

NOTICE OF TOWN BOARD RESOLUTION

TOWN OF ALLEGANY, NEW YORK

WHEREAS, this Town Board has been notified that considerable damage has been done to Town Highways as a result of excavations made across said Highways by certain individuals laying drainage, sewer and water pipes, and

WHEREAS, the Town Superintendent of Highways did on the 7th day of July, 1959 duly recommend that precautions be taken against such damage, and

WHEREAS, Section 149 of the Highway Law of the State of New York provides as follows:

The town superintendent may, with consent of the town board, upon the written application of any resident or taxpayer of his town or a corporation, grant permission for an overhead or underground crossing, or to lay and maintain drainage, sewer and water pipes under ground within the portion therein described of a town highway. Permission shall not be granted for the laying and maintaining of such pipes under the travelled part of the highway, except across the same, for the purposes of sewerage and draining swamps or other lands, and supplying premises with water. Such permission shall be granted upon the condition that such pipes and hydrants or crossings shall be so laid, set or constructed as not to interrupt or interfere with public travel upon the highway, and upon the further condition that the applicant will replace the earth removed and leave the highway in all respects in as good condition as before the laying of said pipes, or construction of such crossings, and that such applicant will keep such pipes and hydrants or crossing in repair and save the town harmless from all damages which may accrue by reason of their location in the highway, and that upon notice by the town superintendent the applicant will make the repairs required for the protection or preservation of the highway. The permit of the town superintendent, with the consent of the town board or county superintendent, and the acceptance of the applicant, shall be executed in duplicate, one of which shall be filed in the office of the town clerk and the other in the office of the county superintendent. In case the applicant shall fail to make any of the repairs required to be made under the permit, they may be made by the

town superintendent at the expense of the applicant, and such expenses shall be a lien, prior to any other lien, upon the land benefited by the use of the highway for such pipes, hydrants or structures. The town superintendent may revoke such permit upon the applicant's failure to comply with any of the conditions contained therein, and

WHEREAS, Section 320 of the Highway Law of the State of New York, provides as follows:

Whoever shall injure any highway or bridge maintained at the public expense, by obstructing or diverting any creek, water-course or sluice, or by dragging logs or timber on its surface or by drawing or propelling over the same a load of such weight as to injure or destroy the culverts or bridges along the same, or of such weight that will destroy, break or injure the surface of any improved state highway; county road or town highway, or by any other act, or shall injure, deface or destroy any mile-stone or guide post erected on any highway, shall for every such offense forfeit treble damages.

NOW, THEREFORE, upon motion of Hastings and seconded by Jones, it is

RESOLVED AND DETERMINED, that pursuant to Section 149 of the Highway Law, no person or persons shall lay or maintain or cause to be laid or maintained any drainage, sewer, or water pipes across any portion of a Town Highway without a permit being obtained from the Town Superintendent of Highways with the consent of this Town Board for such purposes and it is further,

RESOLVED, that a written application for such permit shall be submitted to the Town Superintendent of Highways at the Town of Allegany Highway Department Office, at Harriett Street in the Village of Allegany, said application shall contain the nature of the easement sought together with a general description of the immediate area involved, and it is further

RESOLVED, that the Town Clerk be and she is hereby directed to cause a certified copy of this resolution to be published in due form in the Allegany Citizen, Village of Allegany, New York, that being the official paper of this town, in its issue of July 16, 1959 and in the Olean Times Herald, a newspaper published in the City of Olean, New York in its issue of July 16, 1959.

Dated: July 7, 1959

J. M. ...
Supervisor