

TOWN OF WEST SENECA



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TOWN SUPERVISOR
SHEILA M. MEEGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY, JR.

MEMO

To: The Honorable Town Board

From: Tina M. Hawthorne, Town Attorney

Date: May 15, 2019

Subject: Abandonment of Paper Street
Portions of Wilson Avenue and North Street

Pursuant to §205 of the New York State Highway Law, a highway is deemed abandoned if it is not open and working within six (6) years from the time it is laid out.

Kindly adopt the attached Resolution authorizing the Town Board and the Superintendent of Highways to sign a Statement of Abandonment in a form approved by this office declaring the Town's abandonment of a portion of the paper streets known as Wilson Avenue and North Street as set forth in the Schedule A of the Statement of Abandonment.

Engineering reviewed our water, storm, and sanitary plates, and there is no infrastructure in the paper streets.



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Resolution for Abandonment of Portions of Wilson Avenue and North Street

WHEREAS, the Town Superintendent of Highways of the Town of West Seneca certifies that certain portions of the streets and highways described in Schedule A have not been opened or worked for a period in excess of the last six (6) years and that the same have never been accepted as public streets and highways of the Town of West Seneca and that the same have been abandoned by the public and have never been used as public streets or highways;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the New York State Highway Law, the portions of said streets and highways described in Schedule A are declared and decreed to be discontinued.

STATE OF NEW YORK
COUNTY OF ERIE : TOWN OF WEST SENECA

STATEMENT OF ABANDONMENT

For the abandonment of a certain right of way in the Town of West Seneca

The undersigned, the Town Superintendent of Highways of the Town of West Seneca, County of Erie and State of New York, DOES HEREBY CERTIFY that certain portions of the streets and highways, hereinafter described, have not been opened or worked for a period in excess of the last six (6) years, and that the same have never been accepted as public streets and highways of the Town of West Seneca, and that the same have been abandoned by the public and have never been used as public streets or highways, to wit:

SEE ATTACHED SCHEDULE "A"

WE, the undersigned members of the Town Board of the Town of West Seneca, constituting the whole or a majority thereof, DO HEREBY CONSENT to the making and filing of this Certificate and do hereby sign the same.

Pursuant to 205 of the Highway Law of the State of New York, said portions of said streets and highways described above are hereby declared and decree by me, the undersigned Superintendent of Highways of the Town of West Seneca, to be and hereby are discontinued.

Dated at West Seneca, NY
This ___ day of _____, 2019

Superintendent of Highways

Supervisor

Councilman

Councilman

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

On the ____ day of _____, 2019 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

On the ____ day of _____, 2019 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

On the ____ day of _____, 2019 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

On the ____ day of _____, 2019 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Schedule "A"
Street Abandonment
Wilson Avenue & North Street
West Seneca, NY

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of West Seneca, County of Erie, State of New York, being part of Lot 212, Township 10, Range 7 of the Buffalo Creek Reservation, more particularly described as follows:

COMMENCING at a point in the east line of Lot 212 also being the centerline of East Avenue at a point 33 feet northerly from the south line of Lot 212 also being the centerline of North Street (unimproved);

THENCE westerly forming an interior angle of $90^{\circ}16'$ along the extension of the north line of North Street a distance of 33.00 feet to the west line of East Avenue and the True Point of Beginning;

THENCE westerly along the north line of North Street (unimproved) a distance of 207.00 feet to the east line of Wilson Avenue (unimproved);

THENCE northerly forming an exterior angle of $90^{\circ}16'$ along the east line of Wilson Avenue (unimproved) a distance of 301.67 feet said point being the northwest corner of Sublot 8, Block O under map cover 1289 as filed in the Erie County Clerk's Office;

THENCE northwesterly forming an interior angle of $105^{\circ}34'$ a distance of 62.00 feet to the northeast corner of Sublot 24, Block P under map cover 1289 said point being on the west line of Wilson Avenue (unimproved);

THENCE southerly forming an interior angle of $75^{\circ}25'$ along the west line of Wilson Avenue (unimproved) a distance of 317.00 feet to the north line of North Street (unimproved);

THENCE westerly forming an exterior angle of $89^{\circ}44'$ along the north line of North Street (unimproved) a distance of 100.00 feet to the southwest corner of Sublot 5 Block P under Map Cover 1289;

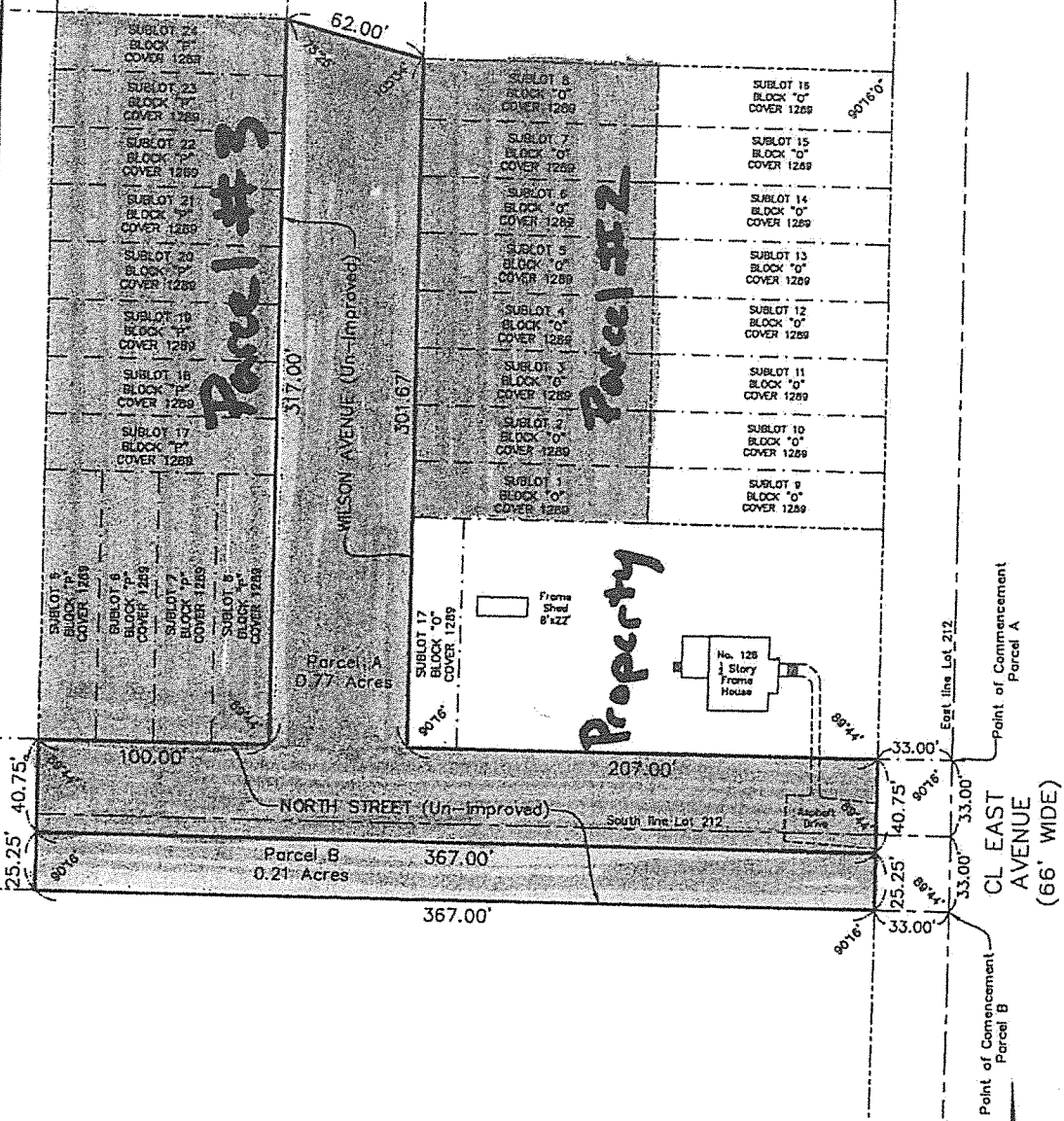
THENCE southerly forming an interior angle of $89^{\circ}44'$ along the extension of the west line of said Sublot 5 a distance of 66';

THENCE easterly forming an interior angle of $90^{\circ}16'$ and parallel to the south line of Lot 212 a distance of 367.00 feet to the west line of East Avenue;

THENCE northerly forming an interior angle of $89^{\circ}44'$ along said west line a distance of 66' feet to the point of beginning.

Described parcel contains 0.92 acres more or less and is subject to all easements, right of ways and restrictions of legal record.

EXHIBIT
 126 EAST AVENUE
 WEST SENECA, NEW YORK



ICE & SNOW NOTE:
 AT THE TIME OF THIS SURVEY THERE WAS A CONSIDERABLE AMOUNT OF SNOW AND ICE ON THE GROUND HINDERING THE LOCATION OF SURFACE IMPROVEMENTS. ENCROACHMENTS MAY EXIST THAT WOULD OTHERWISE BE SHOWN.

ADDRESS: 126 EAST AVENUE, WEST SENECA, NEW YORK
 DATE OF SURVEY: 03/08/19 DATE OF MAP: 03/26/19
 SURVEY REFERENCE: LIBR-7447 PAGE-71 & COVER 1289

LEGAL PART OF LOT-212, OF THE BUFFALO CREEK RESERVATION, DISTINGUISHED AS SUBLOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 17 IN BLOCK "D" & SUBLOTS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 AND 24 IN BLOCK "D", TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK STATE.
 NO PROPERTY CORNERS WERE SET AS PART OF THIS SURVEY.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION LAW.

REQUESTED BY: Attea & Attea, P.C.

GENZEL LAND SURVEYING, P.C. © 2019
 7033 COLE ROAD COLDEN, NEW YORK 14033
 PH: (716) 667-9733 FAX: (716) 667-9735
 JOB NO. 5891 DATE: 03/26/19 DWN. BY: DJK

THIS MAP WAS PREPARED IN ACCORDANCE WITH NEW YORK STATE LICENSED LAND SURVEYING SEAL AND SYMBOLS.



1" = 60'