

LOCAL LAW NO.9-2023

BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

LOCAL LAW AUTHORIZING THE DISCONTINUANCE AS A PUBLIC STREET AND CONVEYANCE OF A PORTION OF OLD SAW MILL RIVER ROAD

BE IT ENACTED by the City Council of the City of Yonkers as follows:

Section 1. Pursuant to section 101 of the New York Second Class Cities Law and section 29 of the New York General City Law, the portion of Old Saw Mill River Road located in Yonkers, New York between the tax lots now or formerly designated on the Official Tax Map of the City of Yonkers as Section 3, Block 3245, Lots 469, 470, 475, and 477 and described more fully in **Appendix A**, which is attached hereto and incorporated herein by reference (the "**Property**"), is hereby discontinued as a public street and removed from the Official Map of the City of Yonkers upon the recommendation of the affected departments of the City of Yonkers and the recommendation of the Planning Board of the City of Yonkers, subject to the following conditions:

- (1) the reservation of any required easements, if any, including, but not limited to, easements providing for full and complete access for future maintenance or repair of existing utilities running within the Property
- (2) the conveyance of the Property to Waverly Properties, LLC or its Affiliate, as defined in the purchase and sale agreement referenced herein, (the "**Grantee**") and combination of the Property with the contiguous property owned by Grantee;
- (3) the conditions set forth in the Planning Board Recommendation; and
- (4) any further conditions that are in the best interests of the City of Yonkers (the "**City**")

LOCAL LAW NO.9-2023 (CONTINUED)

Section 2. New York General City Law § 23 and New York Second Class Cities Law § 37 are hereby superseded, to the extent herein provided, as follows:

The City Council of the City of Yonkers, having determined that the Property is not currently being used and cannot be developed by the City for any intended municipal purpose and is thereby considered surplus, hereby authorizes the Mayor to convey the Property by private sale to Grantee pursuant to the purchase and sale agreement between the City of Yonkers and Grantee dated August 8, 2019, which was authorized by Resolution 27-2019 of the City Council adopted February 26, 2019. The conveyance of the Property is expressly conditioned upon the reservation the conditions set forth in section 1 of this local law.

Section 3. Upon compliance with conditions stated herein, the affected departments of the City of Yonkers shall amend the necessary City records, including the Official Map of the City of Yonkers and the Official Tax Map of the City of Yonkers, whereby the discontinued portion of Old Saw Mill River Road shall be combined with the existing adjacent tax lot or lots owned by Grantee.

Section 4. This local law is subject to a permissive referendum.

Section 5. This local law shall take effect no earlier than 45 days after its adoption, or until it is approved by the affirmative vote of the qualified electors of the City of Yonkers if a petition is brought, and upon its filing with the New York State Secretary of State.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

L. Carl Bellamy  
COUNCIL PRESIDENT

3/3/2023  
DATE

SENT TO MAYOR \_\_\_\_\_  
DATE

[Signature]  
MAYOR

APPROVED 3/21/23  
DATE

ATTEST:  
Michael Dammell  
DEPUTY CITY CLERK

3/21/23  
DATE

**SCHEDULE "A"**  
**(ROAD BED)**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE CITY OF YONKERS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, BEING A PORTION OF THE ROAD BED OF OLD SAW MILL RIVER ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF SAW MILL RIVER ROAD (ROUTE 9A), AT THE INTERSECTION WITH THE EASTERLY SIDE OF OLD SAW MILL RIVER ROAD (PAPER STREET), SAID POINT BEING DISTANT 962.38 FEET AS MEASURED NORTHERLY ALONG THE EASTERLY SIDE OF SAID SAW MILL RIVER ROAD (ROUTE 9A) FROM THE NORTHERLY SIDE OF DELAWARE ROAD;

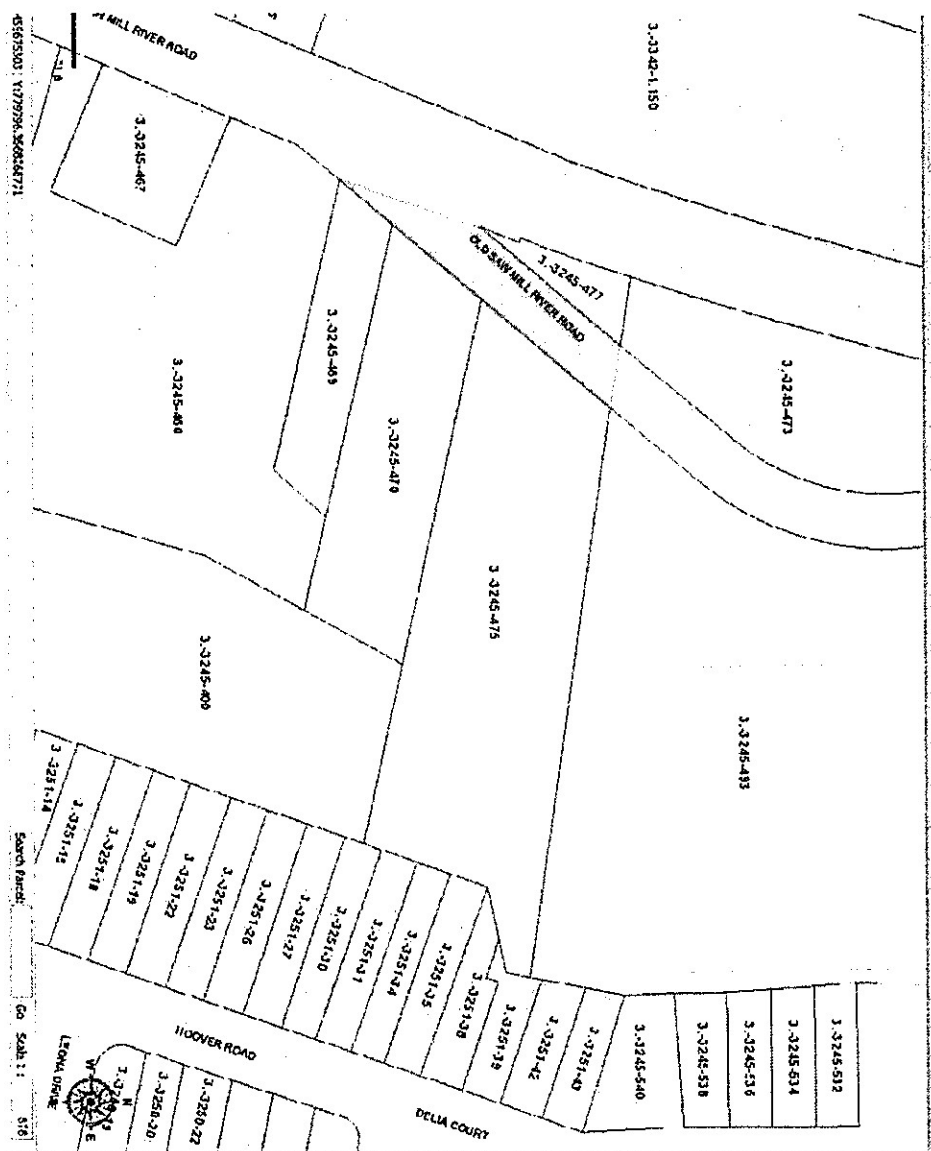
RUNNING THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SAID EASTERLY SIDE OF OLD SAW MILL RIVER ROAD (PAPER STREET), THE FOLLOWING FOUR COURSES, NORTH 40° 45' 35" EAST, A DISTANCE OF 65.67 FEET, NORTH 42° 52' 25" EAST, A DISTANCE OF 27.23 FEET, NORTH 38° 42' 30" EAST, A DISTANCE OF 81.51 FEET, NORTH 41° 25' 15" EAST, A DISTANCE OF 124.66 FEET TO A POINT;

RUNNING THENCE IN A WESTERLY DIRECTION THROUGH SAID OLD SAW MILL RIVER ROAD (PAPER STREET), NORTH 84° 54' 01" WEST, A DISTANCE OF 38.11 FEET TO THE WESTERLY SIDE OF SAID OLD SAW MILL RIVER ROAD (PAPER STREET);

RUNNING THENCE IN A SOUTHERLY DIRECTION, ALONG THE SAID WESTERLY SIDE OF OLD SAW MILL RIVER ROAD SOUTH 40° 40' 21" WEST, A DISTANCE OF 174.94 FEET TO A POINT ON THE EASTERLY SIDE OF SAW MILL RIVER ROAD (ROUTE 9A);

RUNNING THENCE IN A SOUTHERLY DIRECTION, ALONG THE SAID EASTERLY SIDE OF SAW MILL RIVER ROAD (ROUTE 9A), SOUTH 23° 39' 43" WEST, A DISTANCE OF 106.54 FEET TO THE POINT OR PLACE OF BEGINNING.

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