

DRAFT

**RESOLUTION ADOPTED AT THE VILLAGE OF UPPER NYACK
BOARD OF TRUSTEES MEETING ON JUNE 8, 2023
ACCEPTING THE DEED OF DEDICATION TO BADI DRIVE**

WHEREAS, Badi Developments, LLC (“Badi”) is the owner of the roadway commonly known as Badi Drive in the Village of Upper Nyack (Parcel ID No. 60.05-2-57.7); and

WHEREAS, Badi has offered a Deed of Dedication to Badi Drive together with the accompanying forms TP584 and RP5217 and a policy of title insurance in the amount of \$30,000.00 to the Village; and

WHEREAS, the Village Engineer has confirmed that Badi has completed construction of Badi Drive and its related improvements in accordance with the plans approved by the Planning Board (see Village Engineer Memorandum, dated May 11, 2023); and

WHEREAS, Badi has previously granted the Village a drainage easement to discharge stormwater from Badi Drive into the stormwater management facilities on Badi Subdivision Lot 1 and such easement was recorded in the Office of the Rockland County Clerk in Instrument No. 2002-59517 as affirmed in Instrument No. 2008-25718; and

WHEREAS, Badi has submitted a maintenance security in the form of a cash escrow to the Village in the amount of \$3,150.00 (5% of the total cost of the top course of pavement of Badi Drive) for a period of one year after acceptance of dedication, and such maintenance security has been deemed adequate by the Village Engineer based on the age and construction of the Roadway; and

WHEREAS, acceptance of the Deed of Dedication is a Unlisted Action under SEQRA for which the Board of Trustees adopted a Negative Declaration of environmental significance on May 18, 2023; and

WHEREAS, a duly noticed public hearing on this matter was held by the Board of Trustees on June 8, 2023.

NOW, THEREFORE, BE IT

RESOLVED, that the Village Board of Trustees hereby accepts the dedication of Badi Drive to the Village and further accepts the Deed of Dedication to Badi Drive and authorizes the Mayor to sign any necessary documents to enable the issuance of the title policy for the dedicated lands and to arrange for the Deed of Dedication to be recorded in the Office of the Rockland County Clerk. Badi shall pay all costs and fees associated with the issuance of the title policy and the recording of the deed.

FURTHER RESOLVED that the Board hereby accepts the amount of \$3,150.00 in the form of a cash escrow as a maintenance security for Badi Drive for a period of one year subject to the terms of the letter submitted by Badi dated April 4, 2023.

A MOTION was made by Trustee _____ and seconded by Trustee _____ and so moved. On a call for a vote:

AYES:

NOES:

Dated: June 8, 2023