

RESOLUTION NO. 2015198

RE: REQUESTING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION ABANDON LANDS ON EAST SIDE OF US ROUTE 9, SH 5154, IN THE TOWN OF WAPPINGER TO COUNTY OF DUTCHESS

Legislators HUTCHINGS, BOLNER, MAC AVERY, and FARLEY offer the following and move its adoption:

WHEREAS, the State of New York Department of Transportation has maintenance jurisdiction over a .667 of an acre, more or less, parcel of land for state highway purposes located on a portion of US Route 9, SH 5154, Town of Wappinger,

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

WHEREAS, the County of Dutchess owns the .667 acre, more or less, of US Route 9 in fee, now, therefore be it

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

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 the east side US Route 9, SH 5154, Town of Wappinger, as set forth on the attached map.

CA-120-15

CAB/kvh R-0947

7/2/2015

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 10th day of August 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 10th day of August 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 \$ _____
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 \$ _____

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 accompanying resolution request, requesting the New York State Department of Transportation abandon a 0.667 +/- parcel of land located on US Route 9, SH 5154, to the County of Dutchess, as shown on the accompanying map.

Prepared by: Matthew W. Davis 2929



Department of
Transportation

ANDREW M. CUOMO
Governor

JOAN McDONALD
Commissioner

WILLIAM J. GORTON, P.E.
Regional Director

June 18, 2015

Robert Balkind, P.E.
Deputy Commissioner
Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603

Re: SPCN 08-III 2132
Release of Maintenance and Jurisdiction
to Dutchess County
Fishkill Village-Wappinger Falls, SH 5154
Contrail LLC
Town of Wappinger, Dutchess County

Dear Mr. Balkind:

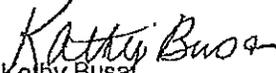
The Regional Director has approved the Department releasing maintenance and jurisdiction on a portion of county-owned right of way, located on the east side of Route 9, just north of Stage Door Road and adjacent to the property owned by Contrail LLC. The Department will retain 30' from the edge of the Route 9 shoulder and 10' around culvert headwalls. No access to Route 9 from the area to be released will be permitted.

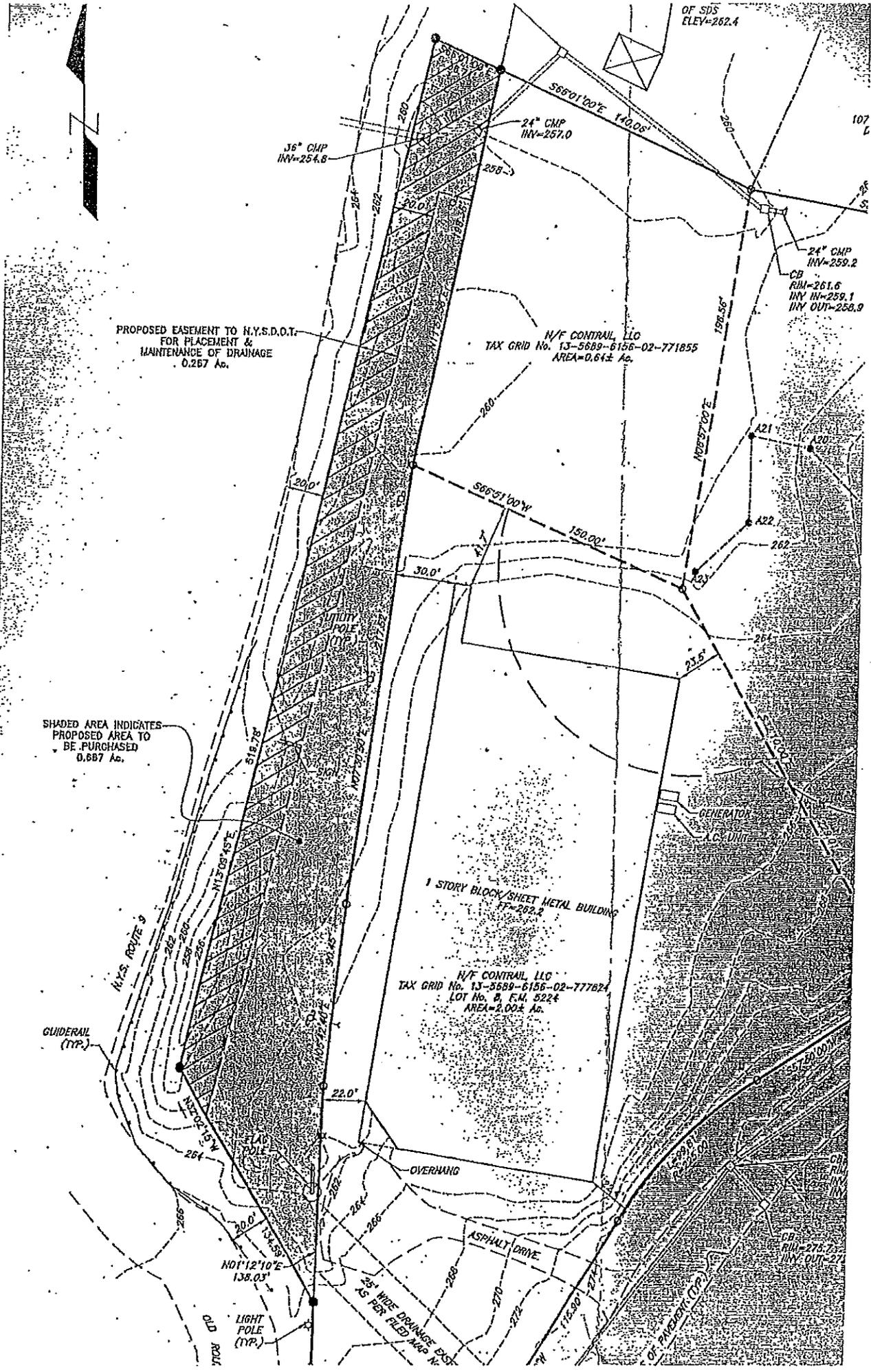
The request still requires approval by our Property Executive Review Group (PERG) in Albany. In order to progress the case to PERG, we are asking for the preparation of a preliminary conveyance map. Tony Sidote of our Right of Way Mapping Group can be contacted at 845-431-5814 for information on the map preparation.

We will also require a resolution for this action from the Dutchess County Legislature.

Please contact me at 845-437-3392 with any questions.

Very truly yours,


Kathy Buser
Real Estate Specialist 2



OF SDS
ELEV=262.4

107
L

36° CMP
INV=254.8

24° CMP
INV=257.0

24° CMP
INV=259.2

CB
RM=261.6
INV IN=259.1
INV OUT=258.9

PROPOSED EASEMENT TO N.Y.S.D.O.T.
FOR PLACEMENT &
MAINTENANCE OF DRAINAGE
0.267 Ac.

N/F CONTRAL, LLC
TAX GRID No. 13-5689-6156-02-771855
AREA=0.61± Ac.

SHADED AREA INDICATES
PROPOSED AREA TO
BE PURCHASED
0.687 Ac.

1 STORY BLOCK/SHEET METAL BUILDING
FF=262.2

N/F CONTRAL, LLC
TAX GRID No. 13-5689-6156-02-777824
LOT No. 0, F.M. 9224
AREA=2.00± Ac.

GENERATOR
A.C. UNIT

GUIDERAIL
(TYP.)

OVERHANG

ASPHALT DRIVE

NOT 12°10'E
138.03'

LIGHT
POLE
(TYP.)

24" WIDE DRAINAGE DIST.
AS PER FED. REG. NO.

CB
RM=274.2
INV OUT=27

municipality to the state. Such agreements may also provide for the clearance of such property, necessary for highway purposes, by the Kingston urban renewal agency and the transfer thereof to the state upon payment by the state to the Kingston urban renewal agency of an equitable share of the cost of such clearance.

29-b. The commissioner of transportation, subject to the approval of the division of the budget, is hereby authorized to enter into cooperative agreements with the official authorized by the governing body of the city of Yonkers, relating to the acquisition and clearance of property deemed necessary for the effectuation of any of the purposes of this chapter which lies within or immediately adjacent to a development area, as defined herein, within the city of Yonkers and the equitable sharing of the costs of such acquisition and clearance. When the acquisition of such property as is deemed necessary for highway purposes would result in consequential damages to the owner's remaining property and all or a portion of such remaining property lies within a development area in the city of Yonkers, the commissioner of transportation may acquire such remaining property and transfer the same to the city of Yonkers upon payment by such city to the state, pursuant to the terms of a cooperative agreement as herein authorized, of an equitable share of the cost of the acquisition of such property and the clearance thereof where such clearance is deemed necessary or appropriate by the commissioner. Such cooperative agreements may also provide for the acquisition and clearance of such property, necessary for highway purposes, by the city of Yonkers and the transfer thereof to the state upon payment by the state to such city of an equitable share of the cost of such acquisition, and clearance if any. As used in this subdivision the term "development area" shall mean an area adjacent to a state highway facility in the city of Yonkers which has been designated as such by the governing body of the city of Yonkers, on its own initiative, upon a finding that such area is appropriate for development and that it is in the public interest for the city to control development thereof in conjunction with the state highway facility.

30. Have power, on behalf and in the name of the state, whenever he deems it to be necessary and in the best interests of the state, to enter into cooperative contracts with any adjoining state, commonwealth, nation, province, or any agency of the government of the United States for data collection, studies, design, construction, reconstruction and maintenance of state highway connections, including, but not limited to, border crossing facilities, within any such adjoining state, commonwealth, nation or province notwithstanding the provisions of any general, special or local law to the contrary; provided, however, that before any such contract shall take effect, it shall be approved by the governor and attorney general and thereafter approved by the state comptroller and filed in his or her office; and further provided, that such contract shall provide for the manner in which the costs are to be borne, including, but not limited to, the cost of data collection, studies, design, surveys, the preparation of plans and specifications, the acquisition of real property required for rights of way, construction, reconstruction and maintenance of such highway connections and bridges thereon and of approaches thereto, and border crossing facilities, and such other costs incidental thereto. In no event, however, shall such contract require any fixed annual payment or subsidy by the state of New York to any adjoining state, commonwealth, nation or province for the maintenance or repair of any such highway connection lying outside of the state of New York. The costs incurred by the state pursuant to any such cooperative contracts as authorized herein shall be payable from appropriations made to the department for the planning, construction, reconstruction and improvement of state highways, with or without federal aid.

31. Cause signs to be erected and maintained designating the point of intersection of each state highway with the "Appalachian Trail".

✓ 32. Have power, upon the request of a county, city, town or village, whenever such commissioner deems an existing state highway or portion thereof lying within such municipality to be no longer needed or useful to the state highway system, to enter into an agreement with the appropriate authorities of such municipality to abandon by an official order to such municipality such highway or portion thereof. Upon the filing of certified copies of such official order with the county clerk, the county board of supervisors or county legislative body and the county finance officer of the county in which such municipality lies, the clerk of such municipality, the appropriate officer of such municipality having general direction and supervision of the public

✓ highways thereof and the state comptroller, the state shall cease to maintain such highway or portion thereof and all the rights and obligations of the state therein shall be turned over and surrendered to such municipality and such highway or portion thereof shall thereafter be maintained as a part of the highway or road system of such municipality.

33. Have power, whenever such commissioner of transportation deems it to be in the best interest of the state and necessary, as a result of work authorized pursuant to this chapter, the transportation law or chapter six hundred seventy-eight of the laws of nineteen hundred twenty-eight, as amended, constituting the grade crossing elimination act, and upon the request of a public utility corporation, to provide for the removal, relocation, replacement or reconstruction of pipes, mains, wires, poles, lights, and other similar facilities of such utility corporation. The expense of such removal, relocation, replacement or reconstruction shall be borne entirely by the utility corporation except so much thereof as would constitute compensable damages under any provision of law. Whenever the commissioner of transportation shall approve such a request of a public utility corporation, he shall, with the assistance of such utility corporation, make an estimate of the cost of the work which he is requested to perform in accordance with plans and specifications submitted to him by such utility corporation. Such utility corporation shall thereupon deposit with the state comptroller, who is authorized to receive and accept the same for the purposes of this subdivision, a sum equal to such estimate and subject to the draft or requisition of the commissioner of transportation. If at any time during the course of the work the commissioner of transportation deems the sum submitted by the utility corporation to be insufficient to meet anticipated costs of the work, he shall notify the utility corporation of such anticipated deficiency, whereupon the utility company shall deposit with the state comptroller, who is authorized to receive and accept the same subject to the draft or requisition of the commissioner of transportation, such additional sum as is deemed necessary by the commissioner of transportation to meet anticipated costs. When the work authorized by this subdivision has been completed the commissioner of transportation shall render to the utility corporation an itemized statement showing in full (a) the amount of money that has been deposited by such utility company with the state comptroller as hereinbefore provided, and (b) all disbursements made pursuant to this subdivision including a proportionate charge for engineering. Any surplus money shall be paid to such utility company, without interest, on the warrant of the comptroller on vouchers therefor approved by the commissioner of transportation.

34. Have power to utilize federal aid to undertake the federal traffic operations program to increase capacity and safety on existing street and highway systems in urban areas. Before any project under such program is commenced, the city or municipality in which the improvement is to be made shall consent to and approve of the project. If such project requires additional property, the commissioner of transportation may acquire such property as may be necessary for the purposes of this subdivision, in the same manner as other property is acquired for state highway purposes pursuant to this chapter, and he may enter into a written agreement with the municipality involved to convey such property as deemed necessary for the purposes of this subdivision to such municipality on terms beneficial to the state. The cost of the acquisition of additional property as provided in this subdivision shall be a proper charge against funds available for the project. If such project requires the removal, relocation, replacement, alteration or reconstruction of railroad facilities normally used for the maintenance and operation of the railroad, and including tracks, signals, communication lines, electrical lines, sewer lines, water lines, buildings, structures and their appurtenances, he may arrange through the railroad for the performance of such removal, relocation, replacement, alteration or reconstruction of such facilities as he may deem necessary. Such removal, relocation, replacement, alteration or reconstruction of facilities may be performed on property of the railroad company. If such work requires additional property or if it is necessary that the consequential relocation of such facilities be made to other property, he may acquire such property as may be necessary for the purposes of this subdivision, in the same manner as other property is acquired for state highway purposes pursuant to this chapter, and he may enter into a written agreement with the owner of the railroad lands to convey such property as deemed necessary for the purposes of this subdivision to such owner on terms beneficial to the state. The expense of such removal, relocation, replacement, alteration or reconstruction of the railroad facilities and any right of way acquisition therefor shall be a proper charge against funds available for the project and such work may be performed by contract in the same manner as provided for state highways in article three of this chapter, or, by the use of departmental forces and equipment and of materials purchased therefor. However, if the commissioner of transportation deems it to be in the interest of the public, he may contract with the railroad, upon such terms as he may deem advantageous to the state, to have such work performed (a) by the employment of the forces and the use of the equipment of such railroad and by the use of any material