

## **POLICY FOR PRESERVATION OF PUBLIC LAND**

**V.2 4/19/2022**

### **INCORPORATING WEBSTER COMMENTS AND GROUP DISCUSSION**

WHEREAS, the Northport Village Corporation (“NVC”) owns and holds in trust certain public land (“Public Land”), as set forth in the Greenlaw map and through other public records of land transactions;

WHEREAS, the NVC holds these Public Land for the use and benefit of the residents of the NVC;

WHEREAS, the NVC seeks to protect all Public Land for the benefit of the NVC and its residents.

WHEREAS, the NVC seeks to protect all Public Land in perpetuity;

THEREFORE, the Board of Overseers hereby adopts the following policies to ensure that all Public Land are preserved and protected:

1. The Board of Overseers shall take all necessary steps to identify all Public Land;
2. The Board of Overseers shall exercise control over Public Land and, subject to Paragraph 5, shall not allow any private party to erect a fence, structure, or obstruction to be placed on any Public Land that in any way limits the use of, or passage through, the Public Land, including all walkways, byways, parcels, buildings, roadways (including all land designated as roadways and rights-of-way thereto), or any other real property owned by the NVC;
3. The Board of Overseers may consider exchanges of Public Land within the Village upon petition from the party seeking the exchange; provided, however, any such exchange must be in the best interest of the NVC as determined in the sole discretion of the Board of Overseers;
4. Subject to Paragraph 5, the Board of Overseers shall not allow the diversion or taking of any Public Land, meaning the Board of Overseers shall take affirmative action to ensure that Public Land are not used for private purposes, other than for temporary use as authorized by the Board of Overseers Those steps may include, but are not limited to:
  - a. Notify an abutting landowner of an encroachment or nuisance on Public Land and provide a time limit for removal of the encroachment;
  - b. Should the encroaching landowner fail to remove or correct an encroachment, the Board of Overseers shall designate the Village Agent or other person to remove the encroachment at the expense of the encroaching landowner;
  - c. The Board of Overseers may bring a civil action to enforce its property rights and to seek abatement of any encroachment or nuisance created on Public Land;
  - c. The Board of Overseers reserves the right to refer any ongoing encroachment to the appropriate legal authority for criminal trespass and/or constructive theft of public property; and
  - d. The Board of Overseers shall ensure that all public walkways remain open for public use and such walkways shall be marked and designated on public maps;

5. The Board of Overseers may grant a revocable license for use for certain Public Land but shall retain the right to revoke that license on thirty days' notice, except in the case of emergency, in which case the Board Overseers shall provide an Emergency Notice of Revocation that becomes effective immediately. No license may be issued that allows the construction or placement of any permanent structure or object on any Public Land.

6. The Board of Overseers shall not divest the NVC of any Public Land without the consent of the majority of property owners of the NVC, which may only be gained by putting the issue before the property owners at a duly noticed meeting of the NVC.