easement to the City to enter upon the property and perform inspections of the stormwater management facilities. The City has no obligation to perform inspections, but will now have the easement rights to do so if it so chooses. The City also has the right but not the obligation to take corrective measures at the property owner’s expense if the property owner fails to perform its obligations under the Agreement. If the City elects to exercise its easement rights in the future resulting in a disturbance to the property, the City will be required to return the property to a reasonably similar condition as it existed prior to the City’s entry onto the property.

The Agreement will be recorded in the Dutchess County Clerk’s office, so it will bind future owners.