

SYNOPSIS OF THE DETERMINATION AND FINDINGS OF
THE VILLAGE OF MANCHESTER VILLAGE BOARD FOLLOWING
THE CONCLUSION OF THE PUBLIC HEARING CONCERNING THE PROPOSED
TAKING BY EMINENT DOMAIN OF A PORTION OF
69 CLIFTON STREET, IN THE VILLAGE OF MANCHESTER, STATE OF NEW YORK

Pursuant to Section 204 of the Eminent Domain Procedure Law, the Village of Manchester, on December 05, 2022, made the following findings and determinations relative to the Village of Manchester's proposed acquisition, by eminent domain, of approximately 0.48 acre (21,087 +/- sq. ft.) of the property located at 69 Clifton Street, Manchester, New York, also known as Tax Map No. 32.14-2-11.120 (the "Property"), such area to be located contiguous to and at the stub end of Newton Street (the area to be acquired by eminent domain to be referred to herein as the "Newton Street Extension"):

1. That the Newton Street Extension would begin at the stub-end of Newton Street and extend southerly into the Property and include a roughly 75' diameter circle that would enclose a roughly 55' diameter cul-de-sac that would be surrounded by a roughly 5' wide shoulder and a roughly 10' wide area to allow for the placement of snow when the Village were to plow the cul-de-sac.
2. That there is no other possible location for a turn-around at the stub-end of Newton Street as Newton Street ends in a fixed location and the proposed design of the cul-de-sac in the Newton Street Extension area proposes the smallest area in which a cul-de-sac could be constructed that meets village road design and construction requirements and standards.
3. That the acquisition of the Newton Street Extension by the Village of Manchester will allow the following public use and achieve the following public purposes and benefits:
 - A. It will permit the Village of Manchester to construct a cul-de-sac turn-around at the stub end of Newton Street, a village road, and to open such cul-de-sac to the public as a continuation of Newton Street, thereby providing to the public a safe, reliable and more efficient way for motor vehicles, especially larger vehicles, such as fire trucks, school buses, Village snow plows, delivery trucks and the like, to turn around and exit Newton Street
 - B. Because the public traveling on Newton Street have in the past used and presently use some of the area of the Property proposed to be acquired for the Newton Street Extension for turn-around purposes, thereby exposing the owners of the Property to the risk of liability should there be an accident on the Property or should someone get injured or die on the Property while using such area for turn-around purposes, the acquisition of the Newton Street Extension by the Village of Manchester will remove such risk of liability from the owners of the Property and place such risk on the Village of Manchester, as it is for all Village roads.
 - C. Given that one of the owners of the Property, Steven P. Huber, recently barricaded the public from accessing the Property at the stub end of Newton

Street so that the public could not turn around on the Property, as it had done in the past, the acquisition of the Newton Street Extension by the Village of Manchester will ensure that the cul-de-sac to be constructed will remain open to the public and will eliminate the possibility that the area of the Property presently being used, at the sole and voluntary discretion of the Property owners, by the public for turn-around purposes off Newton Street will again be barricaded by the current or future owners of the Property.

- D. Given that, at the time he barricaded the Property from the public, Mr. Huber removed some or all of the base installed by the Village of Manchester underneath the area of the Property presently being used by the public for turn-around purposes off of the stub end of Newton Street and, thereby, destabilized such area and made such area less safe and less certain to sustain the weight of larger vehicles using such area for turn-around purposes, the acquisition of the Newton Street Extension by the Village of Manchester will ensure that the cul-de-sac to be constructed on the Newton Street Extension is constructed to Village highway specifications that will support the weight and use of such area by all motor vehicles, as all Village roads must be, especially larger vehicles, such as fire trucks, school buses, Village snow plows, delivery trucks and the like and that the public's use of the Property is not subject to its owners removing the underlying base of or otherwise altering the land that is presently being used at the stub end of Newton Street for turn-around purposes.

4. That the Property is 19.8487 acres and is occupied by a single-family house that has ingress and egress via a driveway connecting to Clifton Street.

5. That the 0.48-acre area of the Newton Street Extension of the Property is vacant and is separated from the house on the Property by a large, wooded area.

6. That there will be no significant adverse effect from the Village of Manchester acquiring the land for the Newton Street Extension and constructing the contemplated cul-de-sac, to the environment or upon the residents of the area and locality immediately adjacent and in close proximity to the Property, given that the area of the Newton Street Extension is already being and has long been used by the public, with the voluntary permission of the owners of the Property, as a turn-around area at the stub-end of Newton Street, and this acquisition and cul-de-sac construction will simply allow such turn-around to continue, but in the form of a Village highway as an extension to Newton Street, where the construction is up to Village road specifications and the cul-de-sac will never be at risk of being barricaded.

COPIES OF THE DETERMINATION AND FINDINGS OF THE VILLAGE OF MANCHESTER VILLAGE BOARD RELATIVE TO THE ABOVE REFERRED TO ACQUISITION AND CONDEMNATION WILL BE FORWARDED UPON WRITTEN REQUEST WITHOUT COST.

Dated: December 6, 2022

By Order of the Village of Manchester