

LEGAL NOTICE AND ORDER – SBL #73.00-3-18

4764 Schutt Road, 4766 Schutt Road, 4768 Schutt Road, and 12008 Nice Road

TOWN BOARD: TOWN OF NEWSTEAD

ERIE COUNTY: NEW YORK

IN THE MATTER OF PROCEEDINGS PURSUANT
TO SECTION 130 (16) OF TOWN LAW OF THE STATE OF
NEW YORK AND CHAPTER 133 OF THE TOWN OF NEWSTEAD

VS

PREMISES COMMONLY KNOWN AS 4764 SCHUTT ROAD, 4766
SCHUTT ROAD, 4768 SCHUTT ROAD, AND 12008 NICE ROAD
IN THE TOWN OF NEWSTEAD, NEW YORK, SBL #73.00-3-18
OWNED BY JAMES KLIMA

PLEASE TAKE NOTICE that pursuant to Chapter 130 (16) of Town Law of the State of New York and Chapter 133 of the Code of the Town of Newstead, Erie County, New York, a proceeding has been commenced with respect to the premises owned by James Klima, commonly known as 4764 Schutt Road, 4766 Schutt Road, 4768 Schutt Road, and 12008 Nice Road in the Town of Newstead, New York on parcel SBL #73.00-3-18 regarding certain unsafe buildings and/or the remains thereof located thereon (hereinafter “the Unsafe Buildings”).

The premises subject to this proceeding are described as the buildings located at 4764 Schutt Road, 4766 Schutt Road, 4768 Schutt Road, and 12008 Nice Road situated in the Town of Newstead, County of Erie and State of New York on parcel SBL #73.00-3-18 and identified on EXHIBIT A, which is attached hereto and made a part hereof.

The Unsafe Buildings identified are four houses and/or the remains of same located on the premises identified by the street addresses above that are considered dangerous and unsafe as they are so dilapidated, decayed, unsafe, or unsanitary that they are unfit for occupation; they are in violation of the NYS Fire Prevention & Building Code; and/or they have been vacant and unattended continuously for one year or longer without adequate safeguards to prevent unauthorized entry, amongst other reasons, per the reports of the Code Enforcement Officer that are on file in the Building Department of the Town of Newstead and incorporated by reference.

The owner of the foregoing premises is ordered and directed to immediately demolish the Unsafe Buildings, to have the debris removed from the site and disposed of in accordance with all legal requirements, and to secure any basement on the site by either filling in the basement or collapsing the basement and filling in the site where the basement was previously located.

The Town Board of the Town of Newstead will hold a hearing on September 28, 2026 at 7:20 PM at the Newstead Town Hall, 5 Clarence Center Road, Akron, New York regarding the Unsafe Buildings. If the Unsafe Buildings have not yet been demolished and are ordered to be demolished following the hearing, the removal of the Unsafe Buildings shall commence within

30 days following the decision of the Town Board rendered following the hearing and shall be completed within 60 days thereafter, unless for good cause shown, the Town Board shall extend such time. In the event of the refusal or neglect of the owner to comply with the order of the Town Board, the Town Board may provide for the demolition of the Unsafe Buildings by contract with the costs of the demolition and removal to be assessed back against the property owner as provided under Article 15 of Town Law for the levy and collection of special ad valorem assessments. Pursuant to Town Law §130 and Chapter 133 of the Town Code of the Town of Newstead, a copy of this notice is being filed in the Erie County Clerk's Office. The County Clerk shall file the notice in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules. The notice shall have the same effect as a notice of pendency except that it shall be effective for a period of one year from the filing date unless earlier vacated by order of a Judge or Justice of a Court of Record or upon the consent of the Attorney for the Town.

Dated: August 24, 2026

By:

Emily F. Janicz, Esq.
Town Attorney
Town of Newstead