

**Conveying Parcel Of County-Owned Real Property Acquired Through The Greater Catskills Flood Remediation Program To The Town Of Ulster For Municipal Purposes – Department Of Public Works**

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

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

WHEREAS, the County of Ulster is the owner of real property formerly owned by Charles H. Whitaker and Patricia L. Whitaker, situated in the Town of Ulster at 12 Mulvin Drive, Lake Katrine, New York, and designated as SBL No. 39.81-2-34, and

WHEREAS, the subject property was conveyed to the County of Ulster on April 5, 2010 and the deed was filed in the Office of the Ulster County Clerk on April 9, 2010 as Instrument Number 2010-4747, and

WHEREAS, this property was acquired by the County of Ulster through a state grant program known as the Greater Catskills Flood Remediation Program(GCFRP), and

WHEREAS, the conditions of the GCFRP require that property acquired pursuant to the program be restricted to, dedicated to, and maintained in perpetuity for a use that is compatible with open space, recreation, flood mitigation and/or wetlands management, and

WHEREAS, the Town of Ulster has requested that the County convey the subject property to it for municipal purposes for the use and enjoyment of the general public, and

WHEREAS, Section 72-h of New York State's General Municipal Law permits the Legislature of the County of Ulster to transfer the property described herein to another municipality, subject to approval by the Town of Ulster, either without consideration or for such consideration and upon such terms and conditions as shall be approved by the Ulster County Legislature and the Town Board of the Town of Ulster, and

WHEREAS, the Ulster County Legislature has determined that the subject property is surplus property that is not needed by the County of Ulster for county purposes, and

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WHEREAS, Resolution No. 178, dated July 20, 2010, amended the project description for the Greater Catskills Flood Remediation Program to include the transfer of acquired properties to third parties and requiring that third-party purchasers be subject to the same restrictions upon use of the properties as are imposed by the program upon the County, 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 property 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. 119 on April 20, 2010, the Ulster County Legislature has examined the proposed conveyance and determined it to be an unlisted action with no significant impact on the environment, and

WHEREAS, the Public Works and Capital Projects Committee has met and reviewed said request with a majority of its members voting approval, now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby finds and determines that the property described in the proposed annexed description and which is intended to be conveyed herein is appropriate for conveyance to the Town of Ulster for municipal purposes, and be it further

RESOLVED, that such property shall be conveyed to the Town of Ulster without consideration and with the following terms and conditions included in the deed: that the property be restricted to, dedicated to, and maintained in perpetuity for a use that is compatible with open space, recreation, flood mitigation and/or wetlands management, and be it further

RESOLVED, that no physical structures will be erected on said property, and be it further

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RESOLVED, that the Town of Ulster shall not name the subject property after any political figure, in light of the state funding used by the County to acquire the property from its former owners, and be it further

RESOLVED, that the Chairman of the Ulster County Legislature is authorized on behalf of the County to execute the deed, and any agreements and/or documents regarding this conveyance, in the form as filed with the Clerk of the Ulster County Legislature or as modified by the County Attorney, and be it further

RESOLVED, that such conveyance is subject to acceptance and authorization by the Town Board of the Town of Ulster, upon the adoption of a duly certified resolution of that body within ninety days of the date of approval of this resolution by the County Executive, and be it further

RESOLVED, that failure by the Town Board of the Town of Ulster to adopt such a resolution as referenced herein shall result in this resolution being deemed null and void,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30                      NOES: 0  
(Absent: Legislators Felicello, Frey and Sheeley)

FINANCIAL IMPACT:  
NONE

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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 15<sup>th</sup> day of November, 2011, 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 17<sup>th</sup> Day of November in the year Two Thousand and Eleven.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this

17<sup>th</sup> Day of November, 2011.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this

22<sup>nd</sup> Day of November, 2011.

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