



Town of West Seneca

TINA M. HAWTHORNE
TOWN ATTORNEY
thawthorne@twyny.org

MEMO

To: The Honorable Town Board

From: Tina M. Hawthorne, Town Attorney

Date: July 31, 2020

Subject: Abandonment of Paper Street
Inez Avenue

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 Inez Avenue 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.

Resolution for Abandonment of Inez Avenue

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 _____, 2020

Superintendent of Highways

Supervisor

Councilman

Councilman

Councilman

Councilman

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

On the ____ day of _____, 2020 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 _____, 2020 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:
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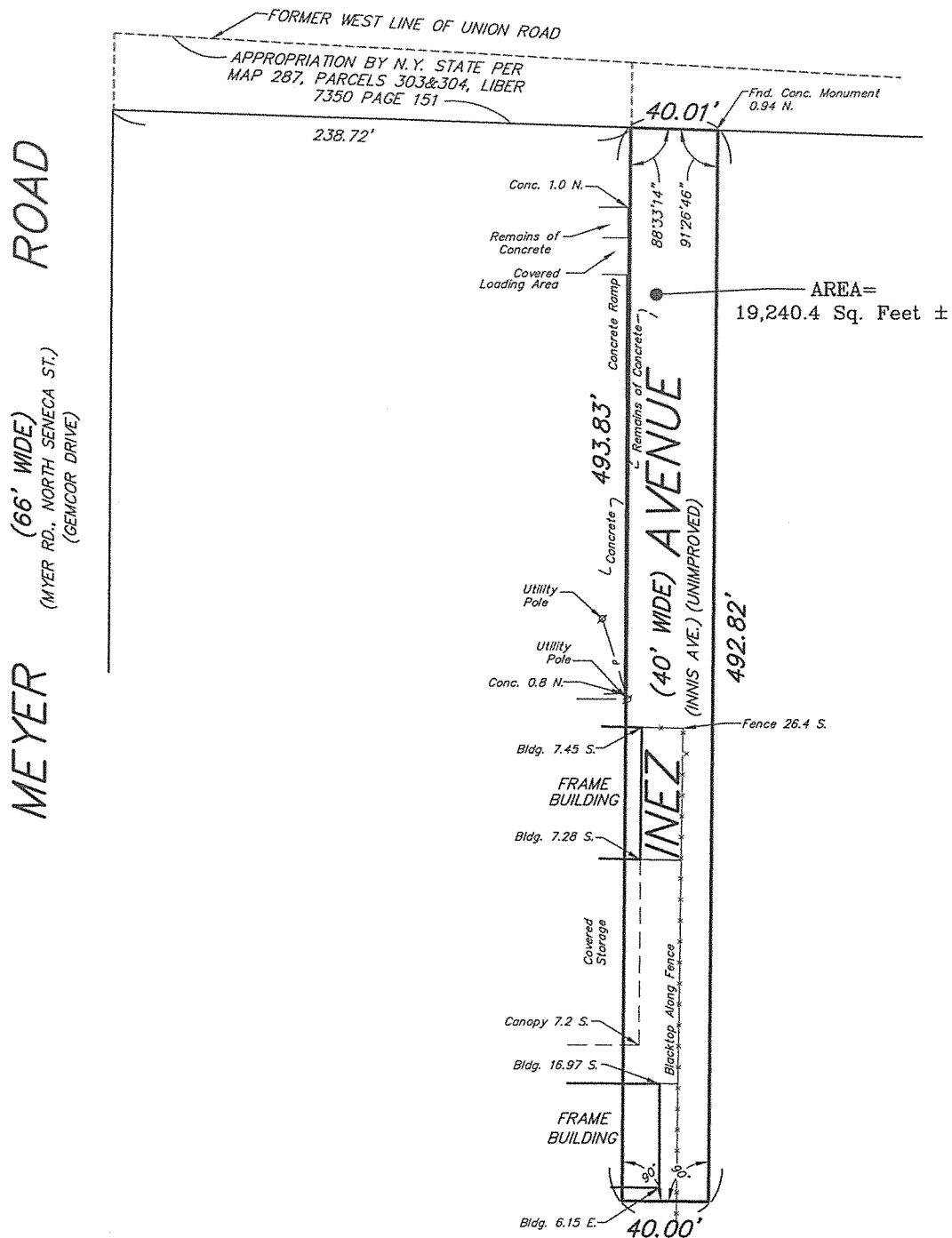
SCHEDULE A
INEZ AVENUE
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot No. 84 of the Ebenezer Lands, bounded and described as follows:


BEGINNING at the intersection of the westerly line of Union road (as widened by Notice of Appropriation being Map 287, Parcel 304 and recorded in Liber 7350 of Deeds, page 151), and the northerly line of Inez Avenue; Thence southerly along the westerly line of Union Road as widened 40.01 feet to the southerly line of Inez Avenue; Thence westerly along the southerly line of Inez Avenue 492.82 feet to a point; Thence northwesterly at interior angle of 90°, a distance of 40.00 feet to the northerly line of Inez Avenue; Thence easterly along the northerly line of Inez Avenue at interior angle of 90°, a distance of 493.83 feet to the west line of Union Road at the True Point and Place of Beginning.

This parcel containing 19,240.4 Square Feet more or less.

UNION (WIDTH VARIES) ROAD



INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Map Cover 640
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.
 NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE BAR ASSOCIATION OF ERIE COUNTY AT THE REQUEST OF Jim Jerge  FRANCIS C. DELLES NYSPLS No. 050477	©COPYRIGHT 2019 BY: Millard, MacKay & Delles LAND SURVEYORS, LLP 150 AERO DRIVE BUFFALO, NEW YORK 14225 PHONE (716) 631-5140 ~ FAX 631-3811	AMEND:
		SURVEY DATE: 4-1-14 ©DRAWING DATE: 11-26-19 SCALE: 1" = 60' "ALL RIGHTS RESERVED"
PART OF LOT <u>84</u> SECTION _____ TOWNSHIP _____ RANGE _____ OF THE: <u>Ebenezer Lands</u> SURVEY - <u>Erie</u> COUNTY, N.Y.		THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.
SURVEY OF: <u>Inez Avenue, Town of West Seneca</u>		SBL No. <u>134.12-1-</u>