

Declaring Certain County-Owned Real Property Located In The Town of Wawarsing Acquired By The County Through The Greater Catskill Flood Remediation Program To Be Surplus Property And Authorizing The Sale Of Such Properties To The Highest Bidders Pursuant To Section 215 (6) Of New York State's County Law – Department Of Public Works

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Briggs, Maloney, Parete, and Roberts) and The Ways and Means Committee (Chairman Gerentine and Legislators Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez)

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

WHEREAS, the County of Ulster owns thirteen (13) parcels of real property located in the Town of Wawarsing, acquired in 2012/13 pursuant to a grant through the New York State Housing and Trust Fund Corporation more commonly known as The Greater Catskill Flood Remediation Program (the "Program") for the purposes articulated in Resolution No. 281 of September 10, 2008; and

WHEREAS, the thirteen (13) parcels of real property currently owned by the County as a part of The Greater Catskill Flood Remediation Program are as follows:

Town of Wawarsing:

ADDRESS	SBL(s)
1. 14 Foordmore Road Wawarsing	75.4-4-9
2. 8 Kagan Lane Wawarsing	75.4-1-32
3. 9 Kagan Lane Wawarsing	75.4-1-28
4. 69 Old Queens Hwy Wawarsing	75.4-2-42
5. 7007 Route 209 Wawarsing	75.82-1-36
6. 7009 Route 209 Wawarsing	75.82-1-35
7. 7019 Route 209 Wawarsing	75.82-1-33
8. 7023 Route 209 Wawarsing	75.82-1-32
9. 11 Smith Road Wawarsing	75.82-1-21
10. 15 Smith Road Wawarsing	75.82-1-30
11. 30 Smith Road Wawarsing	75.82-1-17
12. 32 Smith Road Wawarsing	75.82-1-18
13. 42 Smith Road Wawarsing	75.82-1-19; 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 not needed by the County of Ulster and are therefore surplus properties; 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, the County is desirous of selling said properties to the highest bidders pursuant to Section 215 (6) of the County Law; 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, 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; now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby finds the real property described herein to be surplus property; and, be it further

RESOLVED, that the surplus properties herein described shall be conveyed and sold to successful bidders by competitive bidding conducted by the County's Department of Purchasing; and, be it further

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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 County Attorney is authorized to remove any property from the bidding list in the event that a municipality desires to take title to the property, and shall advise the Legislature and County Executive accordingly, and seek approval for such a conveyance; 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 moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 0

(Legislator Briggs left Chambers at 7:28 PM and returned at 7:38PM)

(Absent: Legislator Richard Parete)

Passed Committee: Ways and Means on August 13, 2013

Passed Committee: Public Works and Capital Projects on August 14, 2013

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FINANCIAL IMPACT:
TBD

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 20th Day of August, 2013, 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 21st Day of August in the year Two Thousand and Thirteen.

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

Submitted to the County Executive this
21st Day of August, 2013.

Approved by the County Executive this
29th Day of August, 2013.

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

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