

TOWN OF CHESTER
RESOLUTION SUBJECT PERMISSIVE REFERENDUM AUTHORIZING LEASE OF
PROPERTY AND RELATED EASEMENT

TITLE: A resolution subject to permissive referendum authorizing an Option and Lease of Town-owned property, plus any necessary access and utility easements with Chester Solar 1, LLC and Broadlea Rd Solar 1, LLC, as amended, for parcels SBL 9-1-4, SBL 9-1-5.22, SBL 9-1-5.21, SBL 20-1-12, and SBL 20-2-20.

WHEREAS, on June 9, 2021, at a meeting of the Chester Town Board, a Motion was offered to and adopted by the Chester Town Board to authorize the Supervisor to sign an Option and Lease Agreement with Chester Solar 1, LLC, pending attorney review, for parcel SBL 9-1-4, for use for a solar generating facility and related infrastructure; and

WHEREAS, on September 30, 2021, at a meeting of the Chester Town Board, a Motion was offered to and adopted by the Chester Town Board to authorize the Supervisor to sign a First Amendment to Option and Lease Agreement with Chester Solar 1, LLC and Option and Easement Agreement with Broadlea Rd Solar 1, LLC pending attorney review with respect to parcels SBL 9-1-5.22, SBL 9-1-5.21, SBL 20-1-12, and SBL 20-2-20; and

WHEREAS, the Town Board now wishes to ratify those actions, confirm the status of the leased properties and grant final approval subject to permissive referendum.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Chester as follows:

1. The actions of the Board as to the Option and Lease, and any necessary easements for project infrastructure, are hereby ratified and the Lease, as amended, approved.
2. As to the subject parcels, the Board affirms
 - a) The lots in question were not dedicated or accepted for use as a park or for any other public purpose.
 - b) The approval of the subdivision entitled "Ashford Estates Cluster Subdivision" did not require the dedication of the open space for public purpose or use.
 - c) No State or Federal funds were used to improve or maintain the dedicated parcels.
 - d) The parcels have never been dedicated or managed for recreational or public purposes.
 - e) The Town is authorized to sell, lease or grant an easement and/or right of way to these parcels without State or Federal legislative approval, subject to permissive referendum and the lease and easement were approved in accordance with all State and municipal laws, rules and regulations.
3. This resolution is subject to permissive referendum. The Town Clerk shall within ten days after the adoption of this resolution post and publish a notice which shall set forth the date of the adoption of the resolution and contain an abstract of it concisely stating the purpose and effect thereof, which notice shall specify that this resolution was adopted subject to a permissive referendum.

VOTE:

Robert Valentine	<u> AYE </u>
Antonio Ardisana	<u> AYE </u>
Robert Courtenay	<u> AYE </u>
Brandon Holdridge	<u> AYE </u>
Cynthia Smith	<u> AYE </u>