

At a Meeting of the Town
Board of the Town of
Tompkins held on November
10, 2011 at 7:15 p.m.

RESOLUTION # 17-2011

**In the Matter of the Acquisition of Certain Minor Easements
and or Fee Acquisitions for Use In Public Project**

WHEREAS, the Town of Tompkins is engaged in a public use project to construct, operate and maintain a municipal wastewater collection system and treatment facility (the "Project"); and

WHEREAS, the Town Board has previously reviewed, considered and approved the plans and schematics for the Project, which requires the Town to acquire a number of small easements or fee acquisitions of real property to accommodate construction and long term maintenance of the Project's collection and septic systems;

WHEREAS, the Town Board has determined that a community solution to sewage disposal is in the best interest of the Town of Tompkins and, as a result, that the contemplated acquisitions are in the best interests of the health, safety and welfare of the Town, as it is in the public's best interest that the Project be properly constructed and maintained;

WHEREAS, the Town Board has endeavored and will continue to endeavor to acquire the easements and fee acquisitions necessary for the Project by voluntary compliance with land owners, but the Town Board acknowledges that voluntary compliance may not be achieved for all the necessary acquisitions requiring the Town to exercise its powers of Eminent Domain;

WHEREAS, the Town Board has determined that the contemplated acquisitions are all minor in nature, only affecting small portions of individual properties, and therefore any of the individual acquisitions by Eminent Domain would be de minimis in nature so that the public interests will not be prejudiced by the acquisition of those property interests for construction of the project;

WHEREAS, the Town Board of the Town of Tompkins had previously complied with the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617)("SEQRA") for the Project; and

WHEREAS, pursuant to the terms of SEQRA, the Town Board has determined that its findings and determinations are consistent with the prior Negative Declaration and there are no negative adverse impacts;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF TOMPKINS, DELAWARE COUNTY, NEW YORK:

THAT THE Town Board of the Town of Tompkins hereby determines that when voluntary compliance to acquire easements or fee acquisitions in furtherance of the Project is not practicable or would prejudice the Project, the Town of Tompkins and its legal agents are authorized to acquire the lands or interests by use of Eminent Domain; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town of Tompkins and its legal agents to make offers of reasonable compensation to acquire lands or interests that cannot be practically acquired by voluntary compliance;

IT IS FURTHER RESOLVED, that the Town Clerk and the Attorney for the Town are hereby directed to take such actions as are necessary to implement this resolution.

IT IS FURTHER RESOLVED, that the Town Attorney is authorized to send the other letters, but will not petition the court without further authorization from the Town Board

WHEREUPON, the Resolution was put to a vote and recorded as follows:

Town Board Member _____ so moved; Town Board Member

_____ Seconded, and the Town Board voted as follows:

Supervisor Layton	Yea/Nay/Abstain
Councilperson Stuendel	Yea/Nay/Abstain
Councilperson Backus	Yea/Nay/Abstain
Councilperson Buttell	Yea/Nay/Abstain
Councilperson LaTourette	Yea/Nay/Abstain

Signed this _____ day of _____, 2011

Michelle Phoenix, Town Clerk