

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2014230

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION IN FEE AND FOR A TEMPORARY EASEMENT OF REAL PROPERTY OWNED BY EDWARD KREUTER FOR THE RESURFACING, RESTORATION AND REHABILITATION OF NOXON ROAD, CR 21 BETWEEN NYS ROUTE 55 AND TITUSVILLE ROAD, CR 49, TOWN OF LAGRANGE (PIN 8755.41)

Legislators HUTCHINGS, MICCIO, SAGLIANO, and JETER-JACKSON offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of a section of Noxon Road, CR 21, in the Town of LaGrange, which project (PIN#8755.41) includes the acquisition of portions of certain properties, and

WHEREAS, a short environmental assessment form and a Negative Declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 and the Department of Public Works determined that the improvement project (1) constitutes an unlisted action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant effect on the environment, and

WHEREAS, it has been determined that a portion of property owned by Edward Kreuter is necessary to advance the rehabilitation of Noxon Road, CR 21 under a Federal Aid Project, and

WHEREAS, the property owner has rejected Dutchess County's final purchase offer and the ongoing negotiations have reached an impasse, therefore, condemnation is necessary to advance the project, and

WHEREAS, the property to acquire in fee is 158.32 ± square meters (1,704.14± square feet) and a temporary easement of 887.66± square meters (9,554.69± square feet) located on Noxon Road, CR 21 in the Town of LaGrange as shown on Dutchess County Acquisition Map No. 54, Parcel No. 143 (fee acquisition) and Map No. 54, Parcel No. 112 (temporary easement), portions of Tax Grid No. 133400-6360-01-214557-0000, and

WHEREAS, negotiations for this property have reached an impasse and authorization is requested to begin Eminent Domain Proceedings to acquire fee interest and temporary easement in a portion of property owned by Edward Kreuter for a total offer of compensation of \$6,736.05 (rounded to \$6,740.00) which includes \$5,659.79 for fee acquisition and \$1,076.26 for temporary easement, and

WHEREAS, it is now necessary for this Legislature to authorize the commencement of proceedings pursuant to the Eminent Domain Procedure Law for the acquisition of said property as follows:

<u>Name</u>	<u>Map No.</u>	Parcel Nos.	Square Meter	<u>Proffered Amount</u>
Edward Kreuter	54	143 (FEE)	158.32 ±	\$ 5,659.79
	54	112 (TE)	887.66±	\$1,076.26

now, therefore, be it

RESOLVED, that the Commissioner of Public Works on behalf of Dutchess County be and she hereby is authorized and empowered to commence proceedings pursuant to the Eminent Domain Procedure Law against Edward Kreuter for the fee acquisition and temporary easement of the above property in furtherance of the improvement of a section of Noxon Road, CR 21, in the Town of LaGrange, Dutchess County, New York and it is further,

RESOLVED, that the Commissioner of Public Works is authorized to spend up to Three Thousand and 00/100 (\$3,000.00) Dollars in related expenses in connection with this condemnation proceeding.

CA-157-14

CAB/ca/R-0907-FFF

8/14/14

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 8th day of September 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 8th day of September 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 \$ 9,740

Total Current Year Revenue \$ 9,253
and Source

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

Identify Line Items(s):
H0290 5110 300(7)(9)

Related Expenses: Amount \$ 3,000

Nature/Reason:

Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$ 9,253

Net County Cost (this year): \$ 487
Over Five Years: _____

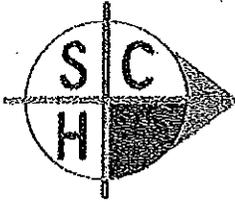
Additional Comments/Explanation:

This fiscal impact statement pertains to the accompanying resolution request for authorization to commence Eminent Domain Proceedings to acquire in fee, a 158.32+/- square meter (1,704.14+/- square foot) parcel and a temporary easement to a 887.66+/- square meter (9,554.69+/- square foot) parcel for a total consideration of \$6,740.00 from Edward Kreuter, identified on Map 54 Parcels 112 and 143 in connection to the project identified as PIN 8755.41, Rehabilitation of County Route 21 (Noxon Road), NYS 55 to County Route 49 (Titusville Road), Town of Lagrange.

Related expenses in the amount of 3,000 are included in the Total Current Year Costs.

Prepared by: Matthew W. Davis

EX. 2929



SUPPORT SERVICES, LLC
RIGHT OF WAY & LAND ACQUISITION SPECIALISTS

July 9, 2014

Robert H. Balkind, P.E.
Deputy Commissioner
Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603

Re: PIN 8755.41
Dutchess County, Town of LaGrange
Rehabilitation of Noxon Road-NYS Route 55 to Titusville Road
Noxon and Titusville Road Intersection Improvements
Parcel ID and Address: 6360-01-214557 and 317 Noxon Road
Map 54, Parcel 112,143
FEE 143 = 158.32 S.M. TE 112 887.66 S.M.

Dear Mr. Balkind

In accordance with the NYS EDPL, the compensation to the owner of Map 54 Parcels 112 & 143 must be the highest approved appraised amount for the current market value of the rights in that property being acquired/condemned. The independent appraisal has concluded a total value of these rights at \$6,740.00, which was endorsed by a third party appraisal review. Thus, it is our recommendation that the compensation amount to the owner, Edward Kreuter, for Map 54 Parcels 112 & 143 be \$6,740.00.

Please countersign below with your approval to make this offer amount to the owner on behalf of Dutchess County as the acquiring/condemning authority.

Sincerely,

Lindsay Scholl,
Project Manager
SCH Support Services, LLC

I concur with the recommended amount of \$6,740.00.

Robert H. Balkind, P.E. Deputy Commissioner



'EXHIBIT A'
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS

MAP NO. 54
 PARCEL NO. 112, 143
 SHEET 3 OF 5

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

Originals of this map (sheets 1 through 5)
 are on file at the offices of the Dutchess
 County Department of Public Works

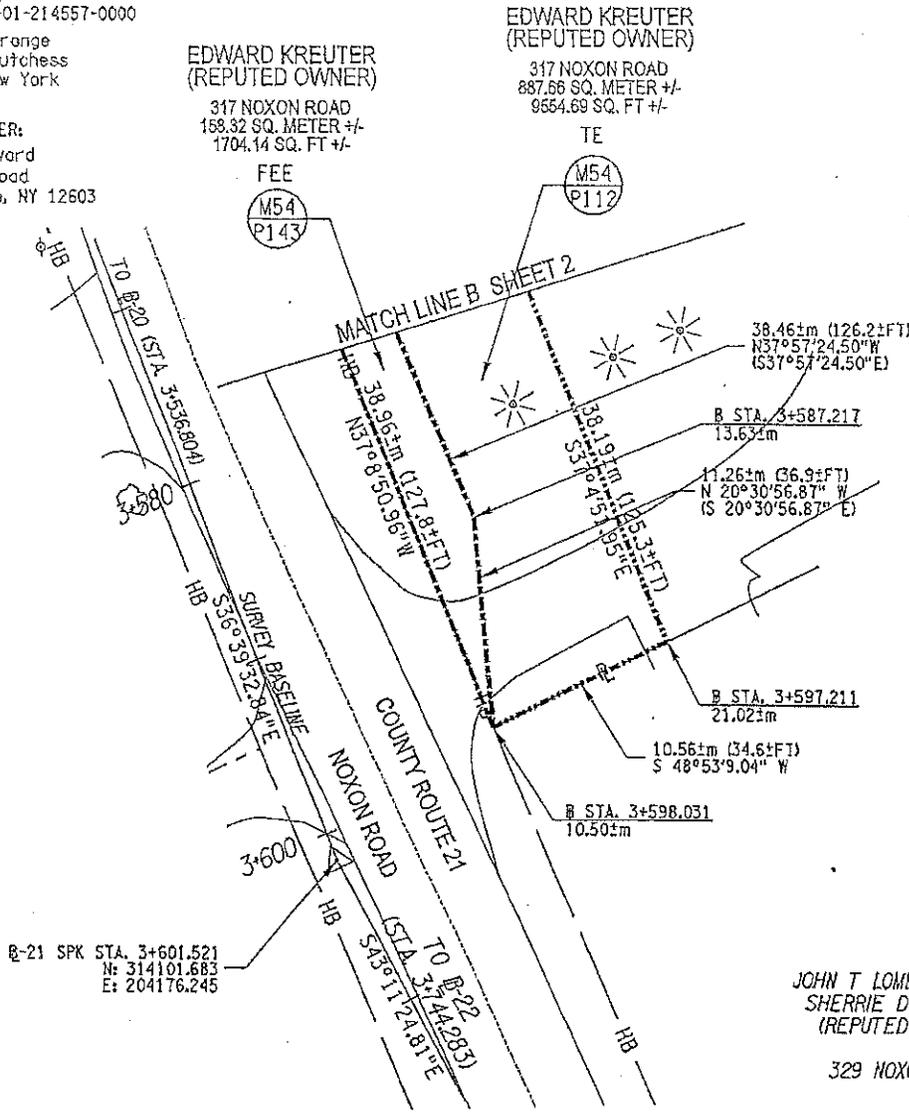
EDWARD KREUTER
 (REPUTED OWNER)
 L.22005 P.5674

ACQUISITION DESCRIPTION:
 Types: FEE, TE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6360-01-214557-0000
 Town of LaGrange
 County of Dutchess
 State of New York

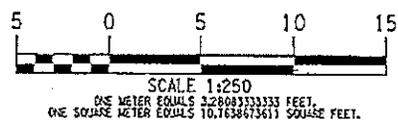
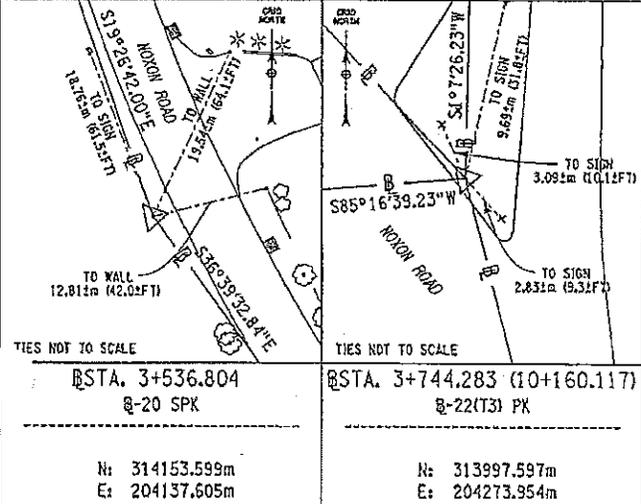
REPUTED OWNER:
 Kreuter, Edward
 317 Noxon Road
 Poughkeepsie, NY 12603

EDWARD KREUTER
 (REPUTED OWNER)
 317 NOXON ROAD
 168.32 SQ. METER +/-
 1704.14 SQ. FT +/-

EDWARD KREUTER
 (REPUTED OWNER)
 317 NOXON ROAD
 887.66 SQ. METER +/-
 9554.69 SQ. FT +/-



JOHN T LOMBARDO AND
 SHERRIE D LOMBARDO
 (REPUTED OWNERS)
 329 NOXON ROAD



MAP NUMBER 54
 REVISED DATE 4/24/13 5/6/13
 DATE PREPARED 4/13/12 8/22/13
 5/12/14



'EXHIBIT A'
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

MAP NO. 54
 PARCEL NO. 112, 143
 SHEET 4 OF 5

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in fee acquisition and temporary easement for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL NO. 143, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: AN EXISTING RETAINING WALL WILL BE REMOVED AND REPLACED WITH A NEW RETAINING WALL STRUCTURE, EXCAVATION ASSOCIATED WITH THE RETAINING WALL INSTALLATION INCLUDING ANY NECESSARY ROCK REMOVAL, CLEARING/GRUBBING OF THE SIDE SLOPE AS NEEDED AND THE PROPOSED GROUND SURFACE BEHIND THE NEW RETAINING WALL WILL BE GRADED AND SEEDED TO RE-ESTABLISH A GRASSED SURFACE; BOTH DRIVEWAYS WILL BE REHABILITATED TO MEET THE PROPOSED ROADWAY EDGE, AND TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES WILL BE PLACED FOR THE DURATION OF THIS PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING DISTANT 11.27±m MEASURED AT RIGHT ANGLES FROM STATION 3+512.128± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH THE LANDS OF EDWARD KREUTER (REPUTED OWNER) SOUTH 28°41'43.39" EAST A DISTANCE OF 22.63±m (74.2±FT) TO A POINT, SAID POINT BEING DISTANT 14.93±m MEASURED AT RIGHT ANGLES FROM STATION 3+538.981± OF SAID BASELINE; THENCE CONTINUING SOUTH 21°11'52.59" EAST A DISTANCE OF 4.70±m (15.4±FT) TO A POINT, SAID POINT BEING DISTANT 13.68±m MEASURED AT RIGHT ANGLES FROM STATION 3+543.510± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 26°41'41.00" EAST A DISTANCE OF 5.34±m (17.5±FT) TO A POINT, SAID POINT BEING DISTANT 12.76±m MEASURED AT RIGHT ANGLES FROM STATION 3+548.765± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 37°57'24.50" EAST A DISTANCE OF 38.46±m (126.2±FT) TO A POINT, SAID POINT BEING DISTANT 13.63±m MEASURED AT RIGHT ANGLES FROM STATION 3+587.217± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 20°30'56.87" EAST A DISTANCE OF 11.26±m (36.9±FT) TO A POINT, SAID POINT BEING DISTANT 10.50±m MEASURED AT RIGHT ANGLES FROM STATION 3+598.031±, SAID POINT ALSO BEING AT THE INTERSECTION OF THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) AND THE DIVISION LINE OF LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE NORTH AND JOHN T LOMBARDO AND SHERRIE D LOMBARDO (REPUTED OWNERS) TO THE SOUTH; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 37°8'50.96" WEST A DISTANCE OF 38.96±m (127.8±FT) TO A POINT, SAID POINT BEING DISTANT 10.17±m MEASURED AT RIGHT ANGLES FROM STATION 3+559.068± OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 28°26'50.95" WEST A DISTANCE OF 21.74±m (71.3±FT) TO A POINT, SAID POINT BEING DISTANT 12.90±m MEASURED AT RIGHT ANGLES FROM STATION 3+533.595± OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 23°46'50.96" WEST A DISTANCE OF 21.53±m (70.6±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 158.32± SQUARE METERS (1704.14± SQUARE FEET) MORE OR LESS.

MAP NUMBER 54
 REVISED DATE 4/24/13 ~~5/6/13~~
 DATE PREPARED 4/13/12 ~~8/22/13~~
 5/12/14



'EXHIBIT A'
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS

REHABILITATION OF NOXON ROAD
 NY ROUTE 35 TO TITUSVILLE ROAD

PIN 8755.41

MAP NO. 54
 PARCEL NO. 112, 143
 SHEET 5 OF 5

PARCEL NO: 112 A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA FOR CONSTRUCTION ACCESS AND STORAGE OF CONSTRUCTION MATERIALS RELATED TO A PROPOSED RETAINING WALL, EXCAVATION ASSOCIATED WITH THE RETAINING WALL INSTALLATION INCLUDING ANY NECESSARY ROCK REMOVAL, INSTALLATION OF A PERMANENT FENCE, CLEARING/GRUBBING AS NEEDED, TREE REMOVAL IF NECESSARY, GRADING BEHIND THE PROPOSED RETAINING WALL TO MEET EXISTING GROUND, SEEDING TO RE-ESTABLISH A GRASSED SURFACE, BOTH DRIVEWAYS WILL BE REHABILITATED TO MEET THE PROPOSED ROADWAY EDGE, AND THE PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT ALSO BEING AT THE INTERSECTION OF THE DIVISION LINE OF LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE NORTH AND LANDS OF JOHN T LOMBARDO AND SHERRIE D LOMBARDO (REPUTED OWNERS), SAID POINT ALSO BEING DISTANT 10.50±m MEASURED AT RIGHT ANGLES FROM STATION 3+598.031± OF THE HEREAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH THE LANDS OF EDWARD KREUTER (REPUTED OWNER) NORTH 20°30'56.87" EAST A DISTANCE OF 11.26±m (36.9±FT) TO A POINT, SAID POINT BEING DISTANT 13.63±m MEASURED AT RIGHT ANGLES FROM STATION 3+587.217± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 37°57'24.50" WEST A DISTANCE OF 38.46±m (126.2±FT) TO A POINT, SAID POINT BEING DISTANT 12.76±m MEASURED AT RIGHT ANGLES FROM STATION 3+548.765± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 26°41'41.00" WEST A DISTANCE OF 5.34±m (17.5±FT) TO A POINT, SAID POINT BEING DISTANT 13.68±m MEASURED AT RIGHT ANGLES FROM STATION 3+543.510± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 21°11'52.59" WEST A DISTANCE OF 4.70±m (15.4±FT) TO A POINT, SAID POINT BEING DISTANT 14.93±m MEASURED AT RIGHT ANGLES FROM STATION 3+538.981± OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS NORTH 28°41'43.39" WEST A DISTANCE OF 22.63±m (74.2±FT) TO A POINT, SAID POINT BEING DISTANT 11.27±m MEASURED AT RIGHT ANGLES FROM STATION 3+512.128± OF SAID BASELINE, SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD); THENCE CONTINUING ALONG SAID BOUNDARY NORTH 14°47'50.96" WEST A DISTANCE OF 23.28±m (76.4±FT) TO A POINT, SAID POINT BEING DISTANT 13.16±m MEASURED AT RIGHT ANGLES FROM STATION 3+488.930± OF SAID BASELINE, THENCE CONTINUING ALONG SAID BOUNDARY NORTH 12°55'50.96" WEST A DISTANCE OF 23.27±m (76.3±FT) TO A POINT, SAID POINT BEING DISTANT 15.15±m MEASURED AT RIGHT ANGLES FROM STATION 3+461.705± OF SAID BASELINE, SAID POINT ALSO BEING ON THE DIVISION LINE OF THE LANDS OF ROBERT L POSSENTI (REPUTED OWNER) TO THE NORTH AND THE LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE SOUTH; THENCE CONTINUING ALONG SAID DIVISION LINE NORTH 52°19.04" EAST A DISTANCE OF 3.57±m (11.7±FT) TO A POINT, SAID POINT BEING DISTANT 18.12±m MEASURED AT RIGHT ANGLES FROM STATION 3+459.729± OF SAID BASELINE; THENCE CONTINUING THROUGH THE LANDS OF EDWARD KREUTER (REPUTED OWNER) SOUTH 28°27'58.24" EAST A DISTANCE OF 24.55±m (80.5±FT) TO A POINT, SAID POINT BEING DISTANT 23.03±m MEASURED AT RIGHT ANGLES FROM STATION 3+488.926± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 13°15'00.39" EAST A DISTANCE OF 49.48±m (162.3±FT) TO A POINT, SAID POINT BEING DISTANT 18.51±m MEASURED AT RIGHT ANGLES FROM STATION 3+543.290± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 26°41'31.95" EAST A DISTANCE OF 5.66±m (18.6±FT) TO A POINT, SAID POINT BEING DISTANT 15.53±m MEASURED AT RIGHT ANGLES FROM STATION 3+548.860± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 37°57'24.50" EAST A DISTANCE OF 6.10±m (20.0±FT) TO A POINT, SAID POINT BEING DISTANT 15.67±m MEASURED AT RIGHT ANGLES FROM STATION 3+554.958± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 87°59'36.08" EAST A DISTANCE OF 6.50±m (21.3±FT) TO A POINT, SAID POINT BEING DISTANT 20.74±m MEASURED AT RIGHT ANGLES FROM STATION 3+559.020± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 37°04'51.95" EAST A DISTANCE OF 38.19±m (125.3±FT) TO A POINT, SAID POINT BEING ON THE DIVISION LINE OF LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE NORTH AND LANDS OF JOHN T LOMBARDO AND SHERRIE D LOMBARDO (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 21.02±m MEASURED AT RIGHT ANGLES FROM STATION 3+597.211± OF SAID BASELINE; THENCE CONTINUING ALONG SAID DIVISION LINE SOUTH 48°53'9.04" WEST A DISTANCE OF 10.56±m (34.8±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 887.66± SQUARE METERS (9554.69± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 112 AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 3+357.870; THENCE SOUTH 4°18'51.28" EAST TO STATION 3+466.195; THENCE SOUTH 19°26'42.00" EAST TO STATION 3+536.804; THENCE SOUTH 36°39'32.84" EAST TO STATION 3+601.521; THENCE SOUTH 43°11'24.81" EAST TO STATION 3+744.283.

MAP NUMBER 54
 REVISED DATE 4/24/13 5/6/13
 DATE PREPARED 4/13/12 8/22/13
5/12/14

I hereby certify that the property mopped above is necessary for this project, and the acquisition thereof is recommended.

Date 5/16 2014

Noel H.S. Knille
 Noel H.S. Knille, AIA, ASLA
 Commissioner of Public Works

Recommended by:
 Date 5/15/14 2014

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

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date MAY 13 2014

Gary M. Reed
 GARY M. REED Land Surveyor
 P.L.S. License No. 50557



WSP- SELLS
 555 PLEASANTVILLE ROAD
 BRIARCLIFF MANOR, NY 10510

RESOLUTION NO. 208403

RE: ENVIRONMENTAL FINDINGS FOR THE RESURFACING, RESTORATION AND REHABILITATION OF APPROXIMATELY 2.91 KILOMETERS (1.8 miles ±) OF NOXON ROAD (CR 21) BETWEEN NYS ROUTE 55 AND TITUSVILLE ROAD (CR 49) (PIN 8755.41) AND THE REHABILITATION OF THE NOXON ROAD/TITUSVILLE RD. INTERSECTION (PIN 8758.69) WITHIN THE TOWN OF LAGRANGE, DUTCHESS COUNTY NEW YORK

Legislators KELLER-COFFEY, MANSFIELD, McCABE, and SEARS offer the following and move its adoption:

WHEREAS, Dutchess County has established itself as Lead Agency in a companion resolution in accordance with 6 NYCRR 617.6, and

WHEREAS, the Department of Public Works as has prepared a Full Environmental Assessment Form (EAF) in connection the resurfacing, restoration and rehabilitation of approximately 2.91 kilometers (1.8 miles ±) of Noxon Rd. (CR 21) between NYS Route 55 and Titusville Rd. (CR 49) and as a result has found no significant impacts on the environment would potentially occur as a result of this project, and

WHEREAS, a true copy of the EAF and Negative Declaration are annexed hereto, and

WHEREAS, the Department of Public Works has determined that the rehabilitation of the Noxon Rd./Titusville Rd. intersection is a Type II action under the State Environmental Quality Review Act (SEQRA) and that no further action is required, and

WHEREAS, it is the purpose of this Legislature in adopting this resolution, to adopt and confirm the findings of the Department of Public Works, now therefore, be it

RESOLVED, that the Legislature approves and adopts the attached Negative Declaration for the resurfacing, restoration and rehabilitation of approximately 2.91 kilometers (1.8 miles ±) of Noxon Rd. (CR 21) between NYS Route 55 and Titusville Rd. (CR 49) in accordance with 6 NYCRR 617.6, including the acquisition of portions of certain properties in the Town of LaGrange, and be it further

RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

CA-231-08 CAB/ca/G-1461 11/14/08 Fiscal Impact: See attached statement

APPROVED



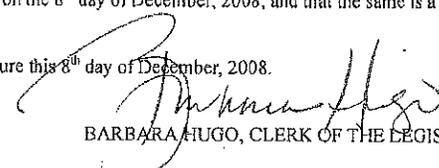
WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

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 8th day of December, 2008, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

Date: December 17, 2008

IN WITNESS WHEREOF, I have herunto set my hand and seal of said Legislature this 8th day of December, 2008.



BARBARA HUGO, CLERK OF THE LEGISLATURE

McKinney's Consolidated Laws of New York Annotated
Environmental Conservation Law (Refs & Annos)
Chapter 43-B. Of the Consolidated Laws (Refs & Annos)
Article 8. Environmental Quality Review (Refs & Annos)

McKinney's ECL § 8-0101

§ 8-0101. Purpose

Currentness

It is the purpose of this act¹ to declare a state policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and enhance human and community resources; and to enrich the understanding of the ecological systems, natural, human and community resources important to the people of the state.

Credits

(Added L.1975, c. 612, § 1.)

Notes of Decisions (187)

Footnotes

1 This Article.

McKinney's E. C. L. § 8-0101, NY ENVIR CONSER § 8-0101

Current through L.2014, chapters 1 to 327.

End of Document

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Compilation of Codes, Rules and Regulations of the State of New York Currentness
Title 6. Department of Environmental Conservation
Chapter VI. General Regulations
Part 617. State Environmental Quality Review (Refs & Annos)

6 NYCRR 617.1

Section 617.1. Authority, Intent and Purpose

(a) This Part is adopted pursuant to sections 3-0301(1)(b), (2)(m) and 8-0113 of the Environmental Conservation Law to implement the provisions of the State Environmental Quality Review Act (SEQR).

(b) In adopting SEQR, it was the Legislature's intention that all agencies conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations.

(c) The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant impact on the environment, and, if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement.

(d) It was the intention of the Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision-making.

(e) This Part is intended to provide a statewide regulatory framework for the implementation of SEQR by all state and local agencies. It includes:

(1) procedural requirements for compliance with the law;

(2) provisions for coordinating multiple agency environmental reviews through a single lead agency (section 617.6 of this Part);

(3) criteria to determine whether a proposed action may have a significant adverse impact on the environment (section 617.7 of this Part);

Section 617.1. Authority, Intent and Purpose, 6 NY ADC 617.1

(4) model environmental assessment forms to aid in determining whether an action may have a significant adverse impact on the environment (Appendices A, B and C of section 617.20 of this Part); and

(5) examples of actions and classes of actions which are likely to require an EIS (section 617.4 of this Part), and those which will not require an EIS (section 617.5 of this Part).

Credits

Sec. filed March 22, 1976; repealed, new filed: Jan. 24, 1978; Sept. 1, 1978; amds. filed: March 6, 1987; Sept. 20, 1995 eff. Jan. 1, 1996.

Current with amendments included in the New York State Register, Volume XXXVI, Issue 33, dated August 20, 2014.

6 NYCRR 617.1, 6 NY ADC 617.1

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McKinney's Consolidated Laws of New York Annotated
Eminent Domain Procedure Law (Refs & Annos)
Chapter 73. Of the Consolidated Laws
Article 1. Purpose; Short Title; Definitions; Applicability

McKinney's EDPL § 101

§ 101. Purpose

Currentness

It is the purpose of this law to provide the exclusive procedure by which property shall be acquired by exercise of the power of eminent domain in New York state; to assure that just compensation shall be paid to those persons whose property rights are acquired by the exercise of the power of eminent domain; to establish opportunity for public participation in the planning of public projects necessitating the exercise of eminent domain; to give due regard to the need to acquire property for public use as well as the legitimate interests of private property owners, local communities and the quality of the environment, and to that end to promote and facilitate recognition and careful consideration of those interests; to encourage settlement of claims for just compensation and expedite payments to property owners; to establish rules to reduce litigation, and to ensure equal treatment to all property owners.

Credits

(L.1977, c. 839, § 1.)

Notes of Decisions (350)

McKinney's E. D. P. L. § 101, NY EM DOM PROC § 101

Current through L.2014, chapters 1 to 327.

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