

Authorizing The Chairman Of The Ulster County Legislature To Convey The Poor Farm Reservoir Property, Tax Map No. 86.1-1-41, To The City Of New York Without Consideration Pursuant To Section 72-h Of The New York State General Municipal Law – Department Of Public Works

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Nolan, and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, Maio, James Maloney, Joseph Maloney, and Petit)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, offers the following:

WHEREAS, the County of Ulster (the “County”) owns certain real property in the Town of New Paltz, County of Ulster and State of New York, more particularly described as the “Poor Farm Reservoir Property”, being also described as Tax Map No. 86.1-1-41 (hereinafter referred to as the “Property”); and

WHEREAS, the Property was purchased by the County by a warranty deed from Albert K. Smiley and Eliza P. Smiley, his wife, dated October 31, 1904 and recorded in the Office of the Ulster County Clerk on February 11, 1908, in Liber 408 of Deeds at Page 521; and

WHEREAS, the County purchased the Property in order to acquire a pond to supply water by pipeline to the former County Home located in the current Ulster County Fairgrounds in the Town of New Paltz; and

WHEREAS, in said deed, the Grantors reserved the right to build a road across said premises below the dam and also the right to construct and maintain a bridge across said premises below the dam for the purpose of carrying said road and that said rights refer to a private road previously located on the easterly side of the Property; and

WHEREAS, as referred to in Deed Liber 408 of Deeds at Page 521, Lower Duck Pond Road is also an existing road on the northerly bounds of the Property, being a former town road known as Mullenix Road, and which the Mohonk Preserve, Inc, uses and maintains to date; and

WHEREAS, by Resolution No. 246 of 2016, adopted on April 19, 2016, by the Ulster County Legislature and approved and signed by the Ulster County Executive on April 21, 2016, the County declared that the Property as “surplus” and no longer needed for a public purpose and authorized its sale to the City of New York; and

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WHEREAS, the Property is surplus property, has no further use to the County and contains the remnants of a dam, pond and pipeline that remain on it; and

WHEREAS, the City of New York desires to obtain the Property due to its proximity to its New York City Aqueduct; and

WHEREAS, pursuant to Section 72-h of the New York State General Municipal Law, the County may convey real property to another municipality without consideration; and

WHEREAS, the Mohonk Preserve, Inc., successor in interest to Albert K. and Eliza P. Smiley, has no objection to this conveyance as long as it retains all rights reserved in Deed Liber 408 at Page 521 as well as a right of way for ingress and egress across the Property by way of Lower Duck Pond Road (the former Mullenix Road) which it still uses and maintains to date; now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby re-affirms the provisions of its Resolution 219 of the year 1991, in that due to the closing and ultimate demolition of the County Home, the Ulster County Legislature determined that the Property is no longer necessary for a public purpose; and, be it further

RESOLVED, that the Ulster County Legislature hereby affirms and/or re-affirms the following pursuant to the provisions of its Resolution No. 246 of the year 2016:

- 1) affirms that the Property is indeed surplus and is no longer needed for a public purpose;
- 2) finds that the City of New York has an aqueduct on the Property and desires to acquire the Property in order to maintain its aqueduct and that it is in the best interests of the County to convey the Property to New York City;
- 3) finds that the County is permitted to transfer the Property to New York City without consideration pursuant to the provisions of Section 72-h of the General Municipal Law;

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4) declares that the Ulster County Legislature has examined the proposed transfer and has determined such to be an unlisted action with no significant impact on the environment in accordance with the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 627 (SEQRA) and the County of Ulster's SEQRA Type II List, adopted by Resolution No 118 on April 20, 2010; and, be it further

RESOLVED, that the Chairman of the County Legislature is hereby authorized to execute all documents and agreements and related paperwork necessary to convey the Property in fee to the City of New York, as approved or modified by the County Attorney, including any amendments thereto; and, be it further

RESOLVED, that pursuant to Section 72-h of the New York State Municipal Law, the Chairman of the Ulster County Legislature shall convey the Property to the City of New York without consideration, excepting only that the City of New York shall pay all costs associated with or required for said conveyance; and, be it further

RESOLVED, that the deed of conveyance to the City of New York shall be made subject to rights reserved in Liber 408 of Deeds at Page 521 as filed in the Office of the Ulster County Clerk, and to any right, title and interest of Ulster County, and subject to any rights of Mohonk Preserve, Inc. or others, in Lower Duck Pond Road, formerly known as Mullenix Road, which provides ingress and egress across the northerly bounds of the Property; and, be it further

RESOLVED, that said deed of conveyance shall be made, executed and delivered subject to the condition and covenant that the said County of Ulster shall in no event be or become liable for any defects in the title so conveyed for any cause whatsoever, or that no claim or demand of any nature shall ever be made against the said County of Ulster, arising from such sale or any proceedings leading thereto;

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

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

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Passed Committee: Public Works and Capital Projects on August 2, 2018

Postponed in Committee: Ways and Means for One Week on August 7, 2018

Passed Committee: Ways and Means on August 14, 2018

FINANCIAL IMPACT:
NONE

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 14th Day of August in the year Two Thousand and Eighteen, 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 15th Day of August in the year Two Thousand and Eighteen.

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

Submitted to the County Executive this
15th Day of August, 2018.

Approved by the County Executive this
23rd Day of August, 2018.

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

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