

**Authorizing The Chairman Of The Ulster County Legislature To Convey Two Parcels Of County-Owned Real Property Previously Owned By The Lower Esopus River Watch, Inc. To The Town Of Rosendale – Department Of Finance**

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Bartels, Belfiglio, Briggs, Maio, Maloney, Provenzano and Rodriguez)

Legislator Manna Jo Greene offers the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Finance; and

WHEREAS, the County of Ulster is the owner of real property formerly owned by the Lower Esopus River Watch, Inc., situated in the Town of Rosendale and known as Josephine Avenue, consisting of .22 acres of residential vacant land and designated as SBL No. 62.82-2-18; and

WHEREAS, the subject property was conveyed to the County of Ulster by Deed dated October 30, 2013 and recorded in the Office of the Ulster County Clerk on October 31, 2013 as Document Number 2013-00017636 in Volume 5670 of Deeds at Page 228; and

WHEREAS, the County of Ulster is also the owner of real property formerly owned by the Lower Esopus River Watch, Inc. situated in the Town of Rosendale and known as Lucas Avenue Extension, consisting of 8.2 acres of residential vacant land and designated as SBL No. 62.2-3-1; and

WHEREAS, the subject property was conveyed to the County of Ulster by Deed dated October 30, 2013 and recorded in the Office of the Ulster County Clerk on October 31, 2013 as Document Number 2013-00017635 in Volume 5670 of Deeds at Page 225; and

WHEREAS, the Town of Rosendale wishes to acquire these two (2) parcels of County-owned property, which were acquired by the County by reason of litigation commenced by the New York State Attorney General's Office against the former Lower Esopus River Watch, Inc., and which had previously been offered at Public Auction per Court Order on October 16, 2013; and

WHEREAS, the Town of Rosendale intends to utilize these parcels for municipal purpose and public benefit; and

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WHEREAS, New York State General Municipal Law §72-h permits the Legislature of the County of Ulster to transfer the properties described herein to another municipality, subject to approval by the Town of Rosendale, either without consideration or for such consideration and upon such terms and conditions as shall be approved by the Ulster County Legislature and the Town Board of the Town of Rosendale; and

WHEREAS, the Ulster County Legislature has determined that the subject properties are surplus properties that are not needed by the County of Ulster for County purposes; and

WHEREAS, this conveyance constitutes a Type II action under Section 2.26 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted in Resolution No. 118 on April 20, 2010; and

WHEREAS, as per Section 3 of the County's Type II List, this action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of SEQRA; now, therefore be it

RESOLVED, that the Ulster County Legislature hereby finds and determines that the two (2) Town of Rosendale properties known as SBL No. 62.82-2-18 and SBL 62.2-3-1, and which are intended to be conveyed herein are surplus properties which are appropriate for conveyance to the Town of Rosendale; and, be it further

RESOLVED, that such property shall be conveyed to the Town of Rosendale for \$1.00 and with the following terms and conditions included in the deed: that the properties shall be restricted to use for public benefit; and, be it further

RESOLVED, that the Town of Rosendale shall not name the subject properties after any political figure, in light of the resources used by the County to acquire the properties from its former owner; and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute the Deeds, and any agreements and/or documents regarding these conveyances including but not limited to a Conveyance and Indemnification Agreement, in the form as filed with the Clerk of the Ulster County Legislature or as modified by the County Attorney; and, be it further

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RESOLVED, that such conveyances are subject to acceptance and authorization by the Town of Rosendale; and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is authorized and directed to make, execute and deliver to said party, a Quitclaim Deed conveying the interest of the County in said parcel, which Quitclaim Deed shall contain the covenant that the said County of Ulster shall in no event be or become liable for any defects in title conveyed for any cause whatsoever, and that no claim or demand of any nature shall ever be made against the County of Ulster arising from such sale, conveyance or the proceedings leading thereto; and, be it further

RESOLVED, that such conveyance is subject to acceptance and execution by the Town of Rosendale of a conveyance and indemnification agreement, and further subject to authorization by the Town Board of the Town of Rosendale, upon the adoption of a duly certified Resolution of that body within ninety (90) days of the date of approval of this resolution by the County Executive; and be it further

RESOLVED, that failure by the Town of Rosendale to act upon this resolution within ninety (90) days of the adoption of this resolution shall result in this resolution being deemed null and void,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Provenzano)

Passed Committee: Ways and Means on May 14, 2014

FINANCIAL IMPACT:  
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 20<sup>th</sup> Day of May, 2014, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 23<sup>rd</sup> Day of May in the year Two Thousand and Fourteen.

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

Submitted to the County Executive this  
23rd Day of May, 2014.

Approved by the County Executive this  
28th Day of May, 2014.

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

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