

# RESOLUTION

Number 36-11

**(RE: Declaration that Certain Roads in the Town be classified as Town Highway Pursuant to Section 189 of the Town Law – Adopt final Section 189 Listing Pursuant to Local Law No. 19 adopted December 14, 2010)**

**WHEREAS** since the founding of the Town of Cortlandt in 1788, various roads have been created and constructed. Many of the original roads began as dirt paths over which the public traversed. In the 1800's the New York State Legislature established a provision in the Highway Law which has been carried forward and is now contained in Section 189 of the New York State Highway Law, "Roads by Use", which allows the municipality to accept private roads as public roads subject to various exceptions as described herein.

**WHEREAS** in 2008, the Town Board directed staff to study all existing 189 Roads and all those roads that should be considered as future 189 Roads. After much review and consideration, the Director of DES, The Director of DOTs and the Town Attorney recommend that pursuant to Section 189 of the Town Law, the roads set forth in the attached "Schedule A" are determined to be deemed to be highways by use in the Town of Cortlandt; and

**WHEREAS**, as part of extensive study of the 68 existing 189 roads, the staff found several errors or missing data such as length/width calculations in the record on 12 of the 68 roads already adopted as Section 189 roads (see attached Schedule B) and the Town Board wishes to correct the record, therefore the roads set forth in "Schedule B" are deemed to be highways by use in the Town of Cortlandt; and

**WHEREAS**, the Town Board wishes to consolidate the record into a single resolution addressing ALL Section 189 Roads in the Town of Cortlandt. The Town Board does hereby determine that all of the roads contained in Schedule A & B meet the criteria for a Section 189 road including that they have been used by the public for a period of ten (10) years or longer and the Town has performed certain maintenance there on in the form of patching or plowing during a period of at least ten (10) years; and

**WHEREAS** the Town shall continue to keep the traveled way in its current documented condition for the width and length the determined by the Town (as noted in Schedules A & B) over which a Surface Easement has been acquired, in a passable condition for the public to be able to traverse said roadway; and

Continued

**WHEREAS** by the adoption of this Resolution the Town Board directs the Department of Environmental Services to conduct a photographic record (either video, photos or both) for ALL of the roads contained on Schedules A & B to document their current condition within 180 days of the adoption of this Resolution.

**NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby DECLARE THE ANNEXED ROADS CONTAINED IN SCHEDULES A & B AS HIGHWAYS BY USE;** and

**BE IT FURTHER RESOLVED,** that the Town Board of the Town of Cortlandt does here by direct the Town Attorney and the Director of the Department of Environmental Services to make application to the New York State Department of Transportation, pursuant to Section 171 of the Highway Law of the State of New York, to obtain a Certificate of Necessity declaring any and all the annexed roads to be public highways in the Town of Cortlandt.

**Adopted January 25, 2011  
At a Regular Meeting  
Held at Town Hall**

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF CORTLANDT  
Jo-Ann Dyckman, Town Clerk**

**Schedule A**  
**Two (2) New Section 189 Roads**

<b>Road Name</b>	<b>Cross Street</b>	<b>Length/Width</b>
Boulder Drive	Washington Street	1118' X 12'
Pine Lane	Washington Street	1257' X 12'

End List of New Section 189 Roads: Total 2

Please Note – the Town Board is weighting future actions on other private roads in the future.

## Schedule "B" Re-Affirming Section 189 Roads Previously Adopted & Corrections

There are currently a total of 68 previously approved Section 189 Roads, twelve of which required corrections noted below.

Road Name	Cross Street	Resolution	Length/Width	Correction
Adrian Court	Conklin Avenue (Conklin Park)	Reso 260-85	670' X 32'	
Amanda Court	Furnace Woods Rd.	Reso 382-98	945' X 24'	
Arlo Lane	Route 202	Reso 40-95	730' X 20'	
Bainsbridge Road	Stuart Rd/ Montgomery Crossway	Reso 30-92	1100' X 20'	
Barger Street	Oregon Road	Reso 155-90	850' X 22'	
Barger St. Extension	Oregon Road	Reso 382-98	330' X 20'	
Bluestone Lane	No. 2 <sup>nd</sup> Street	Reso 225-91	845' X 32'	Previously adopted As Avenue C by Reso#289-89
Birchbrook Road Upper	Kingston Avenue	Reso 239-89	1560' X 22'	
Birchbrook Road Lower	Kingston Avenue	Reso 239-89	690' X 20'	
Bramblebush Rd	Batten Road	Reso 40-95	3200' X 18'	
Buttonwood Road	Route 202/Crompond Road	Reso 239-89	717' X 12'	
Cedar Knoll Lane	White Birch Lane	Reso 382-87	780' X 26'	
Cedar Knoll Lane Extension	White Birch Lane	Reso 151-00	230' X 30'	Previously adopted as Cedar Knoll Road
Chester Court	Washington Street	Reso 40-95	2725' X 22'	Added Length/Width
Covert Street	Montrose Point Road	Reso 239-89	715' X 20'	
Deerhaunt Court	Deerhaunt Drive	Reo 239-89	475' X 16'	
Deerhaunt Drive	Route 9A / Albany Post Road	Reso 239-89	830' X 18'	
East Causeway	Marilyn and Stuart	Reso 30-92	450' X 20'	
Eleventh Street	Broadway/Highland	Reso 239-89	300' X 18'	
Ernst Road	Fowler Avenue	Reso 239-89	1100' X 16'	
Fieldstone Lane	No. 2 <sup>nd</sup> Street	Reso 225-91	280' X 30'	Previously adopted As "Avenue A" by Reso # 289-89

			<b>Schedule B</b>	<b>Continued:</b>
<b>Road Name</b>	<b>Cross Street</b>	<b>Resolution</b>	<b>Length/Width</b>	<b>Correction</b>
Fowler Avenue	Hillcrest Avenue	Reso 239-89	175' X 16'	
Granite Road	Buttonwood / Route 202	Reso 239-89	1056' X 12'	
Hand Place	Dogwood Road	Reso 239-89	148' X 18'	
Harrison Drive	Chester Court	Reso 40-95	1425' X 30'	Added Length/Width
Hill & Dale Road	Maple Avenue	Reso 93-97	1130' X 30'	Added Length/Width
Hillside Drive	Furnace Dock Road (Pine Lake)	Reso 239-89	1320' X 22'	
Hollis Lane	Mt. Airy Road West	Reso 239-89	1500' X 12'	
Hollowbrook Court West	Hollowbrook Ct / Root Street	Reso 239-89	387' X 14'	
Hollowbrook Lane	Root St/Skylark	Reso 239-89	2767' X 20'	
Hollowbrook Place	Root Street	Reso 239-89	418' X 14'	
Horton Lane	Route 202	Reso 382-98	435' X 18'	
Inwood Lane (Pine Lake)	In the Pine Lake Co-Op	Reso 239-89	470' X 12'	
Inwood Lane East	Inwood Lane West	Reso 239-89	2160' X 12'	
Inwood Lane West Portion	Furnace Dock Road	Reso 239-89	700' X 12'	
James Street	14 <sup>th</sup> St/12 <sup>th</sup> St. Verplanck	Reso 239-89	910' X 16'	
Juniper Lane	Inwood Lane East	Reso 166-09	232' X 10'	
Kingston Avenue	Gallows Hill Road	Reso 165-90	280' X 15'	
Lake Street	Cornell	Reso 239-89	450' X 22'	
Lakeview Road	Sprout Brook Road	Reso 30-92	1500' X 20'	
Lincoln Avenue	Pine Road	Reso 212A-76	900' X 30'	Previously adopted as Lincoln Road
Marilyn Road	East Causeway	Reso 30-92	900' X 20'	
Meadowsweet Road	Jacob and Summerset	Reso 239-89	2275' X 18'	
Montgomery Crossway	Millington/Bainsbridge	Reso 30-92	716' X 20'	
Montrose Point Road	Sunset Road	Reso 239-89	496' X 10'	
North 1 <sup>st</sup> Street	Fieldstone to Shadybrook	Reso 225-91	1140' X 30'	
North 3 <sup>rd</sup> Street	Fieldstone/Bluestone Quarry Acres	Reso 239-89	1042' X 26'	

			<b>Schedule B</b>	<b>Continued:</b>
<b>Road Name</b>	<b>Cross Street</b>	<b>Resolution</b>	<b>Length/Width</b>	<b>Correction</b>
North 4 <sup>th</sup> Street	Fieldstone/Cobblestone	Reso 239-89	1890' X 20'	
Overlook Court	Montgomery Crossway	Reso 30-92	368' X 20'	
Rick Lane Loop aka Rick Lane West	Rick Lane / Route 202	Reso 239-89	4780' X 16'	
Rick Lane	Route 202	Reso 239-89	1438' X 17'	
Rock Hill Drive	Chester Court	Reso 40-95	346' X 22'	Added Length/Width
Roundtree Lane Ext	Route 9A	Reso 382-98	815' X 25'	
Root Street	Oregon Road	Reso 239-89	785' X 20'	
Scott Lane	Hillcrest Avenue	Reso 239-89	400' X 16'	
Second Street	Broadway, Verplanck	Reso 239-89	301' X 15'	
Shaw Highway	Sunny Way/ Maple Avenue	Reso 239-89	1312' X 15'	
S. Hill Road (remaining part)	Red Mill / Trolley	Reso 239-89	430' X 16'	
Skylark Drive	Oregon Road	Reso 239-89	1475' X 20'	
Somerset Lane	No. 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup>	Reso 239-89	400' X 20'	Previously adopted As "Avenue B" or "B Street".
Spypond Road	Highland Ave (Firehouse)	Reso 239-89	200' X 20'	
Stevenson Avenue	Catherine Street	Reso 239-89	440' X 18'	Previously adopted As Stevenson Street
Steamboat Dock	Verplanck	Reso 225-91	NA	
Stuart Road	East Causeway/Millington	Reso 30-92	1118' X 20'	
Sunny Way	Red Oak Lane / Shaw Highway	Reso 93-97	1525' X 24'	Added Length/Width
Twelfth Street	James Street (Verplanck)	Reso 30-92	265' X 16'	
Upland Lane	Mt. Airy Road West	Reso 93-97	2621' X 8'	Previously adopted as Upland Trail. Added Length/Width
Van Cortlandt Place	Catherine St/Oregon Road	Reso 239-89	385' X 16'	

End List Re-Affirming: Total 56 & List of Corrections: Total Existing Section 189 Roads: 68

Total New Section 189 Roads: 2

TOTAL OF ALL Section 189 Roads adopted in this Resolution: 70