

**NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO
PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Babylon, County of Suffolk, State of New York, at a regular meeting thereof held on the 27th day of September 2017, duly adopted a resolution, subject to a Permissive Referendum, an abstract of which is as follows:

RESOLUTION NO. 751 SEPTEMBER 27, 2017

CONSENTING TO ABANDONMENT OF A TRACT OF LAND KNOWN

AS A PORTION OF 41ST STREET, PART OF WHICH IS SITUATED IN THE HAMLET OF LINDENHURST IN THE TOWN OF BABYLON AND PARTLY IN THE VILLAGE OF LINDENHURST, NEW YORK, ADJACENT TO SCTM #0100-201-01.00-025.000, 024.000, 023.000, 022.000; 0100-201-02.00-064.032, 064.030; 0100-201-02.00-066.002 (LOCATED IN THE TOWN OF BABYLON) AND 0103-01.00-01.00-030.000, 029.000, 028.000, 027.001, 037.001, 032.000 (LOCATED IN THE VILLAGE OF LINDENHURST)

WHEREAS, 515 Jackson Ave, LLC, with an address at 164 Ocean Avenue, Lindenhurst, New York 11757, is the owner of the tracts of land known and designated as SCTM Nos. **0100-0100-201-01.00-025.000, 024.000, 023.000, 022.000**, situated in the Town of Babylon, County of Suffolk, State of New York; 515 Jackson Ave, LLC, with an address at 164 Ocean Avenue, Lindenhurst, New York 11757, is also the owner of the tracts of land known and designated as SCTM Nos. **0103-01.00-01.00-030.000, 029.000, 028.000, 027.001, 037.001, 032.000** situated in the Village of Lindenhurst, County of Suffolk and State of New York, the Town of Babylon is the owner of the tract of land know and designated as SCTM No. **0100-201-02.00-066.002** situated in the Town of Babylon, County of Suffolk, State of New York; and 11 Claire Court, LLC with an address at 164 Ocean Avenue, Lindenhurst, New York 11757, is the owner of the tracts of land known and designated as SCTM Nos. **0100-201-02.00-064.032 and 064.030** situated in the Town of Babylon, County of Suffolk, State of New York, collectively the "Properties", and

WHEREAS, the aforementioned owners seek the abandonment of that portion of 41st Street that adjoins all the Properties described above and as further depicted on the annexed legal description, attached hereto as Exhibit A and survey on file in the Office of the Town Clerk; and

WHEREAS, certain maps subdividing the Properties adjoining 41st Street situated in the Town of Babylon and Village of Lindenhurst, County of Suffolk and State of New York were filed as follows: Amended Map of Amityville Terrace, filed on October 7, 1926 as Map No. 642, Map of Lindenhurst Square, Lindenhurst, L.I., Town of Babylon Property of Manhattan Real Estate Company, filed on November 16, 1907 as Map No. 347, Map of Property at Wellwood, Long Island, on the South Side Railroad, made by J. Sammis Surveyor, in 1869, and on file in the Suffolk County Clerk's Office also known as and by the lot, block and sheet numbers, and Map of the City of Breslau, a/k/a Map of Wellwood, Sheet 4, made by R.B. Wheeler, Surveyor, in 1879 and filed in the Suffolk County Clerk's Office as Map No. 155 on November 20, 1879, and

WHEREAS, more than twenty (20) years has elapsed since the filing of said maps; and

WHEREAS, the Commissioner of Department of Public Works has no objection to the proposed abandonment; and

NOW, THEREFORE, be it

RESOLVED, that consent is given by the Town Board of the Town of Babylon to the parties seeking the abandonment of that portion of 41st Street in the Hamlet of Lindenhurst, Town of Babylon, County of Suffolk and State of New York, adjacent to SCTM Nos. 0100-0100-201-01.00-025.000, 024.000, 023.000, 022.000, 0100-201-02.00-066.002, 0100-201-02.00-064.032 and 064.030 and subject to the endorsement of approval of the Assessor of the Village of Lindenhurst as it pertains to that portion of 41st Street to be abandoned within the boundaries of the Village of Lindenhurst, and

RESOLVED, that the parties seeking this abandonment shall file and cause to be recorded in the Suffolk County Clerk's Office, the Town of Babylon Town Clerk's Office, and the Village of Lindenhurst Village Clerk's Office, a Certificate of Abandonment containing a written description of the tract of land known as 41st Street to be abandoned as stated above and as set forth in Exhibit "A" attached hereto according to Subdivision 3 of Section 335 of the Real Property Law of the State of New York; and be it further

RESOLVED, that this resolution shall be subject to a permissive referendum and the Town Clerk is hereby directed to publish a notice of adoption of this resolution.

Exhibit A

(The Portion of 41st Street to be abandoned)

ALL that certain piece or parcel of land, forming a portion of 41" Street (not open) the easterly portion of which is situate at the Village of Lindenhurst, Suffolk County, New York and the westerly portion of which is situate of the Town of Babylon, Suffolk County, New York.

Known and designated as the bed of 41" Street where its easterly end intersects with the southerly end of Copiague Road as shown on the following filed maps:

"Amended Map of Amityville Terrace", filed on October 7, 1926, as Map No. 642

"Map of Lindenhurst Square, Lindenhurst, L.I., Town of Babylon Property of Manhattan Real Estate Company", filed on November 16, 1907 as Map No. 347

"Map of Property at Wellwood, Long Island, on the South Side Railroad, made by J. Sammis, Surveyor, in 1869", and on file in the Suffolk County Clerk's Office, also known as and by the lot, block and sheet numbers on

"Map of the City of Breslau" a/k/a "Map of Well wood, Sheet 4" made by R.B. Wheeler, Surveyor, in 1879 and filed in the Suffolk County Clerk's Office as Map No. 155 on November 20, 1879

"Map of Amityville Terrace", filed in the Suffolk County Clerk's Office as Map No. 529

Which said bed of street is more particularly bounded and described as follows:

BEGINNING at a point on the Northerly side of 41 51 Street where same is intersected by the division line between Lots 38 and 39, in Block 5 as shown on the "Amended Map of Amityville Terrace", filed in the Suffolk County Clerk's Office on 10/7/1926 as Map Number 642;

RUNNING THENCE along the Northerly side of 41 51 Street (not open) South 71 degrees 43 minutes 05 seconds East, 292.89 feet;

RUNNING THENCE and continuing along the Northerly side of 41 51 Street (not open) North 87 degrees 01 minutes 48 seconds East, 126.04 feet to the easterly side of Copiague Road and the easterly end of 4 151 Street;

RUNNING THENCE along the easterly end of 41 Street (not open) South 00 degrees 28 minutes 05 seconds East 35.15 feet;

RUNNING THENCE South westerly along the end of 41 Street (not open) South 57 degrees 42 minutes 10 seconds West, 63.82 feet;

RUNNING THENCE along the Southerly side of 41 Street (not open) South 88 degrees 36 minutes 25 seconds West 2.09 feet;

RUNNING THENCE along the Southerly side of 41 Street (not open) North 71 degrees 43 minutes 05 seconds West 383.26 feet; to a point on the southerly side of 41" Street (not open);

RUNNING THENCE North 18 degrees 16 minutes 55 seconds East to the northerly side of 41" Street, the point or place of BEGINNING.

Dated: September 27, 2017, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON
CAROL QUIRK, TOWN CLERK