

RESOLUTION NO. 2016102

RE: SETTING A PUBLIC HEARING WITH RESPECT TO ACQUISITION OF AN AGRICULTURAL CONSERVATION EASEMENT ON THE MANNE FARM IN THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK.

Legislators FORMAN, SAGLIANO, WASHBURN, and HORTON offer the following and move its adoption:

WHEREAS, the County is considering a recommendation of the Dutchess County Planning Board (Resolution No. 01/2016) for an award in an amount not to exceed \$80,000.00 in grant funds available through the Dutchess County Partnership for Manageable Growth/Open Space and Farmland Protection Matching Grant Program (the "Program"), and

WHEREAS, this award shall be used to partially fund the purchase of an agricultural conservation easement, to be held by the Dutchess Land Conservancy, on approximately 39.25 acres of Property, known as the Manne Farm (Tax Grid Numbers: 6555-00-135985-000, 6555-00-290980-0000, 6556-00-306029-0000, 6555-00-300993-0000, and 655-00-331929-0000) located on Jackson Road, in the Town of East Fishkill, Dutchess County, New York, and

WHEREAS, as a result of the Dutchess Land Conservancy's organizing efforts and an application to the Program, Dutchess Land Conservancy, Scenic Hudson Land Trust, and Hudson Highlands Land Trust will contribute up to \$121,950.00 (including Dutchess Land Conservancy providing in-kind services in the approximate amount of \$7,600.00 and funds for related transaction costs in the amount of \$34,350.00) Dutchess County will contribute up to \$80,000.00 towards the purchase of the agricultural conservation easement on the Property, for a total contribution of up to \$201,950.00; and

WHEREAS, the easement shall provide, among other things, that it shall be held by the Dutchess Land Conservancy, which shall assume primary responsibility to monitor and enforce the easement, and

WHEREAS, the Dutchess County Planning Board Resolution recommending acquisition of that conservation easement and a matching share Grant of up to \$80,000.00 through the Program is attached, and

WHEREAS, the Program and General Municipal Law §247 require a public hearing on the issue of County funding with respect to the easement before final authorization thereof, now, therefore, be it

RESOLVED, that this Legislature shall conduct a public hearing on the 13th day of June, 2016, at 7 P.M. in the Dutchess County Legislative Chambers, County Office Building, 22 Market Street, Poughkeepsie, New York, on the proposed award of up to \$80,000.00 in matching grant funds through the Dutchess County Partnership for Manageable Growth Program to partially fund the purchase of an agricultural conservation easement, to be held by the Dutchess Land Conservancy, on approximately 39.25 acres of Property, known as the Manne Farm (Tax Grid Numbers : 6555-00-135985-000, 6555-00-290980-0000, 6556-00-306029-0000, 6555-00-300993-0000, and 655-00-331929-0000) located on Jackson Road in the Town of East Fishkill, Dutchess County, New York, with additional funds and in-kind services from Dutchess Land Conservancy, Scenic Hudson Land Trust, and Hudson Highlands Land Trust in the amount of up to \$121,950.00 for a total contribution of \$201,950.00, and be it further

RESOLVED, that the Clerk of the Legislature is directed and empowered to give notice of said hearing pursuant to law.

CA-081-16

AMS/kvh

G-1663

04/18/16

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 9TH day of May 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 9TH day of May 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 \$ 0

Total Current Year Revenue \$ 0
and Source

Source of County Funds *(check one)*: Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other *(explain)*.

Identify Line Items(s):

H0400.8020.(TBD) Manne Farm

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: \$ 0

Net County Cost (this year): \$ 0

Over Five Years: \$ 0

Additional Comments/Explanation:

The total cost of the Manne Farm acquisition is \$201,950. Primary funding of \$121,950 is to be provided by the Dutchess Land Conservancy, Scenic Hudson Land Trust, and Hudson Highlands Land Trust and constitutes 60% of total project cost. The County's PMG grant of \$80,000 will provide approximately 40% of the total acquisition cost.

The source of County funds is Capital Account H0400-8020-3006, a bond approved by Dutchess County Legislature Resolution No. 208206 to support the Partnership for Manageable Growth Open Space and Farmland Protection Matching Grant Program. Due to lower than expected project costs in PMG, there are sufficient funds in H0400-8020-3006 to cover this project.

Prepared by: Tiffanie Massey

Prepared On: 4/13/2016

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 13. Playgrounds and Neighborhood Recreation Centers (Refs & Annos)

McKinney's General Municipal Law § 247

§ 247. Acquisition of open spaces and areas

Currentness

1. Definitions. For the purposes of this chapter an "open space" or "open area" is any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. For purposes of this section natural resources shall include but not be limited to agricultural lands defined as open lands actually used in bona fide agricultural production.

2. The acquisition of interests or rights in real property for the preservation of open spaces and areas shall constitute a public purpose for which public funds may be expended or advanced, and any county, city, town or village after due notice and a public hearing may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, the fee or any lesser interest, development right, easement, covenant, or other contractual right necessary to achieve the purposes of this chapter, to land within such municipality. In the case of a village the cost of such acquisition of interests or rights may be incurred wholly at the expense of the village, at the expense of the owners of the lands benefited thereby, or partly at the expense of such owners and partly at the expense of the village at large as a local improvement in the manner provided by article twenty-two in the village law entitled local improvements.

3. After acquisition of any such interest pursuant to this act the valuation placed on such an open space or area for purposes of real estate taxation shall take into account and be limited by the limitation on future use of the land.

4. For purposes of this section, any interest acquired pursuant to this section is hereby enforceable by and against the original parties and the successors in interest, heirs and assigns of the original parties, provided that a record of such acquisition is filed in the manner provided by section two hundred ninety-one of the real property law. Such enforceability shall not be defeated because of any subsequent adverse possession, laches, estoppel, waiver, change in character of the surrounding neighborhood or any rule of common law. No general law of the state which operates to defeat the enforcement of any interest in real property shall operate to defeat the enforcement of any acquisition pursuant to this section, unless such general law expressly states the intent to defeat the enforcement of any acquisition pursuant to this section.

Credits

(Added L.1960, c. 945, § 2. Amended L.1963, c. 736, § 1; L.1969, c. 996, § 1; L.1972, c. 892, § 26; L.1977, c. 964, § 1.)

McKinney's General Municipal Law § 247, NY GEN MUN § 247
Current through L.2016, chapters 1 to 32, 50 to 53, 55, 56.