

**Amending Capital Project No. 479 - Ulster County Midtown Linear Park (PIN 8761.82) - Authorizing The Ulster County Executive To Execute Agreements, Certifications And Reimbursement Requests For Federal Aid On Behalf Of Ulster County With The New York State Department Of Transportation For Funding Right-Of-Way Acquisition - Amending The 2019 Capital Fund Budget - Department Of Planning**

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Woltman and Legislators Archer, Delaune, Litts, Maio, Joseph Maloney, and Rodriguez), The Public Works and Capital Projects Committee (Chairwoman Petit and Legislators Fabiano, Greene, Litts, and Nolan), and The Ways and Means Committee (Chairwoman Archer and Legislators Donaldson, Gerentine, Maio, Joseph Maloney, Petit, and Ronk)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Brian J. Woltman, and Deputy Chair Lynn Archer offer the following:

WHEREAS, a Project for the Ulster County Midtown Linear Park, PIN 8761.82 to construct a 0.8 mile shared-use path connecting Westbrook Avenue to Cornell Street in the City of Kingston (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, Capital Project No. 479 was established pursuant to Resolution No. 503 of 2017 and was amended pursuant to Resolution No. 390 of 2019 to provide authorization and funding for engineering and right-of-way incidentals work for the Project in the amount of \$197,945.00; and

WHEREAS, pursuant to Resolution No. 391 of 2019, the Ulster County Legislature adopted and issued a Negative Declaration Under the State Environmental Quality Review Act (SEQRA) for the construction of the Project; and

WHEREAS, Ulster County desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of the right-of-way acquisition phase; now, therefore, be it

RESOLVED, the Ulster County Legislature hereby approves the further progress of the Ulster County Midtown Linear Park- PIN 8761.82 for the right-of-way acquisition phase; and, be it further

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RESOLVED, that the Ulster County Legislature hereby authorizes Ulster County to pay in the first instance 100% of the federal and non-federal share of the cost of right-of-way acquisition work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$110,000.00 is hereby appropriated and made available from Capital Project No. 479 to cover the cost of participation in the right-of-way acquisition phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Ulster County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Ulster County Executive thereof; and it is further

RESOLVED, that the Ulster County Executive be and is hereby authorized to execute the Federal-Aid Local Project Agreement, in the form as filed with the Clerk of the Legislature or as modified with the approval of the County Attorney, as well as all necessary additional agreements, certifications or reimbursement requests for Federal Aid and any amendments thereto on behalf of Ulster County with the New York State Department of Transportation (NYSDOT) in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of federal aid Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that in addition to the County Executive, the following municipal titles-- Director of Purchasing, Commissioner of Public Works, and Director of Planning—are also hereby authorized to execute any necessary Agreements or certifications on behalf of the County, with NYSDOT in connection with the advancement or approval of the Project identified in the Federal-Aid Local Project Agreement; and be it further

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RESOLVED, that the Ulster County Commissioner of Finance is hereby authorized to make payments associated with right-of-way acquisition; and

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any Agreement in connection with the Project; and it is further

RESOLVED, that the 2019 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0479.2300.2555 (App.#)	Land Acquisition	\$110,000.00
HH.7197.0479.3200.2397 (Rev.#)	Other Gov't Revenue	\$110,000.00

and, be it further

RESOLVED, this Resolution shall take effect immediately,  
and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 18                      NOES: 3  
(Noes: Legislators Donaldson, Joseph Maloney,  
and Petit)  
(Absent: Legislators Eckert and Fabiano)

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Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on December 3, 2019

Passed Committee: Public Works and Capital Projects on December 4, 2019

Passed Committee: Ways and Means on December 10, 2019

**FINANCIAL IMPACT:**

\$110,000.00 - ADDITIONAL COUNTY CAPITAL APPROPRIATIONS

\$110,000.00 - ADDITIONAL CAPITAL REVENUE

(COMMUNITY FOUNDATIONS GRANT)

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 18<sup>th</sup> Day of December in the year Two Thousand and Nineteen, 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 20<sup>th</sup> Day of December in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this  
20<sup>th</sup> Day of December, 2019.

Approved by the County Executive this  
24<sup>th</sup> Day of December, 2019.

s/ Victoria A. Fabella  
Victoria A. Fabella, Clerk

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