

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO.2014205

RE: AUTHORIZE ACCEPTANCE OF LINE OF SIGHT AND GRADING
EASEMENT ON BRUZGAL ROAD (CR 21), TOWN OF UNION VALE
FROM ALEXANDER SERROUKAS

Legislators HUTCHINGS, BOLNER, and BORCHERT offer the following and
move its adoption:

WHEREAS, Antonio Rodriques has approached the Dutchess County Department
of Public Works-Engineering Division (DPW) for a Highway Work permit in connection with a
subdivision that he is involved with which impacts Bruzgal Rd., CR 21 in the Town of Union
Vale, and

WHEREAS, the Department of Public Works advised Antonio Rodriques that a
Line of Sight and Grading Easement would be necessary in order to maintain sight lines at
property owned by Alexander Serroukas on Bruzgal Road (CR 21), in the Town of Union Vale,
and

WHEREAS, a Line of Sight and Grading Easement, that is satisfactory to DPW
has been obtained, a copy of which is annexed hereto, and

WHEREAS, the Commissioner of Public Works recommends that this Legislature
authorize the County Executive to accept and execute said Line of Sight and Grading Easement,
now, therefore, be it

RESOLVED, that this Legislature approves the acceptance of the grant of a Line
of Sight and Grading Easement from Alexander Serroukas for the maintenance of sight lines at
his property on Bruzgal Road in the Town of Union Vale and the County Executive is hereby
authorized to execute the same in substantially the form attached hereto.

CA-131-14

CAB/ca/R-0930

7/16/14

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess 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 11th day of August 2014, and that the
same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of August 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 0 _____

Total Current Year Revenue \$ 0 _____
and Source

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Item(s):

Related Expenses: Amount \$ 0 _____

Nature/Reason:
Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$0 _____

Net County Cost (this year): \$0 _____
Over Five Years: _____

Additional Comments/Explanation:

This Fiscal Impact Statement pertains to the accompanying resolution requesting authorization to enter into the accompanying line of sight and grading easement between Alexander Serroukas (as "Grantor") and the County of Dutchess (as "Grantee") and Antonio Rodrigues as owner of lot 3.

Prepared by: Matthew W. Davis

EX. 2929

GRANT OF LINE OF SIGHT AND GRADING EASEMENT

THIS INDENTURE, made the _____ day of _____, 2014, Between ALEXANDER SERROUKAS, of and residing at 3 West Winding Road, Poughkeepsie, New York, 12601 (herein referred to as "GRANTOR"), and

COUNTY OF DUTCHESS, STATE OF NEW YORK, with offices located at 22 Market Street, Poughkeepsie, New York 12601, (hereinafter referred to as the "GRANTEE").

And

ANTONIO RODRIGUES, 11 Potter Lane, LaGrangeville, New York 12540 (Herein referred to as "Rodrigues"), as owner of Lot 3 of proposed subdivision map entitled, "Bruzgal Heights Subdivision", prepared by M. Gillespie & Associates, dated May 5, 2010,

WITNESSETH:

WHEREAS, the GRANTOR is the owner of property known as Lot 1 on "Vail Subdivision", as shown on a filed map as No. 10095 in the Dutchess County Clerk's Office, located in the Town of Union Vale, County of Dutchess and State of New York, and Antonio Rodrigues is the owner of property as shown on a subdivision map entitled "Bruzgal Heights Subdivision", which received final approval subject to conditions by the Town of Union Vale Planning Board on _____, and is intended to be filed in the Dutchess County Clerk's Office simultaneously with, or prior to the recording of this instrument, as Filed Map No. _____, (Grantor consents that the Filed Map No. assigned to this map be inserted herein at the time of recording); and

WHEREAS, pursuant to said Subdivision Plat, the GRANTOR, is required to provide a Line of Sight Easement to the GRANTEE.

See below

NOW, THEREFORE, the GRANTOR, in consideration of the sum of ONE (\$1.00) DOLLAR, lawful money of the United States, actual consideration, and other valuable consideration paid by the GRANTEE, does hereby grant and release unto the GRANTEE, its successors and assigns forever, a Line of Sight and Grading Easement over all those certain plots, pieces or parcels of land situate, lying and being in the Town of Union Vale, County of Dutchess and State of New York, as further described on Schedule "A", attached hereto and made a part hereof, which Easement allows the County, in the event the Grantor, Rodrigues, as owner of Lot 3 of the subdivision known as "Bruzgal Heights Subdivision", or any subsequent owner of Lot 3 fails to maintain the easement, to clear brush and other vegetation to enhance visibility and sight distance for users of the public roadways, including the right of access for maintenance and the right to clear and remove brush and vegetation, re-grade as necessary, re-seed, re-vegetate or employ any other methods as may be required by the County to enhance visibility and sight-distance relating to the roads and public improvements to the area.

RODRIGUES, as owner of Lot 3 of "Bruzgal Heights Subdivision", and every subsequent owner of Lot 3, its successors and assigns, affirmatively agree to mow and routinely maintain the Easement Area so as to provide the sight distance and visibility requirements as set forth herein.

The Sight Easement as show herein establishes the perpetual right of the holder of fee title of the highway, or its authorized representatives to clear, re-grade and maintain the area within the Easement at such elevation that there is a clear line of sight across the area.

The GRANTOR, on behalf of his heirs, successors and assigns, hereby warrants and

covenants that he will not interfere with the County's clearing and construction efforts within the Easement Area, either by plantings or of placement of natural or man-made materials, or any other means. This prohibition does not prevent a lot owner from planting or mowing grass, but the placement of shrubs or trees shall require the written permission of the County, and the County shall have the right to remove vegetation or materials that interfere with the sight distance as determined appropriate by the GRANTEE.

Subject to the foregoing, the GRANTOR, for itself, its heirs, successors and assigns, reserves the right to fully use and enjoy the premises herein described subject to the terms of this Easement herein granted to the GRANTEE.

TO HAVE AND TO HOLD the said Easement unto the GRANTEE, its successors and assigns forever.

The terms, covenants and agreements herein contained shall inure to the benefit of, and be binding upon the parties hereto, and their respective heirs, distributees, legal representatives, and all the covenants herein shall run with the land and be burden upon the subject premises, which is a portion of Lot No.1 of File Map No.10095 and shall be perpetual in duration.

IN WITNESS WHEREOF, the parties executed this instrument as of the date first set forth above.

If more than one person joins in the execution of this Easement relative words herein shall read as if written in the plural number, and the covenants and agreements hereof shall be their joint and several obligations.

ALEXANDER SERROUKAS, Grantor

Robert V. Oswald Jr. - Land Surveying

175 Walsh Road
Lagrangeville, NY 12540
845-226-6436
Fax - 845-226-1315

May 24, 2013

SURVEY DESCRIPTION

Sight and Grading Easement
Town of Union Vale, New York

All that tract or parcel of land situate in the town of Union Vale, County of Dutchess, State of New York being a Sight and Grading Easement, as shown on a filed map entitled "Bruzgal Heights Subdivision", said filed map being filed in the Dutchess County Clerk's Office on _____, as filed map no. _____, bounded and described as follows:

Beginning at a point on the northerly side of Bruzgal Road (C.R. #21), said point being the southeasterly corner of lands now or formerly Serroukas (Lot 1 as shown on filed map no. 10095); thence along said street boundary North 81-22-42 West 214.08 feet to a point; thence North 82-00-00 West 232.35 feet to a point; thence over and through lot line of lands now or formerly Serroukas (Lot 1 as shown on filed map no. 10095) on a curve to the right have a radius of 30.00 feet, a central angle of 101-23-52 and an arc length of 53.09 feet to a point; thence North 19-23-52 East 20.76 feet to a point; thence South 35-56-01 East 50.27 feet to a point; thence South 79-03-54 East 437.42 feet to the point or place of beginning. Containing 0.13 acres of land, more or less.

628 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County
DPW ENGINEERING

Memo

To: Robert H. Balkind, P.E., Deputy Commissioner of Public Works

From: Matthew W. Davis, Assistant Civil Engineer I

Date: July 15, 2014

**Re: RESOLUTION REQUEST
GRANT OF LINE OF SIGHT AND GRADING EASEMENT, BRUZGAL
HEIGHTS SUBDIVISION, CR 21 (BRUZGAL ROAD), TOWN OF UNION
VALE**

Accompanying this memo is a Resolution Request and Fiscal Impact Statement with supporting documentation to request authorization to enter into the accompanying line of sight and grading easement between Alexander Serroukas (as "Grantor") and the County of Dutchess (as "Grantee") and Antonio Rodrigues as owner of lot 3. As stated in the easement, if the Grantee or Rodrigues fails to maintain said easement, Dutchess County has the right to enter and maintain as deemed necessary, the 0.13 +/- acre line of sight grading and construction easement as further described on the attached schedule "A".

Attached for your review, is the documentation required for the Resolution Request submittal. Please contact me if you have any questions or require any additional information.