

Chapter A157

WATER FRANCHISE

[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock 2-7-1990 by L.L. No. 1-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 126.

§ A157-1. Legislative findings.

The Water Authority of Great Neck North (hereinafter referred to as the "Authority") has been established as a public benefit corporation, under Article 5, Title 8-B, of the Public Authorities Law,¹ to provide potable water to the area within Union Free School District No. 7, Great Neck, lying northerly of the north line of the Manhasset-Lakeville Water District, which includes part of the Village of Saddle Rock (hereinafter referred to as the "village"). The State Legislature found, in establishing the Authority, that the groundwater supply system presently operated by Citizens Water Supply Company of Newtown, a private utility in the northern portion of the Great Neck peninsula, is fragile and subject to episodic deficiencies of varying magnitude; and it was hoped that the Authority would protect, preserve and enhance the quality and quantity of the water supply area. The Authority has applied to the village for a nonexclusive franchise to transmit and distribute potable water on, in, under and through all streets within the village in order to carry out the purposes for which it was created and the duties with which it has been charged. The village believes that it is in the best interests of the village and that it will promote the health, safety and welfare of its inhabitants, to grant the franchise applied for.

§ A157-2. Nonexclusive franchise.

- A. In consideration for the benefits to be provided to the village and its inhabitants from the proposed distribution of potable water by the Authority, the Authority is hereby granted the nonexclusive franchise to lay, install, construct, maintain, use, repair, remove, extend, operate and replace water pipes, mains, valves, hydrants, standpipes and fixtures appurtenant thereto (hereinafter collectively referred to as the "Authority's equipment") on, in, under and through all streets within the village, as "street" is defined in § 6-600 of the Village Law of the State of New York, and other easements and rights-of-way owned by the village (hereinafter collectively referred to as the "public areas"), subject to the conditions and regulations hereinafter set forth.
- B. The Authority is hereby granted a perpetual and nonexclusive franchise.
- C. No action shall be taken by the Authority pursuant to this local law until it has filed with the village, in a form approved by the Village Attorney, a written acceptance of the

1. Editor's Note: See § 1197-a et seq.

franchise granted herein and all of the terms and conditions specified in this local law.

§ A157-3. Construction and maintenance of the Authority's equipment.

- A. The Authority's equipment shall be located so as not to interfere unnecessarily with the use of the public areas; and all of the work performed by the Authority pursuant to this local law shall be performed in accordance with the provisions of any and all general laws, ordinances and regulations of the village governing the excavation in and repair of the public areas of the village.
- B. The Authority's equipment shall be located, laid, installed, constructed, maintained, used, repaired, removed, extended, operated and replaced so as not to damage unnecessarily any of the public areas, drains, storm sewers, catch basins or other village improvements but, should any such improvements be damaged by the Authority, the Authority shall forthwith repair the damage and restore the improvement to as good condition as existed prior to such damage.

§ A157-4. Village to be held harmless.

The Authority shall indemnify the village and hold it harmless from all claims, demands, actions or causes of action arising from the locating, laying, installing, constructing, maintaining, using, repairing, removing, extending, operating or replacing the Authority's equipment by the Authority pursuant to this local law or from any cause or thing whatsoever arising out of or by reason of the occupancy or use of the public areas by the Authority pursuant to this local law, including any expenses and attorneys' fees incurred by the village in defending itself against any such claims, demands, actions or causes of action.

§ A157-5. Changes of grade.

When any public areas on, in, under or through which the Authority has the Authority's equipment shall be graded, curbed, paved, resurfaced, widened or otherwise changed so as to make the resetting or reconstruction of the Authority's equipment necessary, the Authority shall make such necessary changes as required in preparation for said construction and in a reasonable time after receiving written notice from the village. The village agrees to include in the cost of such improvements and to pay all necessary costs to raising water and sewer mains, services, manhole covers and other changes required and necessary to the operation and maintenance of the Authority's equipment and to have the work done under the terms of the general contract for the street improvements. If such improvements are constructed by any contractor engaged by the village for the purpose of making such street improvements, then the required changes in the Authority's equipment shall be performed under the supervision of a duly authorized representative of the Authority.

§ A157-6. No fees, charges or assessments.

During the term of this local law, no fees, charges or assessments shall be made by the village to the Authority for the Authority's exercise of its rights under this local law.

§ A157-7. Existing and future easements.

Nothing contained in this local law shall be construed as preventing, diminishing or restricting the Authority from using for water transmission and distribution purposes any easement on any plat or plats of any portion of the village heretofore or hereafter platted or recorded or any easement which has been or may hereafter be created, granted or dedicated for water transmission and distribution purposes.

§ A157-8. Title.

Title to all of the Authority's equipment wherever situated on, in, under or through all public areas shall be and remain in the Authority.

§ A157-9. Severability.

In the event that any part of this local law shall hereafter be declared or determined by any court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of this local law nor any of the remaining portions, and the remaining portions of this local law shall remain in full force and effect.

§ A157-10. When effective.

This local law shall take effect immediately.