

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

4

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
SEP 25 2001

~~County~~  
~~City~~ of Caroline  
~~Town~~  
~~Village~~

MISCELLANEOUS  
& STATE RECORDS

Local Law No. 1 of the year 2001

A local law discontinuing a portion of Brearly Hill Road as a minimum  
(Insert Title)  
maintenance highway

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of Caroline as follows:  
~~Town~~  
~~Village~~

1. **Background**

The Town of Caroline by Local Law No. 2 of the year 1996 adopted procedures to classify certain town highways as minimum maintenance roads. The effect of such a designation is more particularly set forth in Section 10 of such local law.

2. **Existing Designation of Brearly Hill Road**

By Local Law No. 4 of the year 1996 the town designated a section of Brearly Hill Road commencing a point 480 feet from Central Chapel Road and ending a point 4775 feet north of the Candor town line (a distance of 11,007 feet) as a minimum maintenance road.

3. **Findings with Respect to Minimum Maintenance Designation of a Portion of Brearly Hill Road**

The town clerk has received a petition to discontinue the minimum maintenance designation of that portion of Brearly Hill Road that begins at a point 480 feet from Central Chapel Road and ends a point 632 feet from Central Chapel Road. The remaining portion of Brearly Hill Road north of the Candor town line (a distance of 10,885 feet) is not affected by this

(If additional space is needed, attach pages the same size as this sheet, and number each.)

local law. Following a public hearing, the town board makes the following findings:

- (a) Such petition is by a person owning or occupying real property abutting a portion of Brearly Hill Road designated as a minimum maintenance highway.
- (b) Such petition identifies that portion of such road to be discontinued as a minimum maintenance highway.
- (c) At least ten (10) days public notice was given prior to holding the public hearing on the adoption of this local law.
- (d) At least ten (10) days written notice of such public hearing was served by certified mail upon every owner of real property, as determined by the latest assessment roll, abutting such portion of Brearly Hill Road as is proposed to be discontinued as a minimum maintenance highway.
- (e) The discontinuance of such portion of Brearly Hill Road as a minimum maintenance highway is necessary to bring the driveway of a new home at 6 Brearly Hill Road within the portion of the road that is classified as other than a minimum maintenance highway.
- (f) The recommendation of the highway superintendent has been received and she concurs with such discontinuance as a minimum maintenance highway.

**4. Discontinuance of Minimum Designation of a Portion of Brearly Hill Road**

- (a) That portion of Brearly Hill Road that begins at a point 480 feet from Central Chapel Road and ends a point 632 from Central Chapel Road is hereby discontinued as a minimum maintenance highway.
- (b) Such discontinuance shall be effective July 1, 2002.

**5. Effective Date**

This local law shall take effect upon filing by the Secretary of State but such filing shall not effect the effective date of discontinuance as provided in Section 4 above.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2001 of the (County)(City)(Town)(Village) of Caroline was duly passed by the Town Board on August 9, 2001, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ~~1~~ \_\_\_\_\_, above.

*Kim Martin Case*

Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body  
Kim M. Case, Town Clerk

Date: August 16, 2001

(Seal) ✓

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Tompkins

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Mahlon R. Perkins*

Signature  
Mahlon R. Perkins

Town Attorney  
Title

County  
~~City~~ of Caroline  
Town  
~~Village~~

Date: August 16, 2001