

RESOLUTION NO. 2014232

RE: AUTHORIZING ACQUISITION OF TWO PERMANENT EASEMENTS OF REAL PROPERTY FOR THE CULVERT REPLACEMENT PROJECT ON A SECTION OF CR 96, ALTAMONT ROAD, TOWN OF WASHINGTON FROM MILLPROP I, LLC AND MILLPROP III, LLC

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

WHEREAS, Millprop I, LLC and Millprop III, LLC, (property owners) wish to replace an existing 18 inch culvert with a new 48 inch culvert under Altamont Rd. (CR 96), in the Town of Washington, which project requires the issuance of a Highway Work Permit, and

WHEREAS, as part of this project, the County will need to acquire two Permanent Easements which includes the acquisition of a 300.00+/- square foot parcel and a 450+/- square foot parcel to facilitate the access to and maintenance of the inlets and outlets of the drainage structure and surrounding stream channels and embankments thereon, and

WHEREAS, the Department of Public Works has prepared and reviewed a full environmental assessment form and has 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 is the purpose of this Legislature in adopting this resolution to adopt and confirm the findings of the Department of Public Works, and

WHEREAS, the Department of Public Works has made a determination that in order to maintain said road, it is necessary to acquire two permanent easements on a portion of property presently owned by Millprop I, LLC and Millprop III, LLC, and

WHEREAS, proposed Agreement to acquire the Permanent Easements between the County and the property owners is annexed hereto, and

WHEREAS, the property is described as a 300.00 +/- square foot parcel from a portion of property owned by Millprop I, LLC with parcel identification number 135889-6764-00-716560-0000 and a 450.00+/- square foot parcel from a portion of property owned by Millprop III, LLC with parcel identification number 135889-6764-00-679395-0000, and

WHEREAS, the Commissioner of Public Works has advised that Millprop I, LLC and Millprop III, LLC have agreed to donate the permanent easements on the subject property now, therefore, be it

RESOLVED, that this Legislature hereby adopts and confirms the determination of the Dutchess County Department of Public Works that the project, including the acquisition of

the properties described in the Agreement, in the Town of Washington, will not have a significant effect on the environment, and be it further

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Acquire Permanent Easements in substantially the same form as annexed hereto along with any other necessary documents in connection with this acquisition, and be it further

RESOLVED, that on the submission by the property owners of deeds to the aforementioned land, which shall include the terms and conditions of the Agreement to Acquire Permanent Easements, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that the County shall pay the appropriate transfer tax and filing fees for such conveyance and record the deeds.

CA-153-14

CAB/ca/R-0935

8/18/14

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 \$ 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 Items(s):

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

This Fiscal Impact Statement pertains to the accompanying resolution request to acquire a permanent easement to a 300.00+/- square foot parcel from a portion of property owned by Millprop I, LLC with the parcel identification number 135889-6764-00-716560-0000 and a permanent easement to a 450.00+/- square foot parcel from a portion of property owned by Millprop III, L.L.C. with the parcel identification number 135889- 6764-00-679395-0000.

Prepared by: Matthew W. Davis 2929

**AGREEMENT TO PURCHASE REAL PROPERTY
(PERMANENT EASEMENT)**

Project: Millprop I, LLC and Millprop III, LLC
Culvert Replacement
Altamont Road, Millbrook, T/Washington, New York

This agreement by and between MILLPROP I, LLC and MILLPROP III, LLC hereinafter referred to as the "Sellers", and the COUNTY OF DUTCHESS, hereinafter referred to as the Buyer, pertains to those portions of real property interest required for public right of way purposes only.

1. PROPERTY DESCRIPTION. The Sellers agree to sell, grant, convey two (2) permanent easements as follows: (a) to a 300 square foot parcel located on the east side of County Road No. 96, Altamont Road, in the Town of Washington, Dutchess County New York, and (b) to a 450 square foot parcel located on the west side of County Road No. 96, in the Town of Washington, Dutchess County, New York, each further described as:

BEING a portion of those same lands described in a deed dated January 1, 2009 and recorded on January 5, 2009 as Document No. 02-2009-54 in the Office of the County Clerk of Dutchess County, New York, with the address of 71 Ava Lane (Re, Tax Map No. 6764-00-716560-00) and being the same lands designated as "93.62 acres, lands of Millprop I, LLC" on the Maintenance Easement Map attached hereto as Exhibit A and more particularly described on Exhibit B attached hereto.

BEING a portion of those same lands described in a deed dated March 4, 2011 and recorded on April 15, 2011 as Document No. 02-2011-1822 in the Office of the County Clerk of Dutchess County, New York, with the address of 480 Oak Summit Road (Re, Tax Map No. 6764-00-679395-00) and being the same lands designated as "99.07 acres, Lands of Millprop III, LLC" on the Maintenance Easement Map attached hereto as Exhibit A and more particularly described on Exhibit B attached hereto.

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: NONE

3. PURCHASE PRICE. The total purchase price is NONE (\$NONE) DOLLARS. This price includes the acquisition of the above real property as two (2) permanent easements as described in Paragraph 1.

4. PAYMENT. N/A

5. CLOSING DATE AND PLACE. Transfer of title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about August 15, 2014.

6. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:

(a) Closing Documents. Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.

(b) Abstract, Bankruptcy and Tax Searches, and Acquisition Map. Buyer will pay for a search of public deeds, Court and tax records and will prepare a Title Certification Letter.

(c) Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.

7. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer to insure good and valid marketable title in connection with the two (2) permanent easements on the properties. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The sellers shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. The Buyer shall be responsible for the reimbursement to the Sellers of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.

8. RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS. Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a

fiscal year basis, excluding delinquent items, interest and penalties, rent payments; current common charges or assessments.

9. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The stipulations aforesaid shall bind and shall insure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

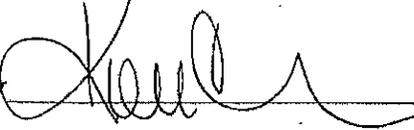
10. ENTIRE AGREEMENT. This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or premises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.

11. NOTICES. All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.

12. EASMENT DESCRIPTION. The two (2) permanent easements will be exercised for the purpose of maintaining and repairing the Buyer's drainage structure and the surrounding stream channel and embankments.

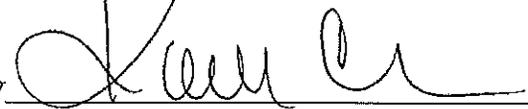
IN WITNESS WHEREOF, on this _____ day of June, 2014, the parties have entered into this Agreement.

MILLPROP I, LLC, Seller/Owner

By 

Witness _____

MILLPROP III, LLC, Seller/Owner

By 

Witness _____

COUNTY OF DUTCHESS, Buyer

By _____
William F.X. O'Neil

Witness _____

APPROVED AS TO FORM:

Carol A. Bogle
Chief Asst. County Attorney

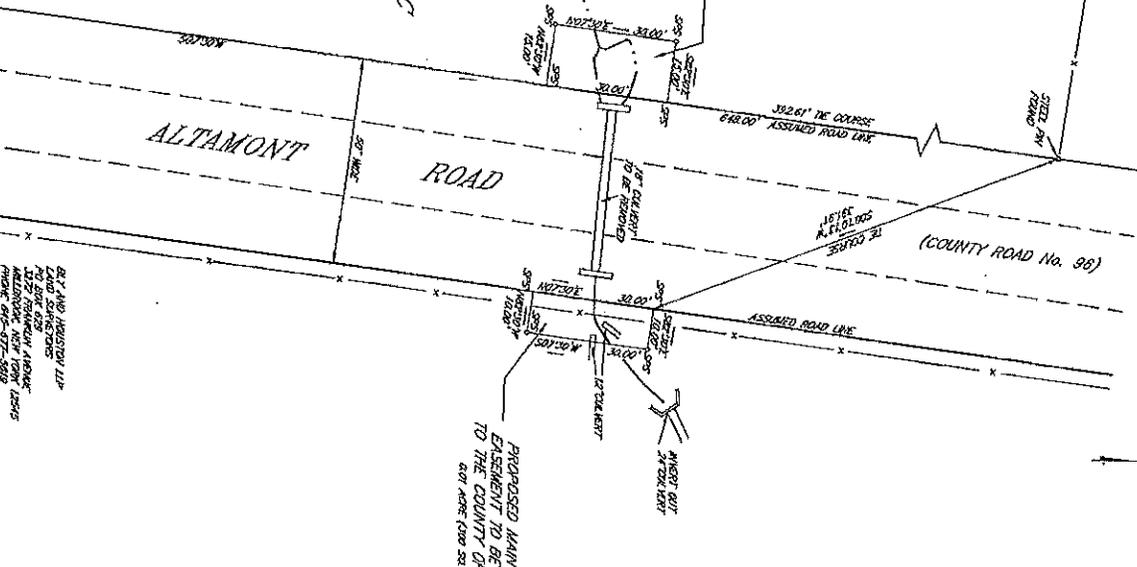
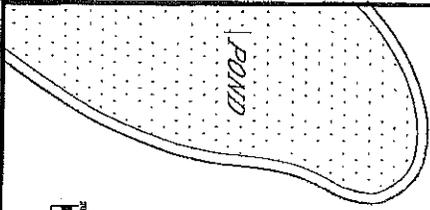
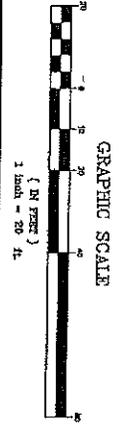
APPROVED AS TO CONTENT

Robert H. Balkind, P.E.
Deputy Commissioner

EXHIBIT A

THOMAS H. FARMER
DEED BOOK 11, PAGE 10
DOCUMENT ID: 1009-10000

99.07 ACRES
LANDS OF MILLPROP III, LLC
REFERENCE DEED:
DOCUMENT ID: 2011-1002
DATE OF INSTRUMENT: 02-07-2011



PROPOSED MAINTENANCE
EASEMENT TO BE GRANTED
TO THE COUNTY OF DUTCHESS
601 MORE (APP OR P2)

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EASEMENT TO BE GRANTED
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601 MORE (APP OR P2)

BLT AND HENNING LLP
LAND SURVEYORS
125 WEST 42ND STREET
NEW YORK, NY 10018
PHONE: 914-677-5500

LEGEND

NO PHYSICAL BARRIERS	---
WIRE FENCE	- - - -
STEEL PAV TO BE SET	---

93.62 ACRES
LANDS OF MILLPROP I, LLC
REFERENCE DEED:
DOCUMENT ID: 2003-04
DATE OF INSTRUMENT: 02-17-2003

MAINTENANCE EASEMENT
TO BE CONVEYED BY
MILLPROP I, LLC
AND
MILLPROP III, LLC
TO THE
COUNTY OF DUTCHESS
TOWN OF WASHINGTON
SCALE: 1" = 20'
HARRISS COUNTY, NEW YORK
NOVEMBER 7, 2012

EXHIBIT B

HARRY J. BLY LS
(1935-2008)

PO Box 629
NINE ELM DRIVE
MILLBROOK, NY 12545



BLY & HOUSTON LLP

BRIAN HOUSTON LS

TEL (845)677-5619
FAX (845)677-6117
E-MAIL blyandhouston@aol.com

LAND SURVEYORS, PLANNERS

MAINTENANCE EASEMENT TO BE CONVEYED BY
MILLPROP I, LLC TO THE COUNTY OF DUTCHESS

Town of Washington, Dutchess County, New York

BEGINNING at a point marked by a steel pin set at the easterly assumed road line of Altamont Road, also known as County Road No.96, said point being the northwesterly corner of the herein described parcel and being located S 00deg 10' 13" W 391.91 feet from a steel pin found marking the northeasterly corner of lands of Millprop III, LLC described in Document 02-2011-1822 and the southeasterly corner of lands of Thomas M. Flexner and Deborah D. Flexner described in Document 02-1999-10933; thence through lands of Millprop I, LLC, described in Document 02-2009-54, S 82 deg 30' E 10.00 feet to a steel pin set, S 07 deg 30' W 30.00 feet to a steel pin set and N 82 deg 30' W 10.00 feet to a steel pin set at the easterly assumed road line of Altamont Road; thence along the same, N 07 deg 30' E 30.00 feet to the point or place of beginning.

CONTAINING 0.01 acre of land, 300 square feet.

BEING and intended to be a portion of all that certain tract or parcel of land as shown in a conveyance from Bruce Kovner to Millprop I, LLC by deed dated January 1, 2009 recorded at the Dutchess County Clerks Office in Document 02-2009-54.

HARRY J. BLY LS
(1935-2008)

PO BOX 629
NINE ELM DRIVE
MILLBROOK, NY 12545



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BRIAN HOUSTON LS

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E-MAIL blyandhouston@aol.com

LAND SURVEYORS, PLANNERS

MAINTENANCE EASEMENT TO BE CONVEYED BY
MILLPROP III, LLC TO THE COUNTY OF DUTCHESS

Town of Washington, Dutchess County, New York

BEGINNING at a point marked by a steel pin set at the westerly assumed road line of Altamont Road, also known as County Road No.96, said point being the northeasterly corner of the herein described parcel and being located S 07deg 30' W 392.61 feet from a steel pin found marking the northeasterly corner of lands of Millprop III, LLC described in Document 02-2011-1822 and the southeasterly corner of lands of Thomas M. Flexner and Deborah D. Flexner described in Document 02-1999-10933; thence along the westerly assumed road line of Altamont Road S 07 deg 30' W 30.00 feet to a steel pin set; thence through lands of Millprop III, LLC, N 82 deg 30' W 15.00 feet to a steel pin set, N 07deg 30' E 30.00 feet to a steel pin set and S 07 deg 30' E 15.00 feet to the point or place of beginning.

CONTAINING 0.01 acre of land, 450 square feet.

BEING and intended to be a portion of all that certain tract or parcel of land as shown in a conveyance from Pape Family Realty Investments #1, L.P. to Millprop III, LLC by deed dated March 14, 2011, recorded at the Dutchess County Clerks Office in Document 02-2011-1822.

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



Memo

To: Robert H. Balkind, P.E., Deputy Commissioner of Public Works (99)

From: Matthew W. Davis, Assistant Civil Engineer I

Date: ~~July 15~~^{Aug. 12}, 2014

Re: RESOLUTION REQUEST
PERMANENT EASEMENTS, MILLPROP I AND MILLRPOP III CULVERT
REPLACEMENT CR 96 (ALTAMONT ROAD) TOWN OF WASHINGTON

Accompanying this memo is a Resolution Request and Fiscal Impact Statement with supporting documentation to request authorization to acquire a permanent easement to a 300.00+/- square foot parcel from a portion of property owned by Millprop I, LLC with the parcel identification number 135889-6764-00-716560-0000 and a permanent easement to a 450.00+/- square foot parcel from a portion of property owned by Millprop III, LLC. with the parcel identification number 135889- 6764-00-679395-0000. These easements are required for the purpose of access to and maintenance of the drainage structure and surrounding stream channels and embankments.

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.