

Resolution No. 229 September 19, 2012

Authorizing The Chairman Of The Ulster County Legislature To Execute An Easement Agreement With Peter Cleary Allowing The County Access To Privately-Owned Real Property In The Town Of Shandaken Adjacent To Little Peck Hollow Creek – 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)

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

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, the flooding resulting from Hurricane Irene caused the stream bed and stream banks of the Little Peck Hollow Creek to be altered and to be filled with obstructions and stone debris in such a way as to create a threat of erosion to the footings of County Bridge No. 184, the Little Maben Hollow Bridge on County Route No. 47, Oliverea Road, in the Town of Shandaken; and

WHEREAS, this erosion, if allowed to continue, threatens to cause the collapse of the County bridge; and

WHEREAS, the Ulster County Department of Public Works has been offered funding assistance by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture, to assist in its effort to remediate the stream bed and banks of the Little Peck Hollow Creek adjacent to County Bridge No. 184 in order to remove the current threat; and

WHEREAS, the NRCS requires the County to maintain the remediation site for a period of ten years as a condition of funding; and

WHEREAS, Peter Cleary is the record owner of a parcel of real property in the Town of Shandaken (S.B.L. # 23-1-38) which the County needs to enter upon in order to complete the remediation project and maintain thereafter for a period of ten years; now, therefore, be it

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute an Easement Agreement with Peter Cleary, for the purpose of allowing the County entry and access upon real property located in the Town of Shandaken (S.B.L. # 23-1-38) in order to complete the Little Peck Hollow Creek stream bed and bank remediation project adjacent to County Bridge No. 184 by the County, in the form as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney,

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and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Works and Capital Projects on September 4, 2012

FINANCIAL IMPACT:

NONE

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 19th day of September, 2012, 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 20th Day of September in the year Two Thousand and Twelve.

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

Submitted to the County Executive this
20th Day of September, 2012.

Approved by the County Executive this
20th Day of September, 2012.

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

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