

**Resolution, Finding and Order Approving
Annexation of Two Parcels from Town/Village of Tuxedo
to Village of Tuxedo Park
Resolution 0419-09**

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Village Board of the Village of Tuxedo Park, New York on November 18, 2020, for the annexation of certain territory in the Town/Village to the Village of Tuxedo Park, said territory being described in said petition which is annexed hereto as **Schedule A** (“Annexation Parcels”); and

WHEREAS, a joint hearing of the Town Board of the Town/Village of Tuxedo and the Village of Tuxedo Park was duly noticed and published in accordance with Article 17 of the New York State General Municipal Law; and

WHEREAS, said joint hearing of the Town Board of the Town/Village of Tuxedo and the Village of Tuxedo Park was duly held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall at 1 Temple Drive, Tuxedo, NY 10987 on January 23, 2023 at 7:00 p.m. at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Town Board of the Town/Village has duly considered said petition and the evidence presented at said hearing.

NOW, THEREFORE, IT IS FOUND, RESOLVED AND ORDERED by the Village Board of the Village of Tuxedo Park finds as follows:

Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.

Section 2. That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.

Section 3. That the proposed annexation of said Annexation Parcels in the Town/Village to the Village as described in the aforesaid petition is in the overall public interest that such annexation was contemplated during the review and consideration of the Tuxedo Farms development in the Town/Village of Tuxedo and that the Town/Village, Village and Developer had entered agreements that considered and include the proposed annexation now before the Village Board; and that the Village determines such annexations are in the best interests of the Village in having such parcels inside the Village to enhance a buffer between the proposed Town/Village project development and the Village.

- Section 4. That all unpaid or delinquent taxes levied or charges made against the Annexation Parcels shall be due and payable and collected in all respects the same as if such territory had not been annexed.
- Section 5. That any other taxes levied or other charges made against or on account of the annexation for the fiscal year in which the annexation shall take effect shall be paid to the Town/Village of Tuxedo.
- Section 6. That any taxes levied or other charges made against or on account of the annexation for a fiscal year commencing after the date such annexation takes effect shall be due and payable to and collected by the Village of Tuxedo Park.
- Section 7. That the Annexation Parcels, after annexation, shall remain in the same districts with respect to Tuxedo Joint Fire District and Tuxedo Library and accordingly shall continue to pay for such services on the same terms as prior to the annexation.
- Section 8. That there is no other indebtedness, liabilities or interest in connection with Annexation Parcels and accordingly, no amount is otherwise due to the Town/Village or Village in connection with the annexation.
- Section 9. The consent and approval of the Village Board is hereby given to the annexation of the territory now situated in the Town/Village and described in the aforesaid petition (Exhibit A) to the Village.
- Section 10. That the Village Clerk shall file this Order, together with copies of the Annexation petition, the notice, the written objections, if any, and testimony and minutes of proceedings taken and kept on the public hearing.
- Section 11. That no election shall be required with respect to the instant annexation as there are no residents residing in the annexation parcels and based upon existing case law, an election is not required under such circumstances.
- Section 12. That the Mayor is hereby authorized and directed to execute this Finding, Resolution and Order.
- Section 13. The Mayor is hereby directed to cause (a) a survey to be made of the annexed territory, (b) the boundaries of the same to be marked with monuments, and (c) a map to be made of such local government including the annexed territory or, in the event such survey already exists and such boundaries are already marked, such requirement may be dispensed with upon review by the Village Engineer.
- Section 14. In cooperation with the Town/Village of Tuxedo, the Mayor shall also cause a partial map to be made of the Village and Town/Village of Tuxedo, which map shall be sufficient to show the exclusion of the Annexed territory from the Town/Village of Tuxedo and to file a copies of such map in the office of the

Village Clerk, the Town/Village Clerk, the Office of the Orange County Clerk and in the Office of the New York Secretary of State. The Mayor is authorized to arrange for the preparation of such maps through Orange County offices, including the Geographic Information Systems office and/or Real Property Tax Office.

Section 15. With respect to any issues that arise with finalizing the annexation of the Annexation Parcels, the Village shall work cooperatively with the Town/Village of Tuxedo.

Section 16. The Mayor, and any officer, employee or consultant, as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Finding, Resolution and Order.

Section 17. This Resolution, Finding and Order shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call by Mayor McFadden, seconded by Trustee Brooke, which resulted as follows:

	<u>Ayes</u>	<u>Noes</u>	<u>Abstain</u>	<u>Absent</u>
Mayor David McFadden	[X]	[]	[]	[]
Deputy Mayor Tinka Shaw	[X]	[]	[]	[]
Trustee Christopher Kasker	[X]	[]	[]	[]
Trustee Joshua Scherer	[X]	[]	[]	[]
Trustee Paul Brooke	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.