

Amending Resolution No. 382, Dated October 21, 2014, Abandoning Portions Of Old Albany Post Road, County Road Number 79, Town Of Gardiner, To Various Adjoining Property Owners, Removal Of A Portion Of Said Road From County Road Map, And Authorizing The Chairman To Sign Agreement(s) With The Town Of Gardiner And Various Adjoining Property Owners

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran, and Roberts)

Legislator Tracey A. Bartels offers the following:

WHEREAS, this Resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, Resolution No. 382, dated October 21, 2014, authorized abandoning portions of the old Albany Post Road (now named Grist Mill Lane and Tinkers Lane) to the adjacent property owner, Tuthilltown Holdings, LLC, authorized the removal of major portions of the old Albany Post Road from the County Road System so that those portions would be maintained by the Town of Gardiner, and authorized the Chairman to sign any necessary agreements, deeds and other documents as may be required to effectuate the terms of Resolution No. 382, dated October 21, 2014; and

WHEREAS, on November 3, 2014, Tuthilltown Holdings, LLC underwent a corporate restructuring in which it was renamed Tuthilltown Properties, LLC; and

WHEREAS, Tuthilltown Properties, LLC has provided updated maps of Parcels C, D, and E, and updated parcel descriptions for Parcels C, D, and E; and

WHEREAS, the updated maps of Parcels C, D, and E, and the updated parcel descriptions for Parcels C, D, and E have been filed with the Clerk of the Legislature; and

WHEREAS, the Agreement with the Town of Gardiner, which referenced, where applicable, Tuthilltown Holdings, LLC, providing 1) for removal of such portion of the old Albany Post Road from the County Road System, and 2) that all future maintenance of the old Albany Post Road shall be the full responsibility of the Town of Gardiner has been revised to reference, where applicable, Tuthilltown Properties, LLC and filed with the Clerk of the Ulster County Legislature; and

WHEREAS, Resolution No. 382, dated October 21, 2014, is being amended only to the extent that the portions of Old Albany Post are being abandoned to Tuthilltown Properties, LLC, and all references to Tuthilltown Holdings, LLC shall now be to Tuthilltown Properties, LLC; and

Resolution No. 121 March 17, 2015

Amending Resolution No. 382, Dated October 21, 2014, Abandoning Portions Of Old Albany Post Road, County Road Number 79, Town Of Gardiner, To Various Adjoining Property Owners, Removal Of A Portion Of Said Road From County Road Map, And Authorizing The Chairman To Sign Agreement(s) With The Town Of Gardiner And Various Adjoining Property Owners

WHEREAS, the removal of major portions of the old Albany Post Road from the County Road System so that those portions shall be maintained by the Town of Gardiner is unaffected by this Amending Resolution; and now, therefore, be it

RESOLVED, that pursuant to Section 118-a of Highway Law, the County of Ulster abandons to Tuthilltown Properties, LLC, an adjacent property owner, that portion of the Old Albany Post Road designated as "Parcel D" on its corresponding map, dated February 5, 2015, prepared by William E. James, P.E., P.L.S. for Tuthilltown Properties, LLC, described and filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney and the Ulster County Department of Public Works; and, be it further

RESOLVED, that pursuant to Section 118-a of Highway Law, the County of Ulster abandons to Tuthilltown Properties, LLC, an adjacent property owner, that portion of the Old Albany Post Road designated as "Parcel E" on its corresponding map, dated February 5, 2015, prepared by William E. James, P.E., P.L.S. for Tuthilltown Properties, LLC, described and filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney and the Ulster County Department of Public Works; and, be it further

RESOLVED, that pursuant to Section 115-b of Highway Law, the County of Ulster does hereby remove sections of the old Albany Post Road from the County Highway Map designated as "Parcel A" and "Parcel B" on its corresponding map entitled "Abandonment Map No. 1A" prepared for the Office of the Commissioner of Public Works for the County of Ulster by Bert C. Winne, III, L.S., a licensed surveyor who was previously employed by the County of Ulster, and previously described and previously filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney and the Ulster County Department of Public Works, so that said portion of the old Albany Post Road (now a lot without road) shall revert to and be maintained by the Town of Gardiner pursuant to the provisions of Section 115-b of Highway Law, with said removal to be effective upon filing with the Ulster County Clerk a deed conveying "Parcel C" on its corresponding map, dated February 5, 2015, prepared by William E. James, P.E., P.L.S. for Tuthilltown Properties, LLC, from Tuthilltown Properties, LLC to the Town of Gardiner; and, be it further

Resolution No. 121 March 17, 2015

Amending Resolution No. 382, Dated October 21, 2014, Abandoning Portions Of Old Albany Post Road, County Road Number 79, Town Of Gardiner, To Various Adjoining Property Owners, Removal Of A Portion Of Said Road From County Road Map, And Authorizing The Chairman To Sign Agreement(s) With The Town Of Gardiner And Various Adjoining Property Owners

RESOLVED, that the Chairman is authorized to sign any necessary agreements, deeds and other documents as may be required to effectuate the terms of this amended resolution including, in particular, an agreement with the Town of Gardiner providing 1) for removal of such portion of the old Albany Post Road from the County Road System, and 2) that all future maintenance of the old Albany Post Road, not abandoned to Tuthilltown Properties, LLC, shall be the full responsibility of the Town of Gardiner, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

Passed Committee: Public Works and Capital Projects on March 5, 2015

FINANCIAL IMPACT:
NONE

Resolution No. 121 March 17, 2015

**Amending Resolution No. 382, Dated October 21, 2014,
Abandoning Portions Of Old Albany Post Road, County Road
Number 79, Town Of Gardiner, To Various Adjoining Property
Owners, Removal Of A Portion Of Said Road From County Road
Map, And Authorizing The Chairman To Sign Agreement(s) With
The Town Of Gardiner And Various Adjoining Property Owners**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17th Day of March in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 20th Day of March in the year Two Thousand and Fifteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
20th Day of March, 2015.

Approved by the County Executive this
26th Day of March, 2015.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

|s| Michael P. Hein
Michael P. Hein, County Executive