

**Declaring Certain County-Owned Real Property Located In The Towns of Hurley and Ulster Acquired By The County Through The Greater Catskill Flood Remediation Program As Excess Property And Authorizing The Right For Bids To Be Issued And Said Real Property Be Sold To The Highest Bidders Pursuant To Section 215 (6) Of New York State's County Law – Department Of Public Works**

The Budget and Finance Committee (Chairman Gerentine and Legislators Bernardo, Frey, Hansut, Harris, Maio, Maloney, Gregorius, Lomita, Provenzano and Sheeley) offers 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 owns nine (9) parcels of real property located in the Towns of Hurley and Ulster, acquired in 2010 pursuant to a grant through the New York State Housing and Trust Fund Corporation more commonly known as The Greater Catskill Flood Remediation Program for the purposes as articulated in Resolution No. 281 of September 10, 2008, and

WHEREAS, the nine (9) parcels of real property currently owned by the County as a part of The Greater Catskill Flood Remediation Program are as follows:

**Town of Hurley:**

| <b><u>Address</u></b>     | <b><u>SBL(s)</u></b> |
|---------------------------|----------------------|
| 1. 1 Brinks Lane, Hurley  | 55.8-2-31            |
| 2. 11 Brinks Lane, Hurley | 55.8-2-28 & -29      |

**Town of Ulster:**

| <b><u>Address</u></b>            | <b><u>SBL(s)</u></b> |
|----------------------------------|----------------------|
| 3. 12 Mulvin Drive, Lake Katrine | 39.81-2-34           |
| 4. 1001 Orlando St., Kingston    | 48.48-1-27 & -28     |
| 5. 932 Orlando St., Kingston     | 48.48-1-8            |
| 6. 48 Buckley St., Kingston      | 48.48-1-2            |
| 7. 283 Route 28 A, Kingston      | 47.2-3-2.100 & 2.200 |
| 8. 28 Sandy Rd., Kingston        | 48.18-1-16           |
| 9. 31 Sandy Rd., Kingston        | 48.18-1-27, 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, the Ulster County Legislature has determined that the subject properties are surplus properties that are not needed by the County of Ulster, and

WHEREAS, as set forth within Resolution No. 179, dated July 20, 2010 the County offered to convey parcel No. 3 to the Town of Ulster, upon the Town Board's approval. However, the formal approval was not obtained and pursuant to the aforesaid resolution, the resolution and conveyance to the Town of Ulster is deemed null and void, and

WHEREAS, Resolution No. 178, dated July 20, 2010, amended the Capital Project No. 325 description for the Greater Catskills Flood Remediation Program to include the transfer of acquired properties to third-parties and to require that third-party purchasers be subject to the same restrictions upon use of the properties as are imposed by the Program upon the County, being that the properties are and forever shall 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 purposes; and

WHEREAS, Resolution No. 178 also adopted an amended negative declaration that provides notice of the determination by the County that the Project, as amended to include the transfer of the aforesaid properties to third-parties, is an unlisted action and has no significant impact on the environment, and

WHEREAS, the County is desirous of selling said properties to the highest bidders pursuant to Section 215 (6) of the County Law, and

WHEREAS, in accordance with both 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, the Ulster County Legislature has examined the properties of this Project and have determined such to be an unlisted action with no significant impact on the environment, and

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WHEREAS, the Budget and Finance Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby finds the real property described herein to be surplus property, intended to be conveyed and sold to successful bidders at Public Auction by the County's Department of Purchasing, and be it further

RESOLVED, that such properties shall be conveyed to the highest bidders, requiring that they be 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 Chairman of the Ulster County Legislature is authorized on behalf of the County to execute the deeds and any agreements and/or documents related to the conveyances, in the forms as filed with the Clerk of the Ulster County Legislature or as modified by the County Attorney, and be it further

RESOLVED, that all of the County's rights, title and interest in said real properties shall promptly be sold to be the highest responsible bidders after public advertisement, as provided for in Section 215 (6) of the County Law, with said bids being subject to acceptance or rejection by the Ulster County Legislature, and be it further

RESOLVED, that this resolution shall take effect immediately,  
and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30                      NOES: 0  
(Absent: Legislators Felicello, Lomita and  
Terrizzi)

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FINANCIAL IMPACT:  
UNKNOWN

0111

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 4<sup>th</sup> day of January, 2011, 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 6<sup>th</sup> Day of January in the year Two Thousand and Eleven.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this

6<sup>th</sup> Day of January, 2011.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this

11<sup>th</sup> Day of January, 2011.

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