

RESOLUTION CONFIRMING THE WIDTH OF A PUBLIC RIGHT OF WAY OWNED BY THE VILLAGE OF FAIRPORT RELATING TO THE NORTHERLY PORTION OF PARKER STREET LOCATED IN THE VILLAGE OF FAIRPORT

WHEREAS, a portion of the public right of way known as Parker Street runs north and south between the Erie Canal and Liftbridge Lane East (formerly known as Johns Street); and

WHEREAS, all known and current highway department records and tax maps show that portion of Parker Street situate north of the Erie Canal is 33 feet wide and runs between four properties identified by tax account numbers 153.13-1-77, 153.13-1-75, 153.09-4-65.1 and 153.09-4-61.1; and

WHEREAS, the Village of Fairport was recently presented with a map made by John F. Skinner, C.E. dated December 1890 (the "Skinner Map"), attached hereto as Exhibit A, inconsistent with Village records as it depicts that portion of Parker Street north of the Erie Canal to be a 49.5 foot right of way and that portion of Parker Street south of the Erie Canal to be a 33 foot right of way; and

WHEREAS, the Skinner Map is inconsistent with all available modern maps and references, the construction and development alongside Parker Street, the Village's and public's use of the right of way, and the Village's maintenance of the right of way. The Skinner Map's inaccurate locations, measurements, proportions and angles/directions of the Parker Street right of way are illustrated in red on the Instrument Survey Map made by BME Associates, dated January 15, 2020 (the "BME Map"), attached hereto as Exhibit B; and

WHEREAS, for over a century, the Village of Fairport has been maintaining that portion of Parker Street situate north of the Erie Canal has a 33 foot right of way, consistent with the black outline of Parker Street on the BME Map; and

WHEREAS, the Village of Fairport desires to clarify and confirm the correct position and width of that portion of Parker Street situate north of the Erie Canal into a written document in the form of this resolution; now, therefore, be it

RESOLVED, that the Village of Fairport hereby finds and declares that the 1890 Map is an erroneous and inaccurate depiction of Parker Street for all of the reasons set forth herein, including because it depicts a 49.5 foot wide right of way when in fact the right of way is actually 33 feet wide, and, be it further

RESOLVED, that the Village of Fairport declares that such portion of Parker Street situate north of the Erie Canal is a 33 foot right of way, and shall continue to be maintained as such, including along with any prescriptive easements that the Village of Fairport has gained and maintained over the past century.

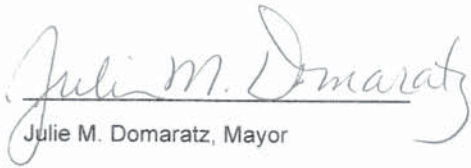
ATTEST:

I, Megan C. Anderson, the duly appointed Village Clerk of the Village of Fairport, Monroe County, New York, do hereby certify that the following resolution was adopted at a work session meeting of the Village Board held on March 3, 2020 and is incorporated in the original minutes of said meeting and that said resolution has not been altered, amended or revoked and is in full force and effect.



Megan C. Anderson

Megan C. Anderson, Clerk-Treasurer



Julie M. Domaratz

Julie M. Domaratz, Mayor

EXHIBIT A

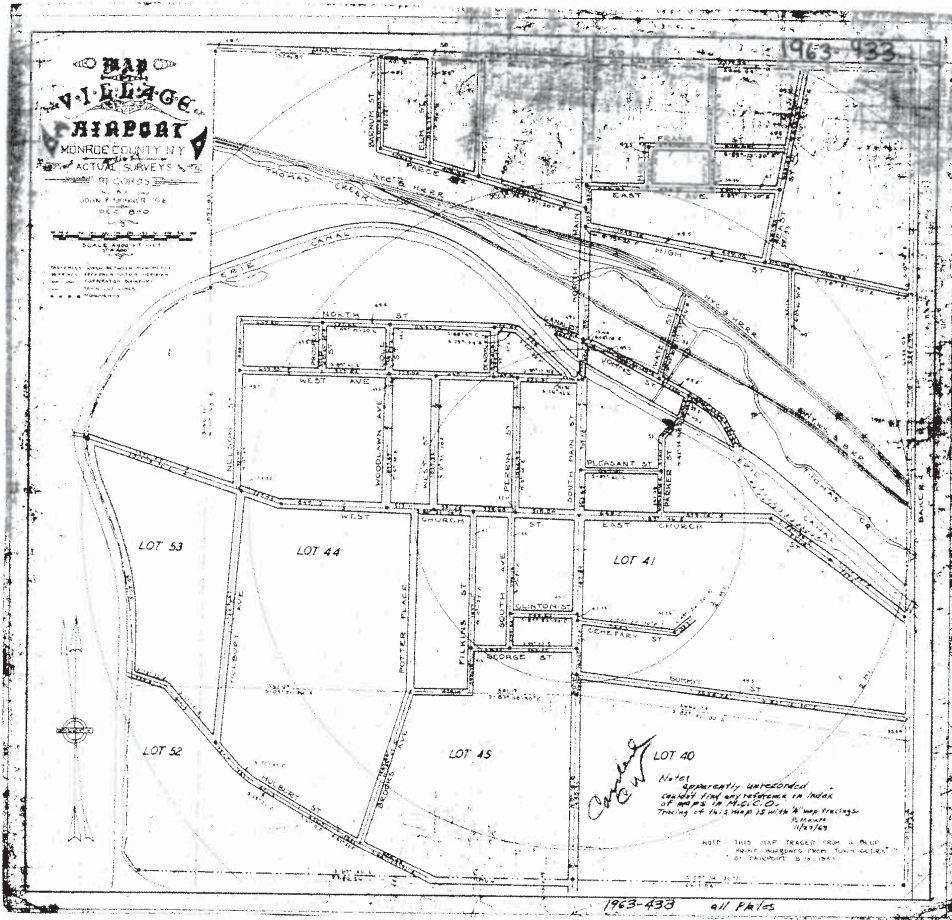


EXHIBIT A DETAIL

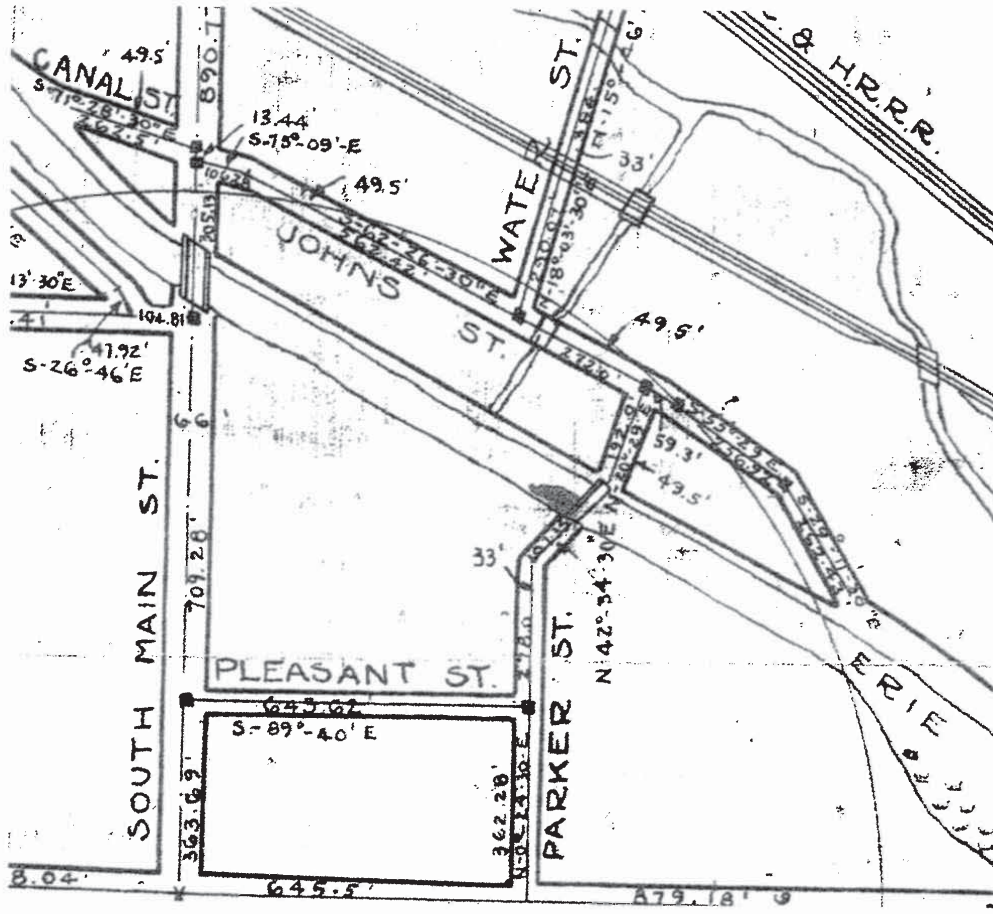


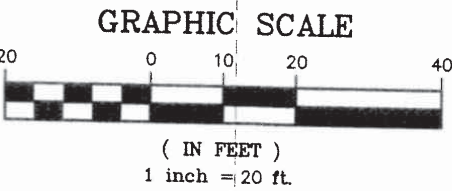
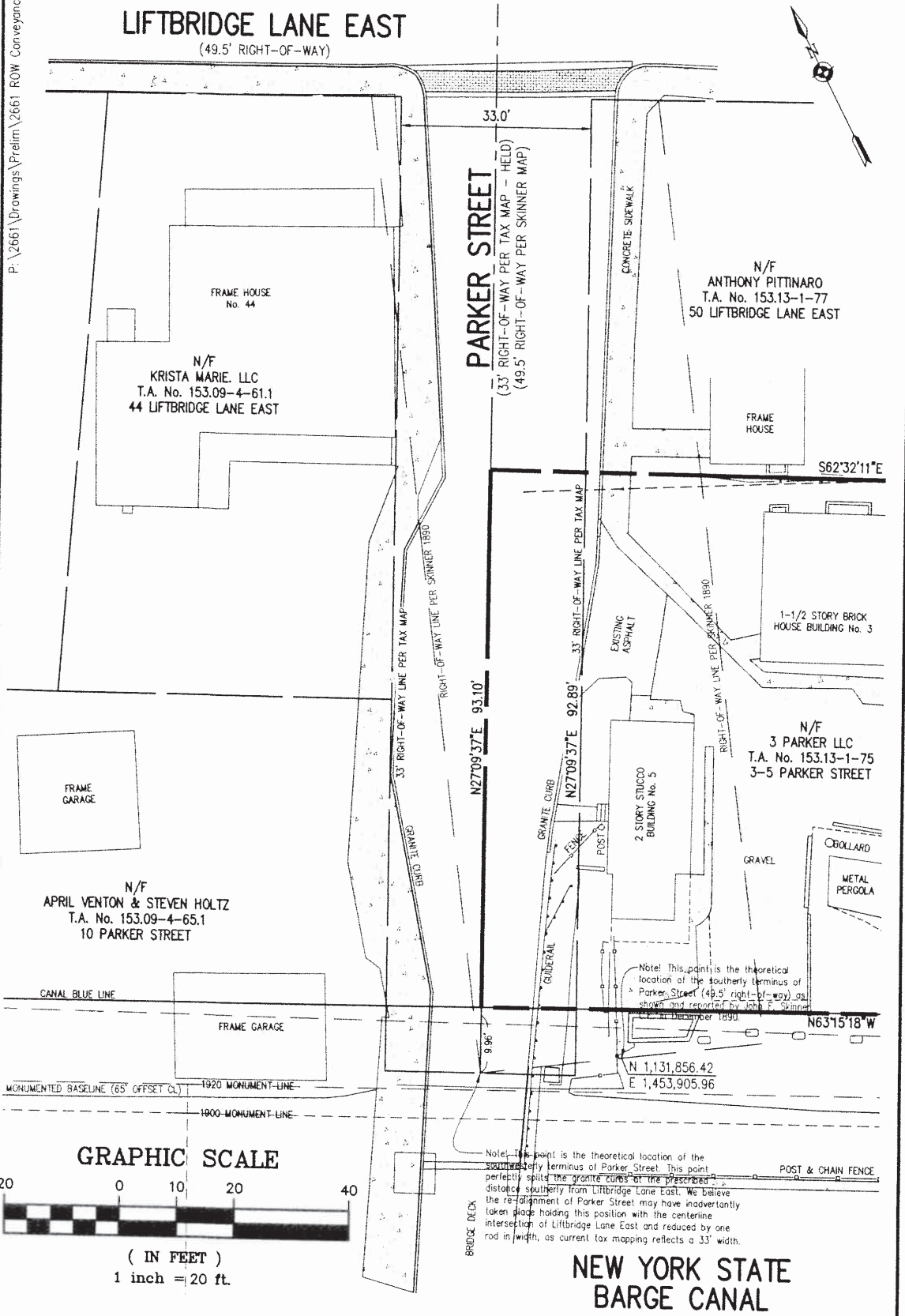
EXHIBIT B



LIFTBRIDGE LANE EAST

(49.5' RIGHT-OF-WAY)

P:\2661\Drawings\Prelim\2661 ROW Conveyance.dwg



**NEW YORK STATE
BARGE CANAL**

THIS MAP AND THE INFORMATION SHOWN HEREON IS NOT TO BE USED WITH AN "AFFIDAVIT OF NO CHANGE." BME ASSOCIATES ASSUMES NO LIABILITY TO THE PARTIES NOTED HEREON OR TO ANY FUTURE OWNER, TITLE COMPANY, GOVERNMENTAL AGENCY, ATTORNEY, OR LENDING INSTITUTION IN THE EVENT THAT THIS MAP IS USED WITH AN "AFFIDAVIT OF NO CHANGE," OR SIMILAR INSTRUMENT.
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 UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 2209, OF THE NEW YORK STATE EDUCATION LAW."

<p>BME ASSOCIATES ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS 16 LIFT BRIDGE LANE EAST FAIRPORT, NEW YORK 14450 PHONE 585-377-7360 FAX 585-377-7509</p>	<p>PARKER STREET R.O.W. CONVEYANCE VILLAGE OF FAIRPORT MONROE COUNTY NEW YORK</p>
	<p>DRAWN BY: GDB DATE: 1-15-20</p>

SCALE: 1"=20'
 DWG NO: 2661-09