

BRIEF SYNOPSIS OF DETERMINATION AND FINDINGS PURSUANT TO ARTICLE 2 OF THE NEW YORK STATE EMINENT DOMAIN PROCEDURE LAW

The Village of Monroe (the "Village") shall acquire fee title to certain real property known as Tax Map Parcel 211-1-1, with an address of 47 Lakes Rd., in the Village of Monroe, Orange County, New York for the purpose of preserving a historic site and creating a public visitor and educational center recognizing the life and contributions of Roscoe Smith, an important local historic figure. Copies of the determination and findings will be forwarded upon written request, without cost.

Property to be Acquired

The property which shall be acquired or condemned includes fee simple title to one parcel of land (approximately 19.8 acres) located at 47 Lakes Rd. in the Village of Monroe (the "Property"). The current owner of the Property is W.C. Lincoln Corp. The Property is the former homestead of Roscoe Smith, founder of Orange and Rockland Utilities and widely recognized as the man who brought electric light to the Hudson Valley. Contributing features to the Property include the Roscoe Smith main house built around 1906 with matching garage, the stone dam and subsequent pond, stone pillars with entry gate, two pedestrian footbridges, two waterwheels and two additional outbuildings of unknown purpose which are in a significantly deteriorated state.

Procedural History

Village Law Sections 1-102 and 4-412 and General Municipal Law Section 74 states that the Village of Monroe may acquire land by eminent domain to serve any public use or purpose, which includes any use that would contribute to the health, safety, general welfare, convenience or prosperity of the community. The purpose for the proposed condemnation is to preserve a historic site and create a public visitor and educational center recognizing the life of an important local historic figure. Historic preservation is a valid public purpose.

Pursuant to the Eminent Domain Procedure Law ("EDPL"), the Village conducted a public hearing on August 15, September 5, September 26, October 3 and October 17, 2023 to determine the need to obtain the Property. Notices of the public hearing were published as required under the EDPL. The Property owner was given advance notice of the hearing by certified mail, return receipt requested. At the hearing site, copies of the map of the Property to be acquired by the Village were posted and made available to the public. All oral and written comments received during the public hearing have been reviewed, made part of the record and given due consideration by the Village.

Public Need, Use and Purpose

The acquisition of the Property will serve a legitimate public purpose. The proposed use of the Property to preserve a historic site and to create a visitors and /or educational center or park will contribute to the health, safety, general welfare, convenience and prosperity

of the community. The Property is a site of great historic significance to the Village. It includes not only the historic home that was once the residence of Roscoe Smith, but also numerous artifacts which were collected by Roscoe Smith over the course of his lifetime. The acquisition serves a public use and benefit by preserving the Property, restoring the Roscoe Smith house and other features, creating walking trails, and educating the public as to the importance of Roscoe Smith to the Village community.

Location and Reasons for Selection

The Village concludes that the Property is the appropriate location for acquisition because it is the former homestead of Roscoe Smith and is the only Property uniquely situated to satisfy the public purpose of the acquisition. Accordingly, acquisition of the Property is necessary and unavoidable.

Environmental and Locality Effects

The Village thoroughly evaluated the environmental impacts associated with the acquisition of the Property and found that there was no significant adverse environmental impact. The Village concluded that the general effect of the acquisition on the residents of the locality will be overwhelmingly positive. Relying on the Environmental Assessment Form, the Village concluded that the acquisition would not have a significant adverse impact on the environment and issued a Negative Declaration.

Determination

The foregoing represents the Village's Determination and Findings under Section 204(B) of the EDPL. The acquisition of the Property is needed to preserve an important historic site to the Village. Therefore, the Village is satisfied that, as required under Section 204(B) of the EDPL (1) the public use, benefit, or purpose of the acquisition of the Property has been established in the record; (2) the location of the Property has been established and an explanation of the reasons for the selection of that location has been provided; and (3) the general effect of the acquisition of the Property on the environment and the residents of the locality has been comprehensively examined. Accordingly, the Village finds that the necessary justification exists to proceed to condemn the Property. Copies of the determination and findings will be forwarded upon written request, without cost.

Legal Rights

ANY PERSON AGGRIEVED BY THE DETERMINATION AND FINDINGS WHO WISHES TO CHALLENGE AND SEEK JUDICIAL REVIEW THEREOF MUST DO SO, IF AT ALL, (1) BY FILING A PETITION, IN ACCORDANCE WITH NEW YORK EMINENT DOMAIN PROCEDURAL LAW § 207, IN THE APPELLATE DIVISION, SECOND DEPARTMENT, 45 MONROE PLACE, BROOKLYN, NY (SAID COURT BEING THE EXCLUSIVE VENUE FOR JUDICIAL REVIEW OF THE DETERMINATION AND FINDINGS UNDER EDPL §§ 207 AND 208), NO LATER THAN THIRTY (30) DAYS AFTER THE COMPLETION OF THE VILLAGE'S PUBLICATION (January 30, 2024) OF ITS DETERMINATION AND FINDINGS PURSUANT

TO EDPL § 204, OTHERWISE ANY SUCH CHALLENGE OR JUDICIAL REVIEW MAY BE TIME BARRED, AND (2) BY SERVING DEMAND, IN ACCORDANCE WITH NEW YORK STATE EMINENT DOMAIN PROCEDURE LAW § 207, UPON THE CORPORATION TO FILE A WRITTEN TRANSCRIPT OF THE RECORD OF THE PROCEEDING BEFORE IT AND THE UNDERLYING DETERMINATION AND

FINDINGS. THE APPELLATE DIVISION MAY CONSIDER THE PUBLIC USE, BENEFIT OR PURPOSE TO BE SERVED BY THE PROPOSED ACQUISITION AND THE OTHER MATTERS SET FORTH IN NEW YORK EMINENT DOMAIN PROCEDURE LAW § 207. ANYONE WISHING TO CHALLENGE THE DETERMINATION AND FINDINGS IS ADVISED TO CONSULT AN ATTORNEY PROMPTLY.