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Mineola as above set forth and does hereby approve the same as so modified.

In the Matter of the Application of the CITY OF ROCHESTER for Approval of Its Financial and Engineering Plans for Improvement, Extension, Rehabilitation and Enlargement of Its Water Supply System. MODIFYING DECISION. EXTENSION OF TIME

Water Supply Application No. 1609

(December 7, 1948)

Application modified as requested.

By THE COMMISSION.—On March 29, 1944, there was filed with the Water Power and Control Commission by the city of Rochester, a water supply application requesting approval of the plans of said city for the acquisition or taking of an additional water supply, the taking or condemnation of lands for such new and additional water supply and the construction proposed in connection therewith, all of which related to further development of Hemlock and Canadice lakes. This application was approved October 2, 1945, subject to certain conditions, among which were the following:

"2. The city of Rochester must acquire by purchase or otherwise all land above the proposed new Hemlock lake dam and within at least 200 feet of the proposed new normal high flow line of that lake at elevation 911.3, U.S.G.S. datum and above the existing dam at Canadice lake within a similar distance of the proposed new normal high flow line of that lake at elevation 1099, U.S.G.S. datum and use the land thus acquired for water supply purposes only. Any existing buildings within the area so acquired shall be removed and no buildings shall be permitted to be built within that distance.

"3. On or before January 1, 1947, the city must submit to this Commission for its approval maps showing the actual boundaries of the land to be acquired by it in connection with this project and thereafter and prior to January 1, 1949, it must have submitted to the Commission evidence that such lands already actually have been acquired or that the proceedings necessary to bring about such acquisition have been started."

In compliance with *Condition No. 3* the city, on December 23, 1946, filed with the Commission as accession numbers 18436 and 18437 land-taking maps showing land proposed to be acquired in connection with the project. In addition to acquiring all land within 200 feet of the new high flow line, the maps proposed that certain additional lands would be purchased. This step, in most cases, was for convenience in handling the negotiations for the sale of certain parcels since complete homesteads were to be acquired rather than parcels thereof. These maps were approved by the Commission by a resolution duly adopted January 7, 1947.

On November 13, 1948, the said city of Rochester filed a petition duly verified on October 13, 1948, by Louis B. Cartwright, its city

manager, setting forth the progress made to date in acquiring all the land proposed to be purchased. This petition indicates that title has been acquired to 614 acres, a contract made to purchase two and one-half acres for which title will pass in the immediate future, and condemnation proceedings started by which possession will be had of an additional 124 acres. This leaves slightly over 200 acres still to be acquired in accordance with the land-taking maps. The petition further states that action leading to the acquisition of this remaining land is in progress but that completion cannot be had before the end of this year. The city thus requests an extension of time until January 1, 1951, within which to complete its land acquisition.

Additional relief prayed for in the petition filed November 13, 1948, is the elimination of the necessity of acquiring three parcels of land shown on accession maps 18436 and 18437 as to be acquired but which are not now deemed necessary. Each of these parcels is beyond the 200-foot distance from the new high flow line of Hemlock lake.

After due study of the recent petition and the information contained therein and after further study of the original papers filed in this case, the Commission finds as follows:

1. The city has substantially but not completely accomplished the land acquisitions required to be made by it in connection with this project. This delay has not generally been due to dilatory procedure on the part of the city but was occasioned by the multitude of detail work necessary in searching out titles and preparing reports and surveys for condemnation proceedings.

2. An extension of the time limit is necessary within which the city must complete its land acquisitions and submit to the Commission evidence that such lands already actually have been acquired or that proceedings necessary to bring about such acquisition have been started.

3. The three parcels of land referred to in the petition of November 13, 1948, which the city has requested leave to eliminate from its land-taking proceedings need not be acquired to comply fully with *Condition No. 3* of the original decision in this case.

The Commission therefore finds that *Condition No. 3* of its decision in this case dated October 2, 1945, may be and hereby is revised to read as follows:

1. On or before January 1, 1947, the city must submit to this Commission for its approval maps showing the actual boundaries of the land to be acquired by it in connection with this project and thereafter and prior to January 1, 1951, it must have submitted to the Commission evidence that such lands already actually have been acquired or that the proceedings necessary to bring about such acquisition have been started.

In all other respects the original decision is to remain as written.

Wherefore, the Water Power and Control Commission does hereby modify the said application, maps and plans of the city of Rochester as requested.