

**Town of Olive  
Resolution #1 of 2025**

**IN THE MATTER OF THE ACQUISITION OF CERTAIN FEE ACQUISITION, PUMP STATION, AND ACCESS  
EASEMENTS BY EMINENT DOMAIN**

**RESOLUTION SCHEDULING A PUBLIC HEARING**

In The Matter of The Acquisition of Certain Propety Rights Required For Public Project By The  
Town of Olive, New York:

**WHEREAS**, the Shokan Sewer District ("District") was formed in 2022 to address certain deficiencies in the existing on-site wastewater treatment and disposal facilities on both residential and commercial properties in the Hamlet of Shokan through the construction of a publicly-owned and operated wastewater treatment plant (WWTP) and wastewater collection system including pump stations and related infrastructure, with related work (the "Project"); and

**WHEREAS**, the District was formed following a referendum held in the manner provided in Town Law Article 7, in which a majority of the property owners within the proposed service area voted in favor of the Project; and

**WHEREAS**, since 2022, the Town has been working with its legal and technical consultants to finalize the Project design and to acquire the property rights that are necessary to construct and operate the system; and

**WHEREAS**, by Resolution #12 of 2024, the Town Board identified ten (10) parcels where fee acquisition or permanent easements were required to site pump stations and related infrastructure ("Pump Stations") and/or to access required Pump Stations; and

**WHEREAS**, Resolution #12 of 2024 authorized the Town and its legal agents to acquire the required property interest by use of Eminent Domain while continuing to work with each affected property owner to agree on a purchase price that would avoid the need for Eminent Domain or potential litigation over compensation; and

**WHEREAS**, the Town and its consultants have been successful in acquiring necessary easements on seven (7) of the parcels identified in Resolution #12 of 2024, leaving only three (3) parcels remaining where fee acquisition or permanent easements are required to construct required Pump Stations or to access required Pump Stations:

- Fee Acquisition of a 0.16-acre parcel (Tax Parcel 37.73-1-35) for construction of Pump Station #6 ("Parcel 1"); and
- Permanent Pump Station Easements of 5,600 SF and 2,200 SF (Tax Parcel 37.3-3-13) for construction of Pump Stations #7 and #8 and related utilities ("Parcel 2"); and
- Permanent Access Easement of 5,500 SF (Tax Parcel 37.18-2-39.100) for access to Pump Station 5 and installation of utilities ("Parcel 6"); and

**WHEREAS**, as set forth in Resolution #12 of 2024, the Town's acquisition of these property interests is integral to and necessary for implementing the Project. The Project is necessary to protect the health and safety of the community and to protect the water supply to New York City and the proposed location for the Project was the product of a rigorous analysis that was performed in conjunction with the environmental review for the Project under the State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, as part of the Preliminary Engineering Report investigation, on behalf of the Town, Lamont Engineers conducted an exhaustive search for a suitable system and locations for the community system and have engaged in numerous outreach efforts to affected property owners; and

**WHEREAS**, despite these efforts, to date, the Town has been unable to acquire the remaining fee acquisition and permanent easements required to construct and/or access the Pump Stations through a voluntary conveyance and payment of just compensation to affected property owners; and

**WHEREAS**, the Town Board has determined further delay in the acquisition of the remaining property interests on the above-listed parcels is not in the public interest, and therefore, it must proceed with acquisition of property interests by eminent domain; and

**WHEREAS**, by Resolution #12 of 2024, the Town Board previously determined that the contemplated acquisitions of the property interests to construct and access Pump Stations, shall be pursuant to Article 2 of the New York State Eminent Domain Procedure Law; and

**WHEREAS**, the Board had previously complied with the mandates of SEQRA for the entire Project including land acquisition.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN OF OLIVE TOWN BOARD, ULSTER COUNTY, NEW YORK:**

**THAT THE** Town of Olive Town Board hereby determines that further delay to achieve voluntary compliance to acquire the aforementioned property rights in furtherance of the Project is not practicable and would prejudice the Project and reiterates authorization given in Resolution #12 of 2024 for the Town and its legal agents to acquire the required property interests on the parcels listed above by use of Eminent Domain; and

**THAT THE** Town of Olive Town Board hereby determines, as reflected by the Project maps for the Project, acquisition of following property interests by Eminent Domain is necessary for the Project;

- Fee Acquisition of a 0.16-acre parcel (Tax Parcel 37.73-1-35) for construction of Pump Station #6 ("Parcel 1" reputed to be owned by Olive Woods, LLC); and
- Permanent Pump Station Easements of 5,600 SF and 2,200 SF (Tax Parcel 37.3-3-13) for construction of Pump Stations #7 and #8 and related utilities ("Parcel 2" - reputed to be owned by Olive Woods, LLC); and

- Permanent Access Easement of 5,500 SF (Tax Parcel 37.18-2-39.100) for access to Pump Station 5 and installation of utilities ("Parcel 6" - reputed to be owned by Lucky Petroleum, Inc.).

**BE IT FURTHER RESOLVED,** that the Town of Olive Town Board hereby authorizes the Town and its legal agents to work with each affected property owner to agree on a purchase price in order to avoid the need to engage in Eminent Domain or potential litigation over compensation; and

**BE IT IS FURTHER RESOLVED,** that the Town of Olive Town Board shall comply with all requirements of Article 2 of the Eminent Domain Procedure Law, by giving due notice, and holding a public hearing on February \_\_, 2025 at \_\_ p.m., relative to the Town's proposed acquisition of the property interests on Parcel 1, Parcel 2, and Parcel 6 identified above.

**BE IT IS FURTHER RESOLVED,** that the Town Board and the attorneys for the Town are hereby directed to take such actions as are necessary to implement this resolution.

Whereupon, the Resolution was put to a vote, recorded as follows:

**AND MOVES ITS ADOPTION**

Motion made by:

Seconded by:

	Aye	Nay	Abstain
Jim Sofranko, Supervisor	_____	_____	_____
Drew Boggess, Board Member	_____	_____	_____
Scott Kelder, Board Member	_____	_____	_____
David Edinger, Board Member	_____	_____	_____
Victoria Read, Board Member	_____	_____	_____

Dated this 14<sup>th</sup> Day of January, 2025

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Dawn Giuditta, Town Clerk