

RESOLUTION NO. 2015011

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM ELIZABETH J. RICKETT FOR RECONSTRUCTION OF BRIDGE PV-15 (BIN 3343580), CR 72 (NORTH AVENUE) OVER GREAT SPRING CREEK IN THE TOWN OF PLEASANT VALLEY

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

WHEREAS, the Department of Public Works has proposed the reconstruction of Bridge PV-15(BIN 3343580), CR 72 (North Avenue) over Great Spring Creek, in the Town of Pleasant Valley, Dutchess County, 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 portions of property presently owned by Elizabeth J. Rickett, and

WHEREAS, the acquisitions in fee are portions of parcel number 134400-6363-02-824996-0000 described as: (a) 7,611.1± square feet more or less and (b) 2,883.7± square feet more or less as shown on Map No. 3, Parcel Nos. 1 and 2, 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 \$4,300.00 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 \$4,300.00 for Fee Acquisitions in accordance with the agreement to purchase, that the County reimburse

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-017-15

CAB/ca/kvh

R-0942-A

1/05/15

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 \$ 5,300

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 Items(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): \$5,300
Over Five Years: _____

Additional Comments/Explanation:

This fiscal impact statement pertains to the accompanying resolution request for authorization to acquire in fee, a 2,883.7 +/- Square Foot parcel and authorization to acquire in fee, a 7,611.1 +/- Square Foot parcel for a consideration of \$4,300.00, from Elizabeth J. Rickett identified on Map 3, Parcels 1 & 2 in connection with the project identified as Reconstruction of Bridge PV-15 (BIN 3343580), County Route 72 (North Avenue) Over Great Spring Creek, Town of Pleasant Valley, Dutchess County

-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
(FEE ACQUISITION)

Project: RECONSTRUCTION OF BRIDGE PV-15 (BIN 3343580)
COUNTY ROUTE 72 (NORTH AVENUE) OVER GREAT SPRING CREEK
TOWN OF PLEASANT VALLEY, DUTCHESS COUNTY

Project No.: DC Map: 3 Parcels: 1 & 2

This Agreement by and between Elizabeth J. Rickett, 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 the following real property: a 2,883.7± Square Foot parcel (Parcel 1) and a 7,611.1±/- Square Foot parcel (Parcel 2) located on the east side of CR 72, North Avenue, Town of Pleasant Valley, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed filed in the Office of the County Clerk for Dutchess County, New York, as document number 02 1998 2573, Liber 2007, Page 696 with the address 2 Sherow Road (re. Tax Map No. 134400-6363-02-824996-0000 and being the same lands designated as Map 3, Parcels 1 & 2, 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 for these parcels is FOUR THOUSAND THREE HUNDRED (\$4,300.00). 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 February 22, 2015.

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 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 DESCRIPTION. The following improvements will occur within these fee acquisitions, including, but not limited to the following: The reconstruction of a section of CR 73 (Sherow Road) and the creation of wetlands.

IN WITNESS WHEREOF, on this _____ day of _____ 2015, the parties have entered into this Agreement.

Grantor:
Representative:

By: Elizabeth J. Pickett

Elizabeth J. Pickett
Printed Name

Owner
Title

Witness: Matthew J. Davis

County of Dutchess:

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

Witness: _____

Approved as to Form:

Carol A. Bogle
Chief Asst, County Attorney

Approved as to Content:

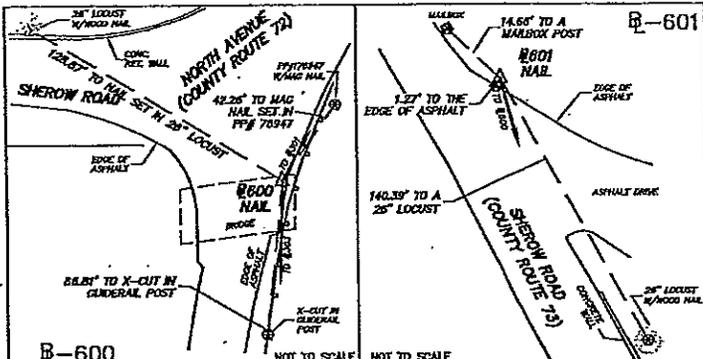
Robert H. Balkind
Robert H. Balkind, P.E.
Deputy Commissioner



EXHIBIT A
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS
 ACQUISITION MAP

MAP NO. 3
 PARCEL NO. 1 & 2
 SHEET. 1 OF 2

RECONSTRUCTION OF COUNTY
 BRIDGE PV-15

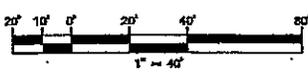
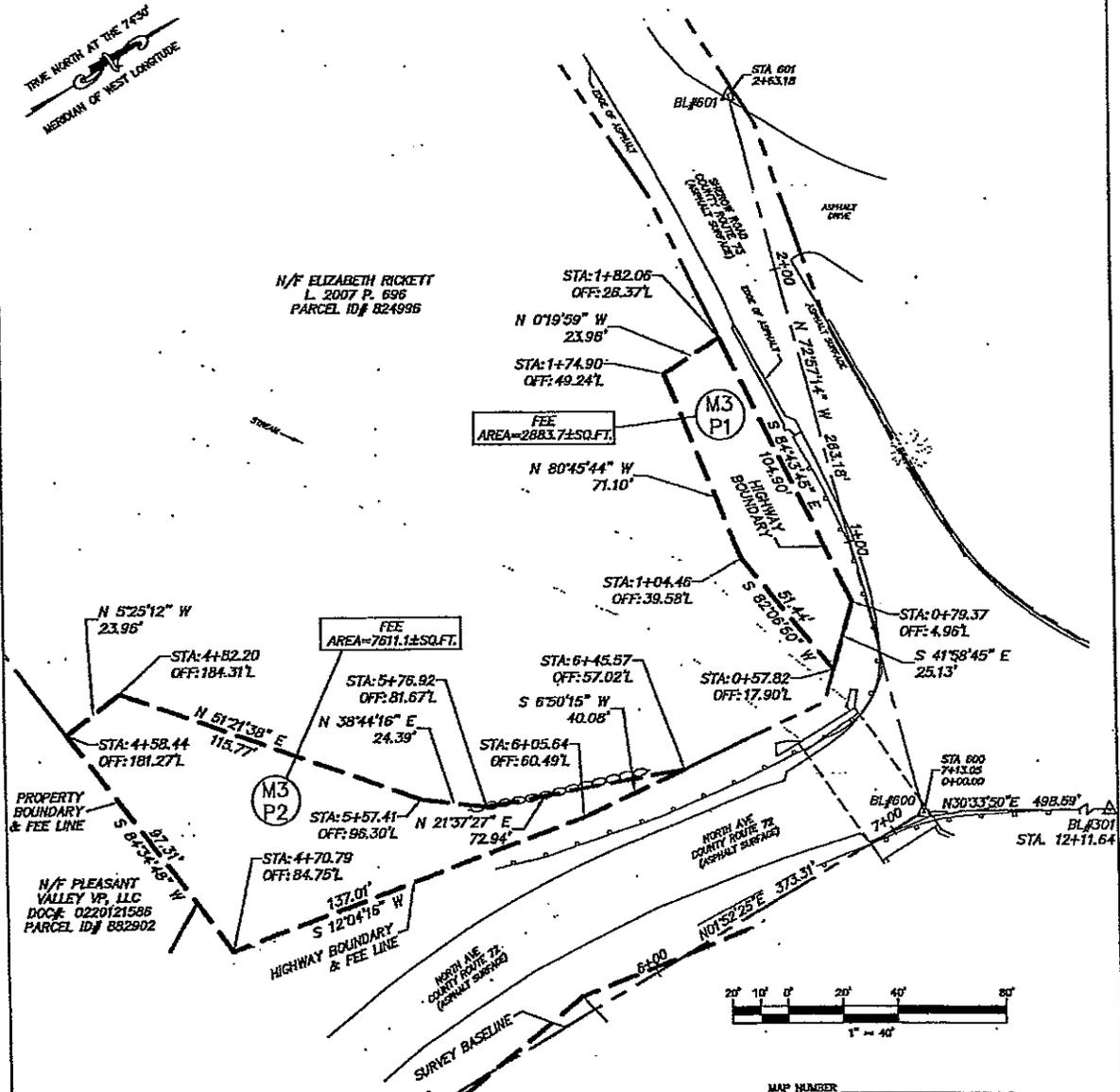


<p>R-600</p> <p>R-600 STA. 7+13.03</p> <p>DESC: MAG NAIL SET IN THE EAST SHOULDER OF DUTCHESS COUNTY HIGHWAY 72.</p> <p>COORDINATE: NAD83 SPO-NY, EAST ZONE, US FOOT SYSTEM</p> <p>N: 1085488.857 E: 676548.391</p>	<p>R-601</p> <p>R-601 STA. 2+63.18</p> <p>DESC: MAG NAIL SET IN THE EAST SHOULDER OF DUTCHESS COUNTY HIGHWAY 72.</p> <p>COORDINATE: NAD83 SPO-NY, EAST ZONE, US FOOT SYSTEM</p> <p>N: 1085548.9250 E: 676297.7750</p>
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ACQUISITION DESCRIPTION:
 Type: FEE
 Portion of Real Property Tax
 Parcel ID No. 134400-6363-02-824996

Town of Pleasant Valley
 County of Dutchess
 State of New York

REPUTED OWNER:
 Elizabeth J. Rickett
 2 Sherow Road
 Pleasant Valley, NY 12569



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

MAP NUMBER _____
 REVISED DATE _____
 DATE PREPARED 09-17-2014

PREPARED BY MJM CHECKED BY DJS FINAL CHECK BY LRD



EXHIBIT A
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS
 ACQUISITION MAP

MAP NO. 3
 PARCEL NO. 1 & 2
 SHEET 2 OF 2

RECONSTRUCTION OF COUNTY
 BRIDGE PV-15

PARCEL NO.1

All that certain piece or parcel of land situate in the Town of Pleasant Valley, County of Dutchess and State of New York being more particularly bounded and described as follows:

Beginning at a point on the westerly boundary line of North Avenue; County Route 72 said point being 17.90 feet distant westerly measured at right angles from station 0+57.82 of the hereinafter described survey baseline for Reconstruction of County Bridge PV-15; thence through the property of Elizabeth J. Rickett the following three (3) courses and distances: 1) South 82° - 08' - 50" West, 51.44 feet to a point 39.58 feet distant westerly measured at right angles from station 1+04.46 of said baseline; 2) North 80° - 45' - 44" West, 71.10 feet to a point 49.24 feet distant westerly measured at right angles from station 1+74.90 of said baseline; 3) North 0° - 19' - 59" West, 23.96 to a point located in the southerly boundary line of Sherow Road; County Route 73; said point being 26.37 feet distant westerly measured at right angles from station 1+82.06 of said baseline; thence along said southerly boundary line of Sherow Road; County Route 73 the following two (2) courses and distances: 1) South 84° - 43' - 45" East, 104.90 feet to a point 4.96 feet distant westerly measured at right angles from station 0+79.37 of said baseline; 2) South 41° - 58' - 45" East, 25.13 feet to a point of beginning; being 2,883.7 square feet more or less.

The above mentioned survey baseline is a portion of the 2013 survey baseline for the Reconstruction of County Bridge PV-15 as shown on the map and described as follows:

Beginning at station 7+13.05 / 0+00; thence North 72° - 57' - 14" West to station 2+63.18.

All bearings referred to TRUE NORTH at the 74° - 30' MERIDIAN OF WEST LONGITUDE

PARCEL NO. 2

All that certain piece or parcel of land situate in the Town of Pleasant Valley, County of Dutchess and State of New York being more particularly bounded and described as follows:

Beginning at a point on the westerly boundary line of North Avenue; County Route 72 said point being 57.02 feet distant westerly measured at right angles from station 6+45.57 of the hereinafter described survey baseline for Reconstruction of County Bridge PV-15; thence along the westerly boundary line of North Avenue; County Route 72 the following two (2) courses and distances: 1) South 06° - 50' - 15" West, 40.08 feet to a point 60.49 feet distant westerly measured at right angles from station 6+05.64 of said baseline; 2) South 12° - 04' - 16" West, 137.01 feet to a point 84.75 feet distant westerly measured at right angles from station 4+70.79 of said baseline; thence along said westerly boundary line of North Avenue; County Route 72 and continuing along the division line between lands now or formerly of Valley VP, LLC to the south and Lands now or formerly of Rickett to the north South 84° - 34' - 48" West, 97.31 to a point 181.27 feet distant westerly measured at right angles from station 4+58.44 of said baseline; thence continuing through the lands of Rickett the following four (4) courses and distances: 1) North 05° - 25' - 12" West, 23.96 feet to a point 184.31 feet distant westerly measured at right angles from station 4+82.20 of said baseline; 2) North 51° - 21' - 38" East, 115.77 feet to a point 96.30 feet distant westerly measured at right angles from station 5+57.41 of said baseline; 3) North 38° - 44' - 16" East, 24.39 feet to a point 81.67 feet distant westerly measured at right angles from station 5+76.92 of said baseline; 4) North 21° - 37' - 27" East, 72.94 feet to a point of beginning; being 7811.1 square feet more or less.

The above mentioned survey baseline is a portion of the 2013 survey baseline for the Reconstruction of County Bridge PV-15 as shown on the map and described as follows:

Beginning at station 3+39.74; thence North 01° - 52' - 25" East to station 7+13.05.

All bearings referred to TRUE NORTH at the 74° - 30' MERIDIAN OF WEST LONGITUDE

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

Date 1-6 2015

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

Recommended by:

Date Jan 5 2015

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 1-27 2015

Mark R. Deloria, Land Surveyor
 P.L.S. License No. 050478
 Maser Consulting, P.A.
 12 Metro Park Road, Ste. 102
 Albany, NY 12205

MAP NUMBER _____
 REVISED DATE _____
 DATE PREPARED 02-17-14

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.