RESOLUTION NO. 2016074

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE BEEKMAN ROAD (CR 9) IMPROVEMENTS, IN THE TOWNS OF EAST FISHKILL AND BEEKMAN FROM ROBERT HANSEN AND LINDA MAREK (PIN 8755.38)

Legislators PULVER, MICCIO, HORTON, COVIELLO, METZGER offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the Beekman Road (CR 9) improvements located in the Towns of East Fishkill and Beekman, which project (PIN #8755.38) includes the acquisition of portion of certain properties, and

WHEREAS, this Legislature in Resolution No. 2014271 approved and adopted the Full Environmental Assessment Form and Notice of Determination which stated that Beekman Road Improvement Project was a Type I Action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR (SEQR) and would not have a significant negative impact on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve said road, it is necessary to acquire in fee a portion of property presently owned by Robert Hansen and Linda Marek, and

WHEREAS, the acquisition in fee is a portion of parcel number 132200-6658-00-167359-0000, described as 4,986.86+/- square feet as shown on Map No. 35, Parcel No. 36, and

WHEREAS, a copy of the Agreement to Purchase Real Property (Fee Acquisition) for the necessary real property is attached hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property, Fee Acquisition, be purchased for the sum of $11,900 plus up to $1,000 for related expenses and that the terms and conditions of the Agreement be carried forth, now, therefore, be it

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Purchase Real Property (Fee Acquisition) in substantially the form annexed hereto and all documents in connection with this acquisition, and be it further

RESOLVED, that on the submission by the property owner of deed to the aforementioned land, which shall include the terms and conditions of the Agreement to Purchase Real Property, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that payment be made to the property owner in the sum of $11,900 plus payment of up to $1,000.00 to necessary parties for related expenses for a Fee Acquisition in accordance with the agreement to purchase, that the County reimburse Grantor for fees

associated with the Release of Mortgage application, if any, and pay all necessary and filing fees, and be it further

RESOLVED, that the terms and conditions of the aforementioned Agreement to Purchase Real Property (Fee Acquisition) be carried out by the Dutchess County Department of Public Works.

CA-050-164
CAB/kvh/R-0934-E
3/10/16
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 11th day of April 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 11th day of April 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 $ 12,900

Total Current Year Revenue $ 12,255
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, Filling Fees, Property Taxes and other closing costs.

Anticipated Savings to County: $12,255

Net County Cost (this year): $645
Over Five Years:

Additional Comments/Explanation:

PIN 8755.38: BEEKMAN ROAD (CR 9) IMPROVEMENTS, TOWNS OF EAST FISHKILL AND BEEKMAN, DUTCHESS COUNTY
Request for authorization to acquire in Fee a 4,986.68+/- square foot parcel as shown on (Map 35, Parcel 36) for the purchase price of $11,900.00, plus up to $1,000.00 in related expenses from Robert Hansen and Linda Marek.

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

Prepared by: Matthew W. Davis 2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Beekman Road (CR 9) Highway Improvements
PIN OR CIN: 8755.38 Map: 35 Parcel: 36

This Agreement by and between Robert Hansen and Linda Marek, residing at 673 Beekman Road, Hopewell Junction, New York 12533 hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS, with offices at 22 Market Street, Poughkeepsie, New York 12601 hereinafter referred to as "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey:

☒ *all right title and interest* to 4,986.68± square feet of real property. Purchase price is $11,900.00

☐ a *permanent easement* to 0± square feet of real property. Purchase price is $0.00

☐ a *temporary easement* to 0± square feet of real property. Purchase price is $0.00

Located at 673 Beekman Road, Town of Beekman, Dutchess County, New York, and is further described as parcel 36 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain deed dated 12/8/1989 and recorded 12/11/1989 in Liber 1853 at Page 138 in the Office of the County Clerk for Dutchess County (re: Grid #6658-00-167359),

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: lawn, magnolia tree, ornamental flowering bushes, various bushes and trees (sound/sight barrier and firewood).

3. PURCHASE PRICE. The total purchase price is ELEVEN THOUSAND, NINE HUNDRED AND 00/100 DOLLARS ($11,900.00). This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any.

4. CLOSING DATE AND PLACE. Transfer of Title shall take place through the mail or at a mutually acceptable location, on or about August 1, 2016. This Agreement may be subject to the approval of the Dutchess County Legislature.

5. BUYER'S POSSESSION OF THE PROPERTY. The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. Any closing documents received by the Buyer prior to payment pursuant to paragraph 4 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.

6. TERM OF TEMPORARY EASEMENT. The term of the Temporary Easement(s) shall be for Three years. The commencement date may be up to nine (9) months after the date of execution of the Temporary Easement. The Temporary Easement may be extended for two (2) additional one year terms at the option of the Buyer. Thirty (30) days prior to the expiration of the term or extended term of the Temporary Easement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Easement for an additional one year. The cost of each additional

one year term shall be $_____. The Buyer shall include a check for the sum of $_____ with said written notification to the Seller.

7. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:

   A. Deed. Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will pay for a title search.

8. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to 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. Seller agrees to cooperate with Buyer in its curative action activities. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.

9. RECORDING COSTS AND CLOSING ADJUSTMENTS. Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between Seller and Buyer as of the date of closing: current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

10. 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.

11. ENTIRE AGREEMENT. This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.

12. 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.

IN WITNESS WHEREOF, on this 3 day of March, 2016, the parties have entered into this Agreement.

APPROVED AS TO FORM:

_____
Department of Law

SELLER: Robert Hermann Hansen
Robert Hansen

SELLER: Linda Ann Marek
Linda Marek

APPROVED AS TO CONTENT:

Department of Public Works

COUNTY OF DUTCHESS:

Print Name: NOEL H.S. KNILLE

Title: COMMISSIONER OF PUBLIC WORKS

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 35
PARCEL NO. 36
SHEET 1 OF 2

Originals of this map (sheets 1 & 2) are on file at the offices of the Dutchess County Department of Public Works.

ACQUISITION DESCRIPTION:
Type: FEE
Portion of Real Property Tax Parcel ID No. 132200-6658-00-167359-0000

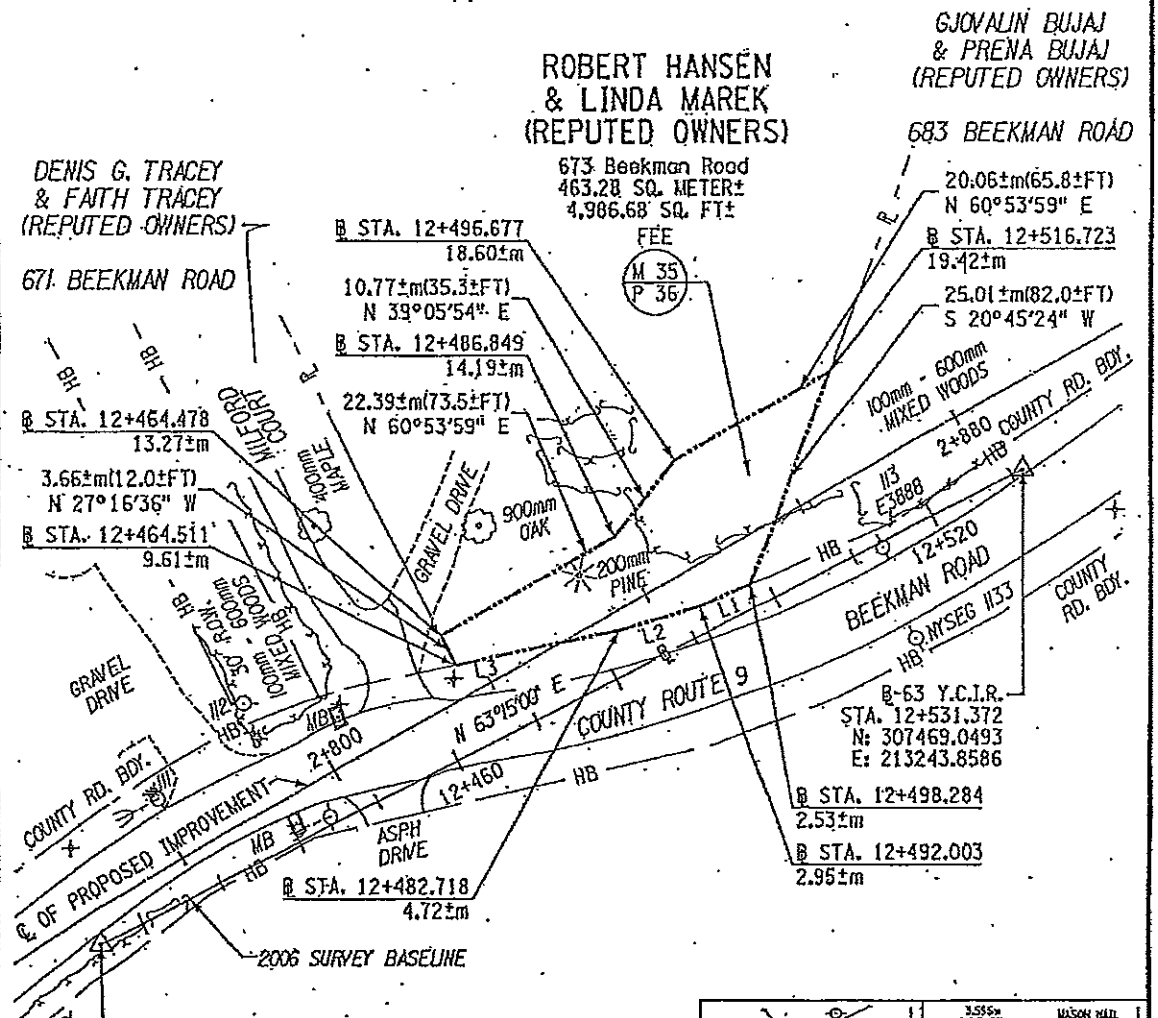
MAP REFERENCE:
Lot No. 2 on a map entitled "Subdivision Map of Randal J. Ciriello" and filed in the Dutchess County Clerk's office on July 12, 1988 as map #8451.

ROBERT HANSEN & LINDA MAREK (REPUTED OWNERS)
L. 1853 P. 138

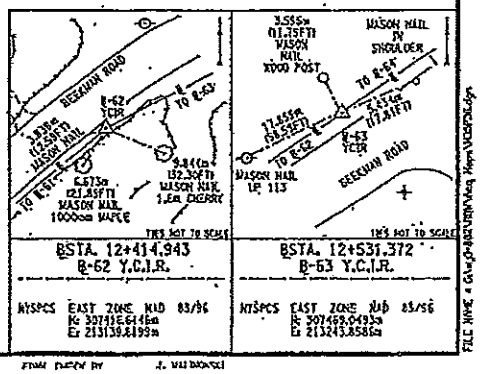
TRUE NORTH AT THE 74°30' MERIDIAN OF WEST LONGITUDE

Town of Beekman
County of Dutchess
State of New York

REPUTED OWNERS:
ROBERT HANSEN & LINDA MAREK
673 Beekman Road
Hopewell Junction, NY 12533



NO.	DISTANCE	DIRECTION
L1	6.30±m(20.7±')	S67°07'00"W
L2	9.45±m(31.0±')	S74°02'50"W
L3	18.85±m(61.9±')	S78°17'05"W



10 0 10 20 30 m

SCALE 1:500
ONE METER EQUALS 3.2808333333 FEET.
ONE SQUARE METER EQUALS 10.7639867361 SQUARE FEET.

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

PREPARED BY J. BAISO CHECKED BY R. DIEHL FINAL CHECK BY J. MILBRANDT

FILE NAME = G:\cgp-DATA\DWG\Maq Maps\VICSPCS.dgn

'EXHIBIT A'

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 35
PARCEL NO. 36
SHEET 2 OF 2

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in fee acquisition, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and Eminent Domain Procedure Law.

All that piece or parcel of property hereinafter designated as Parcel No. 36, situate in the Town of Beekman, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

BEGINNING AT A POINT ON THE NORTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), AT THE INTERSECTION OF SAID BOUNDARY WITH THE DIVISION LINE BETWEEN THE PROPERTY OF DENIS G. TRACEY AND FAITH TRACEY (REPUTED OWNERS) ON THE WEST AND THE PROPERTY OF ROBERT HANSEN AND LINDA MAREK (REPUTED OWNERS) ON THE EAST, SAID POINT BEING 9.61±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+464.511± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF A PORTION OF COUNTY ROUTE 9 (BEEKMAN ROAD); THENCE NORTH 27°-16'-36" WEST ALONG SAID DIVISION LINE 3.66±m(12.0±FT.) TO A POINT 13.27±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+464.478± OF SAID BASELINE; THENCE THROUGH THE PROPERTY OF ROBERT HANSEN AND LINDA MAREK (REPUTED OWNERS) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) NORTH 60°-53'-59" EAST 22.39±m(73.5±FT.) TO A POINT 14.19±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+486.849± OF SAID BASELINE; (2) NORTH 39°-05'-54" EAST 10.77±m(35.3±FT.) TO A POINT 18.60±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+496.677± OF SAID BASELINE; AND (3) NORTH 60°-53'-59" EAST 20.06±m(65.8±FT.) TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF GJOVALIN BUJAJ AND PRENA BUJAJ (REPUTED OWNERS) ON THE EAST AND THE PROPERTY OF ROBERT HANSEN AND LINDA MAREK (REPUTED OWNERS) ON THE WEST, THE LAST MENTIONED POINT BEING 19.42±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+516.723± OF SAID BASELINE; THENCE SOUTH 20°-45'-24" WEST ALONG THE LAST MENTIONED DIVISION LINE 25.01±m(82.0±FT.) TO ITS INTERSECTION WITH THE FIRST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD); THE LAST MENTIONED POINT BEING 2.53±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+498.284± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 67°-07'-00" WEST 6.30±m(20.7±FT.) TO A POINT 2.95±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+492.003± OF SAID BASELINE; (2) SOUTH 74°-02'-50" WEST 9.45±m(31.0±FT.) TO A POINT 4.72±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+482.718± OF SAID BASELINE; AND (3) SOUTH 78°-17'-05" WEST 18.85±m(61.9±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 463.28± SQUARE METERS (4,986.68± SQUARE FEET) MORE OR LESS.

THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 9 (BEEKMAN ROAD) AND DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 12+414.943; THENCE NORTH 63°-15'-00" EAST TO STATION 12+531.372.

ALL BEARINGS REFERRED TO TRUE NORTH AT THE 74°-30' MERIDIAN OF WEST LONGITUDE.

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

Date 3-7 2016

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

Recommended by:

Date 3/4 2016

Robert H. Balkind, P.E.
Deputy Commissioner

STATE OF NEW YORK
JOSEPH G. MALINOWSKI
050314
LICENSED LAND SURVEYOR

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 is an accurate description and map made from an accurate survey, prepared under my direction.

Date March 4 2016

Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road.
Clifton Park, NY 12065

MAP NUMBER
REVISED DATE
DATE PREPARED

Environment

RESOLUTION NO. 2014271

RE: ADOPTION OF FULL ENVIRONMENTAL ASSESSMENT FORM AND NEGATIVE DECLARATION OF SIGNIFICANCE FOR PROPOSED HIGHWAY IMPROVEMENTS ON BEEKMAN ROAD (CR9), TOWNS OF BEEKMAN AND EAST FISHKILL (PIN 8755.38)

Legislators MICCIO, WEISS, HUTCHINGS, BOLNER, HORTON, and SURMAN offer the following and move its adoption:

WHEREAS, Dutchess County is considering a proposed project: PIN 8755.38 – Highway Improvements on Beekman Road (CR9), and

WHEREAS, the proposed project consists of highway improvements on Beekman Road (CR9) between the Northbound Taconic State Parkway Ramps/Old Sylvan Lake Road and Sylvan Lake Road (CR10), which project is located in the Towns of Beekman and East Fishkill, County of Dutchess, and

WHEREAS, the Legislature has reviewed the Full Environmental Assessment Form (EAF) for the involved action, a copy of which is annexed hereto, prepared by the Department of Public Works and agrees with its conclusion that the involved project will not have a Significant Negative Impact on the Environment, based on the criteria provided in 6 NYCRR 617.7(a)-(c), and

WHEREAS, the Legislature has reviewed the attached Notice of Determination of Non-Significance prepared by the Department of Public Works and agrees with the reasons supporting this determination provided in this notice, now, therefore, be it

RESOLVED, that Dutchess County hereby approves and adopts the attached Full Environmental Assessment Form and Notice of Determination of Non-Significance for the Highway Improvements on Beekman Road (CR9), in the Towns of Beekman and East Fishkill in accordance with 6 NYCRR 617.7(a)-(c).

CA-178-14
CAB/ca/R-0934-B
9/12/14
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 10/15/2014

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 14th day of October 2014, 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 14th day of October 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

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 § 8-0105

§ 8-0105. Definitions

Currentness

Unless the context otherwise requires, the definitions in this section shall govern the construction of the following terms as used in this article:

1. "State agency" means any state department, agency, board, public benefit corporation, public authority or commission.

2. "Local agency" means any local agency, board, district, commission or governing body, including any city, county, and other political subdivision of the state.

3. "Agency" means any state or local agency.

4. "Actions" include:

(i) projects or activities directly undertaken by any agency; or projects or activities supported in whole or part through contracts, grants, subsidies, loans, or other forms of funding assistance from one or more agencies; or projects or activities involving the issuance to a person of a lease, permit, license, certificate or other entitlement for use or permission to act by one or more agencies;

(ii) policy, regulations, and procedure-making.

5. "Actions" do not include:

(i) enforcement proceedings or the exercise of prosecutorial discretion in determining whether or not to institute such proceedings;

(ii) official acts of a ministerial nature, involving no exercise of discretion;

(iii) maintenance or repair involving no substantial changes in existing structure or facility.

6. "Environment" means the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character.

7. "Environmental impact statement" means a detailed statement setting forth the matters specified in section 8-0109 of this article. It includes any comments on a draft environmental statement which are received pursuant to section 8-0109 of this article, and the agency's response to such comments, to the extent that such comments raise issues not adequately resolved in the draft environmental statement.

8. "Draft environmental impact statement" means a preliminary statement prepared pursuant to section 8-0109 of this article.

Credits
(Added L.1975, c. 612, § 1. Amended L.1976, c. 228, § 1; L.1977, c. 252, § 2.)

McKinney's E. C. L. § 8-0105, NY ENVIR CONSER § 8-0105
Current through L.2016, chapters 1 to 19.

End of Document

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