

Authorizing Transfer Of County Owned Property Along The O & W Railroad Corridor To The Town Of Marbletown

The Public Works Committee (Chairman Berardi and Legislators Bischoff, Cahill, Dart, Lomita, Stoeckeler, Fabiano, Felicello and McAfee) and Legislators Cummings, Distel, Kraft, R. A. Parete, R.S. Parete and Sheeley offer the following:

WHEREAS, pursuant to Ulster County Resolution No. 31, dated February 10, 1972, entitled "Authorizing Purchase of Former Right-of-Way on the Ontario and Western Railroad in the Towns of Rochester, Marbletown, Rosendale and Hurley," the Ulster County Legislature authorized the purchase of a portion of said railroad, consisting of twelve and one-half miles, more or less, of a fifteen mile railroad corridor of said former railroad, the same of which did not include rights-of-way already purchased or owned by private individuals or firms, and

WHEREAS, pursuant to the aforementioned resolution, the purchase was intended for highway, recreational and historical purposes, and

WHEREAS, on or about the 12th day of July, 1972, the corporate entity for the Ontario & Western Railroad (hereinafter referred to as the "O & W Railroad"), O & W Lines, Inc., conveyed those parcels of land referred to herein to the County of Ulster by way of quitclaim deed filed in the Office of the Ulster County Clerk on the 8th day of August, 1972 in Liber 1283 of Deeds at page 452, and

WHEREAS, thereafter, as authorized by Ulster County Legislature Resolution Nos. 259 of 1989, 335 of 1989, 233 of 1990 and 332 of 1994, the County of Ulster transferred certain portions, but not all of the O & W Railroad corridor, to the Towns of Hurley, Marbletown and Rochester, and

WHEREAS, there still exists a certain portion of said O & W Railroad Corridor still owned by the County of Ulster including a portion of said O & W Railroad Corridor owned by the County of Ulster in the Town of Marbletown, and

WHEREAS, the Town of Marbletown has requested that the County of Ulster convey to it that portion of the O & W Railroad Corridor from the Town of Marbletown/Rochester town line to Leggett Road in the Town of Marbletown for recreational purposes, which would extend its existing linear park along the former O & W Railroad Corridor, commonly known as the O & W Rail Trail, and

WHEREAS, the Town of Marbletown has applied for and has been approved for state funds through the New York State Transportation Enhancement Program (TEP) project to construct and/or improve parking areas and additional feet of trail of the O & W Rail Trail, and

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WHEREAS, the Commissioner of Highways and Bridges recommends the transfer of the property referenced herein to the Town of Marbletown, and

WHEREAS, the Public Works Committee has met and reviewed said request with a majority of members voting approval.

RESOLVED, that the Chairman of the Ulster County Legislature is authorized to transfer said tract of land to the Town of Marbletown for the recreational purposes described herein, as filed with the Clerk of the Legislature or a modified with the approval of the County Attorney under the following conditions:

1. That there be a written resolution from the Town of Marbletown that it will be responsible for the maintenance of the real property referenced herein; and
2. That if the Town of Marbletown fails to improve the real property described herein within two years of the conveyance, then the rights and property conveyed may, at the sole option of the County of Ulster, revert back to the County of Ulster; and
3. If the Town of Marbletown fails to maintain the real property referred to herein, then it may, at the sole option of the County of Ulster, revert back to the County of Ulster,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0
(Absent: Legislator Felicello)
(Legislator Every left at 8:15 PM)

FINANCIAL IMPACT:
NONE