

RESOLUTION

Number 86-11

(RE: Declaration that Certain Roads in the Town be classified as Town Highway Pursuant to Section 189 of the Town Law – Adopt final Section 189 Listing Pursuant to Local Law NO. 19 adopted December 14, 2010)

WHEREAS since the founding of the Town of Cortlandt in 1788, various roads have been created and constructed. Many of the original roads began as dirt paths over which the public traversed. In the 1800's the New York State Legislature established a provision in the Highway Law which has been carried forward and is now contained in Section 189 of the New York State Highway Law, "Roads by Use", which allows the municipality to accept private roads as public roads subject to various exceptions as described herein.

WHEREAS in 2008, the Town Board directed staff to study all existing 189 Roads and all those roads that should be considered as future 189 Roads, and

WHEREAS, on January 25, 2011 The Town Board re-affirmed and corrected 68 existing Section 189 roads and adopted two new Section 189 Roads (Boulder and Pine) in Resolution No 36-11, and

WHEREAS, after much review and consideration, the Director of DES, The Director of DOTS and the Town Attorney recommend that pursuant to Section 189 of the Town Law, the roads set forth in the attached "Schedule A" are determined to be deemed to be highways by use in the Town of Cortlandt; and

WHEREAS, the Town Board does hereby determine that all of the roads contained in Schedule A, meet the criteria for a Section 189 road including that they have been used by the public for a period of ten (10) years or longer and the Town has performed certain maintenance there on in the form of patching or plowing during a period of at least ten (10) years; and

WHEREAS the Town shall continue to keep the traveled way in its current documented condition for the width and length the determined by the Town (as noted in Schedules A,) over which a Surface Easement has been acquired, in a passable condition for the public to be able to traverse said roadway, and

Continued

WHEREAS by the adoption of this Resolution the Town Board directs the Department of Environmental Services to conduct a photographic record (either video photos or both) for ALL of the roads contained on Schedules A to document their current condition within 180 days of the adoption of this Resolution.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby **DECLARE THE ANNEXED ROADS CONTAINED IN SCHEDULES A, AS HIGHWAYS BY USE**, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Cortlandt does here by direct the Town Attorney and the Director of the Department of Environmental Services to make application to the New York State Department of Transportation, pursuant to Section 171 of the Highway Law of the State of New York, to obtain a Certificate of Necessity declaring any and all the annexed roads to be public highways in the Town of Cortlandt.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
Jo-Ann Dyckman, Town Clerk**

Adopted: March 15, 2011
At a Regular Meeting
Held at Town Hall

Schedule A
 Listing of New Section 189 Roads
Total of 31 New Section 189 Roads

| Road Name | Cross Street | Length/Width |
|----------------------------|---|---|
| Anton Place | Hollowbrook Road (Lake Peekskill) | 990' X 12' |
| Boulder Drive | Washington Street | 1118' X 12' |
| Brookside Avenue | Bear Mountain Parkway | 572' X 9' |
| Buttonwood Road (Loop) | Route 201/Crompond Road | 1769' X 14' |
| Cedar Road (Not Lane) | From Fordal to Elm, Lake Peekskill | 1080' X 13' |
| Cherry Place | Left from Willow (TL) Lake Peekskill | 453' X 14' |
| College Hill Road | Montrose Station Road | 2691' X 10' |
| Dyckman Drive | Lexington Avenue | 754' X 14' |
| Elm Road | Cedar to Town Line, Lake Peekskill | 811' X 10' |
| Ernst Road after house #25 | Gallows Hill Road to Fowler | 189' X 14' |
| Fordal Place | Between Perry & Willow, Lake Peekskill | 1730' X 10' |
| Fowler Court | Gallows Hill to Fowler Avenue | 200' X 14' |
| Hickory Lane | Furnace Dock Rd Near Spruce | 296' X 11' |
| Inwood Lane West Spur | Inwood Lane East & Furnace Dock Rd. | 110' X 14' (full road now 880 X 14') See previous Reso # 239-89 |
| Laurel Hill Road Spur | Laurel Hill Road across from Louis Lane | 206' X 9' |
| Lincoln Road | Mt Airy Road | 920' X 11' |
| Maple Road | Town Line (Sunnyside) Lake Peekskill | 360' X 10' |
| Matasac Road | Lafayette Avenue (North Side) | 261' X 10' |
| Oak Lane | Furnace Dock Road | 306' X 9' |
| Perry Place | Fordal Place to Cherry Lake Peekskill | 310' X 10' |
| Pine Lane | Washington Street | 1257' X 12' |
| Pugsley Parkway | Oregon Road | 566' X 22' |

| Road Name | Cross Street | Length/Width |
|--|---------------------------------------|--------------|
| Raymond Street | Montrose Station Road | 1084' X 18' |
| 84 Furnace Dock Rd (aka Rickett's Road) | 84 Furnace Dock Road | 472' X 12' |
| Root Street (portion) | From Spur to Hollowbrook Court | 250' X 12' |
| Shady Brook Lane | Meadowsweet Road Right to White Birch | 238' X 16' |
| Skylark after #26 to end of spur | Skylark/Oregon Rd. | 141' X 13' |
| Spruce Lane | Hickory/Furnace Dock Road | 348' X 12' |
| Sunset Lane Loop | Colabaugh Pond Road | 1360' X 9' |
| Walnut Road | Becker TL /Cedar, Lake Peekskill | 673' X 18' |
| Willow Place | Cherry to Town Line, Lake Peekskill | 759' X 14' |

SUMMARY

Total Schedule A – New 189 Roads being adopted with this Resolution: 31
Resolution No. 36-11 (1/25/11) re-affirming previously adopted 189 Roads: 68
Resolution No. 36-11 (1/25/11) adopting Boulder and Pine as 189 Roads: 2

TOTAL OF ALL Section 189 Roads: 101