

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”), acting by and through its Department of Parks, Recreation and Conservation, to enter into an easement agreement (“Easement Agreement”) with the Village of Croton-on-Hudson (the “Village”) to accept a nonexclusive 20-foot wide by approximately 674-foot long permanent easement for utility and telecommunication purposes on, over, through, and across Village land designated as section, block and lot number (“Tax Parcel ID No.”) 68.14-3-3 on the Tax Maps for the Town of Cortlandt and designated by the following metes and bounds description:

THE EASEMENT, BEGINNING AT A POINT WITH NYS-PCS COORDINATES N. 869,123.684, E. 666,643.009. SAID POINT AND PLACE OF BEGINNING BEING DISTANT FROM THE SOUTHWESTERLY CORNER OF THE PREMISES KNOWN AS THE VILLAGE OF CROTON-ON-HUDSON WATER SUPPLY DEPARTMENT LANDS SITUATED ON THE NORTH EASTERLY LINE OF NYS ROUTE 129. SAID SOUTH WESTERLY CORNER HAVING NY-SPC COORDINATES N. 869,043.378 E, 666,218.205. NORTH 39 DEGRESS 23 MINUTES 29 SECONDS EAST 2.630 FEET, NORTH 38 DEGRESS 36 MINUTES 49 SECONDS EAST 31.690 FEET, SOUTH 55 DEGREES 40 MINUTES 07 SECONDS EAST 192.161 FEET, AND NORTH 56 DEGRESS 30 MINUTES 35 SECONDS EAST 293.381 FEET.

THENCE FROM THE POINT AND PLACE OF BEGINNING THE FOLLOWING COURSES AND DISTANCES:
NORTH 35 DEGREES 7 MINUTES 7 SECONDS WEST 10.00 FEET,
NORTH 54 DEGREES 54 MINUTES 47 SECONDS EAST 8.662 FEET,
NORTH 54 DEGREES 54 MINUTES 47 SECONDS EAST 231.134 FEET,
NORTH 45 DEGREES 22 MINUTES 00 SECONDS EAST 161.791 FEET,
NORTH 41 DEGREES 48 MINUTES 49 SECONDS EAST 150.023 FEET,
SOUTH 86 DEGREES 06 MINUTES 24 SECONDS EAST 145.645 FEET
TO A POINT ON THE DIVISION LINE BETWEEN THE PREMISES

DESCRIBED HEREIN AND THE LANDS OF WESTCHESTER COUNTY.

THENCE ALONG THE AFORESAID DIVISION LINE SOUTH 32 DEGREES 19 MINUTES 55 SECONDS WEST 22.745 FEET TO A POINT.

THENCE ALONG THE LINE OF THE AFORESAID EASEMENT NORTH 86 DEGREES 06 MINUTES 24 SECONDS WEST 125.042 FEET, SOUTH 41 DEGREES 48 MINUTES 49 SECONDS WEST 140.871 FEET, SOUTH 45 DEGREES 22 MINUTES 00 SECONDS WEST 164.083 FEET, SOUTH 54 DEGREES 54 MINUTES 47 SECONDS WEST 224.786 FEET AND

SOUTH 54 DEGREES 54 MINUTES 47 SECONDS WEST 16.667 FEET TO A POINT.

THENCE NORTH 35 DEGREES 07 MINUTES 07 SECONDS WEST 10.00 FEET TO THE POINT AND PLACE OF BEGINNING OF THE EASEMENT DESCRIBED HEREIN.

("Easement Area")

Your Committee is advised that the purpose of the easement is to benefit County land that is adjacent of the Village land, located across the Croton River and designated as Tax Parcel ID No 68.14-4-1 on the Tax Maps for the Town of Cortland (commonly known as 352 Yorktown Road, Croton-on-Hudson) (the "County Parcel"), which was acquired by County by a deed from C. Wesley Reynold, Jr., dated March 24, 1999, recorded in the Westchester County Clerk's Office, Division of Land Records, at Liber 12258, page 86.

The Committee is further advised that the County will be granted the right to install a new fifty foot County-owned utility pole in the Easement Area and install/run a new County-owned electrical utility line ("County Utility Line") from the County Parcel over the Easement Area to the County Pole and then to Village-owned Pole number. 4, connect the County Utility Line to Village A phase wire at Village Pole 4, and then share the Village A phase wire and Village Pole numbers 1-4, inclusive, to connect to the Con Edison service, as depicted on the map being submitted with the legislation.

Your Committee is further advised that the County will also be granted the easement right to install, use, maintain, repair or replace within the Easement Area any wires, lines, cables

(including fiber optic cables), plus necessary appurtenances, for the transmission and distribution of electricity, voice, internet, video, cable, data and other information and communication to, through, and across the Easement Area (“County Communication Equipment”) installed by the County, utility company, communication carrier or company for the benefit of the County Parcel, and to use Village Pole numbers 1-4, inclusive, for such purposes.

Your Committee is further advised that the County will also be granted pedestrian and vehicular access rights over Tax Parcel ID No. 68.14-3-3, as well as the following Village-owned parcels to access the Easement Area:

- (i) Tax Parcel ID No. 68.14-5-1 on the Tax Maps for the Town of Cortlandt, acquired by the Village by a deed from Susan L. Merrill to the Village, dated October 11, 2004, recorded in the Westchester County Clerk’s Office, Division of Land Records, at Control Number 443061175, and
- (ii) Tax Parcel ID No. 68.14-5-2 on the Tax Maps for the Town of Cortlandt acquired by the Village by a deed from Susan L. Merrill to the Village, dated October 11, 2004, recorded in the Westchester County Clerk’s Office, Division of Land Records, at Control 443061175.

Your Committee is further advised that, pursuant to the Easement Agreement, the County will bear all costs and expenses in connection with the removal, installation, maintenance, repair and replacement of the County Pole, County Utility Line, the County Communication Equipment and County utility equipment. In addition, title to the County Pole, County Utility Line and County Communication Equipment and County utility equipment on the Village parcels (not the fee) shall remain in the County.

Your Committee is further advised that, in the Easement Agreement, the Village shall be responsible, at its cost and expense, to maintain and repair Village Poles Nos. 1-4, inclusive and the Village A phase wire. The County will agree to reimburse the Village 50% of the costs it incurs to maintain and repair Village Poles Nos. 1-4, inclusive, and the Village A phase wire,

subject to appropriation by its County Board of Legislators pursuant to the Laws of Westchester County.

Your Committee is further advised that, pursuant to the Easement Agreement, absent emergency repairs or other circumstances necessitating emergency work or access, the County shall provide reasonable notice, including approximate dates and times, for any work to be done within the Easement Area or within the access area. Under no circumstances, exempting emergency repairs or other circumstances necessitating emergency work or access, shall less than two weeks' notice be provided without the mutual consent of the Village and Commissioner of the Department of Parks Recreation and Conservation or his/her designee.

Your Committee is further advised that the County will be responsible, at its sole cost and expense, for any and all County utility and telecommunication connections and for the payment of all utilities and telecommunication services consumed in connection with the County Parcel. The parties will acknowledge that use of the electricity usage through the shared A Phase Wire will be metered by the parties at their respective buildings and billed by Con Edison to the parties based upon their metered usage.

Your Committee is further advised that the County shall have the right to terminate the Easement Agreement upon at least 30 days written notice in the event that the County determines in its sole discretion that it no longer requires the use of the Easement Area, and, upon such written notice, the Easement Agreement, and the rights and obligations thereunder, shall automatically terminate, and the County shall remove the County Pole, County Utility Line, County Communication Equipment and County utility equipment from the Easement Area and restore the Easement Area to substantially the condition prior to the County's use thereof, at the cost and expense of the County. In such event, the parties will agree to promptly execute and file with the Westchester County Clerk any and all documents necessary to put on notice with the County Clerk's Office the termination of this Easement Agreement and the rights and obligations granted thereunder

The Department of Planning has advised your Committee that based on its review, the approval of the Act may be classified as an “Unlisted” action, under the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). A Resolution and short Environmental Assessment Form (“EAF”), prepared by the Department of Planning, are attached to assist your Honorable Board in complying with SEQR. For the reasons set forth in the attached EAF, your Committee believes that this proposed action will not have any significant adverse impact on the environment and accordingly recommends passage of the annexed Resolution.

Your Committee has been advised that an affirmative vote of the majority of all the members of your Honorable Board is required to adopt the annexed Act. Your Committee has carefully considered this matter and recommends your favorable action upon the proposed Act.

Dated: _____, 2026
White Plains, New York

COMMITTEE ON

RESOLUTION

WHEREAS, there is pending before this Honorable Board an act (the “Act”), which, if adopted, would authorize the County of Westchester (the “County”) to enter into an easement agreement (“Easement Agreement”) , acting by and through its Department of Parks, Recreation and Conservation, with the Village of Croton-on-Hudson (the “Village”) to accept a nonexclusive 20-foot wide by 674-foot long permanent easement for utility and telecommunication purposes on, over, through and across Village-owned land designated as section, block and lot number (“Tax Parcel ID No.”) 68.14-3-3 on the Tax Maps for the Town of Cortlandt, and a pedestrian and vehicular access easement over Tax Parcel ID No. 68.14-3-3, as well as the Village-owned land designated as Tax Parcel ID No. 68.14-5-1 and Tax Parcel ID No. 68.14-5-2 on the Tax Maps for the Town of Cortlandt to access the easement area; and

WHEREAS, this Honorable Board has determined that the proposed Act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617), the Easement is classified as an “Unlisted action,” which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is conducting uncoordinated review as permitted for Unlisted actions pursuant to Section 617.6(b)(4) of the implementing regulations for the environmental review of this project; and

WHEREAS, in accordance with SEQRA and its implementing regulations, a short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached short Environmental Assessment Form, to determine if this proposed action will have a significant impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board's review of the short Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the approval of the act (the "Act"), to authorize the County to enter into an easement agreement ("Easement Agreement") with the Village of Croton-on-Hudson (the "Village") to accept a nonexclusive 20-foot wide by 674-foot long permanent easement for utility and telecommunication purposes on, over, through and across Village-owned land designated as section, block and lot number ("Tax Parcel ID No.") 68.14-3-3 on the Tax Maps for the Town of Cortlandt, and a pedestrian and vehicular access easement over Tax Parcel ID No. 68.14-3-3, as well as the Village-owned land designated as Tax Parcel ID No. 68.14-5-1 and Tax Parcel ID No. 68.14-5-2 on the Tax Maps for the Town of Cortlandt to access the easement area; and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the "Determination of Significance" in the short Environmental Assessment Form, which

is attached hereto and made a part hereof, as the “Responsible Officer in Lead Agency”; to issue this “Negative Declaration” on behalf of this Board in satisfaction of SEQRA and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.