

TOWN OF NEW LEBANON TOWN BOARD

Resolution #___ for 2024

With Respect to the Donation of the Former Landfill Site along Old Post Road to the Town of New Lebanon and Acquisition of Certain Easements from the Neighboring Property Owner

[_____], 2024

WHEREAS, Sherman Development, LLC (the “Donor”) is the owner in fee simple of certain real property ± 10.31-acres in size located along Old Post Road, in the Town of New Lebanon, Columbia County, State of New York, identified as Town of New Lebanon Tax Map No. 9.-1-17.3 (the “Property”); and

WHEREAS, the Property is the site of a former landfill, which the Town has resolved to close in accordance with applicable law, including, without limitation, the regulations of the New York State Department of Environmental Conservation (the “Project”) and has requested that the Donor donate the Property to the Town for the Project; and

WHEREAS, to facilitate the Project, the Town and Donor seek to enter into an agreement with respect to the terms and conditions of the Town’s acceptance of the donation of the Property to the Town (the “Donation Agreement”); and

WHEREAS, in addition to accepting donation of the Property, the Town will require certain easements over certain real property adjoining the Property owned by Amlaw Pit, LLC (“Amlaw”), further identified as Town of New Lebanon Tax Map No. 10.3-1-73, for the purposes of access, maintenance and operation of an existing groundwater monitoring well and other Project-specific work as may be necessary in connection with the Project (collectively, the “Easements”).

NOW THEREFORE BE IT RESOLVED, that, based upon the terms and conditions of the Donation Agreement, as may be further negotiated by the Town Supervisor consistent with the terms of Agreement, the Town Board will accept the donation of the Property and the Town Supervisor is authorized to negotiate any remaining details consistent with the Donation Agreement and to finalize and sign the Donation Agreement on behalf of the Town; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to cause the negotiation, review, execution, delivery and filing of all documents (including any and all transfer documents) and to do all other acts necessary to effectuate the transfer of the Property to the Town consistent with the Donation Agreement; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to cause the negotiation, review, execution, delivery and filing of all documents (including any and all transfer documents) and to do all other acts necessary to effectuate the acquisition of the

Easements in furtherance of the Project, contingent upon satisfactory confirmation of state funding for the Project; and

BE IT FURTHER RESOLVED, that prior to the finalization of any transfer of the Property from the Donor or acquisition of easements from Amlaw, the Town Supervisor shall obtain satisfactory written confirmation of State funding for the Project; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion by: _____

Seconded by _____

The foregoing resolution was voted upon with all members of the Town Board voting as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Tistrya Houghtling, Supervisor	_____	_____	_____	_____
Elizabeth Kroboth, Councilwoman	_____	_____	_____	_____
Steve Powers, Councilman	_____	_____	_____	_____
Craig Skerkis, Councilman	_____	_____	_____	_____
Susan Tipograph, Councilwoman	_____	_____	_____	_____

Dated: [_____] , 2024
New Lebanon, New York

VOTE IS CERTIFIED BY:

Marcie Robertson, Town Clerk

Date