

# LAWS OF NEW YORK – BY AUTHORITY

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## CHARTER 569

AN ACT to provide for draining the swamp lands along the streams known as Bear Trap and Mud [Ley] Creeks in the town of Salina

Passed July 1?, 1853: three-fifths being present:

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1. Jerome J. Briggs and Miles Adams, of the town of Salina, and Benajah A. Avery, of the city of Syracuse, are hereby appointed commissioners for the purposes of draining the swamp lands situated in the town of Salina and lying along the streams known as Bear-trap and Mud creeks, in the manner hereinafter provided.
2. The said commissioners shall have power to employ a surveyor and engineer, and cause an accurate survey and map to be made of that portion of said lands, extending from the west line of the town of DeWitt to the northeasterly line of the Onondaga salt springs reservation.
3. The said commissioners shall have power to cause the channels of said streams to be cleared out, straightened and improved, and new channels for the same constructed at such places as they shall deem it expedient to do so, from the west line of the town of DeWitt to a point on the northeasterly line of the Onondaga salt springs reservation, at the easterly corner of fifteen acre marsh lot number one: and they shall assess the cost of said work, together with their fees allowed by this act, and also the fees and expenses of publishing the notice required by this act, ?? on the owners of the lands lying along said streams from the west line of the town of DeWitt to a point on the northeasterly line of the Onondaga salt springs reservation, in proportion to the benefits which they shall derive from said improvement.
4. The said commissioners shall also cause the brush and floodwood to be cleared out of the artificial channel through which the waters of Bear-trap and Mud creek now flow, from the north easterly line of the Onondaga salt springs reservation to the Oswego canal, and shall assess the expense thereof upon the owners of the fifteen acre marsh lots, or parts of such lots, lying on the north easterly side of the Liverpool road, in proportion to the benefit resulting therefrom.
5. A written statement of the said assessments, signed by the said commissioners, and containing a list of the persons upon whom, and a description of the lands in respect of which such assessments shall have been made, shall within three months after the completion of the said work, be filed, together with the map aforesaid, in the office of the county clerk of Onondaga county.
6. The expenses incurred under this act, shall be a lien upon the lands upon which they shall be so assessed.

7. The commissioners shall, upon the completion of said assessments, cause to be published, for six weeks, in two of the newspapers printed in the city of Syracuse, a notice containing an abstract of said assessments, and specifying a time which shall be not less than six, nor more than eight weeks after the first publication of said notice, and a place in said city of Syracuse at which they will attend to receive said assessments, and that unless the said assessments are paid at the time and place therein stated, they will then and there sell said premises at public vendue to the highest bidder therefor.

8. Said commissioners shall serve a copy of said notice, at least fourteen days prior to the time therein specified, upon the owner or owners of the premises upon which said assessments are made, personally or by leaving the same at his dwelling house, in charge of some person of suitable age, or by serving a copy of such notice upon said persons at least twenty-eight days prior to the time therein specified for the sale, by depositing the same in the post-office, properly folded and directed to the said persons at their places of residence.

9. The commissioners shall attend at the time and place specified in said notice to receive such assessments; and if any of said assessments shall not be paid in pursuance of said notice, the commissioners shall thereupon proceed to sell the lands upon which such assessments shall have been made, at public vendue; and on such sale shall execute to the purchasers conveyances of the lands so sold, which conveyances shall vest in such purchasers all the right and title to said lands of the owner or owners thereof, upon whom said notice shall have been served as aforesaid, provided that the person or persons owning said lands at the time of the sale, his or their heirs or assigns, may redeem the same at any time within two years after they shall have been served personally with written notice of such sale, and by paying to the purchaser or purchasers, his or their heirs, assigns or personal representatives, or to the county treasurer on Onondaga county, for their use, the amount of the assessment for which the land shall have been sold, together with interest thereon from the time of the sale at the rate of ten per cent per annum.

10. If any of said land shall be sold for a sum greater than the assessment, the excess shall be paid over by the commissioners to the person against whom the assessment shall have been made, his heirs, assigns, or personal representatives, or to the county treasurer of Onondaga county, for their use.

11. Each of said commissioners shall receive two dollars a day for the time actually spent by him in the performance of the duties enjoined by this act.

12. It shall be the duty of the canal commissioners to cause the culvert by which the waters of said creeks pass under the Oswego canal, to be enlarged so as to allow at all times the free and unobstructed passage of said waters, and to prevent the overflowing of the adjacent lands in consequence of the draining of said water by said canal.

13. This act shall take effect immediately.