

LOCAL LAW NO. P-7 OF 2021

A LOCAL LAW OFFICIALLY ANNEXING A CERTAIN PARCEL OF PROPERTY LOCATED ON SHARRON AVENUE IN THE TOWN OF PLATTSBURGH AND IDENTIFIED ON THE 2021 TAX MAP AS NO. 233.7-1-14

Be it enacted by the Common Council of the City of Plattsburgh as follows:

Section 1. Prior Proceedings

The Common Council of the City of Plattsburgh submitted a request pursuant to Section 706 of Article 17 of the New York General Municipal Law with the Town Board of the Town of Plattsburgh on April 20, 2021, as owner of certain real property in the Town consisting of an approximately 2.8 acre parcel of uninhabited land on Sharron Avenue, identified as Clinton County Tax Map Parcel No. 233.7-1- 14 (the "Sharron Avenue Property"), for the annexation of the Property to the City.

The Town Board, as the lead agency for the unlisted, uncoordinated environmental review of this action, and in accordance with SEQR, reviewed the potential adverse environmental effects, if any, related to the Sharron Avenue Property Annexation and on August 26, 2021 the Town Board adopted a negative determination of environmental significance in accordance with SEQRA for the Sharron Avenue Property Annexation.

On or about July 20, 2021, a Notice of Public Meeting on the Matter of Annexation of certain territory from the Town of Plattsburgh to the City of Plattsburgh was made to members of the public, with a copy of such Notice sent the impacted school districts, EMS and volunteer fire departments.

A meeting of the Town Board was held on August 26, 2021, in accordance with Section 706 of Article 17 of the New York General Municipal Law, the Town Board of the Town made certain findings and thereupon adopted certain resolutions and orders based upon such findings, which such findings and Order determined that the requested annexation was made in conformance with Section 706 of the Municipal Annexation Law, that the Sharron Avenue Annexation Request was in the overall public interest, and that the Town approved the Sharron Avenue Annexation Request. A certified resolution of the Town Board resolution was then filed with the Town Clerk of the Town Board as well as the City Clerk of the City of Plattsburgh.

A meeting of the Common Council was held on September 16, 2021, and in accordance with Section 706 of Article 17 of the New York General Municipal Law, the Common Council of the City of Plattsburgh made certain findings and thereupon adopted certain resolutions and orders based upon such findings, which such findings and Order determined that the requested annexation was made in conformance with Section 706 of the Municipal Annexation Law, that the Sharron Avenue Annexation Request was in the overall public interest, and that the City approved the Sharron Avenue Annexation Request. A certified resolution of the Common Council resolution was then filed with the Town Clerk of the Town Board as well as the City Clerk of the City of Plattsburgh.

The Common Council of the City of Plattsburgh wishes to complete the annexation process of the Sharron Avenue Parcel by the adoption of a local law pursuant to § 714 of the General Municipal Law.

Section 2. Findings

The Common Council finds that the Town Board adopted a Negative Declaration pursuant to SEQRA on August 26, 2021. The Common Council also finds that on or about August 26, 2021 the Town Board, and then again on September 16, 2021 the Common Council adopted its Resolution, Findings and Order approving the proposed annexation of the Sharron Avenue Parcel into the City pursuant to General Municipal Law § 706.

The Common Council also finds that for all the reasons set forth in the aforementioned Resolutions, Findings and Orders, as well as the Negative Declaration, that it is in the public interest to annex the Sharron Avenue Property into the City.

Section 3. Annexation of Parcel

The Common Council of the City of Plattsburgh does hereby annex the Sharron Avenue Property described as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Plattsburgh, Clinton County, New York, bounded and described as follows:

BEGINNING at an iron pipe found on the assumed southerly bounds of Sharron Avenue, said iron pipe marking the northwesterly corner of Plattsburgh Distributing Co., Inc., as described in Volume 546 of Deeds at Page 024, the parcel herein being described, and, said iron pipe also marks the northeasterly corner of lands of Catfish Enterprises, Ltd., as described in Volume 597 of Deeds at Page 073;

THENCE TURNING AND RUNNING S 27° 30' 00" E, along the easterly bounds of said Catfish Enterprises, and also being along the westerly bounds of Plattsburgh Distributing, a distance of 517.82 feet to an iron pipe found marking the common corner of said Catfish Enterprises and Plattsburgh Distributing, said iron pipe also being located on the northerly bounds of lands now or formerly of Plattsburgh Air Force Base;

THENCE TURNING AND RUNNING N 48° 47' 13" E, along the northerly bounds of said Plattsburgh Air Force Base and also being along the southerly bounds of the aforesaid Plattsburgh Distributing, and also being along additional lands of Plattsburgh Distributing Co., Inc. as described in Deed Instrument No. 148661, a total distance of 256.90 feet to an iron pipe found marking the common corner of said Plattsburgh Distributing and Francis Duquette, as described in Deed Instrument No. 118317;

THENCE TURNING AND RUNNING N 27° 27' 05" W, along the westerly bounds of said Duquette and also being along the easterly bounds of said Plattsburgh Distributing, a distance of 423.37 feet to an iron pin set;

THENCE CONTINUING on the same bearing an additional distance of 16.19 feet, for a total distance of 439.56 feet to a point marking the northeasterly corner of said Plattsburgh Distributing and the northwesterly corner of said Duquette;

THENCE TURNING AND RUNNING S 65° 02' 32" W, along the assumed southerly bounds of said Sharron Avenue, a distance of 200.20 feet to an iron pipe found marking the common corners of lands of Plattsburgh Distributing as described in Volume 546 of Deeds at Page 024 and Deed Instrument No. 148661;

THENCE TURNING AND RUNNING S 72° 08' 10" W, continuing along the assumed southerly bounds of said Sharron Avenue, a distance of 50.67 feet to the point of beginning and containing 2.73+- acres of land.

The aforementioned description includes all of that uninhabited land on Sharron Avenue identified as Clinton County Tax Map Parcel No. 233.7-1-14.

The annexation shall be effective immediately upon the filing of this local law in the office of the Secretary of State. The effective date of the annexation has been determined after giving due regard to the taxable status dates of the City and the Town, as well as the fiscal years of both municipalities.

This annexed territory shall be designated as Ward 1.

Section 4. Authority

This Local Law is enacted pursuant to General Municipal Law Section 714 .

Section 5. Rules and Regulations

The Common Council is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

Section 6. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 7. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 8. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State.