

RESOLUTION NO. 2015010

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR A TEMPORARY EASEMENT OF REAL PROPERTY OWNED BY DOUGLAS F. LONDAL AND KRISTIN E. LONDAL FOR THE REPLACEMENT OF BRIDGE D-32, RIDGE ROAD OVER COOPERSTOWN BROOK, TOWN OF DOVER (PIN 8757.37)

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

WHEREAS, the Department of Public Works has proposed the replacement of Bridge D-32, Ridge Road over Cooperstown Brook, Town of Dover, which project (PIN#8757.37) 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 NYS Environmental Conservation Law and Part 617 of the NYCRR (SEQR) and (2) will not have a significant effect on the environment, and

WHEREAS, it has been determined that a portion of property owned by Douglas F. Londal and Kristin E. Londal is necessary to advance the replacement of Bridge D-32, Ridge Road over Cooperstown Brook, Town of Dover under a Federal Aid Project, and

WHEREAS, the property to be acquired is a temporary easement of a 2,215.05± square foot (0.051± acre) located on Ridge Road in the Town of Dover as shown on Dutchess County Acquisition Map No. 1, Parcel No. 1 (temporary easement), portion of Tax Grid No. 132600-6961-00-718736-0000 for the purpose of grading and shaping the Londal's driveway to meet the proposed edge of Ridge Road, and

WHEREAS, the property owners have refused to grant a temporary easement to allow the Department of Public Works to do the work described in the previous paragraph, and

WHEREAS, the New York State Department of Transportation has advised the Department of Public Works that it must seek authorization from this Legislature to begin Eminent Domain Proceedings to acquire temporary easement in a portion of property owned by Douglas F. Londal and Kristin E. Londal for a consideration of \$155.00, 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 a temporary easement as follows:

<u>Name</u>	<u>Map No./Parcel No.</u>		<u>Type</u>	<u>Square Feet</u>	<u>Proffered Amount</u>
Douglas F. Londal and Kristin E. Londal	1	1	Temp. Easement	2,215.05±	\$155

now, therefore, be it

RESOLVED, that the Commissioner of Public Works on behalf of Dutchess County be and he hereby is authorized and empowered to commence proceedings pursuant to the Eminent Domain Procedure Law for the temporary easement on the above property in furtherance of the replacement of Bridge D-32, Ridge Road over Cooperstown Brook, Town of Dover, Dutchess County, New York.

CA-18-15

CAB/ca/R-0944-A

1/5/15

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 22nd 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 \$ 1,155

Total Current Year Revenue \$ 1,097
and Source

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

Identify Line Items(s):

H 0289.5120.3450.213

Related Expenses: Amount \$ 1,000

Nature/Reason:

Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$ 1,097

Net County Cost (this year): \$ 58
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 a temporary easement to a 2,215+/- square foot (0.051+/- acres) parcel for a consideration of \$155.00 from Douglas F. Londal and Kristin E. Londal, identified on Map 1, Parcel 1 in connection to the project identified as PIN 8757.37 Bridge D-32, Ridge Road Over Cooperstown Brook, Town of Dover.

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

Prepared by: Matthew W. Davis

EX. 2929



**EXHIBIT A
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ACQUISITION MAP**

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

REPLACEMENT OF BRIDGE D-32 PIN 8757.37

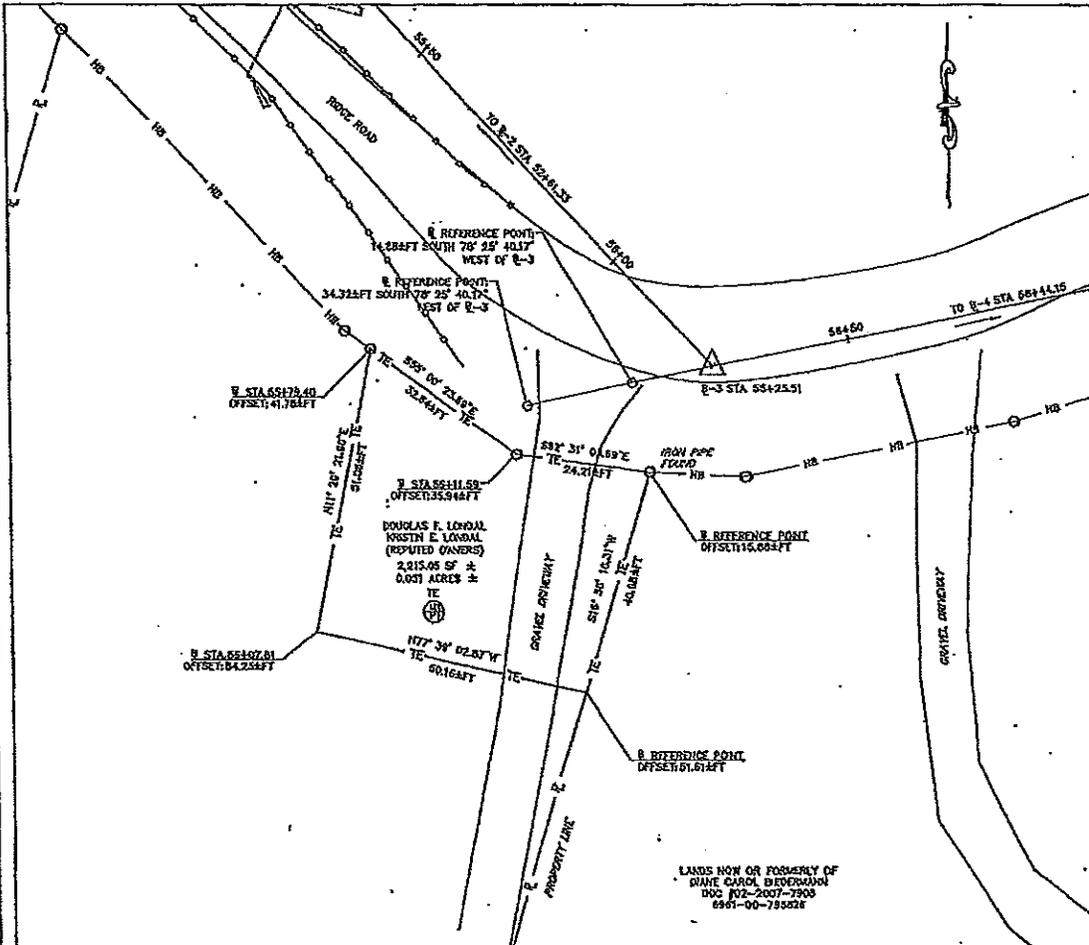
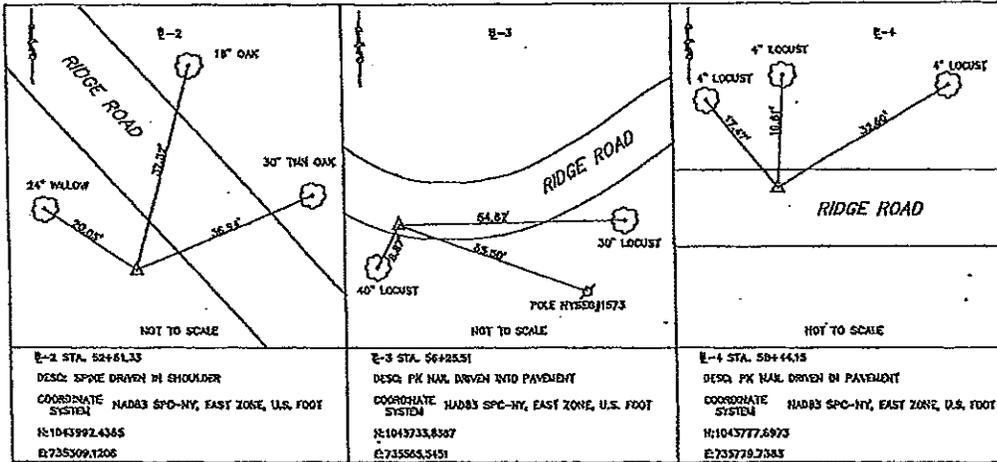
ACQUISITION DESCRIPTION:

Type: T.E.
Portion of Real Property Tax
Parcel ID No. 132600-6961-00-718736-0000

Town of Dover
County of Dutchess
State of New York

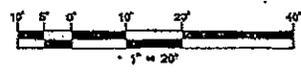
REPUTED OWNER:

Douglas Lodal
Ridge Road
Dover Plains, NY 12522



LANDS NOW OR FORMERLY OF
DIANE CAROL BIEDERMANN
DOC #02-2007-7908
6961-00-718736

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



MAP NUMBER 1
REVISED DATE _____
DATE PREPARED 10-21-2012



EXHIBIT A
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS
 ACQUISITION MAP

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

REPLACEMENT OF BRIDGE D-32 PIN 8757.37

MAP OF PROPERTY WHICH THE COMMISSIONER OF PUBLIC WORKS DEEMS NECESSARY TO BE ACQUIRED BY APPROPRIATION IN THE NAME OF THE PEOPLE OF THE COUNTY OF DUTCHESS IN TEMPORARY EASEMENT FOR THE PURPOSES CONNECTED WITH THE HIGHWAY SYSTEM OF THE COUNTY OF DUTCHESS, PURSUANT TO SECTION 118 OF THE HIGHWAY LAW AND EMINENT DOMAIN PROCEDURE LAW.

PARCEL NO. 1 A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF GRADING AND SHAPING A DRIVEWAY TO MEET THE PROPOSED EDGE OF RIDGE ROAD, FOR THE REPLACEMENT OF BRIDGE D-32, RIDGE ROAD OVER COOPERTOWN BROOK PROJECT, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF RIDGE ROAD, WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE OF LANDS OF DOUGLAS F. LONDAL AND KRISTEN E. LONDAL (REPUTED OWNERS) TO THE WEST AND OF LANDS OF DIANE CAROL BIEDERMANN (REPUTED OWNER) TO THE EAST, SAID POINT BEING DISTANT 15.88 +/- FEET MEASURED AT RIGHT ANGLES FROM A REFERENCE POINT BEING 14.88 +/- FEET SOUTH 78° 25' 40.17" WEST OF BASELINE POINT BL-3 OF THE HERINAFTER DESCRIBED SURVEY BASELINE FOR THE REPLACEMENT OF BRIDGE D-32, RIDGE ROAD OVER COOPERTOWN BROOK PROJECT; THENCE ALONG SAID DIVISION LINE SOUTH 16° 58' 16.31" WEST A DISTANCE OF 40.68 +/- FEET TO A POINT, SAID POINT BEING DISTANT 51.61 +/- FEET MEASURED AT RIGHT ANGLES FROM A REFERENCE POINT BEING 34.32 +/- FEET SOUTH 78° 25' 40.17" WEST OF SAID BASELINE POINT BL-3; THENCE THROUGH LANDS OF DOUGLAS F. LONDAL AND KRISTEN E. LONDAL (REPUTED OWNERS) NORTH 77° 39' 02.87" WEST A DISTANCE OF 50.16 +/- FEET TO A POINT, SAID POINT BEING DISTANT 84.25 +/- FEET MEASURED AT RIGHT ANGLES FROM STATION 56+07.81 +/- OF SAID BASELINE; THENCE CONTINUING THROUGH LANDS OF DOUGLAS F. LONDAL AND KRISTEN E. LONDAL (REPUTED OWNERS) NORTH 11° 26' 21.90" EAST A DISTANCE OF 51.06 +/- FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF RIDGE ROAD, SAID POINT BEING DISTANT 41.78 +/- FEET MEASURED AT RIGHT ANGLES FROM STATION 55+79.40 +/- OF SAID BASELINE; THENCE ALONG SAID BOUNDARY SOUTH 55° 00' 23" EAST A DISTANCE OF 32.64 +/- FEET TO A POINT, SAID POINT BEING DISTANT 35.94 +/- FEET MEASURED AT RIGHT ANGLES FROM STATION 56+11.59 +/- OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 82° 31' 03.69" EAST A DISTANCE OF 24.21 +/- FEET TO THE POINT OF BEGINNING, SAID PARCEL BEING 2,215.05 +/- SQUARE FEET (0.051 +/- ACRES) MORE OR LESS.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE REPLACEMENT OF BRIDGE D-32 PROJECT, AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 52+61.33 THENCE SOUTH 44° 45' 29.60" EAST TO STATION 56+25.51, THENCE NORTH 78° 25' 40.71" EAST TO STATION 58+44.15; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST ZONE.

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

Date _____ 20 _____

Robert H. Bolkind, P.E.
 Acting Commissioner of Public Works

Recommended by:

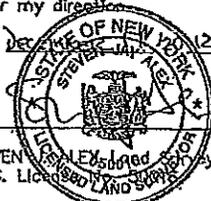
Date _____ 20 _____

Gregory V. Bentley, P.E.
 Director of Engineering

"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 Dec 12



STEVEN A. ALEXANDER
 P.L.S. Licensed Land Surveyor

THE CHAZEN COMPANIES
 21 FOX STREET
 POUGHKEEPSIE, NY 12601

MAP NUMBER 1
 REVISION DATE _____
 DATE PREPARED 10-22-2012

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 (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.

End of Document

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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 504, 506 to 508, 510 to 550.

End of Document

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