

Conveying County-Owned Real Property Located In The Town Of Rochester Consisting Of A Portion Of The O&W Railway Right-Of-Way To Allow Continuation Of The Rail Trail

The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Felicello, Maloney, Roberts, Hochberg, Loughran and Provenzano) and Co-Sponsors: Legislators Bernardo, Briggs, Sheeley and Stoeckeler offer 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 owns a portion of the O&W Railway right of way in the Town of Rochester acquired in 1972 for highway and recreation purposes as articulated in Resolution No. 31 of February 10, 1972, and

WHEREAS, other portions of the O&W Railway right of way formerly owned by Ulster County have been transferred to the Town of Rochester in accordance with Resolution No. 259 of August 10, 1989, and

WHEREAS, the Town of Rochester has passed a resolution requesting that the remaining portion of the O&W Railway right of way owned by Ulster County from the Town Line of Rochester in the north to Lucas Turnpike (County Road 1) in the south be conveyed to the Town of Rochester to continue the existing rail trail from the Town Line of Marbletown, and

WHEREAS, such use is consistent with the purposes of the County's acquisition of the property and allows for continuation of the rail trail to its logical terminus at Lucas Turnpike, 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 Rochester, 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 Rochester, and

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

WHEREAS, this conveyance constitutes a Type II action under section 4.1.1 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted in Resolution No. 118 on April 20, 2010, and

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WHEREAS, as per Section 3 of the County's Type II List, this action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of SEQRA, 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 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 Rochester for the purposes referenced herein, and be it further

RESOLVED, that such property shall be conveyed to the Town of Rochester without consideration and with the following terms and conditions included in the deed: that the property, in perpetuity, be restricted to, dedicated to, and maintained for transportation or recreational related use with such reservation of rights to the County as may be deemed necessary by the County Attorney, and be it further

RESOLVED, that such transfer is subject to the easement between Ulster County and Central Hudson Gas and Electric set forth in Resolution No. 146 of June 13, 1996, that granted Central Hudson the right of access over that portion of the right-of-way for maintenance of the adjoining transmission line, 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 related to 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 Rochester 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 of the County of Ulster,

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and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 32 NOES: 0
(Absent: Legislator Shapiro)

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 16th day of November, 2010, 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 18th Day of November in the year Two Thousand and Ten.

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

Submitted to the County Executive this
18th Day of November, 2010.

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

Approved by the County Executive this
23rd Day of November, 2010.

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