



**Division of Planning**

One Independence Hill, Farmingville, NY 11738  
(631) 451-6400 Fax: (631) 451-6419

PLEASE TYPE OR PRINT CLEARLY

The attached forms are supplied as sample forms and should be reviewed by the applicant's attorney. They should be retyped with whatever modifications are necessary to satisfy the particular application.

**Three (3) executed originals** of each document should be submitted to the Planning Division. The forms enclosed are the following:

- 1. \*Application to lay out Town Highway.
- 2. \*Dedication and Release of Land.
- 3. \*Consent of Town Board to proposed Town Highway.
- 4. \*Order laying out Highway on Release from owner.
- 5. Drainage Easement.
- 6. Declaration of Covenant.
- 7. Agreement for completion of Public Improvements.
- 8. Deed to use for Recharge Basin or Park (Standard NYBTU from 8002/ Bargain and Sale Deed with Covenant against Grantor's Acts – Individual or corporation.)
- 9. Release of part of mortgage premises (standard NYBTU from 8034).
- 10. At the time of submission of the final plat for signature, an up-to-date Title certification will be required. If there are more than one owner and/or mortgagee, the ownership and/or mortgaged lines must be plotted on a copy of the map and submitted with the Title Certification.

\*Please note the first four items represent the Highway Dedication Packet and should be presented in the order indicated joined by a legal back.

(SAMPLE – FORM #1)

(2 pages)

MAP OF:

In the matter of  
The  
Laying out of Certain Town Highways  
In the Town of Brookhaven, County of  
Suffolk and State of New York.

APPLICATION TO LAY OUT  
TOWN HIGHWAY

TO THE SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF BROOKHAVEN, IN THE COUNTY OF SUFFOLK:

The undersigned, \_\_\_\_\_ a domestic Corporation  
with its principal place of business at No. \_\_\_\_\_, New York,  
liable to be assessed for highway taxes in the Town of Brookhaven, hereby applies to you to lay out a certain highway in said  
Town, said road (s) known as (LIST NAME OF ROADS) \_\_\_\_\_  
\_\_\_\_\_, and more particularly described in the  
annexed dedication and release.

Hereto annexed and made a part hereof is a certain map showing the courses of the said proposed highway.

DATED:

BY:

TYPE NAME:

TITLE:

(SEAL)



MAP OF:

In the matter of  
The  
Laying out of Certain Town Highways  
In the Town of Brookhaven, County of  
Suffolk and State of New York.

DEDICATION AND RELEASE  
OF LAND

WHEREAS, application has been duly made to the Town Superintendent of Highways of the Town of Brookhaven, in the County of Suffolk, New York, for the Laying out of a certain Town Highway through the lands of the undersigned,

NOW, THEREFORE, \_\_\_\_\_, a domestic Corporation with its principal place of business at \_\_\_\_\_, New York, does hereby dedicate, release and convey to the said Town of Brookhaven, a municipal corporation with its principal office at 3233 Route 112, Medford, County of Suffolk, State of New York, for highway purposes, the street, portions or parcels of land situate, lying and being in the Town of Brookhaven, Suffolk County, New York, as shown on a certain map entitled, " \_\_\_\_\_," dated the \_\_\_\_\_ day of \_\_\_\_\_, made by \_\_\_\_\_ licensed Surveyors and Consulting Engineers, and filed in the Office of the Clerk of the County of Suffolk on \_\_\_\_\_ as File No. \_\_\_\_\_.

The Town of Brookhaven is hereby released from all damages by reason of the laying out of said highway, the undersigned assumes all liability that may arise by reason of the laying out of said highway and further agrees to be responsible for the installation and maintenance of said highways until the dedication is accepted by the Town of Brookhaven.

This dedication and conveyance includes the right to use the highways for all municipal or Public purposes, including the granting of pole and wire easements for telephone power and other facilities and the installation and maintenance of conduits and mains for gas, water, sewerage and other utilities under the highways, including cable television. Permission is hereby granted for installation of the above utilities prior to acceptance by the Town Of Brookhaven of this offer of dedication.

This dedication and conveyance is made in the regular course of business actually conducted by the undersigned.

IN WITNESS WHEREOF, the said \_\_\_\_\_ has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized Office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

DATED:	BY:	TYPE NAME:	TITLE:
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(SEAL)



MAP OF:

In the matter of  
The  
Laying out of Certain Town Highways  
In the Town of Brookhaven, County of  
Suffolk and State of New York.

CONSENT OF TOWN  
BOARD TO PROPOSED  
TOWN HIGHWAY

UPON READING AND FILING the application of \_\_\_\_\_  
dated and acknowledged on \_\_\_\_\_,  
, \_\_\_\_\_, dedicating and releasing the necessary lands for a proposed Town Highway  
as shown on a certain map entitled, “ \_\_\_\_\_  
”, situated in the Town of Brookhaven, Suffolk County, New York, dated, \_\_\_\_\_, \_\_\_\_\_ made by  
\_\_\_\_\_, licensed Surveyors and Consulting Engineers, and filed in the Suffolk County  
Clerk’s Office on \_\_\_\_\_, \_\_\_\_\_ as Map Number \_\_\_\_\_.

RESOLVED that in accordance with the provisions of Section 171 of the Highway Law of The State of New York,  
consent be and the same hereby is given that the Superintendent of Highways of the Town of Brookhaven make an order  
laying out the aforesaid Town Highway, the aforesaid Town Highway, the said Town Highway to consist of the lands described  
in the said dedication and release and to extend as delineated upon the aforesaid map.

DATED:

TOWN BOARD OF THE  
TOWN OF BROOKHAVEN,  
COUNTY OF SUFFOLK, N.Y.

BY SUPERVISOR:

BY TOWN CLERK:

- \_\_\_\_\_ Councilman

(SAMPLE – FORM #4)

MAP OF:

In the matter of  
The  
Laying out of Certain Town Highways  
In the Town of Brookhaven, County of  
Suffolk and State of New York.

ORDER LAYING OUT  
HIGHWAY ON RELEASE  
FROM OWNER

APPLICATION having been duly made for the laying out of a certain Town Highway in the Town of Brookhaven, County of Suffolk, New York, and a dedication and release from the owner of and other persons interested in the lands through which the Highway is proposed to be opened having been given, if any, and the Town Board of the Town of Brookhaven having given its consent

NOW, THEREFORE, I, The Town Superintendent of Highways of the Town of Brookhaven, County of Suffolk, New York, do hereby determine and order that a certain Town Highway shall be, and the same is hereby laid out in said Town as follows:

ALL that certain street, portion or parcel of land situate, lying and being in the Town Of Brookhaven, County of Suffolk, New York, as shown on a certain map entitled, " \_\_\_\_\_ ", dated \_\_\_\_\_, \_\_\_\_\_, made by \_\_\_\_\_, licensed Surveyors and Consulting Engineers, and filed in the Office of the Clerk of the County of Suffolk on the \_\_\_\_\_ day of \_\_\_\_\_, as Map No. \_\_\_\_\_ such street known and designated as and by the name \_\_\_\_\_.

DATED:

TOWN SUPERINTENDENT OF HIGHWAYS:

**DRAINAGE EASEMENT**

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_, between \_\_\_\_\_, New York Corporation, having its office at \_\_\_\_\_, party of the first part, and the TOWN OF BROOKHAVEN, a municipal corporation with its principal place of business at 3233 Route 112, Medford, County of Suffolk, State of New York, party of the second part.

**W I T N E S S E T H :**

That the party of the first part in consideration of ONE (\$1.00) DOLLAR, lawful money of the United States and other good and valuable consideration, paid by the party of the second part, does hereby remise, release and grant unto the party of the second part, an easement for the purpose of drainage and maintenance of drainage structures over, under or through the property hereinafter described, which property is situate, lying and being in the Town of Brookhaven, County of Suffolk, State of New York as shown on a certain map Entitled "Map of \_\_\_\_\_", Section \_\_\_\_\_, dated \_\_\_\_\_, made by \_\_\_\_\_, Surveyor and filed in the office of the Clerk of the County of Suffolk, more particularly known and described as follows: \_\_\_\_\_

(MUST INCLUDE NAME OF MAP – LEGAL DESCRIPTION BY METES AND BOUNDS –MAY INSERT AS SCHEDULE "A")

This conveyance is made in the regular course of business actually conducted by the party of the first part.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

CORPORATION NAME:

BY: (OFFICER)

(SEAL)



**DECLARATION OF COVENANTS**

This declaration made and dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_ residing at \_\_\_\_\_ hereinafter referred to as the “declarant”:

**WITNESSETH:**

WHEREAS, declarant is the owner in fee simple of the real property described in Schedule A annexed hereto and made a part hereof; and

WHEREAS, an application for approval of the subdivision known as “Map of \_\_\_\_\_” described in Schedule A into \_\_\_\_\_ lots received a grant of final conditional approval from the Planning Board of the Town of Brookhaven; and

WHEREAS, the declarant deems it mutually beneficial and in the best interests of the parties, to wit, the applicant and the Town of Brookhaven, to impose certain covenants and restrictions upon said real property,

NOW, THEREFORE, in consideration of the premises, the declarant hereby covenants, promises and declares that the above described real property shall be herein after held subject to the following covenants and restrictions:

(LIST COVENANTS AND RESTRICTIONS CONTAINED IN APPROVAL LETTER)

Said covenants and restrictions shall run with the land and shall be binding on the heirs, Successors and assigns of the declarant, subject to the right of the Planning Board of the Town Of Brookhaven to amend, modify or repeal said covenants and restrictions at any time hereinafter.

Witnesseth:

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(CORPORATE SEAL)

(MUST INCLUDE NAME OF MAP – LEGAL DESCRIPTION BY METES AND BOUNDS. MAY INSERT AS SCHEDULE “A”.)

**AGREEMENT FOR COMPLETION OF PUBLIC IMPROVEMENTS**

MAP OF:

WHEREAS, on the, \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the Planning Board Of the Town of Brookhaven gave conditional final approval to the above captioned map;

And

WHEREAS, as a condition of said approval, the developer is required to complete the public improvements and/or provide adequate security to insure completion of the said public improvements described in the attached conditional approval letter dated \_\_\_\_\_; and

WHEREAS, said developer has undertaken to submit said required security in the form of a performance bond, letter of credit or cash deposit to guarantee completion of said public improvements, the term of which shall expire upon the satisfactory completion of said improvements as indicated by the acceptance thereof by the Town of Brookhaven; and

IT IS FURTHER AGREED that the undersigned developer shall be obligated to complete said public improvements notwithstanding any sale, transfer, assignment or conveyance of any or all of the lots on said subdivision map to a third party; and

IT IS FURTHER AGREED that upon the failure of said developer to complete said public improvements to the Town's satisfaction, the Town Board may, upon recommendation of the Planning Board, declare said performance bonds, letter of credit or cash deposit to be in default and may apply the proceeds thereof for the completion of said public improvements; and further, should the bond, letter of credit or cash deposit be insufficient to cover the cost of completion of said public improvements, the undersigned shall be personally responsible and liable for the remaining costs of completion thereof; and

IT IS FURTHER AGREED that said developer shall provide adequate proof that said Security instrument is still in full force and effect upon demand therefore by the Planning Board Or the Town Attorney.

DATED:	DEVELOPER:
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<p>STATE OF NEW YORK)  )SS:  COUNTY OF SUFFOLK)</p> <p>On the _____ day of _____, in the year _____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.</p> <p>NOTARY PUBLIC:</p>
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