

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~

City of Plattsburgh

~~TOWN~~

~~VILLAGE~~

Local Law No. 5 of the year 2006.

A local law ABANDONMENT OF CITY STREETS, ALLEYS AND RIGHTS OF WAY

(Insert Title)

Be it enacted by the Common Council of the

(Name of Legislative Body)

~~COUNTY~~

City of Plattsburgh

~~TOWN~~

as follows:

1. Findings. The Common Council finds: there are certain streets, alleys and rights of way in the City of Plattsburgh that are no longer used or needed as a public thoroughfare; the abandonment of the City's rights in such property will reduce the costs incurred for snow removal, maintenance and liability insurance; the area and value of abutting property will be increased. The Common Council further finds there is no state law governing the abandonment of streets, alleys and rights of way by Cities, therefore, the City of Plattsburgh has the authority to enact this law pursuant to the Municipal Home Rule Law.
2. Terms. The terms "street", "alley" and "right of way" mean property which has been conveyed or dedicated to the City of Plattsburgh, or easements granted over property, or property which has been used and occupied by the City of Plattsburgh for the purpose of providing public vehicular or pedestrian access.
3. Grounds for Abandonment. The City of Plattsburgh's right, title and interest in a street, alley, or right of way may be abandoned if:
 - 1 The street, alley, or right of way provides access only to a single lot or parcel of land ; or
 - 2 The street, alley, or right of way has not been used by the public for vehicular or pedestrian access to a public street or other public property for six or more consecutive years.
 - 3 And, the City Engineer advises, and the Common Council concurs and finds, that such street, alley, or right of way is not likely to be needed for a public purpose, including access, now or at any time in the foreseeable future.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

4. Partial Abandonment. Where a street right of way is wider than the improved surface of the street, the City may abandon the unimproved part of the street right of way, on one or both sides of the street, if:
 - . 1 The City Engineer advises, and the Common Council concurs and finds, that full width of such street right of way is not likely to be needed for use as a public street now or at any time in the foreseeable future; and
 - . 2. The part of the street right of way that is not abandoned is not less than forty nine and one half feet in width.
 - .3 A street right of way may be partially abandoned under this section notwithstanding the street width requirements for the dedication of new streets under the City's Zoning and Subdivision Laws.
5. Reservation of Easements. The City of Plattsburgh may reserve easements in the abandoned streets, alleys and rights of way for utility and communications lines.
6. Procedure for Abandonment. A street, alley or right of way shall completely or partially abandoned in accordance with the following procedure:
 - .1 Written notice shall be given to the property owners who abut that part of the street, alley or right of way that is proposed to be abandoned by certified mail addressed to, or personal service upon, the owner of the property as listed on the City's real property tax roll. Such notice shall include a map showing the property proposed to be abandoned. Such notice shall state the date, time and place the Common Council intends to act on the proposed abandonment.
 - .2 Notice of the proposed abandonment shall be served upon the abutting property owners, and published one time in the City's official newspaper, not less than 10 days, or more than 20 days, before the date the Common Council proposes to act on the proposed abandonment.
 - .3 The Common Council may postpone action on the proposed abandonment during the meeting stated in the notice, provided action may not be postponed for more than 15 days without notifying the abutting owners and publishing a new public notice under this section.
 - .4 The street, alley or right of way may be fully or partially abandoned only the affirmative vote of a majority of the entire membership of the Common Council.
 - .5 Upon the adoption of a resolution or ordinance abandoning all or part of a street, alley or right of way, the Mayor and City Engineer shall sign a Certificate of Abandonment in a form approved by the Corporation Counsel. Said Certificate of Abandonment shall be recorded in the office of the Clinton County Clerk and filed among the public records of the City Clerk.
 - .6 After filing the Certificate of Abandonment, the Mayor may execute a quit claim conveying the abandoned street, alley or right of way to the abutting owner(s).

7. Effect of Abandonment.

.1 Where there are abutting owners on two sides of an abandoned street, alley or right of way, each of the said owners shall acquire title from the bounds of his property to the centerline of the abandoned street, alley or right of way.

.2. Upon filing and recording the Certificate of Abandonment, the City of Plattsburgh shall have no obligation to maintain, improve, clear or keep open the abandoned property, except such duties and obligations as it may have with respect to any reserved easements in the property.

8. Effective Date. This local law shall take effect upon approval by the Mayor and filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 5_____ of 20____ 06 of the ~~(County)~~(City)~~(Town)~~(Village) of _____ Plattsburgh _____ was duly passed by the _____ Common Council _____ on 16 November 20 06, and was (approved)~~(not approved)(repassed after disapproval)~~ by the _____ Mayor _____ and was deemed duly adopted on 21 November 20 06, *(Elective Chief Executive Officer*)* in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted *(Elective Chief Executive Officer*)* to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to *(Elective Chief Executive Officer*)* permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph-----2-----, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body Keith A. Herkalo

(Seal)

Date: 21 November 2006

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Clinton

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto:

Signature _____ John E. Clute

Title _____ Corporation Counsel

~~County~~
City of Plattsburgh
~~Town~~
~~Village~~

Date: 21 November 2006