

**Council Member Kimbrough introduced the following:**

**ORDINANCE 17.81.22**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO 1053 BREWING, LLC OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF BRIDGE STREET FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP AND DECK AT DRUTHERS BREWING COMPANY**

*The City of Albany, in Common Council convened, does hereby ordain and enact:*

**Section 1.** The City of Albany is hereby authorized to grant an easement to 1053 Brewing, LLC over a portion of the Bridge Street right-of-way in the area of 1053 Broadway, in the City of Albany for the purpose of construction and maintenance of an ADA compliant ramp and deck as requested by the property owner, and as described more fully in the legal description attached hereto.

**Section 2.** The form, content, terms and conditions of such easement shall be approved by the Corporation Counsel.

**Section 3.** The Grantee shall not hinder, interfere with, prevent, delay, obstruct, or adversely affect the Grantor in the reasonable exercise of its governmental operations or functions.

**Section 4.** This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS  
22<sup>ND</sup> DAY OF JULY, 2022**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk

**From:** Martha Mahoney, Assistant Corporation Counsel  
Brett Williams, Senior Assistant Corporation Counsel

**Re:** Request for Common Council Legislation  
Supporting Memorandum

**Date:** July 8, 2022

**Sponsor:** Council Member Kimbrough

**ORDINANCE 17.81.22**

**TITLE**

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO 1053 BREWING, LLC OF AN EASEMENT IN THE CITY OF ALBANY, OVER A PORTION OF THE CITY RIGHT-OF-WAY OF BRIDGE STREET FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP AND DECK AT DRUTHERS BREWING COMPANY

**GENERAL PURPOSE OF THE LEGISLATION**

The purpose of this ordinance is to authorize the grant of an easement to 1053 Brewing, LLC, so that an ADA-compliant deck and ramp may be constructed, installed, and maintained at Druthers Brewing Company to accommodate the need for additional outdoor seating in the City's Bridge Street right-of-way.

Chris Martell, the owner of 1053 Brewing, LLC, which owns 1053 Broadway and operates Druthers Brewing Company, located at 1053 Broadway, seeks an easement to install, construct, and maintain an ADA-Compliant ramp and deck for additional seating at Druthers. Mr. Martell submitted applications for three area variances associated with this project to the Board of Zoning Appeals (the "Board"), and the Board conditionally approved each on March 16, 2022.

During the Board's review of the three area variances, the Board served as lead agency for the coordinated review of the project (an Unlisted Action) under SEQRA and identified the Common Council as an involved agency. The Common Council consented to the Board's lead agency designation on December 30, 2021. On February 2, 2022, the Board adopted a Determination of Non-Significance Resolution and issued and adopted a Negative Declaration for the project, thus fully complying with and concluding the SEQRA process.

As an aside, please note that before requesting area variances and this easement, Mr. Martell explored other options, such as purchasing 1043 Broadway and building a rooftop deck to accommodate additional outdoor seating. For various reasons, these options were not available to Mr. Martell.

A site plan map of the proposed ramp and deck, and an appraisal report for the subject property, are included herewith as Attachments “A” and “B,” respectively.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Common Council approval is required for land transactions, such as the granting of a permanent easement in the City’s right-of-way.

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

The subject portion of the Bridge Street Right-of-Way in the area of 1053 Broadway has a valuation of approximately \$3,500. The requester has obtained an appraisal report, which is included herewith as Attachment “B.”

**FISCAL IMPACT**

The requester will pay the \$3,500 fair market value identified for the subject property in the attached appraisal report (Attachment “B”).