

RESOLUTION NO. 2015009

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM GERMANIA OF POUGHKEEPSIE INC. FOR THE PROJECT IDENTIFIED AS DEGARMO ROAD (CR 43) REHABILITATION OF BRIDGES PO-17X & L-43 OVER WAPPINGERS CREEK

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

WHEREAS, the Department of Public Works has proposed the rehabilitation of Bridges PO-17X and L-43 over the Wappingers Creek which project includes the acquisition of portions of certain properties, and

WHEREAS, the Department of Public Works has determined that the improvement project (1) constitutes a Type II Action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQR") and (2) will not have a significant effect on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve said road, it is necessary to acquire in fee a portion of property presently owned by Germania of Poughkeepsie INC, and

WHEREAS, the acquisition in fee is a portion of parcel number 134689-6261-02-730940-0000, described as 527± square feet more or less as shown on Map No. 4, Parcel No. 4, copy is annexed hereto, and

WHEREAS, the Agreement to Purchase Real Property (Fee Acquisition) for the necessary real property is attached hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property, Fee Acquisition, be purchased for the sum of \$253.00 plus up to \$1,000.00 for related expenses and that the terms and conditions of the Agreement be carried forth, now, therefore, be it

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Purchase Real Property (Fee Acquisition) in substantially the form annexed hereto and all documents in connection with this acquisition, and be it further

RESOLVED, that on the submission by the property owner of deed to the aforementioned land, which shall include the terms and conditions of the Agreement to Purchase Real Property, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that payment be made to the property owner in the sum of \$253.00 for Fee Acquisition in accordance with the agreement to purchase, that the County reimburse Grantor for fees associated with the Release of Mortgage application, if any, and pay all necessary transfer tax and filing fees, and be it further

RESOLVED, that the terms and conditions of the aforementioned Agreement to Purchase Real Property (Fee Acquisition) be carried out by the Dutchess County Department of Public Works.

CA-09-15

CAB/ca/kvh

R-0941-D

12/31/14

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 22nd day of January, 2015, 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 22<sup>nd</sup> day of January, 2015.

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 \$ 1,253

Total Current Year Revenue \$

and Source

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

Identify Line Item(s):

H0451,5120,3009

Related Expenses: Amount \$ 1,000

Nature/Reason:

Anticipated Administrative Costs and Fees.

Anticipated Savings to County:

Net County Cost (this year): \$1,253

Over Five Years:

Additional Comments/Explanation:

This fiscal impact statement pertains to the accompanying resolution request for authorization to acquire in fee a 527+/- Square Foot parcel for a consideration of \$253 from Germania of Poughkeepsie INC. Identified on Map 4, Parcel 4, in connection with the project identified as Degarmo Road (CR 43) Rehabilitation of Bridges PO-47X & L-43 Over Wappinger's Creek.

Related expenses in the amount of \$1,000 are included in the Total Current Year Costs.

Prepared by: Matthew W. Davis

EX. 2929

AGREEMENT TO PURCHASE REAL PROPERTY  
(FREE ACQUISITION)

Project: DEGARMO ROAD (CR 43) REHABILITATION OF BRIDGES  
PO-17X & L-43 OVER WAPPINGER'S CREEK

Project No.: DC      Map: 4      Parcel: 4

This Agreement by and between GERMANIA OF POUGHKEEPSIE INC., hereinafter referred to as the "Grantor", and the COUNTY OF DUTCHESS, hereinafter referred to as the "Grantee", pertains to that portion of real property interest required for public right of way purposes only.

1. PROPERTY DESCRIPTION. The Grantor agrees to sell, grant, convey all right, title and interest to a 527± Square Foot parcel located on the west side of CR 43, Degarmo Road, in the Town of Poughkeepsie, Dutchess County, New York, further described as:

Being a portion of those same lands with the address 51 Old Degarmo Road (re. Tax Map No. 134689-6261-02-730940-0000 and being the same lands designated as Map 4, Parcel 4 on exhibit "A" 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 TWO HUNDRED FIFTY THREE dollars (\$253.00). This price includes the acquisition of the above real property as described in paragraph 1, and the improvements described in paragraph 2, if any.
4. PAYMENT. All by check at closing.
5. CLOSING DATE AND PLACE. Transfer of title shall place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about December 1, 2014.
6. TITLE DOCUMENTS. The Grantee shall provide the following documents in connection with the sale:
  - A. Closing Documents. The Grantee will prepare and deliver to the Grantor 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. The Grantee will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. The Grantee will pay for and furnish to the Grantor an acquisition map.
  - C. The Grantee will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.

7. MARKETABILITY OF TITLE. The parties shall work together to cure any title issues as deemed necessary by the Grantee, to insure good and valid marketable title in connection with this fee acquisition. 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 Grantor shall be responsible for the cost to satisfy liens and encumbrances identified by the Grantee. The Grantee shall be responsible for the reimbursement to the Grantor 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. Grantee will pay all the recording fees and the real property transfer tax. The following as applicable and deemed appropriate Grantee, will be prorated and adjusted between the Grantor and the Grantee 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 inure 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 Grantor and Grantee pertaining to this acquisition. No verbal agreements or promises will be binding.
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. PROJECT RELATED IMPROVEMENTS. The following improvements will occur within this fee acquisition, including but not limited to the following: This fee acquisition is being exercised for the purpose of work area in connection with grading of side slopes to meet the existing ground, turf establishment and placement of temporary erosion and sediment control and for the future maintenance and repair of the bridge and surrounding creek channel and embankments.

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

Grantor:  
Representative:

By: Carol Ann Fischer

CAROL ANN FISCHER  
Printed Name:

PRESIDENT  
Title

Witness: [Signature]  
STEPHEN J. REN

County of Dutchess:

Grantee: \_\_\_\_\_  
William F.X. O'Neil  
Deputy County Executive

Witness: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Carol A. Bogle  
Chief Assf. County Attorney

Approved as to Content:

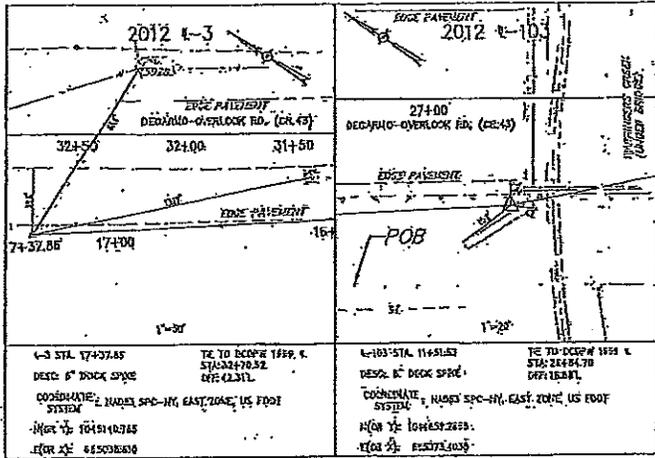
[Signature]  
Robert H. Balkind, P.E.  
Deputy Commissioner



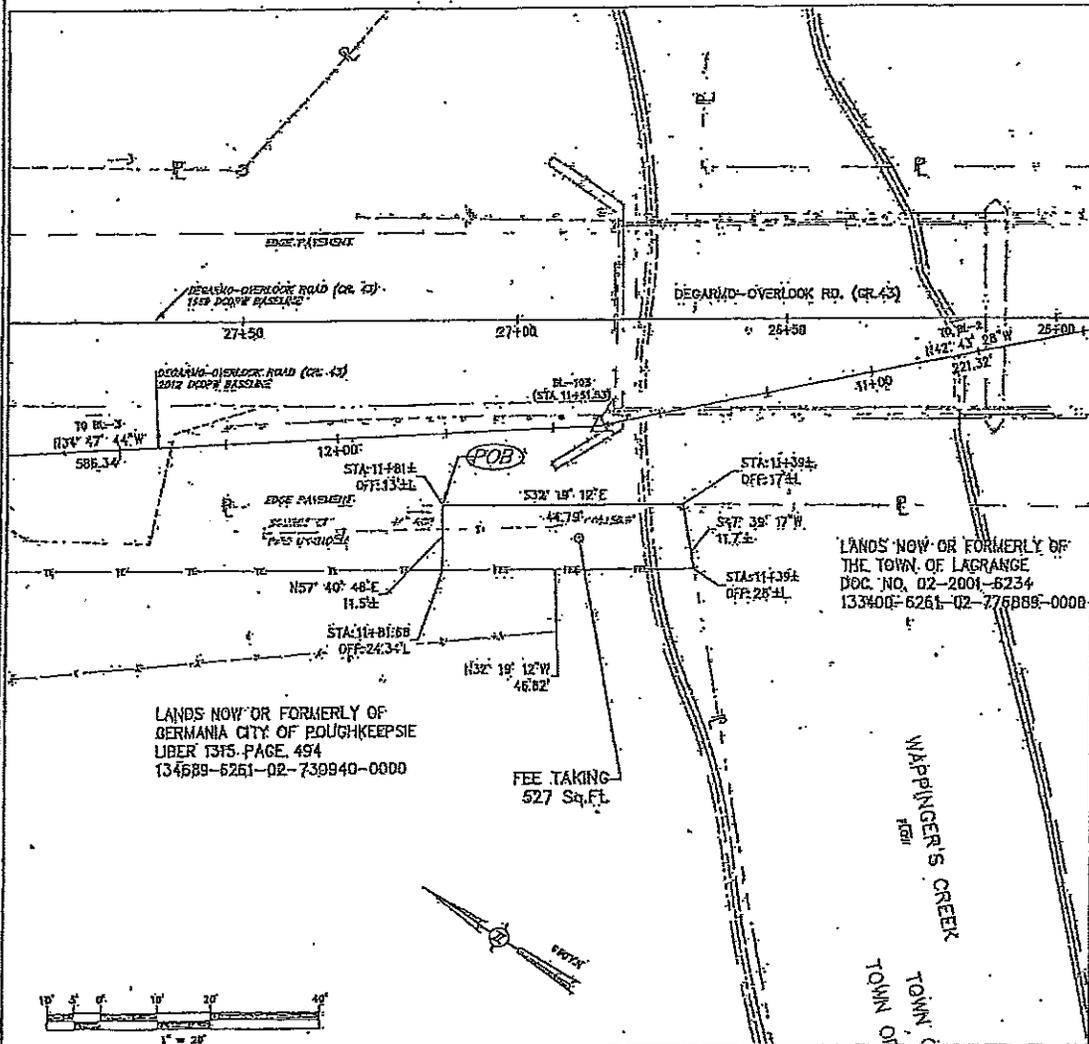
EXHIBIT A  
 COUNTY OF DUTCHESS  
 DEPARTMENT OF PUBLIC WORKS  
 ACQUISITION MAP

MAP NO. 4  
 PARCEL NO. 4  
 SHEET 1 OF 2

DEGARMO RD. (CR-43) REHABILITATION OF BRIDGES PD17X & 1-43 OVER WAPPINGERS CREEK



ACQUISITION DESCRIPTION:  
 Fee Acquisition  
 Portion of Real Property Tax  
 Parcel ID No. 134689-6261-02-730940-0000  
 Town of Poughkeepsie  
 County of Dutchess  
 State of New York  
 REPUTED OWNER:  
 Germania of the City of Poughkeepsie  
 37 Old Degarmo Rd.  
 Poughkeepsie NY 12603



ORIGINAL OF THIS MAP (SHEETS 1 & 2)  
 ARE ON FILE AT THE OFFICE OF THE DUTCHESS  
 COUNTY DEPARTMENT OF PUBLIC WORKS

MAP NUMBER 4  
 REVISION DATE \_\_\_\_\_  
 DATE PREPARED, 03-12-2014

PREPARED BY: JF

CHECKED BY: JB

FINAL CHECK BY: SJA



EXHIBIT A  
 COUNTY OF DUTCHESS  
 DEPARTMENT OF PUBLIC WORKS  
 ACQUISITION MAP

MAP NO. 4  
 PARCEL NO. 4  
 SHEET 2 OF 2

DEGURMO RD (CR-43) REHABILITATION OF BRIDGES PO17X & L-43 OVER WAPPINGERS CREEK

A fee acquisition to be exercised in, on and over the property above delineated and hereinafter described for the purpose of construction access, grading, installation and future maintenance of stone slope protection, drainage structures and steel sheet piling, and slopes in and to all that piece parcel of property designated as Parcel No. 4, situate in the Town of Poughkeepsie, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

BEGINNING at a point on the westerly boundary of the existing right of way of Dutchess County Rt. 43 (Degurmo - Overlook Rd.) said point being 12.85 feet distant westerly, measured at right angles from station 11+81.19 of the herein described survey baseline for the reconstruction of bridges PO17X and L-43, said point being the northeasterly corner of the herein described fee acquisition, thence southerly along the westerly highway bounds to a point on the edge of the Wappingers Creek S. 32° 19' 12" E. 44.78 feet to a point 16.72 feet distant westerly, measured at right angles from station 11+38.63 of said baseline, thence westerly along the edge of the creek, S. 47° 39' 17" W. 11.58 feet to a point 28.40 feet distant westerly, measured at right angles of station 11+38.70 of said baseline; thence through the lands of Germanio City of Poughkeepsie; thence N 32° 12' 19" E. 46.82 feet to a point being 24.34 feet distant westerly, measured at right angles of station 11+81.68 of said baseline and S 57° 40' 48" W. 11.50 feet to the point of piece of beginning.

Containing 527 square feet of land more or less.

The above mentioned survey baseline is a portion of the 2012 survey baseline for the rehabilitation of bridges PO17X and L-43 over Wappingers Creek, as shown on a map and plan on file in the office of Dutchess County Department of Public Works and described as follows:

Beginning at station 0+00.00; thence N 28° 45' 51" W 725.41 feet to station 7+25.41; thence N 31° 38' 51" W 204.80 feet to station 9+30.21; thence N 42° 43' 28" W 221.32 feet to station 11+51.53; thence N 34° 47' 44" W 586.34 feet to station 17+37.75.

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

Date 12/08 2014

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

Recommended by:

Date 12/5 2014

Robert H. Bolkind, 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 23 2014



STEVEN J. ALEX Land Surveyor  
 P.L.S. License No. 050016  
 THE CHAZEN COMPANIES  
 21 FOX ST. POUGHKEEPSIE, NY

MAP NUMBER \_\_\_\_\_  
 REVISION DATE \_\_\_\_\_  
 DATE PREPARED BY: STJ-1017

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 act<sup>1</sup> 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 (197)

Footnotes

1 This Article.

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

Current through L.2014, chapters 1 to 504, 506 to 508, 510 to 550.