

At a Regular Meeting of the Common Council of the City of  
Plattsburgh, New York, held May 13th, 1949.

PRESENT: Mayor Davies, Aldermen Holland, LeClair, Villoni, Croteau, Ryan and Cardi.

ABSENT: None.

By Alderman Cardi ; Seconded by Alderman LeClair:

LOCAL LAW NO. 23 OF 1949

ENTITLED AN ACT adding Section 45A to Chapter 269 of the  
Laws of 1902 providing for the opening, altering or extending  
of streets; assessments of benefits of payments.

BE IT ENACTED by the Mayor and the Common Council of the  
City of Plattsburgh, New York, as follows:-

Section 1. Section 45A is hereby added to Chapter 269 of  
the Laws of 1902, the same to read as follows:

Section 45A. Opening, Altering or Extending of Streets;  
Assessments of benefits and payments.

Sub. 1. Whenever the Common Council shall intend to lay  
out, alter, widen, extend, contract or discontinue any street,  
lane, alley, highway or public grounds in said city, and the  
lands of any person or corporation, or any right or easement  
therein shall be necessary for such purpose; and whenever the  
Common Council shall intend to acquire lands, rights or easements  
therein for any other purpose mentioned in this act, it shall  
cause the same to be surveyed and monuments placed showing the  
line thereof, and a map to be made of the same, which shall be  
filed in the City Clerk's Office, showing upon such map the  
lots, tracts or parcels of land and rights or easements therein  
that are deemed necessary to be taken, and the commencement,  
course and termination of the streets, lane, alley, highway

or park proposed to be laid out, widened, extended or altered or other work or improvement proposed to be made in or through the land so to be taken. And for that purpose the Common Council and those acting under its direction shall have power to enter upon any grounds in said city. The Common Council shall then declare by resolution its intention to take and appropriate the said money for the proposed improvement and thereafter it may purchase of the owner or owners thereof the land or right therein deemed necessary, and make him or them such compensation as it shall judge reasonable upon receiving from such owner or owners a conveyance thereof to the City. In case the Common Council is unable to agree with the owner or owners of the purchase of any such real estate or land, right or easement therein required for the purpose aforesaid, it may acquire the same by condemnation proceedings under the provisions of the Condemnation Law of the State.

Sub. 2. After such damages shall have been ascertained and determined, the said Common Council may declare a district of assessment thereof and may use the amount awarded specified in an aggregate amount of the same upon the property within such district of assessment. The Council may proceed to assess such amount upon the property benefited by such improvement in a just and equitable manner and if necessary as may be in proportion to the benefits received, such assessment shall be made in the same manner as other local assessments except that the Council may direct such part of any such damage to be assessed upon the city and such part locally as they shall deem just. When any such assessment shall be filed, the assessment may be reviewed and the said Common Council shall then act as a Board of Review, as provided in Subdivision 3 of this act. Nothing in this subdivision shall be so construed to prevent the Common Council from making any acquisition of land a

general city charge and the provisions of this section shall not apply to land acquired by dedication.

Sub. 3. Within ten days after the assessment roll is completed, signed and filed, any party thinking himself aggrieved, may file with the City Chamberlain a written appeal therefrom, briefly stating the grounds of such appeal. The Common Council shall thereupon proceed to hear and determine such appeal or appeals upon view of the property assessed, or upon evidence, or upon both, and affirm or reverse the assessment, and for such purpose may by subpoena compel the attendance of witnesses and production of papers. In case of affirmance the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken; in case of reversal the Common Council shall appoint three disinterested freeholders of the city who shall proceed in like manner and for such purpose be invested with the same power as the Common Council to make a new assessment and it shall be conclusive upon all parties.

Sub. 4. If no appeal is taken from the first assessment roll filed with the City Chamberlain or if no appeal be taken therefrom and such assessment be affirmed, the City Chamberlain shall give notice by publication thereof in the official newspaper or newspapers that he will receive said assessments for thirty days from the date of the first notice and the City Chamberlain shall receive such assessment within said time without fees. If an appeal be taken from said first assessment and the same be reversed, the Common Council shall cause a second assessment roll filed by such freeholders to be delivered to the City Chamberlain and thereupon the City Chamberlain shall give notice by publication thereof in the official papers that he will receive said assessment, assessments, or taxes for thirty days from the date of

the first notice and said City Chamberlain shall receive said assessments without fees within said time.

Sub. 5. Immediately after the final determination of all the proceedings in which any award shall have been made, the Common Council shall cause to be paid or tendered to the respective owners the amount awarded to each, less any sum which shall have been assessed against them for any benefits on account of such improvements. In case any such owner shall refuse the same, be unknown, or non-resident of the city, or for any reason be incapacitated from receiving the amount, or the right thereto be disputed or doubtful, the Common Council may make payment of the portion to the County Treasurer of Clinton County and file a statement of facts and circumstances in each case with the Clerk of Clinton County, and said Clerk shall make a report to the Supreme Court at its first term held in said County, of the amount so deposited accompanied with the statement and transcript aforesaid; and the Supreme Court shall have authority and it shall be its duty, at such term of Court, to order the investment of such money or the payment thereof on the ascertainment of the person entitled thereto. Upon such statement or tender or payment to the Clerk being fully made, the fee of the land shall be invested in the City.

Section 2. Laws Repealed. Section 56 of Chapter 269 of the Laws of 1902 and all acts amendatory thereof are hereby repealed.

Section 3. Time of Taking Effect. This act shall take effect after public hearing and approval by the Mayor.

On roll call, Aldermen Holland, LeClair, Villoni, Croteau, Ryan and Cardi voted in the affirmative; no one in the negative, CARRIED.

The foregoing Local Law certified to the Mayor this 16th day of May, 1949.

  
ACTING CITY CLERK

The foregoing Local Law is hereby approved after Public Hearing held this 24th day of May, 1949.

  
MAYOR

(SEAL)

PUBLISHED: MAY 17, 1949.

OFFICE OF THE CORPORATION COUNSEL  
PLATTSBURGH, NEW YORK

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April 29th, 1949

Mayor & Common Council  
of City of Plattsburgh  
City Hall  
Plattsburgh, New York

Gentlemen:

I herewith inclose proposed local laws which are numbered from 23 to 30 inclusive. They add sections 45a to 45H inclusive to the City Charter. They relate to the opening, altering and extending of streets, sewers, sidewalks and curbs. They provide the manner in which the Department of Public Works and the Department of Water and Sewage shall plan and handle the work. In addition thereto they give the Council the right to create local assessment districts if they so desire. These provisions are optional and not mandatory. Many of these provisions now contained in Title 4 but it was necessary to re-draft them due to the fact that most of them had provisions in there for dual control of the subjects covered. In other words they prescribed a method by which both the Public Works and the Common Council had control of these items. The proposed sections are designed to give flexiability to the law and do away with many burdensome provisions which had hampered the City in the past.

AML:M

Very truly yours,

*Allen M. Light*  
Corporation Counsel