

**ecooper@townofcanandaigua.org**

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**From:** ecooper@townofcanandaigua.org  
**Sent:** Friday, December 11, 2020 9:30 AM  
**To:** 'Rocco Venezia'; 'John Graziose'  
**Cc:** 'Eric Cooper'; Town Manager; Chris Jensen; mrowlinson@townofcanandaigua.org; jfletcher@townofcanandaigua.org; 'Lance 'Brabant'  
**Subject:** FW: Fox Ridge Subdivision

FYI. Seems the county sewer has started their review.

## Eric A. Cooper

Planner

Town of Canandaigua

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585-394-1120 x2254

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**From:** Braun, Jack D <Jack.Braun@ontariocountyny.gov>  
**Sent:** Friday, December 11, 2020 9:01 AM  
**To:** Taylor A. Henry <thenry@boylancode.com>; ecooper@townofcanandaigua.org  
**Cc:** John D. Goodwin <John.Goodwin@canandaiguanewyork.gov>; David K. Hou <dhou@boylancode.com>; James P. Sprague <JPS@canandaiguanewyork.gov>; James, Arthur L <Arthur.James@ontariocountyny.gov>; Havens, Donald E <Donald.Havens@ontariocountyny.gov>  
**Subject:** RE: Fox Ridge Subdivision

Good morning all –

FYI, given the recent emails stating the City's willingness to allow encroachments on their water main easement, I have begun our review of the Fox Ridge 5B-3 plans that were sent to our office by the Town at the end of August. I would respectfully suggest that the City wait signing off on the current plans until we complete our review and the exact location of the existing water main has been determined. I would appreciate some guidance from the City with respect to the transmission main's approximate depth.

I hope to complete my review by the end of next week.

With regard to the legalities and conditions of pending agreements, I'd prefer to leave those to our attorney's discretion.

-jack

John D. Braun  
Junior Engineer, CLCSD

Ontario County Department of Public Works  
2962 County Road 48  
Canandaigua, New York 14424  
(585) 396-4049

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**From:** Taylor A. Henry [<mailto:thenry@boylancode.com>]

**Sent:** Thursday, December 10, 2020 10:36 AM

**To:** Braun, Jack D; [ecooper@townofcanandaigua.org](mailto:ecooper@townofcanandaigua.org)

**Cc:** John D. Goodwin; David K. Hou; James P. Sprague; James, Arthur L; Havens, Donald E

**Subject:** RE: Fox Ridge Subdivision

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Hi all,

Just to clarify, the Fox Ridge Subdivision will result in two easements that encroach on the City's existing water main easement – one that will eventually be held by the County Sewer District, the other by the Town. The subdivision will also result in the dedication of a road to the Town of Canandaigua that crosses over the easement. The City is completely willing to permit all of these improvements as long as the rights & obligations between all the parties are clear.

Specifically, the City is willing to acknowledge and permit the installation of the sanitary sewer as proposed on the condition that the developer (during installation) and the County (after transfer to the County) agree to (1) indemnify the City for any damages caused to the City's water line (during installation of the sanitary sewer & after transfer); (2) refrain from interfering or obstructing the City's ability to maintain and repair its water main; (3) provide the City with notice when/if any repairs are necessary; (4) release the City from any damages caused to the lands adjacent to the City's easement, including damages caused to the new sanitary sewer or other utility infrastructure that may be installed, that may occur in the course of the City's maintenance of its pre-existing water main easement; (5) permit the City to review the proposed easement granting the sewer line to the County prior to recording. The City will need an agreement among the itself, the developer & Town that contains the same provisions with respect to the easement that will eventually be held by the Town and the road to be dedicated to the Town.

To expedite the process, I would advise the City to sign off of the developer's plans as long as the County, developer, and Town agree to the above terms and the City's engineers are comfortable with the proposed location of the improvements from an engineering perspective. For this purpose, the City needs a survey identifying the location of the existing easement & proposed improvements. If these terms are acceptable to the Town, County, and Developer, (and the City approves the improvements from an engineering perspective), we can have the City acknowledge and approve the developer's plans for the County so that the developer's plans can move forward while the County's, Developer's, and City's counsel finalize written agreement(s) that include the terms I've laid out above.

If you'd like to schedule a Zoom call between the parties to discuss, I will make myself available as soon as you all need, just let me know.

Thank you!

Taylor

**Taylor A. Henry, Esq.**

**Associate**



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**From:** Braun, Jack D <[Jack.Braun@ontariocountyny.gov](mailto:Jack.Braun@ontariocountyny.gov)>  
**Sent:** Friday, December 04, 2020 9:50 AM  
**To:** Taylor A. Henry <[thenry@boylanocode.com](mailto:thenry@boylanocode.com)>; [ecooper@townofcanandaigua.org](mailto:ecooper@townofcanandaigua.org)  
**Cc:** John D. Goodwin <[John.Goodwin@canandaiguanewyork.gov](mailto:John.Goodwin@canandaiguanewyork.gov)>; David K. Hou <[dhoul@boylanocode.com](mailto:dhoul@boylanocode.com)>; James P. Sprague <[JPS@canandaiguanewyork.gov](mailto:JPS@canandaiguanewyork.gov)>; James, Arthur L <[Arthur.James@ontariocountyny.gov](mailto:Arthur.James@ontariocountyny.gov)>; Havens, Donald E <[Donald.Havens@ontariocountyny.gov](mailto:Donald.Havens@ontariocountyny.gov)>  
**Subject:** RE: Fox Ridge Subdivision

Good morning all –

I think a bit of clarification is necessary – it's the County, or more specifically, the Canandaigua Lake County Sewer District that will ultimately assume ownership of the sanitary sewer that crosses the City's water main and encroaches their easement. From a legal standpoint, it's unclear whether the Town has any involvement.

For their information, I have included the County's attorney as well as the District Supervisor in this distribution.

-jack

John D. Braun  
Junior Engineer, CLCSD

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**From:** Taylor A. Henry [<mailto:thenry@boylanocode.com>]  
**Sent:** Thursday, December 3, 2020 11:11 AM  
**To:** [ecooper@townofcanandaigua.org](mailto:ecooper@townofcanandaigua.org)  
**Cc:** John D. Goodwin; David K. Hou; James P. Sprague; Braun, Jack D  
**Subject:** Fox Ridge Subdivision

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Hi Eric,

We are Corporation Counsel for the City; I am touching base about the Fox Ridge Subdivision water main easement issue. Per Jim Sprague's October 28 memo, the City is ok with the proposed installation, but in order to proceed, the City will need an agreement between the Town, Developer, and City to govern each party's rights & responsibilities with respect to the overlapping easements. Specifically, the Town & Developer will need to agree to indemnify the City for any damages caused to the City's main (or repairs to the City's main made necessary) by the Developer (during construction) or the Town (after transfer of the easement to the town). If acceptable, we can prepare that document.

The City will also need to confirm the exact location of the existing main & the proposed – please forward a survey map that depicts the same. I understand all parties are eager to get this wrapped up – I will give you a call this afternoon to discuss.

Thanks,  
Taylor

**Taylor A. Henry, Esq.**  
**Associate**



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