



STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
ALBANY, NEW YORK
12236

EDWARD V. REGAN
STATE COMPTROLLER

March 9, 1992

Richard W. Hoyt, Esq.
43 Orchard Street
Post Office Box 402
Walden, New York 12586

Re: Town of Montgomery;
Establishment of Town of
Montgomery Sewer District
No. 3

Dear Mr. Hoyt:

This will acknowledge receipt of the order of the town board of the Town of Montgomery, dated February 6, 1992, establishing the district referred to above.

This order was filed in the Office of the State Comptroller on February 24, 1992.

Very truly yours,

Mitchell S. Morris

Mitchell S. Morris
Associate Counsel

MSM:EMM:gj

BEFORE THE TOWN BOARD OF THE
TOWN OF MONTGOMERY
ORANGE COUNTY, NEW YORK

In the Matter

of

ORDER ESTABLISHING
DISTRICT

The Establishment of the Sewer
District #3 in the Town of Montgomery,
County of Orange, New York

A petition in this matter for the creation of a sewer district having been duly presented to the Town Board, together with a map and plan attached thereof, and an order having been duly adopted by the Town Board on December 5, 1991 for the hearing of all persons interested in the matter on January 16, 1992 at 7:45 o'clock p.m. at the Town Hall, and a hearing by the said Board having been duly held at such time and place upon proper notice and said hearing having been continued on February 6, 1992 and the Town Engineer having voiced no opposition to the requested relief and no one having opposed the application, and the Town Board having taken the matter under advisement and after due consideration thereof, and it having been on February 6, 1992 duly resolved and determined following such hearing that the petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all the property and property owners within the proposed district were benefitted thereby, and all property and property owners benefitted were included within the limits of the proposed district and that it was in the public interest to grant in whole the relief sought, it having been then and there further duly resolved that the

establishment of such district as proposed be approved and that the action of creation of the District, exclusive of the construction of improvements, is determined to be without significant environmental impact and application to the State Department of Audit and Control at Albany, New York, for permission to create such district not being required because the cost is not to be financed by bonds, notes or other evidences of indebtedness; it is hereby

ORDERED, that a Sewer District known as Sewer District #3 be established in the said Town of Montgomery, Orange County, New York which district is to be of the following description and boundaries; to wit: as more particularly set forth on Schedule "A" annexed hereto to be designated as Sewer District #3 of the Town of Montgomery, which is approximately 125± acres and further known as the following six separate tax parcels (Sec. 29, Block 1, Lots 5.1, 5.2, 5.3, 5.4 and 5.5 and Sec. 20, Block 1, Lot 32.2) located to the north and south of New York State Route 17K in the area of Bailey Road; and it is further

ORDERED, that the Town Clerk shall cause a certified copy of this Order to be duly recorded in the office of the Clerk of the County of Orange, New York; and such Clerk shall also, within ten (10) days after the adoption of this order, cause a certified copy thereof to be filed in the Office of the State Department of Audit and Control at Albany, New York.

Dated: February 6, 1992

CARL HELSTROM, SUPERVISOR

EARL C. SNYDER, COUNCILMAN

ALBERT C. VALK, COUNCILMAN

DANIEL S. DEMPSEY JR., COUNCILMAN

WILLIAM P. KIRNAN, COUNCILMAN

Members of the Town Board of the
Town of Montgomery, Orange County,
New York

STATE OF NEW YORK)

) 52

COUNTY OF ORANGE)

I, MARIE MARANO, Town Clerk of the Town of Montgomery, County of Orange, State of New York, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at 74 Main Street, Walden, County of Orange, State of New York, and that the same is a true and correct copy of said original and the whole thereof.

I further certify that all members of the Town Board had due notice of the meeting at which said Resolution was adopted and that a quorum was present and that the said Resolution was adopted upon an affirmative vote of all members present.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Town of Newburgh, this 14th day of May, 1907.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 13th of February, 1992.

TOWN CLERK OF THE TOWN OF
MONTGOMERY, COUNTY OF ORANGE,
STATE OF NEW YORK

SCHEDULE A

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Montgomery, County of Orange, State of New York, and being more accurately bounded and described as follows:

BEGINNING at a point in the southerly line of the new highway taking line of New York State Route 17K, said point of beginning being the northeasterly corner of the herein described parcel and the northwest corner of lands now or formerly of Jorgens, said point of beginning being about 2,300' westerly of Scots' Corners intersection; thence from said point of beginning and along the property line between lands of Jorgens on the east and the herein described parcel on the west, south 13 degrees 05 minutes 10 seconds west 741.90 feet to a fence corner; thence along the southerly line of lands of Jorgens, south 71 degrees 25 minutes 40 seconds east 520.46 feet to a point; thence along the line of lands now or formerly of Greco, south 26 degrees 19 minutes 30 seconds west 825.0 feet to a point, said point being in the line of lands of the Goodwill Church; thence along the line of lands of the Goodwill Church on the next three courses, north 75 degrees 32 minutes 20 seconds west 313.72 feet to an angle point; thence following in part a stone wall, north 78 degrees 14 minutes west 565.59 feet to an angle point; thence following in part a fence, north 80 degrees 10 minutes 40 seconds west 652.81 feet to a point marked by a tree in a fence corner, said point being in the line of lands of the Valley Central School District; thence along the line of lands of the Valley Central School District on the next several courses, north 5 degrees 05 minutes 40 seconds east 116.32 feet to an angle point; thence north 0 degrees 54 minutes east 385.29 feet to an angle point; thence north 1 degree 56 minutes 40 seconds east 616.38 feet to a corner; said corner being the southeast corner of lands now or formerly of Canzoneri, said point being in the line of lands also of the Valley Central School District; thence along the southerly line of lands now or formerly of Canzoneri, south 78 degrees 03 minutes 20 seconds east 150.90 feet to a point; thence along a line, said line being the easterly line of Canzoneri, said line being the westerly line of four lots sold from the above described parcel, north 11 degrees 06 minutes 10 seconds east 504.51 feet to a point in the southerly taking line of Route 17K; thence along the southerly line of Route 17K on the remaining courses and distances; south 78 degrees 54 minutes 38 seconds east 88.0 feet to a point; thence south 77 degrees 49 minutes 55 seconds east 358.1 feet to a point; thence south 78 degrees 57 minutes 08 seconds east 684.0 feet to a point; thence south 77 degrees 05 minutes 33 seconds east 155.30 feet to the point of beginning.

EXCEPTING and reserving from the above described parcel, lots 1 through 4 inclusive, of Block A, Section A, of Montgomery Heights Subdivision as shown on map entitled, "Plan of Subdivision, Section A, Montgomery Heights", and filed in the Orange County Clerk's Office on October 23, 1959, map number 1836. The four lots are all within the above described parcel except the most northwesterly tip of Lot #1 from which 13 feet was taken for the new highway taking line, said lots as they now remain being described as follows:

BEGINNING at the present northwesterly corner of Lot #1, Block A, said point of beginning being located south 11 degrees 06 minutes 10 seconds west 13.0 feet from the northwest corner of said lot #1 as shown on map of subdivision mentioned above;

thence from said point of beginning and along the new highway taking line, south 78 degrees 54 minutes 38 seconds east about 10.0 feet to the intersection with the arc of the curve having a radius of 200 feet which connected the northwest corner of lot #1 with the northeast corner of lot #1; thence on a curve to the left having a radius of 200 feet and following along the northerly line of lot #1, a distance of about 140 feet to the northeast corner of lot #1 as shown on said map mentioned above, thence along the easterly line of lots #1, 2, 3, 4, south 11 degrees 06 minutes 10 seconds west 400.0 feet to a point; thence at right angles, north 78 degrees 53 minutes 50 seconds west 150.0 feet to a point; thence along the rear or westerly line of said lots #4, 3, 2, and 1, north 11 degrees 06 minutes 10 seconds east 438.27 feet to the point of beginning.

ALSO excepting and reserving a parcel of land consisting of lots 1, 2, and 3 of Section B, Block F of Montgomery Heights, the map of Section B, not filed in the Orange County Clerk's Office:

BEGINNING at the northwest corner of Lot #1, of Block F, said point of beginning being located the following two courses and distances from the southeast corner of lot #4 of Block A, Section A, as shown on the filed map, these two courses being as follows starting from the southeast corner of said lot #4, north 11 degrees 06 minutes 10 seconds east 50.0 feet to a point and south 78 degrees 24 minutes 50 seconds east 50.0 feet to the point of beginning; thence from the point of beginning and along the southerly line of the proposed road passing in front or along the northerly line of lots 1, 2, and 3, south 78 degrees 24 minutes 50 seconds east 360.0 feet to a point; thence south 11 degrees 35 minutes 10 seconds west 185.0 feet to a point; thence north 64 degrees 58 minutes 10 seconds west, passing along the rear of lot 2, and 3, 194.93 feet to a point; thence passing along a portion of the westerly line of lot 2, north 16 degrees 13 minutes 30 seconds west 43.73 feet to a point; thence along the southerly line of lot 1, north 78 degrees 14 minutes 40 seconds west 148.81 feet to a point; thence along the westerly line of lot 1 on the next two courses, north 9 degrees 17 minutes 30 seconds east 11.0 feet to a point and north 11 degrees 06 minutes 10 seconds east 89.58 feet to the point of beginning.

The total acres in the overall description is 55.56+ acres, the acreage in lots 1 through 4, Section A, Block A, is 1.47+ acres, the acreage in lots 1, 2 and 3, of Section B, Block F is 1.11+ acres, leaving a total acreage being conveyed of 52.98+ acres.

SCHEDULE A

ALL those certain lots or parcels of land situate, lying and being in the Town of Montgomery, County of Orange, State of New York, bounded and described as follows:

PARCEL 1

BEGINNING at a hickory tree standing at the corner of the lands of John Milliken, formerly, and runs along his line North $68\frac{1}{2}^{\circ}$ West 14 chains and 40 links to the east side of the Wallkill; thence along the same South $36\frac{1}{2}^{\circ}$ West 3 chains; thence South $67\frac{1}{2}^{\circ}$ West 4 chains; thence South 76° West 3 chains and 46 links; thence South 70° West 3 chains and 47 links; thence South 57° West 1 chain and 76 links to the center of the trout brook, it being a corner of lands formerly of Samuel Wait; thence along the line thereof South $3\frac{1}{2}^{\circ}$ East 12 chains to a corner of lands formerly of Peter H. Fowler; thence North $86\frac{1}{2}^{\circ}$ East 14 chains and 56 links along said Fowler and Enoch Nixon's lands to a stake and stones; thence along said Nixon's line and Mary Graham's line South $3\frac{1}{2}^{\circ}$ East 28 chains and 14 links to the north side of the Newburgh and Cohecton Turnpike Road; thence along the same South 84° East 6 chains and 51 links to the north side of the door yard fence of Mrs. Jane Milliken, last of Mr. Hopper; thence along the same North $7\frac{1}{2}^{\circ}$ East 6 chains and 60 links to a stake; thence North $79\frac{1}{2}^{\circ}$ West 2 chains and 19 links to a stake; thence North $10\frac{1}{2}^{\circ}$ East 1 chain and 87 links to a stake; thence North 79° East 5 chains and 32 links to the middle of the road leading from Walden to Montgomery; thence along the same North $1\frac{1}{2}^{\circ}$ West 6 chains; thence North 4° East 5 chains; thence North $11\frac{1}{2}^{\circ}$

East 3 chains; thence North 17° East 3 chains and 50 links; thence North 34°

East 3 chains and 60 links to the line of the lands formerly of Harvey Bowne; thence along his line North 20 1/2° West 12 chains and 90 links to the place of beginning.

EXCEPTING AND RESERVING a small lot heretofore conveyed by Newkirk to the Wallkill Valley Railroad Co., by deed bearing date March 25, 1868, recorded Book 207 page 5.

PARCEL II

BEGINNING at an iron pipe set in the southerly property line between the lands of John H. Westerman and the lands of Marie S. Hansen and Anna Hansen, and runs from thence along this line North 71° West 75 feet to a corner in the fence; thence North 16° 45' East 123.42 feet to an iron pipe; thence North 85° 15' East 55 feet to an iron pipe; thence South 5° 30' West 154 feet to the point of beginning.

PARCEL III

BEGINNING at an iron pipe set in the northeasterly corner of lands of Marie and Anna Hansen, said point being North 13° 30' East 440.2 feet from the northerly bounds of Newburgh and Cohecton Turnpike, according to a map of lands of John H. Westerman and made by Geo. H. Thompson, Surveyor, March 8, 1932; and runs thence along a picket fence and along lands of said Hansen North 71° West 69.54 feet to an iron pipe found; thence North 8° 46' East 143.8 feet to an iron pipe found in a wire fence; thence along said wire fence North 86° 04' East (North 85° 15' East by the aforesaid map), 56.1 feet to an iron pipe set thence through

the lands of A. Schwarz South $1^{\circ} 44'$ East 53 feet parallel to and distant 0.9 feet from the westerly foundation of a barn to an iron pipe set; thence South $6^{\circ} 46'$ West 116.7 feet to the place of beginning.

EXCEPTING AND RESERVING all that piece or parcel of property hereinafter designated as Parcel No. 188, situate in the Town of Montgomery, County of Orange, State of New York, and described as follows:

Parcel No. 188. BEGINNING at a point formed by the intersection of the northerly highway boundary of S.H. 43 with the division line between the property of Anna Hansen and Marie Hansen (reputed owners) on the east and the property of Anna S. Tompkins (reputed owner) on the west, said point being $34\pm$ feet distant northerly measured at right angles from Station R492 + $65\pm$ of the hereafter described R Survey base line for the proposed reconstruction of Cohecton Turnpike Part 2 S.H. 43; thence northerly along the last mentioned division line $9\pm$ feet to a point; said point being 43 feet distant northerly measured at right angles from Station R492 + $66\pm$ of said R survey base line; thence South $89^{\circ} 44' 38''$ East through the property of Anna Hansen and Marie Hansen (reputed owners) 43 feet to a point on the division line between the property of Louis Gualtieri and Frances Gualtieri (reputed owners) on the east and the property of Anna Hansen and Marie Hansen (reputed owners) on the west said point being 43 feet distant northerly measured at right angles from Station R488 + $35\pm$ of said R survey base line; thence southerly along the last mentioned division line of $10\pm$ feet to a point on the northerly highway boundary of S.H. 43, said point being $33\pm$ feet distant northerly measured at right angles from Station R488 + $35\pm$ of said R survey base line; thence westerly along said highway boundary 430 \pm feet to the point of beginning.

ALSO EXCEPTING AND RESERVING: All that certain plot, piece or parcel of land,

situate, lying and being in the Town of Montgomery, County of Orange, State of New York, lying on the northwesterly side of the Town Road known as the Bailey Road and being more accurately bounded and described as follows:

BEGINNING in the northwesterly line of the Town Road known as the Bailey Road at an iron pipe set in the most southerly corner of the herein described premises, said iron pipe being located 42.64 feet northwesterly from P.K. nail in Pole No. 33018 N on the southeasterly side of Bailey Road and 68.01 feet northerly from a P.K. nail in an 18" hickory tree on the northwesterly side of the road and runs thence from the above located point of beginning, thru lands of Lanspery on the following three courses and distances;

- (1) North $55^{\circ} 41' 16''$ West 200.00 feet to a stake;
- (2) North $25^{\circ} 06' 27''$ East 150.00 feet; thence along a stonewall,
- (3) South $55^{\circ} 41' 35''$ East 200.00 feet to a 48" oak tree; thence along the northwesterly line of Bailey Road, South $25^{\circ} 06'$ West 150.00 feet to the point and place of beginning.