

RESOLUTION NO. 2015012

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

Legislators HUTCHINGS, 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, 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 reconstruct said bridge, it is necessary to acquire in fee a portion of property presently owned by Adam Stern, and

WHEREAS, the acquisition in fee is a portion of parcel number 133400-6364-02-948050-0000, described as a 36,405.1+/- square foot parcel more or less as shown on Map No. 2, Parcel No. 1, 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 \$14,800.00 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 \$14,800.00 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-16-15

CAB/ca/R-0942-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 \$ 15,800

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): \$15,800
Over Five Years: _____

Additional Comments/Explanation:

This fiscal impact statement pertains to the accompanying resolution request for authorization to acquire in fee a 36,405.1 +/- Square Foot parcel for a consideration of \$14,800, from Adam Stern identified on Map 2, Parcel 1, 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: 2 Parcel: 1

This Agreement by and between Adam Stern, 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 36,405.1± Square Foot parcel 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 1995 6617, Liber 1968, Page 143, with the address 192 North Avenue (re. Tax Map No. 134400-6364-04-948050-0000 and being the same lands designated as Map 2, Parcel 1, 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 this parcel is FOURTEEN THOUSAND EIGHT HUNDRED (\$14,800.00) 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 this fee acquisition, including, but not limited to the following: The reconstruction of Bridge PV-15 and a section of CR 72 (North Avenue), including embankments, side slopes and stream channel.

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

Grantor:
Representative:

By: *Adam Stern*

Adam Stern
Printed Name

Owner
Title

Witness: *Matthew Davo*

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:

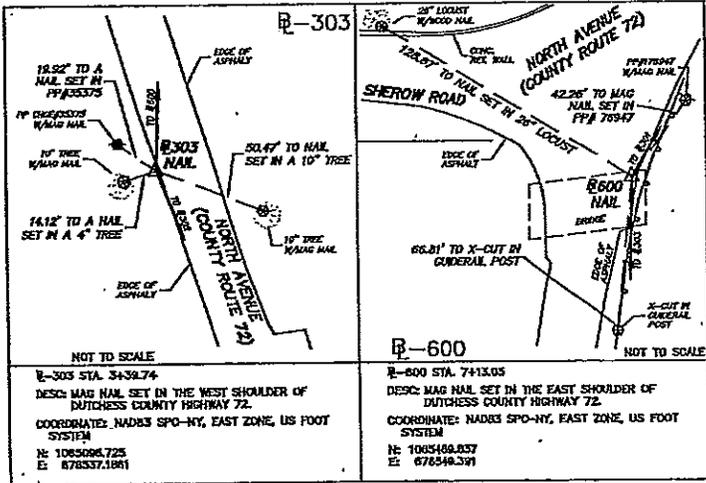
Robert H. Balkind
Robert H. Balkind, P.E.
Deputy Commissioner



EXHIBIT A
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS
 ACQUISITION MAP

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

RECONSTRUCTION OF COUNTY
 BRIDGE PV-15



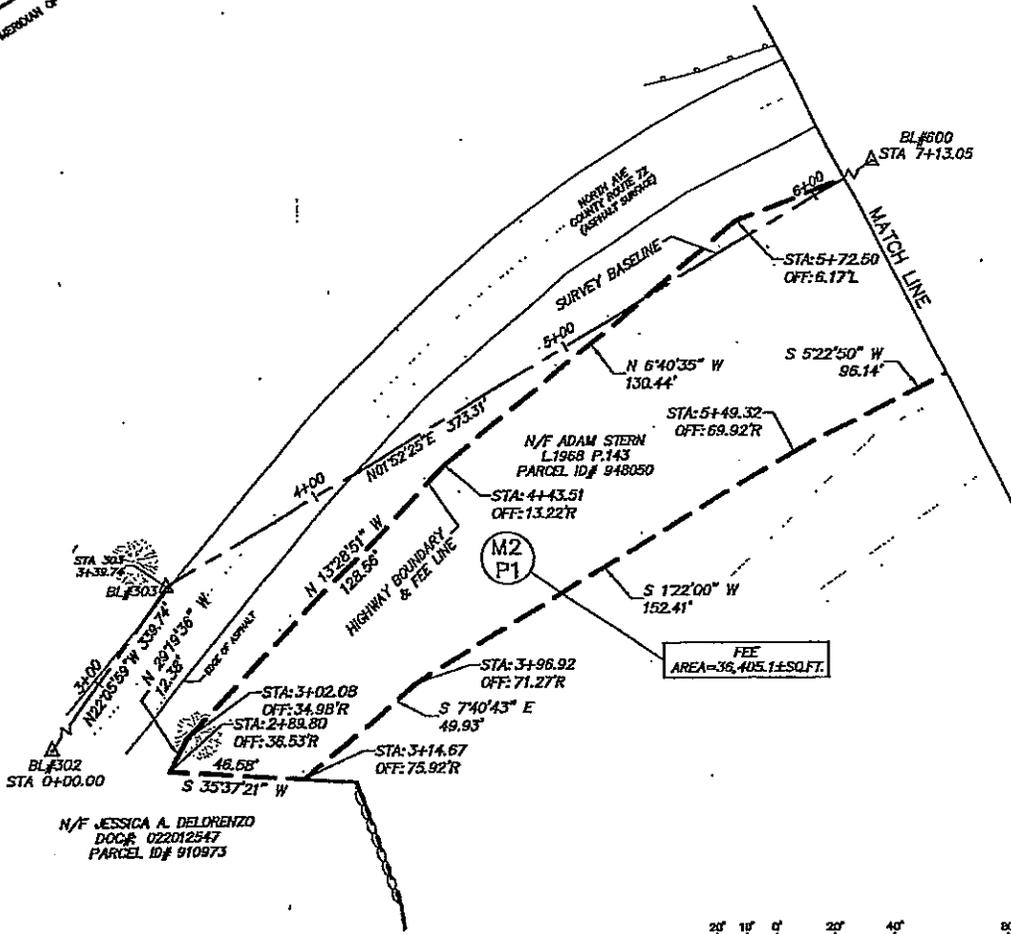
ACQUISITION DESCRIPTION:

Type: FEE & TE
 Portion of Real Property Tax
 Parcel ID No. 134400-6364-04-948050

Town of Pleasant Valley
 County of Dutchess
 State of New York

REPUTED OWNER:

Adam Stern
 192 North Avenue
 Pleasant Valley, NY 12569



ORIGINAL OF THIS MAP (SHEETS 1, 2, 3 & 4)
 ARE ON FILE AT THE OFFICES OF THE DUTCHESS
 COUNTY DEPARTMENT OF PUBLIC WORKS

MAP NUMBER _____
 REVISED DATE _____
 DATE PREPARED 02-17-2014



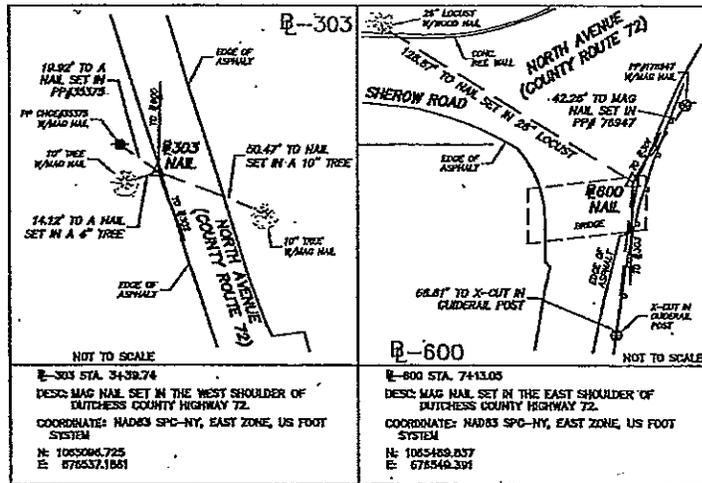
EXHIBIT A
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS
 ACQUISITION MAP

MAP NO. 2

PARCEL NO. 1 & 2

SHEET 2 OF 4

RECONSTRUCTION OF COUNTY
 BRIDGE PV-15



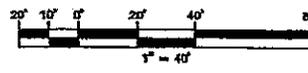
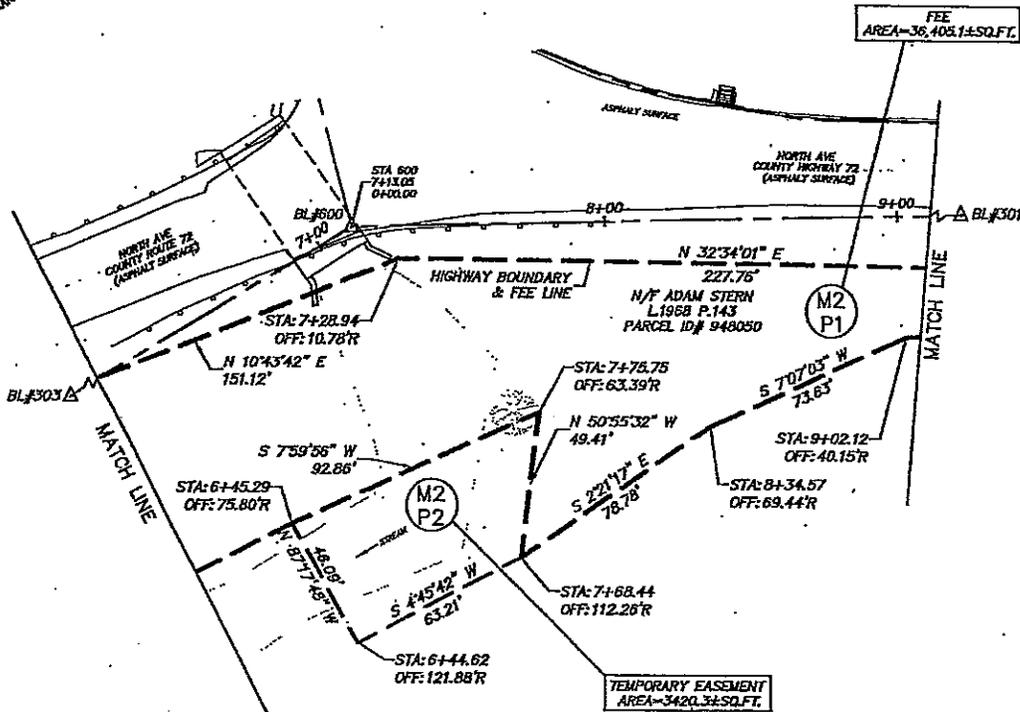
ACQUISITION DESCRIPTION:

Type: FEE & TE
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 Parcel ID No. 134400-6364-04-948050

Town of Pleasant Valley
 County of Dutchess
 State of New York

REPUTED OWNER:

Adam Stern
 192 North Avenue
 Pleasant Valley, NY 12569



ORIGINAL OF THIS MAP (SHEETS 1, 2, 3 & 4)
 ARE ON FILE AT THE OFFICES OF THE DUTCHESS
 COUNTY DEPARTMENT OF PUBLIC WORKS

MAP NUMBER _____
 REVISED DATE _____
 DATE PREPARED 02-17-2014

PREPARED BY MMW

CHECKED BY DPS

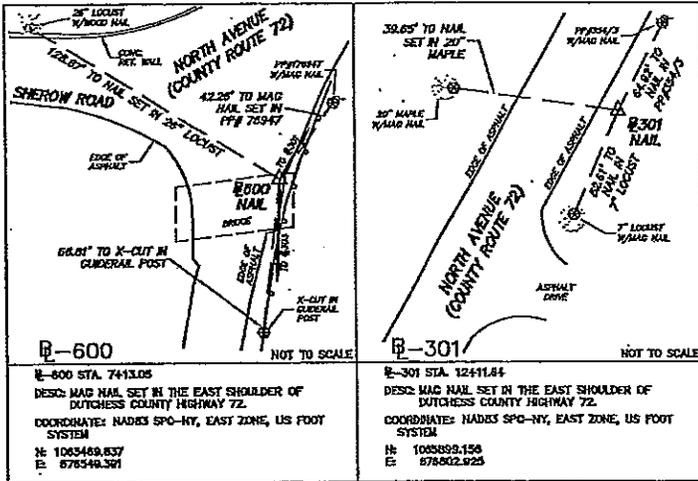
FINAL CHECK BY MRO



EXHIBIT A
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ACQUISITION MAP

MAP NO. 2
 PARCEL NO. 1 & 2
 SHEET 3 OF 4

RECONSTRUCTION OF COUNTY
 BRIDGE PV-15



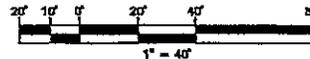
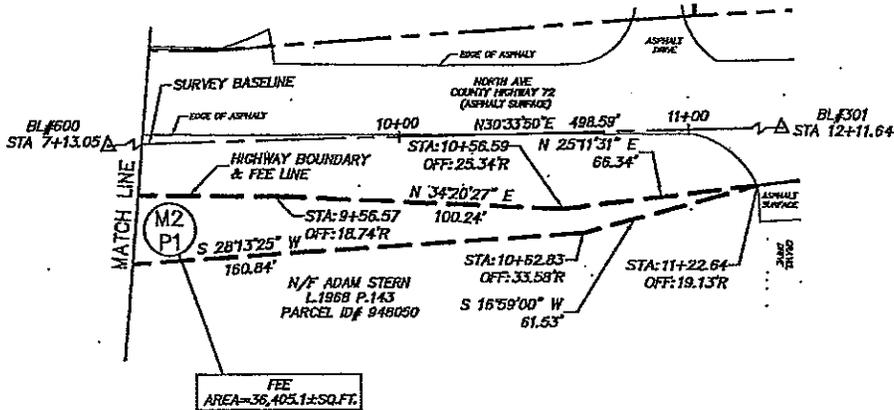
ACQUISITION DESCRIPTION:

Type: FEE
 Portion of Real Property Tax
 Parcel ID No. 134400-6364-04-948050

Town of Pleasant Valley
 County of Dutchess
 State of New York

REPUTED OWNER:

Adam Stern
 192 North Avenue
 Pleasant Valley, NY 12569



ORIGINAL OF THIS MAP (SHEETS 1, 2, 3 & 4)
 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 JMW

CHECKED BY DPS

FINAL CHECK BY MSD



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

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

RECONSTRUCTION OF COUNTY
 BRIDGE PV-15

PARCEL NO.1

FEE ACQUISITION

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 easterly boundary line of North Avenue; County Route 72 said point being 19.13 feet distant easterly measured at right angle from station 11+22.64 of the hereinafter described survey baseline for Reconstruction of County Bridge PV-15; thence through the property of Adam Stern the following nine (9) courses and distances: 1) South 16° - 59' - 00" West, 81.53 feet to a point 33.58 feet distant easterly measured at right angles from station 10+62.83 of said baseline; 2) South 28° - 13' - 25" West, 160.84 feet to a point 40.15 feet distant easterly measured at right angles from station 9+02.12 of said baseline; 3) South 7° - 07' - 03" West, 73.63 to a point 69.44 feet distant easterly measured at right angles from station 8+34.57 of said baseline; 4) South 2° - 21' - 17" East, 78.78 feet to a point 112.26 feet distant easterly measured at right angles from station 7+68.44 of said baseline; 5) North 50° - 55' - 32" West, 49.41 feet to a point 63.39 feet distant easterly measured at right angles from station 7+75.75 of said baseline; 6) South 7° - 59' - 56" West, 92.86 to a point 75.80 feet distant easterly measured at right angles from station 6+45.29 of said baseline; 7) South 5° - 22' - 50" West, 96.14 feet to a point 69.92 feet distant easterly measured at right angles from station 5+49.32 of said baseline; 8) South 1° - 22' - 00" West, 152.41 feet to a point 71.27 feet distant easterly measured at right angles from station 3+96.92 of said baseline; 9) South 7° - 40' - 43" East, 49.93 to a point located in the division line between lands of Stern to the north and lands of DeLorenzo to the south; said point being 75.92 feet distant easterly measured at right angles from station 3+14.67 of said baseline; thence along said division line South 35° - 37' - 21" West, 46.58 feet to a point located in the easterly boundary line of North Avenue; County Route 72; said point being 36.53 feet distant easterly measured at right angles from station 2+89.80 of said baseline; thence along said easterly boundary line of North Avenue; County Route 72 the following seven (7) courses and distances: 1) North 29° - 19' - 36" West, 12.38 feet to a point 34.98 feet distant easterly measured at right angles from station 3+02.08 of said baseline; 2) North 13° - 28' - 51" West, 128.58 feet to a point 13.22 feet distant easterly measured at right angles from station 4+43.51 of said baseline; 3) North 6° - 40' - 35" West, 130.44 to a point 6.17 feet distant westerly measured at right angles from station 5+72.50 of said baseline; 4) North 10° - 43' - 42" East, 151.12 feet to a point 10.78 feet distant easterly measured at right angles from station 7+28.94 of said baseline; 5) North 32° - 34' - 01" East, 227.76 feet to a point 18.74 feet distant easterly measured at right angles from station 9+56.57 of said baseline; 6) North 34° - 20' - 27" East, 100.24 to a point 25.34 feet distant easterly measured at right angles from station 10+56.59 of said baseline; 7) North 25° - 11' - 31" East, 66.34 feet to the point of beginning; being 36,405.1 square feet more or less.

PARCEL NO.2

TEMPORARY EASEMENT FOR WORK AREA AND GRADING

A temporary easement to be exercised in, on and over the property delineated above for the purpose of a work area and grading in connection with the reconstruction of the highway and appurtenances for use and exercisable during the construction or reconstruction of the highway and terminating upon the approval of the completed work, unless sooner terminated if deemed no longer necessary for highway purposes, and released by the Dutchess County Commissioner of Public Works or other authorized representative acting for Dutchess County, or its assigns. Such easement shall be exercised in and to all that piece or parcel or property hereinafter designated as Parcel No. 2 as shown on the accompanying map and described as follows:

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 being 63.39+/- feet distant easterly measured at right angle from station 7+75.75 of the hereinafter described survey baseline for Reconstruction of County Bridge PV-15; thence through the property of Adam Stern the following four (4) courses and distances: 1) South 50° - 55' - 32" East, 49.41 feet to a point 112.26 feet distant easterly measured at right angles from station 7+68.44 of said baseline; 2) South 4° - 45' - 42" West, 63.21 feet to a point 121.88 feet distant easterly measured at right angles from station 6+44.62 of said baseline; 3) North 87° - 17' - 48" West, 48.09 feet to a point 75.80 feet distant easterly measured at right angles from station 6+45.29 of said baseline; and 4) North 7° - 59' - 56" East, 92.86 feet to the point of beginning; being 3,420.3 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 0+00; thence North 22° - 05' - 59" West to station 3+39.74; thence North 01° - 52' - 25" East to station 7+13.05; thence North 30° - 33' - 50" East to station 12+11.64.

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. 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 1-6 2015

Mark R. DeLoe, L.S. Land Surveyor
 P.L.S. License No. 05047B
 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.

End of Document

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