

PUBLIC WORKS AND CAPITAL PROJECTS

RESOLUTION NO. 2015274

RE: ACCEPTANCE OF EMINENT DOMAIN PROCEDURE LAW  
DETERMINATION AND FINDINGS FOR THE FEDERALLY FUNDED  
PROJECT IDENTIFIED AS PIN 8755.45,  
RECONSTRUCTION/REALIGNMENT OF MYERS CORNERS ROAD (CR 93),  
FROM ALL ANGELS ROAD (CR 94) TO STATE ROUTE 376 IN THE TOWN  
OF WAPPINGER, DUTCHESS COUNTY

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

WHEREAS, Myers Corners Road (CR 93) is located in the Town of Wappinger,  
Dutchess County, New York; and

WHEREAS, the County of Dutchess owns and maintains Myers Corners Road  
(CR 93); and

WHEREAS, Myers Corners Road (CR 93) is classified as an Urban Collector  
Road (non-NHS) in accordance with Federal Highway Administration (FHWA) and New York  
State Department of Transportation (NYSDOT) definition; and

WHEREAS, the Initial Project Proposal (IPP) for the proposed public project was  
prepared by the Dutchess County Department of Public works on May 20, 2004; and

WHEREAS, by Resolution No. 206111 (PIN 8755.45) and amended by Resolution  
No. 207020, the County of Dutchess committed to advance a project for the Improvements to  
Myers Corners Road (CR 93) from All Angels Road (CR 94) to State Route 376 in the Town of  
Wappinger in the County of Dutchess, and

WHEREAS, the County of Dutchess and its consultant undertook various studies  
to evaluate the existing transportation conditions, deficiencies, and engineering considerations  
within the proposed project area; and

WHEREAS, the County of Dutchess implemented a program to incorporate  
public involvement which included one public information meeting held on January 14, 2015,  
and

WHEREAS, the purpose of the public information meeting was to present design  
alternatives and solicit comments from local residents, business owners and involved/interested  
agencies, and

WHEREAS, following consideration of public input, the County of Dutchess and its consultant did incorporate mitigation measures into the project design to address stated concerns where warranted, and

WHEREAS, the County of Dutchess and its consultant updated the Final Design Report for the proposed public project in October, 2015; and

WHEREAS, as detailed within the Final Design Report, the County of Dutchess identified the need for the project specifically involving the following existing conditions;

1. Evidence of a high accident rate was discovered within the proposed project limits attributed to various non-standard features of the roadway.
2. The existing shoulders within the project limits have non-standard widths.
3. Field investigations identified the travel lane and shoulder pavement are distressed and deteriorated in various locations.
4. Field investigations indicated deleterious drainage conditions, such as roadside ponding, deteriorated and clogged pipes and/or ditches, within the project area that warrant improvement.

WHEREAS, the County of Dutchess defined the following project objectives in the Final Design Report;

1. Correct existing pavement deficiencies to extend the useful life of the highway and maintain it in a structurally sound condition using cost effective treatments which provide low life cycle costs.
2. Correct existing and emerging operational problems and safety related deficiencies. Correcting and/or improving non-standard roadway features will reduce unsafe driving conditions thereby decreasing potential for accidents.
3. Restore pavement to good condition and ride-ability using cost effective pavements which provide a service life of 20 years.
4. Correct, to the extent possible, the existing non-standard features such as horizontal and/or vertical curves that improve sight distances through application of appropriate design standards utilizing cost effective treatments.
5. Improve drainage facilities to ensure positive control of stormwater runoff with cost effective treatments.

WHEREAS, the County of Dutchess and its consultant evaluated the following design alternatives to accomplish the project objectives;

- Null Alternative – The No Build “Null Alternative” – The Null Alternative only provides for the continued maintenance of the existing facilities.
- Alternative #1 – Reconstruction (45 mph Speed with 12 ft. Lanes and 8 ft. Shoulders) – This alternative would include the reconstruction and widening of the entire roadway within the project limits and would allow for vertical and horizontal highway realignment in specific areas to correct geometric deficiencies.

- Alternative #2 – Reconstruction (45 mph Speed with 11 ft. Lanes and 4 ft. Shoulders) – This alternative would include the reconstruction and widening of the entire roadway within the project limits and would allow for vertical and horizontal highway realignment in specific areas to correct geometric deficiencies.
- Alternative #3 – Rehabilitation (40 mph Speed with 11 ft. Lanes and 4 ft. Shoulders) – This alternative would include the rehabilitation and widening of the entire roadway within the project limits and would allow for vertical and horizontal highway realignment in specific areas to correct geometric deficiencies.
- Alternative #4 – Rehabilitation with Areas of Reconstruction (45 mph Speed with 11 ft. Lanes and 4 ft. Shoulders) – This alternative would consist of cold-milling with an asphalt overlay, full depth shoulder reconstruction and widening, specific areas of realignment with full depth pavement construction, drainage improvements, improvements to guide railing, pavement striping, and new signage along the corridor. The areas of proposed realignment in this alternative would eliminate or improve many non-standard geometric conditions, while still maintaining the existing character of the corridor and minimize impacts on adjacent properties. The roadside drainage will be a combination of closed and open systems to effectively discharge roadway drainage to existing outfall locations.

WHEREAS, the County of Dutchess has determined Alternative #4, Rehabilitation, to be the preferred alternative for the Final Design Report; and

WHEREAS, the proposed public project is being progressed as a National Environmental Policy Act (NEPA) Class II, Categorical Exclusion with Documentation in accordance with the FHWA's regulations 23 CFR 771.117; and

WHEREAS, the County of Dutchess has determined proposed public project is a Type II Action in accordance with 6NYCRR Part 617, State Environmental Quality Review (SEQR) Act; and

WHEREAS, the County of Dutchess has considered the general effect of the proposed project on the residents of the locality in which the proposed project is to be undertaken; and

WHEREAS, the preferred alternative will require the County of Dutchess to acquire real property interests from approximately sixty (60) properties; and

WHEREAS, representatives of Dutchess County provided the property owners who may be affected by the proposed public project an opportunity to meet and discuss the proposed public project and have made every effort to minimize the impact the project will have on adjacent properties; and

WHEREAS, in accordance with Article 2 of the Eminent Domain Procedure Law the oral presentation and comment phase of a public hearing was held on October 14, 2015, at

7:00 p.m. at the Wappinger Town Hall, 20 Middlebush Road, Wappingers Falls, New York, for the purpose of informing the public and to review the public use to be served and public benefit to be obtained by the aforementioned proposed public project, and to consider all other matters appropriate to that project; and

WHEREAS, during the course of the aforementioned oral presentation phase of the public hearing, all matters required by the Eminent Domain Procedure Law and appropriate to such public hearing were identified and explained to persons then in attendance, and such persons in attendance were given an opportunity to speak and comment on the proposed public project and to examine documents presented; and

WHEREAS, at the conclusion of the oral presentation phase of the aforementioned public hearing, the hearing was adjourned and continued to the close of business on October 21, 2015, for the purpose of receiving written comments on the proposed public project; and

WHEREAS, at the close of business on October 21, 2015, the aforementioned public hearing concluded, and the record thereof was closed; and

WHEREAS, the minutes of such public hearing were transcribed and made available, together with the exhibits and other documents, if any, which were identified or made available during the oral presentation phase thereof, for inspection and examination by the public at the Dutchess County Clerk's Office, 22 Market Street, Poughkeepsie, NY and the Dutchess County Department of Public Works, Engineering Division, 626 Dutchess Turnpike, Poughkeepsie, NY.

NOW, THEREFORE, it is hereby

RESOLVED, that the following constitutes the Determination and Findings of this Body with respect to the proposed project identified as PIN 8755.45, Reconstruction/Realignment of Myers Corners Road (CR 93) from All Angels Road (CR 94) to State Route 376 in the Town of Wappinger, Dutchess County:

1. The public use to be served by the proposed public project is the rehabilitation and site specific full depth reconstruction of Myers Corners Road (CR 93) from the intersection of All Angels Hill Road (CR 94) to State Route 376.
2. The benefits to be obtained and purposes to be served by the proposed public project are as follows:
  - a. Geometry: Improve the non-standard horizontal and vertical elements of the existing roadway alignment to the extent practical, in order to improve sight distances.
  - b. Intersection Sight Distance: Improve the clear zone width throughout the corridor, especially at intersections, to reduce the high accident rates at each intersection.

- c. **Signing and Striping:** New signing and striping will be installed as part of the project to better delineate the roadway, traffic patterns, and intersecting streets and driveways.
  - d. **Drainage:** Drainage improvements will consist of a complete rehabilitation of the existing drainage system. The proposed system will consist of a combination of ditches, gutters, and closed systems. Areas of existing ditches will be cleaned, re-shaped, rip-rap removed, and turf will be established.
3. The proposed public project is located in the Town of Wappinger, Dutchess County. The project limits extend from the intersection of All Angels Road (CR 94) to State Route 376.
4. Five alternatives were considered for the proposed public project. The reasons for selecting Alternative #4, and for rejecting the other alternatives include:
  - Null Alternative – The No Build “Null Alternative” – The Null Alternative only provides for the continued maintenance of the existing facilities. This alternative does not meet the project objectives or needs and therefore will not be considered further as a feasible alternative.
  - Alternative #1 – Reconstruction (45 mph Speed with 12 ft. Lanes and 8 ft. Shoulders) – The reconstruction and widening of the entire roadway will meet the overall project objectives. However, the cost and additional right of way are excessive. Therefore, this alternative was rejected.
  - Alternative #2 - Reconstruction (45 mph Speed with 11 ft. Lanes and 4 ft. Shoulders) – The reconstruction and widening of the entire roadway will meet the overall project objectives. However, the cost and additional right of way are excessive. Therefore, this alternative was rejected.
  - Alternative #3 – Rehabilitation (40 MPH Speed with 11 ft. Travel Lanes and 4 ft. Shoulders) – This alternative does not meet all of the project objectives, therefore it was rejected for further consideration.
  - Alternative #4 – Rehabilitation with Areas of Reconstruction (45 mph Speed with 11 ft. Lanes and 4 ft. Shoulders) - Rehabilitation by means of cold-milling with an asphalt overlay and areas of full-depth reconstruction was considered in the proposed project pavement evaluation. The combination of pavement treatments would address the existing pavement deficiencies in a cost-effective manner. This alternative will consider the benefits of realigning and reconstructing sections of roadway where geometric and safety deficiencies need to be corrected. The rehabilitation alternative is feasible and meets the overall project objectives and will be progressed as the preferred alternative.
5. The proposed project is subject to a thorough and proper review in accordance with the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA). The project is being progressed as a NEPA Class II Action, Categorical Exclusion with Documentation. As Lead Agency under SEQRA, the County of Dutchess has

determined the proposed project is classified as a Type II Action under the SEQRA, Part 617, Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR Part 617) and requires no further review.

6. It is hereby concluded that the proposed public project will have, among other things, the following effects upon the residents of the locality:
  - a. Vehicular traffic will be maintained throughout the length and duration of construction in accordance with the requirements of Section 619 of the New York State Standard Specifications, the National Manual of Uniform Traffic Control Devices (MUTCD), and the NYS Supplement to the MUTCD
  - b. The proposed public project will improve access for pedestrian and bicycle traffic by providing four ft. paved shoulders.
  - c. Temporary increases in noise levels may also be noted by nearby residents; however, construction noise will be minimized to the extent possible and will only be noticeable during the hours of active construction (day time).
7. The Dutchess County Department of Public Works is hereby authorized and directed to prepare a brief synopsis of the foregoing determination and findings, such synopsis to include those factors set forth in Eminent Domain Procedure Law §204(B), and, further, such synopsis to state that copies of the determination and findings will be forwarded upon written request without cost.
8. The Dutchess County Department of Public Works is further hereby authorized and directed to publish the aforementioned synopsis of the foregoing resolution in at least two (2) successive issues of an official newspaper designated by the County of Dutchess and in at least two (2) successive issues of a newspaper of general circulation in the Town of Wappinger.
9. The Dutchess County Department of Public Works is further hereby authorized and directed to serve, by personal service or certified mail, return receipt requested, a notice of the aforementioned brief synopsis upon each assessment record billing owner (as that term is defined in Eminent Domain Procedure Law §103(B-1) or his or her attorney of record whose property may be acquired, such notice to:
  - a. include the information required by Eminent Domain Procedure Law §204(B)(2); and
  - b. state that copies of the determination and findings will be forwarded upon written request without cost; and
  - c. state that pursuant to Eminent Domain Procedure Law §207, such individual shall have thirty (30) days from the completion of the publication of the aforementioned brief synopsis in the newspapers as aforesaid, to seek judicial review of the County of Dutchess' determination and findings relating to the proposed public project; and

- d. inform such individual that, under Eminent Domain Procedure Law §207 and 208, the exclusive venue for judicial review of the County of Dutchess' determination and findings relating to the proposed public project is the appellate division of the supreme court in the judicial department where any part of the property to be condemned is located.

CA-180-15

11/10/15

R-0946

Fiscal Impact: 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 \$ 600

Total Current Year Revenue \$ 570  
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 \$ 600

Nature/Reason:

Publication costs for synopsis of findings.

Anticipated Savings to County: \$ 570

Net County Cost (this year): \$ 30  
Over Five Years: \_\_\_\_\_

#### Additional Comments/Explanation:

This Fiscal Impact Statement is related to the Resolution Request for Acceptance of the Eminent Domain Procedure law Determination and Findings for the Federally Funded project identified as PIN 8755.45 Reconstruction/Rehabilitation of Myers Corners Road (CR 93) From All Angels Hill Road (CR 94) To State Route 376 In the Town of Wappinger, Dutchess County, New York.

Prepared by: Jefferson H. Akins, P.E., Assistant Civil Engineer II

Prepared On: 11/5/2015

McKinney's Consolidated Laws of New York Annotated Eminent Domain Procedure Law (Refs & Annos) Chapter 73. Of the Consolidated Laws Article 2. Determination of the Need and Location of a Public Project Prior to Acquisition
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McKinney's EDPL § 203

§ 203. Conduct of the public hearing

Currentness

At the public hearing the condemnor shall outline the purpose, proposed location or alternate locations of the public project and any other information it considers pertinent, including maps and property descriptions of the property to be acquired and adjacent parcels. Thereafter, any person in attendance shall be given a reasonable opportunity to present an oral or written statement and to submit other documents concerning the proposed public project. A record of the hearing shall be kept, including written statements submitted. Copies of such record shall be available to the public for examination without cost during normal business hours at the condemnor's principal office and the office of the clerk or register of the county in which the property proposed to be acquired is located. Copies shall be reproduced upon written request and payment of the cost thereof. Further adjourned hearings may be scheduled.

**Credits**

(L.1977, c. 839, § 1. Amended L.1982, c. 356, § 4.)

McKinney's E. D. P. L. § 203, NY EM DOM PROC § 203

Current through L.2015, chapters 1 to 417.

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KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated  
Eminent Domain Procedure Law (Refs & Annos)  
Chapter 73. Of the Consolidated Laws  
Article 2. Determination of the Need and Location of a Public Project Prior to Acquisition

McKinney's EDPL § 204

§ 204. Determination and findings

Effective: January 12, 2005  
Currentness

(A) The condemnor, within ninety days after the conclusion of the public hearings held pursuant to this article, shall make its determination and findings concerning the proposed public project and shall publish a brief synopsis of such determination and findings in at least two successive issues of an official newspaper if there is one designated in the locality where the project will be situated and in at least two successive issues of a newspaper of general circulation in such locality. If the official newspaper is one of general circulation in such locality, publication therein as specified shall be deemed sufficient compliance. The synopsis shall include those factors set forth in subdivision (B) herein, and shall also state that copies of the determination and findings will be forwarded upon written request without cost.

✓ (B) The condemnor, in its determination and findings, shall specify, but shall not be limited to the following:

- (1) the public use, benefit or purpose to be served by the proposed public project;
- (2) the approximate location for the proposed public project and the reasons for the selection of that location;
- (3) the general effect of the proposed project on the environment and residents of the locality;
- (4) such other factors as it considers relevant.

(C) Upon making the determination and findings, the condemnor shall serve, by personal service or certified mail, return receipt requested, a notice of the brief synopsis thereof upon each assessment record billing owner or his or her attorney of record whose property may be acquired. Such notice shall: (1) include the information required by paragraph two of subdivision (B) of this section; (2) state that copies of the determination and findings will be forwarded to such individuals upon written request and without cost; (3) inform such individual that, under section two hundred seven of this article, there are thirty days from the completion of the condemnor's newspaper publication requirement to seek judicial review of the condemnor's determination and findings; and (4) inform such individual that, under sections two hundred seven and two hundred eight of this article, the exclusive venue for judicial review of the condemnor's determination and findings is the appellate division of the supreme court in the judicial department where any part of the property to be condemned is located.

KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated  
Eminent Domain Procedure Law (Refs & Annos)  
Chapter 73. Of the Consolidated Laws  
Article 1. Purpose; Short Title; Definitions; Applicability

McKinney's EDPL § 103

§ 103. Definitions

Effective: January 12, 2005

Currentness

As used in this law:

(A) "Acquisition" means the act of vesting of title, right or interest to, real property for a public use, benefit or purpose, by virtue of the condemnor's exercise of the power of eminent domain.

(B) "Acquisition map" means the representation of the real property acquired by either a delineation of the perimeter of the particular project covering the acquisition; together with a description of the project's perimeter boundaries and of the estate, right or interest in and to such property so acquired or an individual property map representing the estate, right or interest in and to such property so acquired.

✓ (B-1) "Assessment record billing owner" means the owner, last known owner, or reputed owner, at such person's tax billing address, of each parcel or portion thereof, of real property which may be acquired by the condemnor for such public project, as shown on the assessment records of the political subdivision in which such parcel or portion thereof is located, as this information, in its most current form, may be obtained from and ascertained by the assessor of each such political subdivision.

(C) "Condemnee" means the holder of any right, title, interest, lien, charge or encumbrance in real property subject to an acquisition or proposed acquisition.

(D) "Condemnor" means any entity vested with the power of eminent domain.

(E) "Person" means any individual, partnership, corporation, association, trust, or legal entity.

(F) "Real property" includes all land and improvements, lands under water, waterfront property, the water of any lake, pond or stream, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and right, interest, privilege, easement and franchise relating to the same, including terms for years and liens by way of mortgage or otherwise.

KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated  
Eminent Domain Procedure Law (Refs & Annos)  
Chapter 73. Of the Consolidated Laws  
Article 2. Determination of the Need and Location of a Public Project Prior to Acquisition

McKinney's EDPL § 204

§ 204. Determination and findings

Effective: January 12, 2005  
Currentness

(A) The condemnor, within ninety days after the conclusion of the public hearings held pursuant to this article, shall make its determination and findings concerning the proposed public project and shall publish a brief synopsis of such determination and findings in at least two successive issues of an official newspaper if there is one designated in the locality where the project will be situated and in at least two successive issues of a newspaper of general circulation in such locality. If the official newspaper is one of general circulation in such locality, publication therein as specified shall be deemed sufficient compliance. The synopsis shall include those factors set forth in subdivision (B) herein, and shall also state that copies of the determination and findings will be forwarded upon written request without cost.

(B) The condemnor, in its determination and findings, shall specify, but shall not be limited to the following:

(1) the public use, benefit or purpose to be served by the proposed public project;

✓ (2) the approximate location for the proposed public project and the reasons for the selection of that location;

(3) the general effect of the proposed project on the environment and residents of the locality;

(4) such other factors as it considers relevant.

(C) Upon making the determination and findings, the condemnor shall serve, by personal service or certified mail, return receipt requested, a notice of the brief synopsis thereof upon each assessment record billing owner or his or her attorney of record whose property may be acquired. Such notice shall: (1) include the information required by paragraph two of subdivision (B) of this section; (2) state that copies of the determination and findings will be forwarded to such individuals upon written request and without cost; (3) inform such individual that, under section two hundred seven of this article, there are thirty days from the completion of the condemnor's newspaper publication requirement to seek judicial review of the condemnor's determination and findings; and (4) inform such individual that, under sections two hundred seven and two hundred eight of this article, the exclusive venue for judicial review of the condemnor's determination and findings is the appellate division of the supreme court in the judicial department where any part of the property to be condemned is located.

KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated  
Eminent Domain Procedure Law (Refs & Annos)  
Chapter 73. Of the Consolidated Laws  
Article 2. Determination of the Need and Location of a Public Project Prior to Acquisition

McKinney's EDPL § 207

§ 207. Judicial review

Currentness

(A) Any person or persons jointly or severally, aggrieved by the condemnor's determination and findings made pursuant to section two hundred four of this article, may seek judicial review thereof by the appellate division of the supreme court, in the judicial department embracing the county wherein the proposed facility is located by the filing of a petition in such court within thirty days after the condemnor's completion of its publication of its determination and findings pursuant to section two hundred four herein. Such petition shall be accompanied by proof of service of a demand on the condemnor to file with said court a copy of a written transcript of the record of the proceeding before it, and a copy of its determination and findings. Upon receipt of such petition and demand, the condemnor shall forthwith deliver to the court a copy of the record and a copy of its determination and findings. The proceeding shall be heard on the record without requirement of reproduction. If such proposed public improvement is located in more than one judicial department such proceeding may be brought in any one, but only one of such departments and all such proceedings with relation to any single public project shall be consolidated with that first filed.

(B) The jurisdiction of the appellate division of the supreme court shall be exclusive and its judgment and order shall be final subject to review by the court of appeals in the same manner and form and with the same effect as provided for appeals in a special proceeding. All such proceedings shall be heard and determined by the appellate division of the supreme court, and by the court of appeals, as expeditiously as possible and with lawful preference over other matters.

(C) The court shall either confirm or reject the condemnor's determination and findings. The scope of review shall be limited to whether:

(1) the proceeding was in conformity with the federal and state constitutions,

(2) the proposed acquisition is within the condemnor's statutory jurisdiction or authority,

(3) the condemnor's determination and findings were made in accordance with procedures set forth in this article and with article eight of the environmental conservation law, and

(4) a public use, benefit or purpose will be served by the proposed acquisition.

McKinney's Consolidated Laws of New York Annotated  
Eminent Domain Procedure Law (Refs & Annos)  
Chapter 73. Of the Consolidated Laws  
Article 2. Determination of the Need and Location of a Public Project Prior to Acquisition

McKinney's EDPL § 208

§ 208. Jurisdiction of courts

Currentness

Except as expressly set forth in section two hundred seven, and except for review by the court of appeals of an order or judgment of the appellate division of the supreme court as provided for therein, no court of this state shall have jurisdiction to hear and determine any matter, case or controversy concerning any matter which was or could have been determined in a proceeding under this article.

**Credits**

(L.1977, c. 839, § 1.)

McKinney's E. D. P. L. § 208, NY EM DOM PROC § 208  
Current through L.2015, chapters 1 to 417.

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**Public Works and Capital Projects**

**RESOLUTION NO. 206111**

**RE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (PIN 8755.45)**

Legislators SWARTZ, MOLINARO, HUTCHINGS, GOLDBERG, HIGGINS, and MCCABE offer the following and move its adoption:

WHEREAS, a project for the Improvements to Myers Corners Road (CR 93) from All Angels Road (CR 94) to State Route 376 in the Town of Wappinger, Dutchess County, identified as PIN 8755.45 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Dutchess County desires to advance the above subject project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby approves of the above subject project, and it is further

RESOLVED, that the Dutchess County Legislature hereby authorizes the County of Dutchess to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidental work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$200,000.00 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project, and it is further

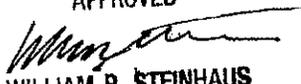
RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid with the New York State Department of Transportation on behalf of the County of Dutchess in connection with the advancement or approval of the above referenced project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-56-06  
CAB/ca/C-7128  
4/10/06  
Fiscal Impact: See attached statement

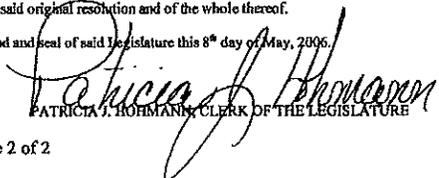
APPROVED  
  
WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE  
Date May 15, 2006

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 8<sup>th</sup> day of May, 2006, 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 8<sup>th</sup> day of May, 2006.

  
PATRICIA J. ROHMANN, CLERK OF THE LEGISLATURE

RESOLUTION NO. 207020

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR (PIN 8755.45)

Legislators HUTCHINGS, LAFRANCE, and SWARTZ offer the following and move its adoption:

WHEREAS, a project for the improvements to Myers Corners Road (CR 93) from All Angels Road (CR 94) to State Route 376 in the Town of Wappinger, Dutchess County, identified as PIN 8755.45 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Resolution No. 206111 adopted on May 8, 2006 by the Dutchess County Legislature approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work, and

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering and right-of-way incidental work not contemplated in the original agreement authorized by the previous resolution, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby continues to approve of the above subject project, and it is further

RESOLVED, that the Dutchess County Legislature hereby authorizes the County of Dutchess to pay in the first instance 100% of the federal and non-federal share of the additional cost of preliminary engineering and right-of-way incidental work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$113,000 (\$313,000 minus previously authorized \$200,000) is hereby appropriated and made available from Bond H 0290.5110 – 2000 Roads (ISTEA/TEA21) and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive or his designee be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for

Federal Aid and/or applicable Marchiselli Aid with the New York State Department of Transportation on behalf of the County of Dutchess in connection with the advancement or approval of the above referenced project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to the fully-executed agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-183-06

ca/C-7128

11/14/06

Fiscal Impact: See attached statement

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date Feb. 2, 2007

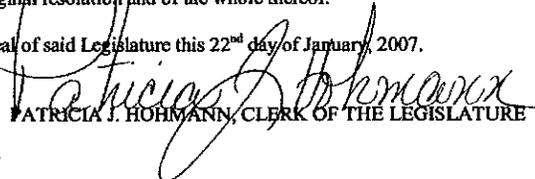
STATE OF NEW YORK

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 22<sup>nd</sup> day of January, 2007, 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 22<sup>nd</sup> day of January, 2007.



PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE