

Authorizing Right-Of-Way Acquisition Of Certain Real Property For The Purpose Of Replacing The Samsonville Road Culvert, Town Of Rochester – Department Of Public Works (Highways & Bridges)

Referred to: The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Fabiano, Litts, Nolan, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chairwoman of the Public Works, Capital Projects and Transportation Committee, Laura Petit, and Deputy Chair Dean J. Fabiano offer the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the Department of Public Works; and

WHEREAS, Capital Project No. 540 was established pursuant to Resolution No. 160 dated April 16, 2019, in the amount of \$550,000.00 for the replacement of the Samsonville Road Culvert in the Town of Rochester; and

WHEREAS, Resolution No. 520 dated November 16, 2021 amended Capital Project No. 540 to include the cost of construction, in the amount of \$743,847.00, bringing the total project cost to \$1,293,847.00; and

WHEREAS, the project engineer has identified specific real property which the County shall need to acquire in fee or as permanent easements or as temporary easements in order to accomplish this project; and

WHEREAS, the project engineer has identified certain land acquisition needs, which consist of one (1) temporary easement, and one (1) fee acquisition to construct the project; and

WHEREAS, the County has been negotiating with the owners of these necessary parcels for their acquisition; and

WHEREAS, based upon examination by the Ulster County Legislature, the County's funding of this Project constitutes a Type II action as defined under Sections 4.5.5 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List, which was adopted pursuant to Resolution No. 118 dated April 20, 2010; and

WHEREAS, Ulster County has determined that this funding 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, and does not require any further determination or procedure under SEQRA; now, therefore, be it

Resolution No. 265 May 17, 2022

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RESOLVED, that the Ulster County Legislature hereby authorizes the County Attorney to complete negotiations with property owners, relating to the Samsonville Road Culvert replacement project, for the acquisition of the property and to purchase and acquire the property on behalf of the County; and, be it further

RESOLVED, that should any negotiations prove unsuccessful, the County Attorney is hereby authorized to commence eminent domain proceedings for the purpose of acquiring said property,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

Passed Committee: Public Works, Capital Projects and Transportation on May 9, 2022

Passed Committee: Ways and Means on May 10, 2022

FINANCIAL IMPACT:

\$16,715.00 – BUDGETED COUNTY CAPITAL APPROPRIATIONS

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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 May in the year Two Thousand Twenty-Two, 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 19th Day of May in the year Two Thousand Twenty-Two.

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

Submitted to the County Executive this
19th Day of May 2022.

Approved by the County Executive this
25th Day of May 2022.

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

|s| Patrick K. Ryan
Patrick K. Ryan, County Executive