

# **Local Law Number 9 Of 2009**

## **County Of Ulster**

### **A Local Law Authorizing The Sale Of Surplus County Real Property To Richard L. And Andrea Tomasetti – Private Sale**

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

#### **SECTION 1. LEGISLATIVE INTENT AND FINDINGS.**

From time to time, the County has acquired real property from various sources. Many of such properties are not required for the corporate purposes of the County and could be better put to private use; the transfer of such surplus property at private sale would result in economic benefit to the County in that the real property will be placed upon the tax rolls for fully taxable status.

The purpose of this local law is to provide authority for the sale of such surplus property to Richard L. and Andrea Tomasetti, said property located on Lost Clove Road, Big Indian, in the Town of Shandaken consisting of .0563 acres more or less, tax map #12.7-1-32, which is more particularly described in a metes and bounds description prepared by George E. Williams, Jr., Professional Land Surveyor, as follows:

“ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Shandaken, County of Ulster, and the State of New York and said parcel being more particularly bounded and described as follows:

BEGINNING on the southerly side of the existing traveled way of Lost Clove Road, opposite station 34+00 of the main water pipe line as shown on filed map number 278, said place of beginning being a northwesterly corner of other lands of Richard L. and Andrea Tomasetti, L. 4645~P. 311 and is the northeasterly corner of the herein described parcel of land;

1) THENCE from said place of beginning and following the bounds of the said lands of Tomasetti, the following (3) three courses and distances: South 00 degrees 09 minutes 58 seconds West 100.00 feet;

2) THENCE North 89 degrees 50 minutes 02 seconds West, 200.00 feet to a point which is located North 49 degrees 11 minutes 10 seconds East, 756.48 feet from a found 2” pipe in a pile of stones;

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3) THENCE North 00 degrees 09 minutes 48 seconds East, 158.74 feet to the southerly side of the existing traveled way of Lost Clove Road, said point being located North 41 degrees 15 minutes 30 seconds East, 868.88 feet from a found pipe on the southerly side of Lost Clove Road and on the westerly bounds of other lands of Richard L. and Andrea Tomasetti, L. 4645~P. 311;

4) THENCE following the southerly side of the existing traveled way of Lost Clove Road, the following (5) five courses and distances: South 67 degrees 50 minutes 29 seconds East, 88.81 feet;

5) THENCE South 70 degrees 12 minutes 49 seconds East, 34.43 feet;

6) THENCE South 74 degrees 46 minutes 26 seconds East, 27.12 feet;

7) THENCE South 78 degrees 49 minutes 55 seconds East, 24.89 feet;

8) THENCE South 86 degrees 19 minutes 29 seconds East, 34.66 feet to the place of beginning.

CONTAINING 0.563 acres more or less.

ALL bearings in reference to north per filed map number 7919.

BEING the same parcel as shown on a certain map entitled, "Map of Big Indian Water Company," filed in the Ulster County Clerk's Office on September 14, 1894 as map number 278.

SUBJECT to utility grants and easements of record, if any.

SUBJECT to the rights, which may be in the possession of the Town of Shandaken, for highway purposes, in and to that portion of land which may lie within the bounds of Lost Clove Road.

SUBJECT to a 25.00 feet right of way, as shown on filed map number 278, as the same may impact the subject premises.

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BEING AND INTENDING TO BE the same premises as conveyed by Catherine J. Griffin to the Big Indian Water Company by deed dated September 14, 1894, and recorded in the Ulster County Clerk's Office in Liber 320 of deeds at Page 129".

The surplus property herein described has been appraised by John B. Haluska, 34 Bennett Avenue, Saugerties, New York, in an appraisal dated September 6, 2006 and November 11, 2009, which has determined that the market value of the .483 acre parcel to be \$550.00. In addition to the sale price, there may be other fees, taxes or costs to be determined by the County Attorney and that are associated with this conveyance for which the purchaser will be responsible.

The Commissioner of Public Works has advised that said real property is no longer necessary for public use and has no objection that it be sold.

Based upon the examination of the Ulster County Legislature finds and determines that the action herein is an "unlisted action" which would not have a significant effect on the environment as such terms are defined under SEQRA.

**SECTION 2. AUTHORIZATION OF SALE.**

This local law shall provide authority pursuant to Section 215(5) of the County Law that said surplus property shall be sold to adjacent land owner Richard L. and Andrea Tomasetti.

This local law shall provide that all of the County's right, title and interest in said real property shall promptly be sold to Richard L. and Andrea Tomasetti for the sum of \$550.00. In addition to the sale price, there may be other fees, taxes or costs to be determined by the County Attorney and that are associated with this conveyance for which the purchaser will be responsible.

**SECTION 3. VOTING REQUIREMENT ON RESOLUTION.**

Such property shall be sold as provided in Section 215(5) of the County Law adopted by the affirmative vote of two-thirds of the total membership of the Ulster County Legislature taken by roll call and entered into the minutes.

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**SECTION 4. PUBLIC ADVERTISEMENT, BIDDING DISPENSED.**

Notwithstanding the provisions of §215(6) of the County Law, such property may be sold to Richard L. and Andrea Tomasetti at private sale without public advertisement or bidding.

**SECTION 5. EFFECTIVE DATE.** This local law shall not take effect until at least forty-five (45) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Ulster voting on a proposition for its approval if within 45 (45) days after its adoption there is filed with the Clerk of the Ulster County Legislature a petition protesting against such local law in conformity with the provisions of §(1) (a) of the Municipal Home Rule Law, and upon filing in the Office of the Secretary of State.

**Adopted by the County Legislature: December 16, 2009**

**Approved by the County Executive:**