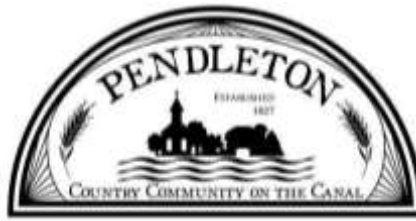


TOWN OF PENDLETON
6570 Campbell Boulevard
Lockport, NY 14094



Supervisor Joel Maerten
Councilman Wolfgang Buechler
Councilman Joseph Hickman
Councilman David Leible
Councilman Scott Lombardo

At the monthly meeting of the Town Board of the Town of Pendleton, Niagara County, New York, held in the Board Room at the Town of Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, New York, 14094 at 7:00 p.m. on February 27, 2023.

**Resolution Approving Dedication of Public Infrastructure and Roadway Extension of
Creekbend Drive (400 feet)**

WHEREAS, the Town of Pendleton owns and maintains roads located within the Town, which residents and visitors to the Town use in conjunction with roads owned and maintained by the State of New York and Niagara County; and

WHEREAS, the Town of Pendleton may take ownership of new roads in accordance with New York Highway Law Article VII, Section 171; and

WHEREAS, a property owner has constructed a new road (extension of Creekbend Drive), upon successful compliance with all procedures and direction of the Town of Pendleton Planning Board, Highway Department, and Building Department; and

WHEREAS, upon approval of the Highway Superintendent, Building Inspector, and Town Engineer, a recommendation has been communicated to the Town Board to accept dedication of this new road constructed on property owned by Michael and Carmen Jacus; and

WHEREAS, final action is necessary by the Town Board to accept this road dedication to include infrastructure completed under Public Improvement Permits (PIP) as further described below, assuming ownership and maintenance of this new road.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27th day of February 2023 that the dedication of a road constructed on property owned by Michael and Carmen Jacus, located at the end of Creekbend Drive in the Town of Pendleton, is accepted as follows:

- 1) The new road extends Creekbend Drive by 400 feet with a turnaround located at the dead end.
- 2) The Town of Pendleton will take ownership of the Creekbend Drive extension and associated infrastructure located in either the Public ROW or Town public easement at no expense to the Town.

- 3) A release of the land will be presented to the Town Clerk to file and record.
- 4) Such application, consent and order, shall include a release from all damages from the owners of lands taken or affected thereby, when the consideration for such release is agreed upon between such town superintendent, with the approval of the town board, and the owner or owners.
- 5) The Town Clerk shall forthwith cause each release executed by each owner of land taken or affected by such order to be recorded in the office of the clerk of the county wherein such lands are located.
- 6) The completed PIP improvements for pavement and curbs, storm sewer and drainage, sanitary sewer and water line facilities for the Jacus Subdivision is accepted with the following conditions:
 - a) Town will terminate the existing temporary turnaround easement located on tax parcel 165.03-2-75 No. 7276 Paddock Ridge.
 - b) Restoration of disturbed areas associated with the extension of utilities to service the Jacus Subdivision specifically at 7276 Paddock Ridge and 7272 Creekbend Drive shall be completed in the spring but no later than June 1, 2023.
 - c) The maintenance bond, public sewer easements, temporary turnaround easement, drainage easements, and roadway dedication associated with the Jacus Subdivision is accepted.
- 7) This resolution shall take effect upon successful compliance with stipulations detailed as resolved.
- 8) The Supervisor of the Town of Pendleton is hereby authorized and directed to sign any and all forms which are necessary for the filing of the road dedication documents in the Niagara County Clerk's Office, following review and approval by the Town Attorney.