

Authorizing The Acquisition Of Right-Of-Way Interests Over Certain Real Property For The South Putt Corners Road Pavement Project (PIN 8759.90) In The Town of New Paltz – Department Of Public Works (Highways & Bridges)

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran 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 (hereinafter the “County”) has established Capital Project No. 336 for the acquisition of right-of-way interests at South Putt Corners Road in the Town of New Paltz, County of Ulster, State of New York for the South Putt Corners Road Pavement Project, PIN 8759.90, (hereinafter the “Project”); and

WHEREAS, the project engineer has identified the specific parcels of real property over which the County needs to acquire real property interests, such as temporary easements, permanent easements, and fee, as follows in order to accomplish this Project:

<u>NAME</u>	<u>PROPERTY INTEREST</u>
A) Deep & Usia Kaul	Permanent Easement
B) New Paltz Central School District	Permanent Easement
C) New Paltz Central School District	Temporary Easement
D) Frank & Margaret Seelmann	Permanent Easement
E) Renewable Energy Services, Inc.	Permanent Easement
F) Antonio Restivo & Vincenzo Giocoli	Permanent Easement
G) J.A.M. of New Paltz, Inc.	Permanent Easement
H) Michael & Jean Moriello	Permanent Easement
I) Rolling Frito-Lay Sales, LP	Fee
J) Spurling Irrevocable Trust	Permanent Easement
K) New York State DEC	Permanent Easement
L) Extra Spaces Properties Forty Seven, LLC	Permanent Easement
M) Alpac Partners, LLC	Permanent Easement
N) Sun Oil Co.	Temporary Easement; and

Resolution No. 340 July 19, 2016

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WHEREAS, the County pursuant to New York’s Eminent Domain Procedure Law §206(D) was exempt from the hearing requirement because “the acquisition is *de minimis* in nature so that the public interest will not be prejudiced by the construction of the project” (N.Y. Eminent Domain Procedure Law §206(D)); and

WHEREAS, owners of lands associated with those real property interests have been contacted, are aware of the Project, and are amenable to conveying to the County a *de minimis* real property interest for just compensation in accordance with real estate appraisals to allow for the Project; and

WHEREAS, the County has negotiated with the owners of these parcels for the acquisition of *de minimis* real property interests over the parcels; and

WHEREAS, the owners of these parcels are willing to convey the *de minimis* real property interests to the County, and the total costs of the acquisitions, as established in Resolution No. 433 on November 17, 2015, of \$176,260.00 made available to cover the cost of participation in the right-of-way acquisition work for the Project; now, therefore be it

RESOLVED, the real property acquisitions in conjunction with the South Putt Corners Road Pavement Project (PIN 8759.90) constitute a Type II action under section 4.5.3 of the County of Ulster’s State Environmental Quality Review Act (hereinafter “SEQRA”) Type II List that was adopted in Resolution No. 118 on April 20, 2010; and, be it further,

RESOLVED, that the Ulster County Commissioner of Finance is authorized to make payments associated with the right-of-way acquisitions; and, be it further,

RESOLVED, the Ulster County Legislature hereby authorizes the Chairman of the Ulster County Legislature to execute, on behalf of the County of Ulster, any and all documents related to the right-of-way acquisitions as approved by the County Attorney,

and moves its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Fabiano, R. Parete and Roberts)

Passed Committee: Public Works and Capital Projects as amended on July 7, 2016

Passed Committee: Ways and Means on July 12, 2016

FINANCIAL IMPACT:

\$176,260.00 – BUDGETED CAPITAL PROJECT NO. 336 APPROPRIATIONS
\$141,008.00 – REIMBURSABLE FROM FEDERAL FUNDS
\$ 35,252.00 – REIMBURSABLE FROM STATE FUNDS

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 19th Day of July in the year Two Thousand and Sixteen, 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 July in the year Two Thousand and Sixteen.

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

Submitted to the County Executive this
21st Day of July, 2016.

Approved by the County Executive this
22nd Day of July, 2016.

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

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