

PUBLIC WORKS AND CAPITAL PROJECTS

RESOLUTION NO. 2015273

RE: AUTHORIZING ACQUISITION OF A PERMANENT EASEMENT OF REAL PROPERTY FOR A PORTION OF PROPERTY LOCATED AT 24 MILLIS LANE (CR 87), TOWN OF STANFORD, DUTCHESS COUNTY, BY DONATION FROM BRUCE M. LISMAN

Legislators HUTCHINGS, SAGLIANO, and FARLEY offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of a portion of Millis Lane (CR 87) in the Town of Stanford, which project includes the acquisition of a permanent easement of a .021+/- acre parcel, Parcel Identification Number 135200-6768-03-465435-0000, to facilitate the cleaning, maintaining and repairing a drainage structure located on Millis Lane, Town of Stanford, Dutchess County; 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 ("SEQRA"), and (2) will not have a significant effect on the environment, and

WHEREAS, it is the purpose of this Legislature in adopting this resolution to adopt and confirm the findings of the Department of Public Works, and

WHEREAS, the Department of Public Works has made a determination that in order to facilitate the cleaning, maintaining and repairing of the drainage structure located on Millis Lane, in the Town of Stanford, it is necessary to acquire a permanent easement on a portion of property presently owned by Bruce M. Lisman, and

WHEREAS, a proposed Agreement to Acquire Real Property (Permanent Easement) between the County and the property owner is annexed hereto, and

WHEREAS, the property is described as a 0.021+/- acre parcel, Parcel Identification Number 135200-6768-03-465435-0000, more or less as shown on Map 1, Parcel 1, a copy of which is annexed hereto, and

WHEREAS, Bruce M. Lisman has offered to donate the 0.021 +/- acre permanent easement to the County; therefore, be it

RESOLVED, that this Legislature hereby adopts and confirms the determination of the Dutchess County Department of Public Works that the project, including the acquisition of the property in the Town of Stanford described in the Agreement, will not have a significant effect on the environment, and be it further

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Acquire Real Property (Permanent Easement) in substantially the same form as annexed hereto along with any other necessary documents in connection with this acquisition and pay any necessary expenses to complete this acquisition.

CA-176-15

R-0950

11/9/15

Fiscal Impact: See statement attached.

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 3rd day of December 2016, 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 3rd day of December 2016.

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 \$ 1,000

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 \$ 1,000

Nature/Reason:

Anticipated expenses related to Mortgage Releases, Filing Fees, Property Taxes and other closing costs.

Anticipated Savings to County: _____

Net County Cost (this year): \$1,000

Over Five Years: _____

Additional Comments/Explanation:

Project: CR 87 Drainage Improvement, Town of Stanford, Dutchess County, New York.

This fiscal impact statement pertains to the accompanying resolution request for authorization to acquire a permanent easement to a 0.021 acre parcel as shown on (Map 1, Parcel 1) by way of donation from Bruce M. Lisman.

Related expenses in the amount of \$1,000 are included in the Total Current Year Cost.

Prepared by: Matthew W. Davis

2929

AGREEMENT TO ACQUIRE REAL PROPERTY
(PERMANENT EASEMENT)

Project: CR 87 DRAINAGE IMPROVEMENT Map 1 Parcel 1

This Agreement by and between BRUCE M. LISMAN, 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 cleaning, maintaining and repairing a drainage structure only.

1. **PROPERTY DESCRIPTION.** The Grantor agrees to grant by way of a donation, a permanent easement to a 0.021+/- acre parcel located on the east side of CR 87, Millis Lane, in the Town of Stanford, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated October 16, 1991, and recorded on October 21, 1991 in the Office of the County Clerk for Dutchess County, New York in Liber of Deeds 1901 at page 246 with the address 24 Millis Lane (re: Tax Map No. 135200-6768-03-463435-0000), and being the same lands designated as Map 1, Parcel 1 on the signed map and metes and bounds description (Exhibit A) attached hereto.

2. **CLOSING DATE AND PLACE.** On or about September 18, 2015.

3. **TITLE DOCUMENTS.** The Grantee shall provide the following documents in connection with the transfer of easement:

- 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.**

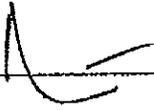
4. **MARKETABILITY OF TITLE.** The parties shall work together to cure any title issues as deemed necessary by the Grantee, to insure good and valid marketable title in connection with the permanent easement on the property. Such curative action is defined as the effort required to clear title, including 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 cost of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens. The Permanent Easement that is the subject of this Purchase Agreement shall operate to extinguish and replace any existing easements for the same premises described in Exhibit A between the Grantor and the Grantee.

5. RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS. Grantee will pay all recording fees.
6. 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.
7. 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.
8. 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.
9. EASEMENT DESCRIPTION. A permanent easement to be exercised for the purpose of cleaning, maintaining and repairing a drainage structure.
10. PROJECT DESCRIPTION. The Grantee has installed a catch basin at the pipe inlet to allow surface water to get into the pipe and cross under CR 87. The catch basin was installed with a steel grate cover and the surrounding area was brought up to grade to eliminate any depression. The stones were removed and the lawn area was covered with topsoil and seeded with mulch. This paragraph shall survive the termination of this Agreement.

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

Grantor:
Representative:

Grantee:
County of Dutchess:

By: 

Bruce Lisman

William F.X. O'Neil
Deputy County Executive

Approved as to Form:

Approved as to Content:

Carol A. Bogle
Chief Asst. County Attorney

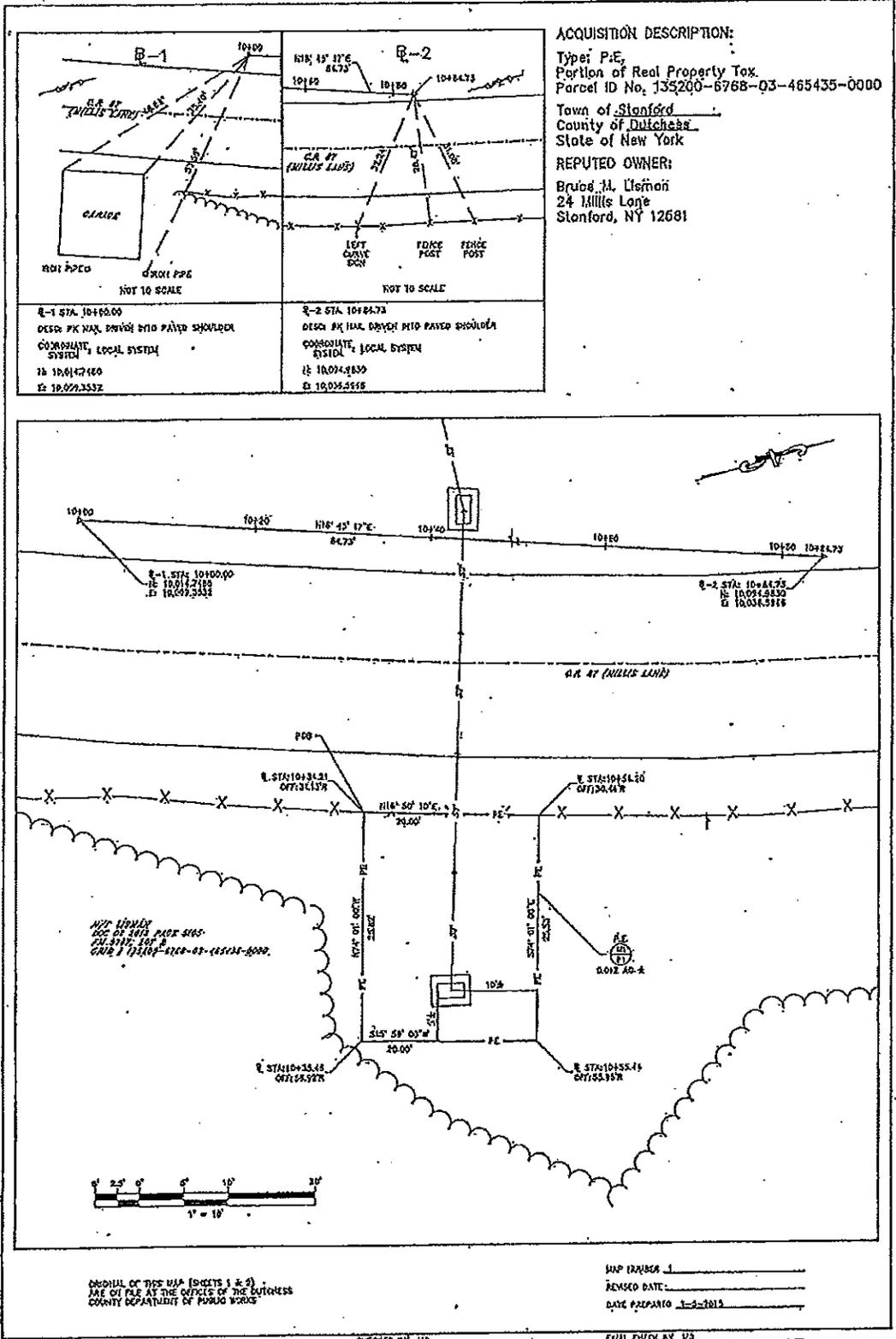
Robert H. Balkind, P.E.
Deputy Commissioner



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

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

USUARY DRAINAGE



ACQUISITION DESCRIPTION:
Type: P.E.
Portion of Real Property Tax.
Parcel ID No. J35200-6768-03-465435-0000
Town of Stanford
County of Dutchess
State of New York
REPUTED OWNER:
Bruce M. Lismon
24 Mills Lane
Stanford, NY 12681

<p>NOT TO SCALE</p>	<p>NOT TO SCALE</p>
<p>R-1 STA. 10+60.00 DESCR. PK MAX. DRYCH MITO PAVED SHOULDER CONDUIT, LOCAL SYSTEM TB 100147160 ES 100253532</p>	<p>R-2 STA. 10+64.75 DESCR. PK MAX. DRYCH MITO PAVED SHOULDER CONDUIT, LOCAL SYSTEM TB 100242830 ES 100253516</p>

RECORD OF THIS MAP (SHEETS 1 & 2) IS ON FILE AT THE OFFICE OF THE DUTCHESS COUNTY DEPARTMENT OF PUBLIC WORKS

MAP NUMBER 1
REVISION DATE _____
DATE PREPARED 1-2-2013

PREPARED BY LD

CHECKED BY LD

PAUL CHOI BY LD



EXHIBIT A
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS
 ACQUISITION MAP

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

LISMAN DRAINAGE

EXHIBIT A

Metes and Bounds Description

A Permanent Easement to be exercised for the purpose of maintaining an existing drainage structure, in, on and over all that tract or parcel of land situate in the Town of Stafford, County of Dutchess, State of New York, bounded and described as follows:

Beginning at a point on the easterly road line of County Route 87 (Mills Lane), said point being 31.13 feet distant Easterly measured at right angles from Station 10+34.21 of the hereinafter described Survey Baseline; thence along the easterly road line of County Route 87 (Mills Lane), North 16° 50' 10" East a distance of 20.00 feet to a point, said point being 30.46 feet distant Easterly measured at right angles from Station 10+54.20 of said baseline; thence through the lands of Bruce M. Lisman (Reputed Owner) South 74° 01' 00" East a distance of 25.53 feet to a point, said point being 55.96 feet distant Easterly measured at right angles from Station 10+55.44 of said baseline; thence through the lands of Bruce M. Lisman (Reputed Owner) South 15° 59' 00" West a distance of 20.00 feet to a point, said point being 56.92 feet distant Easterly measured at right angles from Station 10+35.46 of said baseline; thence through the lands of Bruce M. Lisman (Reputed Owner) North 74° 01' 00" West a distance of 25.92 feet to the point or place of beginning. Said parcel being 0.012 of an acre more or less.

The above described parcel is a portion of the lands of Bruce M. Lisman as described in a deed filed in the Office of the County Clerk for Dutchess County, New York as Document Number 02 2012 5105 and also being a portion of Lot #2 as shown on Filed Map 9767, entitled "Map of the Lisman Subdivision" as drawn by Kevin Cunningham, LS and dated August 6, 1993, with the address 24 Mills Lane and Parcel Grid Identification # 135200-6768-03-466435-0000.

The above referenced Survey Baseline was established for the purpose of creating a Permanent Easement and is described as follows: Beginning at Station 10+00.00 thence North 18° 45' 17" East to Station 10+84.73. All bearings referred to a local system.

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

Date April 21, 2015

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

Recommended by:

Date: April 20, 2015

Robert H. Balkind, P.E.
 Deputy Commissioner of Public Works

MAP NUMBER 1
 REVISION DATE _____
 DATE PREPARED 1-4-2015