

Conveying Two (2) Parcels Of County-Owned Real Property Acquired Through the Greater Catskills Flood Remediation Program To The State Of New York – Department Of Public Works

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Briggs, Maloney, Parete, and Roberts)

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 County of Ulster is the owner of real property formerly owned by Paul R. Bonestell and Beth E. Bonestell, situated in the Town of Ulster at 28 Sandy Road, Kingston, New York, and designated as SBL No.: 48.18-1-16; 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 No.: 2010-00004746; and

WHEREAS, the County of Ulster is also the owner of real property formerly owned by Samuel Rowdcyz, a/k/a Rowdycz, situated in the Town of Ulster at 31 Sandy Road, Kingston, New York, and designated as SBL No.: 48.18-1-27; and

WHEREAS, the subject property was conveyed to the County of Ulster on May 3, 2010 and the deed was filed in the Office of the Ulster County Clerk on May 5, 2010 as Instrument No.: 2010-00006122; and

WHEREAS, these properties were acquired by the County of Ulster through the New York 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 preservation; and

WHEREAS, the State of New York has requested that the County convey the subject properties to it 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

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herein to another municipality, subject to approval by the New York State Department of Environmental Conservation, acting on behalf of the State of New York, either without consideration or for such consideration, and upon such terms and conditions as shall be approved by the Ulster County Legislature and the New York State Department of Environmental Conservation acting on behalf of the State of New York; 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

WHEREAS, Resolution No. 178, dated July 20, 2010, amended the capital project description for the Greater Catskills Flood Remediation Program (hereinafter "GCFRP") 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 GCFRP 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. 118 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; now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby finds and determines that the property described in the proposed annexed descriptions, collectively attached hereto as Schedule A and Schedule B, and which is intended to be conveyed herein is surplus property which is appropriate for conveyance to the State of New York under the jurisdiction of the New York State Department of Environmental Conservation for its purposes; and, be it further

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RESOLVED, that such property shall be conveyed to the State of New York, under the jurisdiction of the New York State Department of Environmental Conservation, without consideration and with the following terms and conditions included in the deed: that the property shall be restricted to, dedicated to, and maintained in perpetuity for use that is compatible with open space, recreation, flood mitigation and/or wetlands preservation; and, be it further

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

RESOLVED, that the State of New York and/or the New York State Department of Environmental Conservation, shall not name the subject property after any political figure, in light of the resources 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 hereby authorized on behalf of the County to execute the deed and any agreements and/or documents regarding this conveyance including, but not limited to a Conveyance and Indemnification Agreement, 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 New York State Department of Environmental Conservation acting on behalf of the State of New York; and, be it further

RESOLVED, that failure by the New York State Department of Environmental Conservation acting on behalf of the State of New York to act upon this resolution within ninety (90) days of the adoption of this resolution, shall result in this resolution being deemed null and void;

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 0
(Absent: Legislators Briggs and Fabiano)

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Passed Committee: Public Works and Capital Projects on March 6, 2013

FINANCIAL IMPACT:
NONE

0183

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 March, 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 March in the year Two Thousand and Thirteen.

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

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

Approved by the County Executive this
26th Day of March, 2013.

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

Michael P. Hein
Michael P. Hein, County Executive