

Authorizing Right-Of-Way Acquisition Of Certain Real Property For The Purpose Of Elimination And Replacement Of Two Bridges, Carrying Old New Paltz Road (CR159) Over The Abandoned Conrail Right-Of-Way, In The Town Of Lloyd (Highway Bridge Replacement And Rehabilitation) PIN 8755.14, BIN 3224270 And BIN 3224280, Not On The State Highway System – Department Of Public Works (Highways And Bridges)

The Public Works and Capital Projects Committee (Chairman Loughran and Legislators Decker, Hochberg, Sheeley, Fabiano, Felicello and Roberts) offers the following:

WHEREAS, pursuant to Resolution No. 332 dated November 9, 2000, the Chairman of the Ulster County Legislature executed an agreement with the New York State Department of Transportation approving a Federal Aid Highway Replacement Project not on the State Highway System and authorizing Ulster County to fund for Preliminary Engineering and Right Of Way Incidentals for the Replacement of two bridges on County Road 159 over the Abandoned Conrail, Town of Lloyd, (PIN 8755.14), BIN's 3224270 and 3224280 (herein and after known as the "Project"), and

WHEREAS, the costs for such project were to be borne at the ration of 80% Federal funds and 20% non-federal funds and Ulster County agreed to advance the project by making a commitment of 100% of the federal and non-federal share of the costs of preliminary engineering and right-of-way incidental work, and

WHEREAS, the County has established Capital Project No. 242 for this purpose and has set aside certain funds for this project within that capital project, and

WHEREAS, the project engineer has identified specific real property which the County shall need to acquire in fee or as permanent easements or as temporary easements in order to accomplish this project, and

WHEREAS, appraisals have been conducted to determine the fair and reasonable value of the property as just compensation under the circumstances for each of the parcels identified as necessary to be acquired for this project, and

WHEREAS, the County has been negotiating with the owners of these necessary parcels for their acquisition, and

WHEREAS, it appears that the owners of these certain parcels, the same of which are specifically set forth in the schedule which is annexed hereto and made a part hereof, have indicated a willingness to convey this property to the County in consideration for certain payments offered by the County as just compensation for the purchase of the property, and

Resolution No. 123 April 7, 2009

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WHEREAS, the Department of Public Works as lead agency under the State Environmental Quality Review Act (SEQRA) has determined that the project, a Type II action under SEQRA, will not have a significant effect on the environment and has adopted a negative declaration pursuant to 6NYCRR Section 617.7 under SEQRA with respect to the project, and

WHEREAS, the Public Works and Capital Projects Committee has met and reviewed said request with a majority of the members voting approval.

WHEREAS, the Ways and Means 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 authorizes the Ulster County Attorney to complete negotiations with the subject property owners for the acquisition of the property and to purchase and acquire the property on behalf of the County, and, be it further

RESOLVED, that should any purchase attempt prove unsuccessful, the County Attorney is hereby authorized to commence eminent domain proceedings for the purpose of acquiring this property,

and moves its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 25 NOES: 0
(1 Abstention: Legislator Roberti)
(Absent: Legislators Aiello, Dart, Maloney,
Provenzano, Roberts, Shapiro and Stoeckeler)

FINANCIAL IMPACT:

\$12,700.00 – CAPITAL PROJECT NO. 242 APPROPRIATION DOLLARS
\$10,160.00 – 80% REIMBURSABLE FROM FEDERAL REVENUE DOLLARS
\$ 1,905.00 – 15% REIMBURSABLE FROM STATE REVENUE DOLLARS
\$ 635.00 – 5% LOCAL MATCHING SHARE

0448

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 7th Day of April, 2009, 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 9th Day of April in the year Two Thousand and Nine.

|s| Mary L. Carey
Mary L. Carey, Clerk
Ulster County Legislature

Submitted to the County Executive this
9th Day of April, 2009.

Approved by the County Executive this
9th Day of April, 2009.

|s| Mary L. Carey
Mary L. Carey, Clerk
Ulster County Legislature

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