

RESOLUTION NO. 2015229

RE: QUIT CLAIM A SECTION OF SURPLUS COUNTY PROPERTY LOCATED AT OLD COUNTY ROUTE 68, OLD HURDS CORNERS ROAD, (NOW NEW COUNTY ROUTE 68, NORTH QUAKER HILL ROAD & STRAWBERRY HILL ROAD) TO DAVID E. DANIELS, TRUSTEE OF THE GWENETH M. WILLIAMS REVOCABLE TRUST

Legislators BORCHERT, BOLNER, HORTON, SAGLIANO, JETER-JACKSON, and FARLEY offer the following and move its adoption:

WHEREAS, the County maintained Old Hurds Corners Road, County Route 68, until approximately 1940 when it constructed a new county road, now known as North Quaker Hill Road, County Route 68, in the Town of Pawling, and

WHEREAS, once the construction of the new county road, North Quaker Hill Road, County Route 68, the County stopped using the former Old Hurds Corners Road, County Route 68, and

WHEREAS, the Department of Public Works (DPW) was contacted by the legal representatives of David E. Daniels, Trustee of the Gweneth E. Williams Revocable Trust, the adjacent property owner to the former Old Hurds Corners Road, County Route 68, and advised DPW that a survey indicated that there were several encroachments from its property on the former County Route 68, and

WHEREAS, the legal representatives of the adjacent property owner further advised DPW that these encroachments needed to be cleared up in order to sell the property, and

WHEREAS, the legal representatives requested that the County quit claim that section of Old Hurds Corners Road, County Route 68, to the adjacent property owner in order to clear up the encroachments, 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 Highway Law, that there is no further use for highway purposes of that portion of the former Dutchess County highway described on the attachment hereto, said portion of highway being a portion of Old Hurds Corners Road, County Route 68, in the Town of Pawling, and

WHEREAS, the Department of Public Works has determined that (1) the action to abandon the subject parcel to the abutting owner constitutes a Type II Action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA") and (2) will not have a significant effect on the environment, and

WHEREAS, the Dutchess County Commissioner of Public Works, pursuant to statute, has recommended that the same .0825 +/- acre parcel be quit claimed to the abutting owner, David E. Daniels as Trustee of the Gweneth M. Williams Revocable Trust, for no consideration, and

RESOLVED, that this Legislature hereby adopts and confirms the determination of the Dutchess County Department of Public Works to quit claim that the section of Old Hurds Corners Road, County Route 68, in the Town of Pawling, consisting of 0.825± acres, and determined to be of no further use for highway purposes and will not have a significant effect on the environment, and be it further

RESOLVED, that the section of Old Hurds Corners Road, County Route 68, in the Town of Pawling, as described in the attachment hereto, be and the same hereby is abandoned by the County of Dutchess, and be it further

RESOLVED, that 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 David E. Daniels as Trustee of the Gweneth M. Williams Revocable Trust, those premises described in the attachment hereto.

CA-143-15

CAB/kvh R-0960

8/20/15

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 16th day of September, 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 16th day of September, 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 \$ _____

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): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Robert H. Balkind

Prepared On: 08/20/15

SCHEDULE A
DESCRIPTION

ROAD PARCEL:

ALL that certain lot, piece or parcel of land with the improvements thereon erected, situate, lying and being in the Town of Pawling, County of Dutchess and State of New York, across the old road and north of the parcel first above herein described, bounded and described as follows:

BEGINNING at a stone monument set in the northerly line of the old county road from Hurds Corner to North Quaker Hill, said point being the southwesterly corner of lands now or formerly of Kelley and the southeasterly corner of lands now or formerly of Williams;

Running thence along the northerly line of said road, also being the southerly line of said lands now or formerly of Williams, the following four (4) courses and distances:

- (1) North 73° 25' 00" West 176.14 feet;
- (2) North 74° 53' 50" West 287.40 feet;
- (3) North 86° 41' 11" West 155.19 feet; and
- (4) South 86° 52' 20" West 130.85 feet to the southerly line of North Quaker Hill Road, (C.R. 68);

Thence along the same, South 65° 55' 20" West 153.83 feet to a point on the southerly line of said old county road from Hurds Corner to North Quaker Hill;

Thence along the southerly line of said last mentioned road, also being the northerly line of other lands now or formerly of Williams, the following two (2) courses and distances:

- (1) North 85° 32' 06" East 269.75 feet; and
- (2) South 80° 09' 40" East 336.11 feet to a point, said point being the northeasterly corner of said other lands now or formerly of Williams and the northwesterly corner of lands shown on Map of Strawberry Hill, filed 10/26/1981 as Map No. 6238;

Thence North 14° 41' 00" East 24.32 feet to a point in the center of said old county road;

Thence running through the center of said old county road, the following two (2) courses and distances:

- (1) South 75° 08' 00" East 94.51 feet; and
- (2) South 74° 34' 23" East 175.62 feet to a point;

Thence North 15° 25' 37" East 20.38 feet to the point or place of BEGINNING.

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.)

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 (202)

Footnotes

1 This Article.

McKinney's E. C. L. § 8-0101, NY ENVIR CONSER § 8-0101

Current through L.2015, chapters 1 to 99.