

TOWN OF CAROGA
FULTON COUNTY, NEW YORK

Resolution Number 110 of 2019

Resolution to enter into and sign a Stipulation and Agreement to settle the lawsuit of Balboaa Land Development Corporation v. Town of Caroga, Index No.: 07599, and authorize Dunn & Dunn, PLLC, by and through Gregory T. Dunn, Esq., to present the signed Stipulation and Agreement to the authorized agent of Balboaa Land Development Corporation for signature and thereafter to the presiding judge for approval, to be read into the Court record and signed and entered by said judge as an order of the Court.

Resolution sponsored by JAMES LONG, and

seconded by JEREMY M. MANNING

WHEREAS, after due deliberation the Town of Caroga Town Board desires to enter into a Stipulation and Agreement to settle all matters related to the lawsuit entitled Balboaa Land Development Corporation v. Town of Caroga, Index No.: 07599 and to authorize its Deputy Supervisor, James Long, in the absence of Supervisor James Selmsner, pursuant to the authority granted him under NY Town Law § 42, upon the terms and conditions provided therein, namely, that the donation of the Sherman's Amusement Park Property to the Town of Caroga by Balboaa Land Development Corporation, including the conveyance of all the real and personal property and all the conditions placed upon the property and/or the Town in the Donation Agreement dated December 29, 2014, be rescinded, and that the parties to that agreement be placed in similar positions as they were in prior to entering into that agreement, i.e., that Balboaa Land Development Corporation will receive back all real and personal property conveyed to the Town and the Town will have no further obligation and be released from any condition, responsibility, or liability related to said agreement and/or concerning said real and personal property.

NOW THEREFORE, be it resolved by the Town Board of the Town of Caroga that the Town of Caroga shall enter into a settlement agreement with

Balboaa Land Development Corporation upon the terms and conditions set forth in the Stipulation and Agreement attached hereto for reference and that the same shall be signed by James Long, in his capacity as Deputy Supervisor of the Town of Caroga, and given to Attorney Gregory T. Dunn to present for signature to the authorized agent of Balboaa Land Development Corporation and thereafter to present to the Judge presiding in the above referenced litigation for approval, to be read into the Court record and signed and entered by said judge as an order of the Court.

Dated: October 25th, 2019

Roll Call Vote:	Aye	Nay	Abstain
Supervisor Selmser	<u>Absent</u>	_____	_____
Council Member Glenn	_____	<u>X</u>	_____
Council Member Kirch	<u>X</u>	_____	_____
Council Member Long	<u>X</u>	_____	_____
Council Member Manning	<u>X</u>	_____	_____

