

Abandonment Of Portion Of Albany Post Road, County Road Number 79, Town Of Gardiner, To Adjoining Property Owner, Authorizing The Chair To Sign Agreement With The Adjoining Property Owner

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

Chairwoman of the Public Works, Capital Projects and Transportation Committee, Laura Petit, and Deputy Chair Dean 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, the County of Ulster owns real property located in the Town of Gardiner, which was acquired by the County in fee for highway purposes pursuant to a map entitled “Constantine Jordon B. 1128. P. 233.”, dated September 1, 1972, as Map No. 28, Parcel No. 35 (hereinafter referred to as the “Property”); and

WHEREAS, the Property was acquired by the County in connection with the improvement of Albany Post Road (County Road Number 79); and

WHEREAS, it has been recommended by the Commissioner of the Ulster County Department of Public Works (the County superintendent of highways) to abandon a 0.15 acre portion of the Property to the adjacent property owner, Blue Planet Holdings LLC; and

WHEREAS, the adjacent property owner, Blue Planet Holdings LLC, is willing to accept the abandoned 0.15 acre portion of the Property; and

WHEREAS, this transaction is contingent upon Blue Planet Holdings LLC preparing the necessary, updated parcel description for the portion of the Property to be abandoned, which said description shall describe the portion of the Property to be conveyed between the applicable parties; and

WHEREAS, the conveyance for this transaction is further contingent upon the consent and agreement of the parties involved, as well as the approval of the Ulster County Legislature and the Ulster County Executive; and

WHEREAS, the abandonment constitutes a Type II action under Section 3.2 and Section 4.5.11 of the County of Ulster’s State Environmental Quality Review Act (SEQRA) Type II list, adopted by Resolution No. 118 on April 20, 2010; and

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WHEREAS, Ulster County determines that 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 has examined the 0.15 acre portion of the Property and determined that the County no longer needs the 0.15 acre portion of the Property now or in the future for public use or for the operation of the County; and, be it further

RESOLVED, that pursuant to Section 118-a of Highway Law, the County of Ulster abandons to Blue Planet Holdings LLC, an adjacent property owner, that portion of Albany Post Road designated as “Parcel A” on the corresponding map, dated November 28, 2022, prepared by Patricia Pauli Brooks, L.S. for Blue Planet Holdings LLC, which map shall be or has been filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney and the Ulster County Department of Public Works; and, be it further

RESOLVED, this transaction is contingent upon Blue Planet Holdings LLC preparing the necessary, updated parcel descriptions for the abandoned 0.15 acre portion of the Property, which said description shall describe the portion of the Property to be conveyed between the applicable parties; and, be it further

RESOLVED, that the Chair is authorized to sign any necessary agreements, deeds and other documents as may be required to effectuate the terms of this resolution; and, be it further

RESOLVED, this Resolution is subject to all of the parties having agreed and consented to this transaction in its entirety, as well as the approval of the Ulster County Legislature and the Ulster County Executive,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

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No Action Taken in Committee: Public Works, Capital Projects and Transportation on August 7, 2023

Defeated in Committee: Public Works, Capital Projects and Transportation on September 15, 2023

Petition to Discharge not executed.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

NONE