

**Authorizing The Acquisition Of Right-Of-Way Interests Over Certain Real Property For The Rehabilitation Of The Walkkill Bridge Over The Walkkill River And Amending Capital Project 439 For Right-Of-Way Acquisition - Department Of Public Works (Highways & Bridges)**

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

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

WHEREAS, the Project expenditures in the amount of \$1,075,000.00 were approved in the 2017 – 2022 Capital Program; and

WHEREAS, Capital Project No. 439 in the amount of \$950,000.00 was established pursuant to Resolution No. 56, dated February 17, 2015, and amended to increase by \$125,000.00 the amount for engineering design services pursuant to Resolution No. 244, dated April 19, 2016; and

WHEREAS, the design has identified the need to acquire right of way (hereinafter “ROW”) in order to construct the Project; and

WHEREAS, pursuant to New York’s Eminent Domain Procedure Law §206(D) these acquisitions by the County are exempt from the hearing requirement because the acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project (N.Y. Eminent Domain Procedure Law §206(D)); and

WHEREAS, owners of the lands associated with those real property interests have been contacted, are aware of the Project, and in order to allow the project to move forward, will be provided just compensation for the conveyance of de minimis real property to the County in accordance with real estate appraisals; and

WHEREAS, these estimated ROW acquisition costs will not exceed \$5,000.00; and

WHEREAS, the requested maximum amount of \$5,000.00 for ROW acquisition costs can be paid utilizing funding authorized for the Project for engineering design services established in Resolution No. 244, dated April 19, 2016; and

**Resolution No. 166      April 18, 2017**

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WHEREAS, the Wallkill Bridge Project, including the real property acquisitions, is consistent with the a Type II action as provided for under section 4.5.5 of the County of Ulster's State Environmental Quality Review Act (hereinafter "SEQRA") Type II List that was adopted in Resolution No. 118 on April 20, 2010; now, therefore, be it

RESOLVED, the Ulster County Legislature hereby finds that the Wallkill Bridge Project including the de minimis real property acquisitions constitutes a Type II action under Section 4.5.5 of the County of Ulster's adopted SEQRA Type II List; and, be it further

RESOLVED, the Ulster County Legislature hereby authorizes the Chairman of the Ulster County Legislature to execute, on behalf of the County of Ulster, any and all documents related to the ROW acquisitions as approved by the County Attorney,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Briggs)

Passed Committee: Public Works and Capital Projects on April 5, 2017

Passed Committee: Ways and Means on April 11, 2017

FINANCIAL IMPACT:

\$5,000.00 – PREVIOUSLY APPROVED APPROPRIATIONS

NO ADDITIONAL COUNTY DOLLARS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 18<sup>th</sup> Day of April in the year Two Thousand and Seventeen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21<sup>st</sup> Day of April in the year Two Thousand and Seventeen.

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

Submitted to the County Executive this  
21<sup>st</sup> Day of April, 2017.

Approved by the County Executive this  
27<sup>th</sup> Day of April, 2017.

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

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