

**Resolution No. 172 July 17, 2012**

**Amending Capital Project No. 260 - Bailey Bridge (BIN 3347090) For Additional Right-Of-Way Acquisition Work, Authorizing The Chairman Of The Ulster County Legislature To Execute Agreements, Certifications Or Reimbursement Requests For Federal Aid On Behalf Of Ulster County, With The New York State Department Of Transportation, And Amending the 2012 Capital Fund Budget – Department Of Public Works (Highways And Bridges)**

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Maloney, Roberts, Briggs and Parete)

Referred to: Ways and Means (Chairman Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano, Rodriguez)

The Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman John Parete offer the following:

WHEREAS, a Project for Denning Road over the East Branch of the Neversink Creek in the Town of Denning: the Bailey Bridge (BIN 3347090), PIN 8758.79 (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 ration of 80% federal funds 20% non-federal funds, and

WHEREAS, the Project is eligible for New York State Marchiselli Aid, and if this aid becomes available, then Ulster County’s financial obligation to the Project will be diminished from its present 20% share to a 5% share, and

WHEREAS, Capital Project No. 260 was established pursuant to Resolution 284, dated November 13, 2003, to provide authorization and funding for preliminary engineering and right-of-way incidental work for the Project, and

WHEREAS, the Ulster County Legislature approved and agreed to advance the Project by committing 100% of the federal and non-federal shares of the costs of preliminary engineering and right-of-way incidental work, in the first instance, and

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

WHEREAS, the Commissioner of Public Works requests funds from serial bonds for the Project, for the right-of-way acquisition in the amount of \$14,610.00, now

THEREFORE, the Ulster County Legislature, duly convened it is hereby

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RESOLVED, that the Ulster County Legislature hereby approves the further progress of the above-subject Project; and it is hereby further

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 it is further

RESOLVED, that the sum of \$14,610.00 is appropriated from serial bond funding and made available 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 County Executive thereof, and it is further

RESOLVED, that the Chairman of the Ulster County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid 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 municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs, and all project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Chairman of the Ulster County Legislature, the following municipal titles: Commissioner of Public Works and Director of Purchasing, are also hereby authorized to execute any necessary Agreements, certifications or reimbursement requests on behalf of the Municipality with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement, and it is further

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

RESOLVED, that this Resolution shall take effect immediately.

| AMEND CAPITAL PROGRAM |                                       | AMOUNT       |
|-----------------------|---------------------------------------|--------------|
| H4-0260-2962          | Right-Of-Way Acquisition              | \$ 14,610.00 |
| (App. #)              | Capital Project No.260                |              |
| H3-0260-4591          | Federal Aid, Capital Highway Projects | \$11,688.00  |
| H3-0260-5710          | Serial Bond Proceeds                  | \$ 2,922.00  |

and moves its adoption.

**\*\*\*A SERIAL BOND RESOLUTION IS REQUIRED\*\*\***

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: The Public Works and Capital Projects Committee on \_\_\_\_\_

Passed Committee: Ways and Means Committee on \_\_\_\_\_

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FINANCIAL IMPACT:

\$14,610.00 – CAPITAL PROJECT NO. 260 APPROPRIATIONS

\$11,688.00 – 80% REIMBURSABLE FROM FEDERAL FUNDS

\$ 2,922.00 – 20% SERIAL BOND PROCEEDS