

BUDGET, FINANCE & PERSONNEL

RESOLUTION NO. 2015071

RE: AUTHORIZING ABANDONMENT OF SURPLUS HIGHWAY PROPERTY TO FREDERICK D. ROMIG, ESQ. LOCATED AT THE INTERSECTIONS OF US ROUTE 9 AND BARRISTER'S ROW IN THE TOWN OF WAPPINGER

Legislators MICCIO, HORTON, SAGLIANO, and JETER-JACKSON offer the following and move its adoption:

WHEREAS, the County acquired approximately 1.596 acres of land from Earl S. Dorsett and Susie E. Dorsett (Dorsett) in 1928 for the proposed reconstruction of Fishkill Village-Wappingers Falls State Highway 5154, now known as Route 9 and,

WHEREAS, based on the arrangement between the County and New York State Department of Transportation (NYSDOT), the County acquired the property and NYSDOT had maintenance responsibilities over the property, and

WHEREAS, there is a triangular section of the property (Property) acquired from Dorsett that is approximately 13,523 square feet located at the intersections of Route 9 and Barrister's Row in the Town of Wappinger that is described on the attached map, and

WHEREAS, Frederick D. Romig, Esq. (Romig) is an abutting property owner to the Property, and

WHEREAS, Romig indicated in a letter to the County that he has been maintaining the Property for approximately twenty (20) years and that he wished to purchase the Property from the County, and

WHEREAS, the NYSDOT has abandoned the Property to the County in accordance with the County's request contained in Resolution No. 2013155, and

WHEREAS, Romig has paid for a survey and appraisal of the Property, and

WHEREAS, the appraisal stated that the appraised value of the Property is TWENTY-FOUR THOUSAND DOLLARS (\$24,000.00), and

WHEREAS, NYS Highway Law Section 118-a authorizes the abandonment of parts of county highways which are of no further use for highway purposes, and

WHEREAS, the Dutchess County Commissioner of Public Works does certify to the Dutchess County Legislature as County Superintendent of Highways pursuant to Section 118-a of the NYS Highway Law, that this Property is of no further use for highway purposes to the County, and

WHEREAS, the Dutchess County Commissioner of Public Works, pursuant to statute, has recommended that the Property be conveyed to Frederick D. Romig, Esq. for the appraised value of TWENTY FOUR THOUSAND (\$24,000) DOLLARS, and

RESOLVED, that on the tender of the consideration by Frederick D. Romig in the amount of \$24,000 together with the appropriate transfer tax if any, plus any other required fees, the Chairman of the Dutchess County Legislature is hereby authorized and directed, on behalf of the County of Dutchess, to execute, pursuant to Section 118-a of the New York State Highway Law, a quitclaim deed conveying to Frederick D. Romig the property described in the attachment.

CA-051-15

CAB/kvh/R-G-0188/R-0894

2/19/15

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 9th day of March 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 9th day of March 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 \$ 0

Total Current Year Revenue \$ 24,000  
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): \$0  
Over Five Years:

Additional Comments/Explanation:

This fiscal impact statement pertains to the resolution request approval to sell a 13,523+/- square foot (0.31+/- acre) parcel of surplus property located at the intersection of US Route 9 and Barrister's Row, to Frederick D. Romig for the appraised value of \$24,000.00.

Prepared by: Matthew W. Davis

NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
CONVEYANCE MAP

FISHKILL VILLAGE -  
WAPPINGERS FALLS  
S.H. No. 5154

MAP NO. 206-C  
PARCEL NO. 252  
SHEET 1 OF 2 SHEETS

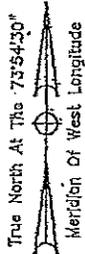
MAP REFERENCE INFORMATION

Datum: NAD 83/96  
Parcel Locator Point:  
Parcel No. 253  
N: 997691.7481  
E: 653947.0212

LANDS OF THE PEOPLE OF THE  
STATE OF NEW YORK  
UNDER PRESENT JURISDICTION OF THE  
DEPARTMENT OF TRANSPORTATION

PARCEL SUMMARY:

Type: CONVEYANCE  
Portion Of 2014 Tax  
Map Ref. No. 6157-04  
Town of Wappinger  
Dutchess County  
State of New York



Baseline Sta. RK 3+64.48

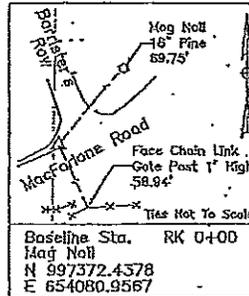
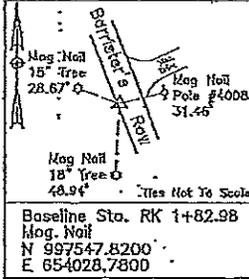
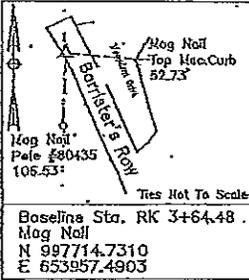
Wappingers Falls  
Fishkill Village -  
S.H. No. 5154  
U.S. Route 9  
(Northbound)

P.O.B.  
3+47.45  
L 18.66  
J137+48 R 30  
1926 N.Y.S. Baseline

2014 Survey Baseline  
300.00  
N88°55'37"W

Meg Nail Top Mac.Curb 52.75'

N/F ORR Realty  
N/F Romig  
N/F Horton



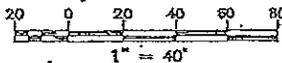
Baseline Sta. RK 1+82.98

Property To Be Quitclaimed To:

LANDS OF THE PEOPLE OF THE  
STATE OF NEW YORK  
UNDER PRESENT JURISDICTION OF  
THE DEPARTMENT OF  
TRANSPORTATION

M206-C  
P252

13,523 ± Sq.Ft.  
Or  
0.310 ± Acre



0+18.19  
L 87.28'

0+11.81  
R 0.85'  
= J134+18 R 108  
1926 N.Y.S. Baseline

Baseline Sta. RK 0+00

Face Chain Link  
Gate Post 1' High  
58.94'

MacFarlane Road  
New Highway Boundary

Field Survey Records and Control Report are on file in the Regional Office of NYSDOT.

All that piece or parcel of property hereinafter designated as Parcel No. 252, situate in the town of Wappinger, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

Parcel No. 252

Beginning at a point on the easterly boundary of the existing Fishkill Village - Wappingers Falls highway at its intersection with the southwesterly boundary of Baristers Row (formerly Albany Post Road), said point being 18.66 feet distant southwesterly, measured at right angles, from station 3+47.45 of the hereinafter described survey baseline for the Fishkill Village - Wappingers Falls, State Highway No. 5154; thence South 23°-06'-57" East along said road 334.61 feet to a point being 0.83 feet distant easterly, measured at right angles, from station 0+11.81 of said baseline; thence through the property of the People of the State of New York South 77°-52'-29" West; 82.34 feet to a point on the easterly boundary of said existing Fishkill Village - Wappingers Falls highway, the last mentioned point being 61.74 feet distant westerly, measured at right angles, from station 0+18.19 of said baseline; thence along the last mentioned boundary of said existing highway North 05°-51'-57" West 323.00 feet to the point of beginning; being 13,523 square feet or 0.310 acre more or less.

RESERVING, however, to the owner of the property and such owner's successors or assigns the right of access to and from said existing Baristers Row along the following course and distance being designated as WIDTH OF ACCESS; beginning at a point 18.66 feet distant southwesterly, measured at right angles, from station 3+47.45 of said baseline; thence South 23°-06'-57" East 334.61 feet to a point 0.83 feet distant easterly, measured at right angles, from station 0+11.81 of said baseline.

Being a portion of the property acquired in deed by the County of Dutchess of New York, by virtue of a deed drawn from Map No. 15.8 and recorded in the office of the Clerk of Dutchess County on July 15, 1929 in Liber 463 of deeds of Page 369.

Beginning at station 8+00; thence North 15°-34'-04" East to station 1+82.92, thence North 23°-07'-40" West to station 3+64.48.

The above mentioned survey baseline is a portion of the 2014 survey baseline for the Fishkill - Village of Wappingers, State Highway No. 5152, as shown on a map and plan on file in the Office of the State Department of Transportation and described as follows:

All bearings referred to THIS MAP at the 73E-54'-30" MERIDIAN of WEST LONGITUDE.

I hereby certify that the property rapped above is not necessary for highway purposes, and the conveyance thereof is recommended.

DATE: June 10, 2014

Nicolas A. Crouzet  
NICOLAS A. CROUZET, ACTING REGIONAL DESIGN  
ENGINEER FOR THE REGIONAL DIRECTOR OF  
TRANSPORTATION REGION 8



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 was prepared in accordance with current NYSDOT policies, standards and procedures.

DATE: 6-9-14, 2014

Robert D. Salata  
ROBERT D. SALATA, LAND SURVEYOR  
E.L.S. LICENSE NO. 49914

PROPERTY TO BE CONVEYANCED TO:

Description and map of property provided as set forth above for the reconstruction of a part of the Fishkill Village - Wappingers Falls state Highway No. 5152 and now found unnecessary for highway purposes, subject to the reservation described above, in the name of the People of the State of New York on terms beneficial to the state.

Approved and adopted by resolution of the Legislature of the County of Dutchess, pursuant to Section 65 of the Highway Law, at a meeting held on the 10th day of June, 2013

Carole Morris  
Clerk of the Dutchess County

Consent to the conveyance of the property above described, by the County of Dutchess is hereby given pursuant to Section 65 of the Highway Law.

I have compared the foregoing copy of description and map with the original thereof, as filed in the Office of the Department of Transportation, and I do hereby certify the same to be a true and correct copy of said original and of the whole thereof.

Office of Right of Way

I have compared the foregoing copy of the map with the original thereof, as filed in the Office of the State Department of Transportation, and I do hereby certify the same to be a true and correct copy of the original and of the whole thereof.

Date: \_\_\_\_\_, 2014

Office of Right of Way

Office of Right of Way

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2013155

RE: REQUESTING THE NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION ABANDON LANDS ON US ROUTE 9, SH 5154,  
AT INTERSECTION WITH BARRISTER'S ROW, TOWN OF  
WAPPINGER TO COUNTY OF DUTCHESS

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

WHEREAS, the State of New York Department of Transportation has maintenance  
jurisdiction over a .32 of an acre, more or less, parcel of land for state highway purposes located at the  
intersection of US Route 9, SH 5154, located at the intersection with Barrister's Row, Town of  
Wappinger,

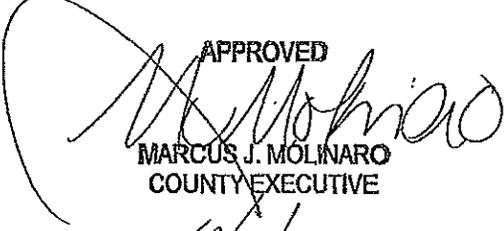
WHEREAS, said parcel of land is no longer needed or useful to the New York State  
Highway System, and

WHEREAS, New York State Highway Law Section 10(32) authorizes the  
Commissioner of Transportation, upon proper request, to abandon a State Highway, or portion thereof,  
to a municipality, when such parcel is no longer needed by, or useful to the State Highway System, and

WHEREAS, the County of Dutchess owns the property mentioned in the first whereas  
clause in fee, now, therefore be it

RESOLVED, that the Dutchess County Legislature, pursuant to the New York State  
Highway Law Section 10(32), does hereby request the New York State Commissioner of  
Transportation abandon to the County of Dutchess that portion of US Route 9, SH 5154, located at the  
intersection of said highway with Barrister's Row, Town of Wappinger, as set forth on the attached  
map.

CA-104-13  
CAB/ca R-0894  
5/15/13  
Fiscal Impact: See attached statement

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 6/20/2013

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

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 10<sup>th</sup> day of June 2013, 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 10th day of June 2013.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

McKinney's Consolidated Laws of New York Annotated  
Highway Law (Refs & Annos)  
Chapter 25. Of the Consolidated Laws  
Article VI. County Roads

McKinney's Highway Law § 118-a

§ 118-a. Abandoning of parts of county highways

Currentness

Whenever, pursuant to this act or under the provisions of any statute, any county road shall have been widened, straightened, extended, drained, paved and/or otherwise improved and in the process thereof a county shall have acquired from an adjacent owner certain lands necessary for said right-of-way by purchase, condemnation or as a gift and where under such circumstances either the grantor of said new right-of-way shall own the property on both sides thereof for the full length of the new taking or the consent in writing of any and all other owners within such area be given, and there shall be sections of the old road as it existed before said improvement which are of no further use for highway purposes to said county, the board of supervisors of said county in which said land is situated, upon the recommendation of the county superintendent of highways, may abandon to the abutting owner or owners such sections or parts of the old road as it existed before said improvement which are of no further use for highway purposes, providing the road after such abandonment shall not be less than three rods in width, and the chairman of the board of supervisors of said county is hereby authorized to execute and acknowledge in the name of the county and affix the seal of the county to a quit-claim deed or deeds of the land so abandoned and to deliver the same to the abutting owner or owners for such consideration and upon such terms and conditions as the board of supervisors of the county shall deem proper.

Whenever, pursuant to this chapter or under the provisions of any statute, the maintenance of any section of a highway by the state is discontinued by official order or otherwise and the maintenance thereof transferred to a county, and such section of such road is of no further use for highway purposes to said county, the board of supervisors in which said land is situated, upon the recommendation of the county superintendent of highways, may adopt a resolution to abandon to the abutting owner or owners of such section of such road which is of no further use for highway purposes, and the chairman of the board of supervisors of said county is hereby authorized to execute and acknowledge in the name of the county, and affix the seal of the county to a quit claim deed or deeds of the lands so abandoned, and to deliver the same to the abutting owner or owners for such consideration and upon such terms and conditions as the board of supervisors of said county shall deem proper.

The adoption of the hereinbefore mentioned resolution by the board of supervisors shall be an immediate abandonment and discontinuance of the use for highway and street purposes of said sections or parts of the old road described in said resolution without any further or other proceeding.

Notwithstanding any other provisions of law, the superintendent of highways, with the approval by resolution of the board of supervisors, may establish parking areas on land which would ordinarily be abandoned by the highway department, due to new right-of-ways, or widening, straightening, extending, draining, paving or otherwise improving highways. The superintendent may also place upon said parking areas suitable picnic tables and facilities for the traveling public. The area so developed by the superintendent of highways shall be used for parking and resting purposes primarily and shall not be developed for or as a public park.

**Credits**

(Added L.1943, c. 257. Amended L.1957, cc. 695, 1025.)