

**Amending Resolution No. 268 Of July 15, 2014 By Removing Nine  
Parcels From The Scheduled Public Auction And Authorizing The  
Transfer Of Said Properties To The Town Of Wawarsing For Public  
Use And Benefit – Department of Finance**

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Archer, Donaldson, Roberts, and Ronk), and The Ways and Means Committee (Chairman Gerentine and Legislators Bartels, Belfiglio, Briggs, Maio, Maloney, Provenzano and Rodriguez)

Chairman of the Laws and Rules, Governmental Services Committee, Richard A. Parete, and Deputy Chairman Kevin A. Roberts offer the following:

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

WHEREAS, the County of Ulster purchased thirty-three (33) parcels of real property and is in the process of procuring nine (9) additional parcels located in the Town of Wawarsing, pursuant to Phase II of a grant from the New York State Housing and Trust Fund Corporation more commonly known as The Greater Catskill Flood Remediation Program (the “Program”), which grant was supplemented by funding from the New York City Department of Environmental Protection, for the same purposes articulated in Resolution No. 281 of September 10, 2008, for Phase I of the Program; and

WHEREAS, Resolution No. 268 dated July 15, 2014 declared these parcels to be surplus county properties and authorized the Commissioner of Finance to sell the parcels to the highest bidder at public auction; and

WHEREAS, the Town of Wawarsing has requested the County to transfer nine of the properties to it and intends to utilize these parcels as to extend existing public recreational space and for drainage mitigation, which are municipal purposes and public benefits; and

WHEREAS, Section 72-h of New York State General Municipal Law permits the Legislature of the County of Ulster to transfer the property described herein to another municipality, subject to approval by the Town of Wawarsing, 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 Wawarsing; and

WHEREAS, the conditions of the grant Program require that the acquired properties be restricted to, dedicated to, and maintained in perpetuity for use that is compatible with open space, recreation, flood mitigation and/or wetlands management preservation; and

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WHEREAS, in accordance with the provisions of the State Environmental Quality Review Act, 6 NYCRR part 627 (SEQRA), this project was determined, as set forth in Resolution No. 60 of March 20, 2012, to be an unlisted action, and pursuant to SEQRA, a programmatic environmental assessment was completed of the entire Program, including the ultimate resale of the acquired properties; and

WHEREAS, said review resulted in a finding and determination that the Program would not have a significant adverse environmental impact, and further resulted in the adoption and filing of a Negative Declaration pursuant to 6 NYCRR Part 617.12; now, therefore, be it

RESOLVED, that the following County-owned surplus properties, which were acquired through The Greater Catskill Flood Remediation Program, are hereby removed from public auction:

**Town of Wawarsing:**

<b><u>Address</u></b>	<b><u>SBL(s)</u></b>
1. 23 Smith Rd., Wawarsing	75.82-1-29
2. 33 Smith Rd., Wawarsing	75.82-1-28
3. 11 Smith Rd., Wawarsing	75.82-1-31
4. 7058 Rt. 209, Wawarsing	75.4-1-18
5. 30 Fox Hill Rd., Wawarsing	75.4-1-15
6. 10 Smith Rd., Wawarsing	75.82-1-12
7. 15 Smith Rd., Wawarsing	75.82-1-30
8. 7056 Rt. 209, Wawarsing	75.4-1-19
9. 27 Smith Rd., Wawarsing	75.82-1-26

and, be it further

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RESOLVED, that the Ulster County Legislature hereby finds and determines that the property described herein and which is intended to be conveyed herein is appropriate for conveyance to the Town of Wawarsing for municipal purposes; and, be it further

RESOLVED, that such property shall be conveyed to the Town of Wawarsing without consideration; and, be it further

RESOLVED, that the Town of Wawarsing shall not name the subject property after any political figure; and, be it further

RESOLVED, that such properties shall be conveyed subject to the same restrictions for use of the properties as are imposed by the Program upon the County, with the following terms and conditions included in the deed: *that the property be restricted to, dedicated to, and maintained in perpetuity for use that is compatible with open space, recreation, flood mitigation and/or wetlands preservation management*; and, be it further

RESOLVED, that the deed(s) to the property be prepared as follows:

<b>PREVIOUS OWNER</b>	<b>TOWN</b>	<b>DEED TO</b>
County of Ulster	Wawarsing	Town of Wawarsing 108 Canal Street Ellenville, NY 12428

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(s) conveying the interest of the County in said parcels, which quitclaim deed(s) 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

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RESOLVED, that the Chairman of the Ulster County Legislature is authorized on behalf of the County to execute any agreements, amendments, and/or documents related to the conveyances, in the forms filed with the Clerk of the Ulster County Legislature or as modified by the County Attorney; and, be it further

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

RESOLVED, that failure by the Town Board of the Town of Wawarsing to adopt such a resolution as referenced herein shall result in this resolution being deemed null and void,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

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

Passed Committee: Laws and Rules, Governmental Services on August 18, 2014

Passed Committee: Ways and Means on August 19, 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 19<sup>th</sup> Day of August, 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 20<sup>th</sup> Day of August in the year Two Thousand and Fourteen.

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

Submitted to the County Executive this  
21<sup>st</sup> Day of August, 2014.

Approved by the County Executive this  
28<sup>th</sup> Day of August, 2014.

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

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