

Authorizing The Chairman To Enter Into Necessary Agreements With Scenic Hudson, Open Space Institute, And NYS Agriculture And Markets For The Purchase Of Development Rights Associated With Davenport/Misner Farm In The Town Of Marbletown

The Economic Development / Education, Tourism and Cultural Affairs Committee (Chairman Harris and Legislators Cummings, Felicello, Roberti, Bartels, Loughran and Zimet) offers the following:

WHEREAS, Ulster County was awarded funds from the Farmland Protection Program for the purpose of purchasing conservation easements on the Davenport/Misner Farm in the Town of Marbletown, and

WHEREAS, Ulster County, The Scenic Hudson Land Trust, Inc. (SHLT) and the Open Space Institute (OSI) are in the process of negotiating a conservation easement over the properties involved in the Davenport/Misner Farm application and securing a contract of sale to purchase the easement over said farm, and

WHEREAS, the Davenport/Misner property was designated as eligible for Farmland Protection Funding by the Department of Agriculture and Markets, and

WHEREAS, Ulster County has entered into contract with New York State Department of Agriculture and Markets, Contract Number C800562, that provides up to seventy five percent of the project cost including reimbursement for surveys, title insurance, monitoring and other costs as outlined in the Grant Award (Contract) Budget, and

WHEREAS, SHLT and OSI have agreed to provide the necessary matching funds required for the purchase of the conservation easement as well as monitor the easement as required by the Program, and

WHEREAS, in order to establish the responsibilities, ensure reimbursement of funds for purchase, administrative support, and other items it is necessary to enter into a Memorandum of Agreement among the parties, and

WHEREAS, the acquisition of the Conservation Easement is in keeping with the Ulster County Farmland Protection Plan, and

WHEREAS, the agricultural activities are consistent with the Town of Marbletown Comprehensive Plan, and the New York State Agriculture and Market's Generic Environmental Impact Statement regarding Agricultural Districts, and

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WHEREAS, pursuant to Resolution No. 158 of May 9, 2005, the Ulster County Legislature amended Capital Project No. 255 for the Davenport/Misner Farm purchase, and

WHEREAS, the Economic Development/Education, Tourism and Cultural Affairs Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that pursuant to Part 617 of the Environmental Conservation Law (SEQRA), the Ulster County Legislature finds that the conservation easement associated with the Davenport/Misner Farm that provides for purchase of development rights and allowing agricultural activities will not have a significant impact on the environment and that a negative declaration will be filed, and

FURTHER RESOLVED, that the Chairman is authorized to enter into the necessary Memorandum of Agreement between the County and SHLT and OSI as filed with the Clerk of Legislature or as modified with the approval of the County Attorney, and

FURTHER RESOLVED, that the Chairman is authorized to enter into additional contracts, agreements, understandings between SHLT, OSI and the New York State Agriculture and Marketing Department approved as to form by the County Attorney and required to effectuate the purchase of the conservation easement associated with the Davenport/Misner Farm,

and moves its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 33 NOES: 0

FINANCIAL IMPACT:

\$1,023,415.00 - BUDGETED STATE REVENUE

\$ 325,400.00 - MATCHING FUNDS FROM VARIOUS CONSERVATION
AGENCIES

\$ 15,740.00 - BUDGETED COUNTY DOLLARS IN-KIND SERVICES

0608