Public Works & Capital Projects

RESOLUTION NO. 2016136

RE: AUTHORIZING ACQUISITIONS IN FEE OF REAL PROPERTY FROM JAMES E. MONTROSS & DONNA A. MONTROSS IN CONNECTION WITH THE REPLACEMENT OF BRIDGE C-19, CR 14 (HOLLOW ROAD) OVER LITTLE WAPPINGER CREEK, TOWN OF CLINTON (PIN 8755.91)

Legislators PULVER, MICCIO, BOLNER, SAGLIANO, and LANDISI offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the replacement of Bridge C-19, CR 14 (Hollow Road) over Little Wappinger Creek in the Town of Clinton, Dutchess County, which project (PIN #8755.91) includes the acquisition of portions of certain properties, 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, the Department of Public Works has made a determination that in order to replace said bridge, it is necessary to acquire in fee portions of property presently owned by James E. Montross and Donna A. Montross (f/k/a Donna A. Calkins), and

WHEREAS, the acquisitions in fee are portions of parcel numbers: (a) 13400-6467-00-022250-0000, described as 72+/- square feet more or less as shown on Map No. 5, Parcel No. 9, (b) 13400-6467-00-037276-0000, described as 953+/- square feet more or less as shown on Map No. 5, Parcel 8, and copies are annexed hereto, and

WHEREAS, 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 properties be purchased for the sum of $3,500.00 plus up to $1,000.00 for related expenses, if any, 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 these acquisitions, and be it further

RESOLVED, that on the submission by the property owners of deeds to the aforementioned properties, 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 owners in the sum of $3,500.00 plus up to $1,000.00 for related expenses, if required, for Fee Acquisitions in accordance with the agreement to purchase, that the County reimburse property owners for fees associated with the Release of Mortgage application, if any, and pay all necessary transfer tax 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-084-16
CAB/kvh/R-0948-E
5/13/16
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 13th day of June 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 13th day of June 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 $ 4,500

Total Current Year Revenue $ 4,275
and Source

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

Identify Line Items(s):
HO289.5120.3009 - 2000 Bridges (ISTEA/TEA21)

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $225
Over Five Years: _____

Additional Comments/Explanation:

PIN 8755.91: REPLACEMENT OF BRIDGE C-19, CR 14 (HOLLOW ROAD) OVER LITTLE WAPPINGER CREEK
TOWN OF CLINTON, DUTCHESS COUNTY
This Fiscal Impact Statement pertains to the Resolution Request for authorization to acquire in Fee a 953+/- Square Foot parcel as shown on (Map 5, Parcel 8) and a 72+/- Square Foot parcel as shown on (Map 5, Parcel 9) for the purchase price of $3,500.00, from James E. Montross and Donna A. Montross (FKA Donna A. Calkins).

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

Prepared by: Matthew W. Davis Prepared On: 5/11/16

AGREEMENT TO PURCHASE REAL PROPERTY

Project: CR 14 (Hollow Road) over the Little Wappinger Creek (BIN 3342820)
PIN OR CIN: 8755.91 Maps: 05 & 09 Parcels: 8, 9 & 13

This Agreement by and between JAMES E. MONTROSS and DONNA A. MONTROSS (FKA DONNA A. CALKINS), with a mailing address of P.O. Box 117, Salt Point, New York 12578 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 1,025± square feet of real property. Purchase price is $3,500

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

☒ a *temporary easement* to 75± square feet of real property. Purchase price is $100

Located at 860 Hollow Road, Town of Clinton, Dutchess County, New York, and is further described as parcels 8, 9 & 13 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain Bargain and Sale Deed dated March 13, 1990 , and recorded on March 14, 1990 in Liber 1860 D 423 in the Office of the County Clerk for Dutchess County, New York and that certain Bargain and Sale Deed dated May 13, 1998 and recorded on May 14, 1998 in Liber 2009 of Deeds at Page 289 in the Office of the County Clerk for Dutchess County, New York (Tax Map No. 6467-00-022250 and 6467-00-037276), and being the same lands designated as parcels 8, 9 & 13 on Exhibit "A", attached hereto.

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: landscaping, gravel and asphalt.

3. PURCHASE PRICE. The total purchase price is THREE THOUSAND, SIX HUNDRED AND 00/100 DOLLARS ($3,600.00). 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 June 19, 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 two (2) 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 $50.00. The Buyer shall include a check for the sum of $50.00 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 _____ day of _____, 2016, the parties have entered into this Agreement.

APPROVED AS TO FORM:

_____
Department of Law

SELLER: James E. Montross
James E. Montross

SELLER: Donna A. Montross
Donna A. Montross (fka Donna A. Calkins)

APPROVED AS TO CONTENT:

Department of Public Works

COUNTY OF DUTCHESS:

Print Name: _____

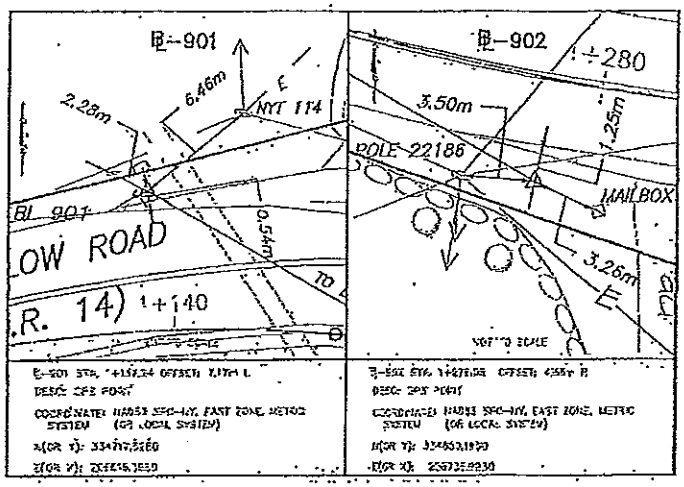
Title: _____

EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

CR 14 (HOLLOW ROAD) OVER THE LITTLE WAPPINGER CREEK (BIN 3342820) BRIDGE C-19

PIN 8755.21

MAP NO. 5
PARCEL NO. 8
SHEET 1 OF 2



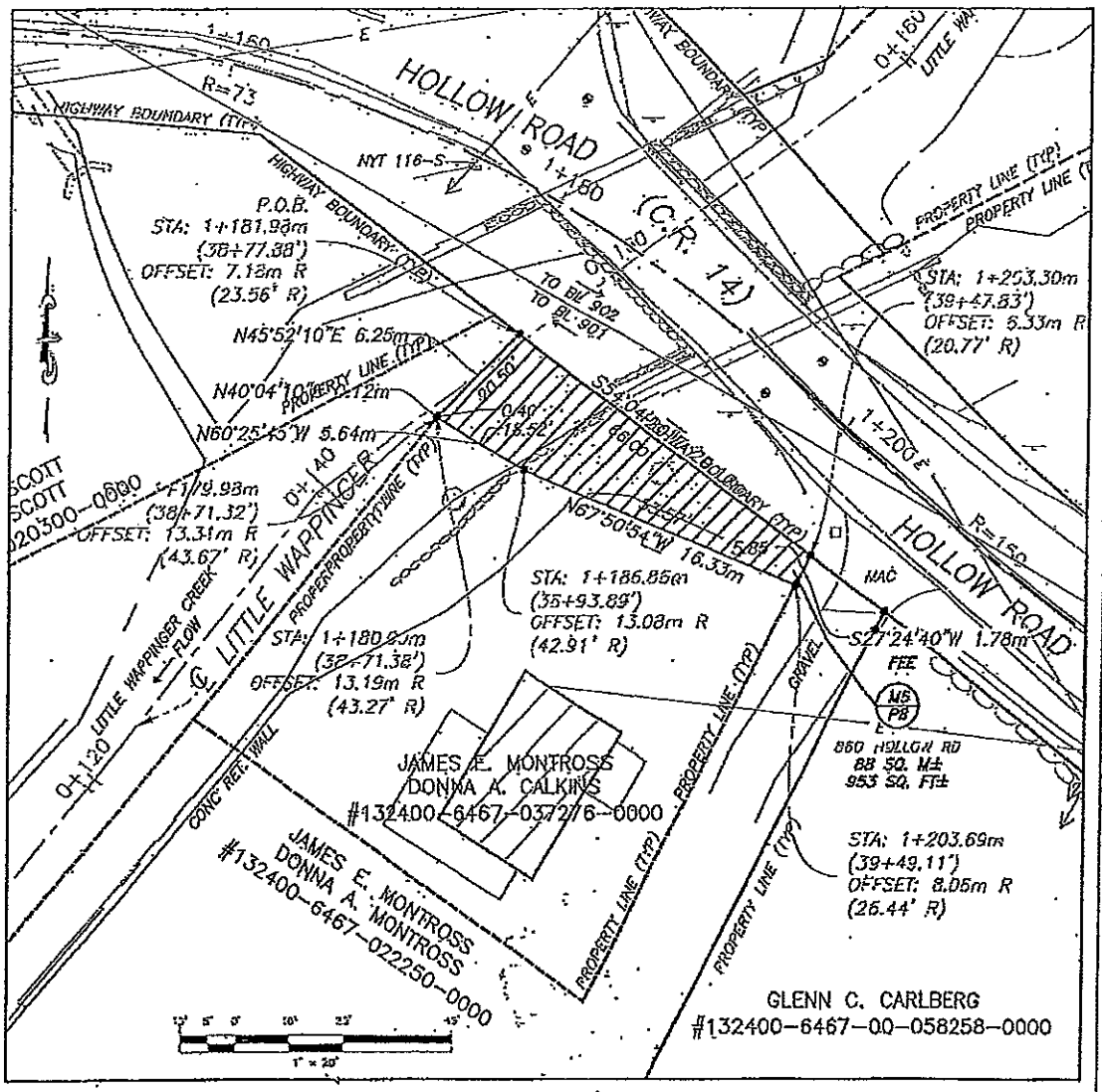
ACQUISITION DESCRIPTION:

Type: FEE
Portion of Real Property Tax
Parcel ID No. 132400-6467-037276-0000

Town of Clinton
County of Dutchess
State of New York

REPUTED OWNER(s):

James E. Montross
Donna A. Calkins
860 Hollow Road
Salt Point, NY 12578
Deed Book: 1860
Deed Page: 423



ORIGINAL OF THIS MAP (SHEETS 1 & 2) ARE ON FILE AT THE OFFICES OF THE DUTCHESS COUNTY DEPARTMENT OF PUBLIC WORKS

MAP NUMBER 5
REVISED DATE 1/21/16
DATE PREPARED 6/20/15

EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

CR. 14 (HOLLOW ROAD) OVER THE LITTLE WAPPINGER CREEK (PIN 3342820) BRIDGE C-19

PIN 8755.91

MAP NO. 5
PARCEL NO. 8
SHEET 2 OF 2

All that piece or parcel of property hereinafter designated as Map No. 5, Parcel No.8, situate in the Town of Clinton, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

Beginning at a point on the southwesterly boundary of Hollow Road, aka County Route 14, said point being 7.18 meters (23.56 feet) right, measured at right angles, from STA 1+181.98 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the southwesterly boundary of Hollow Road, aka County Route 14, S 54 degrees 04 minutes 20 seconds E 20.12 meters (66.00 feet) to a point 6.33 meters (20.77 feet) right, measured at right angles from STA 1+203.30 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the westerly boundary of lands of Montross (reputed owners) S 27 degrees 24 minutes 40 seconds W 1.78 meters (5.85 feet) to a point 8.06 meters (26.44 feet) right, measured at right angles from STA 1+203.69 of the centerline of Re-constructed Hollow Road, aka County Route 14; thence through the property of Montross & Calkins (reputed owners) the following two (2) course and distances: (1) N 67 degrees 50 minutes 54 seconds W 16.33 meters (53.57 feet) to a point 13.08 meters (42.91 feet) right, measured at right angles from STA 1+186.86 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; and (2) N 60 degrees 25 minutes 45 seconds W 5.64 meters (18.52 feet) to a point 13.31 meters (43.67 feet) right, measured at right angles from STA 1+179.98 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the easterly boundary of lands of Scott (reputed owners) the following two (2) courses and distances; (1) N 40 degrees 04 minutes 10 seconds E 0.12 meters (0.40 feet) to a point 13.19 meters (43.27 feet) right, measured at right angles from STA 1+180.00 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; and (2) N 45 degrees 52 minutes 10 seconds E 6.25 meters (20.50 feet) to the point and place of beginning; being 88 square meters (953 square feet) more or less.

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

Date 2-19 20 16

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

Recommended by:

Date 2/18 20 16

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

"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: JULY 30, 2015

Terry Bergendorff Collins, Land Surveyor
P.L.S. License No. 49691
Terry Bergendorff Collins Land Surveying
52 Starr Ridge Road
Brewster, NY 10509

STATE OF NEW YORK
TERRY BERGENDORFF COLLINS
No. 49691
LICENSED LAND SURVEYOR

MAP NUMBER 5
REVISED DATE 1/21/16
DATE PREPARED 3/20/15

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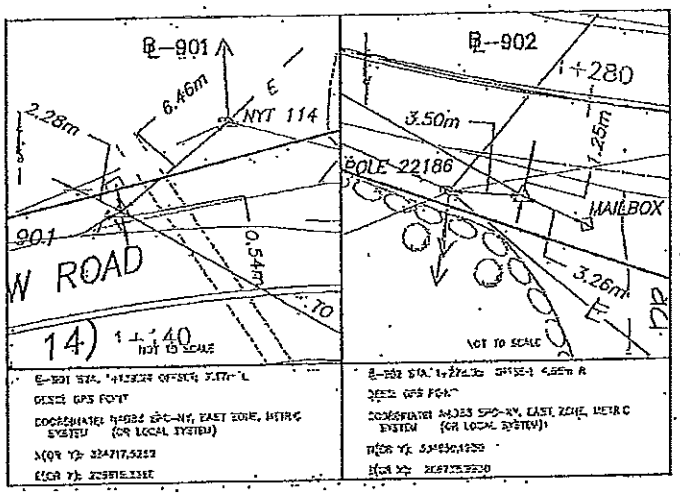
EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

CR 14 (HOLLOW ROAD) OVER THE LITTLE WAPPINGER CREEK (BIN 3342820) BRIDGE C-19

PIN 8755.91

MAP NO. 5
PARCEL NO. 9
SHEET 1 OF 2



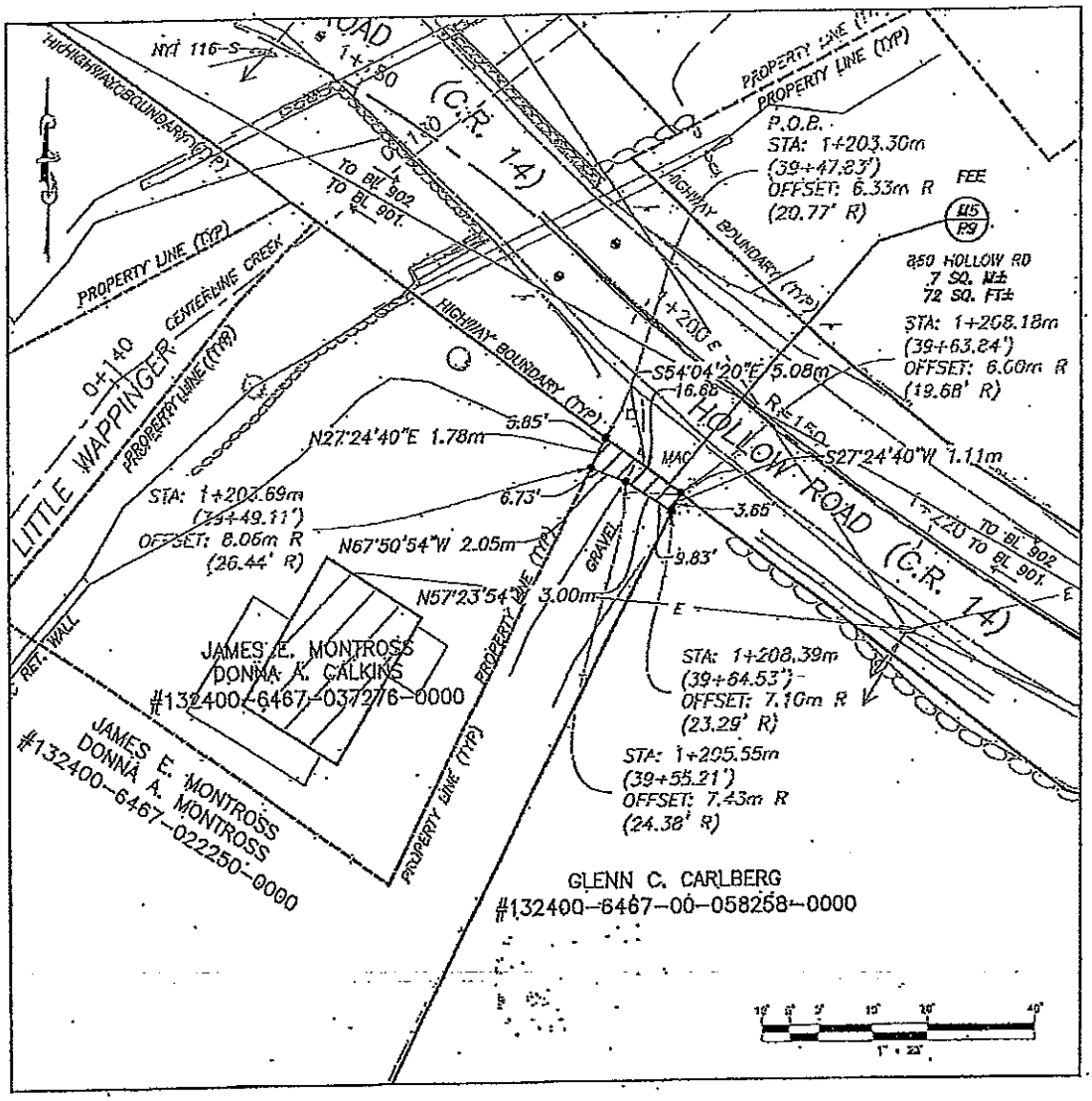
ACQUISITION DESCRIPTION:

Type: FEE
Portion of Real Property Tax
Parcel ID No. 132400-6467-022250-0000

Town of Clinton
County of Dutchess
State of New York

REPUTED OWNER(s):

James E. Montross
Donna A. Montross
860 HOLLOW ROAD
Salt Point, NY 12578
Deed Book: 2009
Deed Page: 289



ORIGINAL OF THIS MAP (SHEETS 1 & 2) ARE ON FILE AT THE OFFICES OF THE DUTCHESS COUNTY DEPARTMENT OF PUBLIC WORKS

MAP NUMBER 5
REVISED DATE 1/21/16
DATE PREPARED 5/20/15

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EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

CR 14 (HOLLOW ROAD) OVER THE LITTLE WAPPINGER CREEK (BIN 3342820) BRIDGE C-19

PIN 8755.91

MAP NO. 5
PARCEL NO. 9
SHEET 2 OF 2

All that piece or parcel of property hereinafter designated as Map No. 5, Parcel No. 9, situate in the Town of Clinton, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

Beginning at a point on the southwesterly boundary of Hollow Road, aka County Route 14, said point being 6.33 meters (20.77 feet) right, measured at right angles, from STA 1+203.30 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the southwesterly boundary of Hollow Road, aka County Route 14, S 54 degrees 04 minutes 20 seconds E 5.08 meters (16.68 feet) to a point 6.00 meters (19.68 feet) right, measured at right angles from STA 1+208.18 meters of the centerline of Re-constructed Hollow Road, aka County Route 14 ; thence along the westerly boundary of lands of Carlberg (reputed owner) S 27 degrees 24 minutes 40 seconds W 1.11 meters (3.65 feet) to a point 7.10 meters (23.29 feet) right, measured at right angles from STA 1+208.39 of the centerline of Re-constructed Hollow Road, aka County Route 14; thence through the property of Montross (reputed owners) the following two (2) course and distances: (1) N 57 degrees 23 minutes 54 seconds W 3.00 meters (9.83 feet) to a point 7.43 meters (24.38 feet) right, measured at right angles from STA 1+205.55 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; and (2) N 67 degrees 50 minutes 54 seconds W 2.05 meters (6.73 feet) to a point 8.06 meters (26.44 feet) right, measured at right angles from STA 1+203.69 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the easterly boundary of lands of Montross & Calkins (reputed owners) N 27 degrees 24 minutes 40 seconds E 1.78 meters (5.85 feet) to the point and place of beginning; being 7 square meters (72 square feet) more or less.

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

Date 2-19 20 16

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

Recommended by:

Date 2/18 20 16

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

"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: JULY 30, 2015

Terry Bergendorff Collins, Land Surveyor
P.L.S. License No. 49691
Terry Bergendorff Collins Land Surveying
52 Starr Ridge Road
Brewster, NY 10509

STATE OF NEW YORK
TERRY BERGENDORFF COLLINS
No. 49691
LICENSED LAND SURVEYOR

MAP NUMBER 5
REVISED DATE 1/21/16
DATE PREPARED 5/20/15

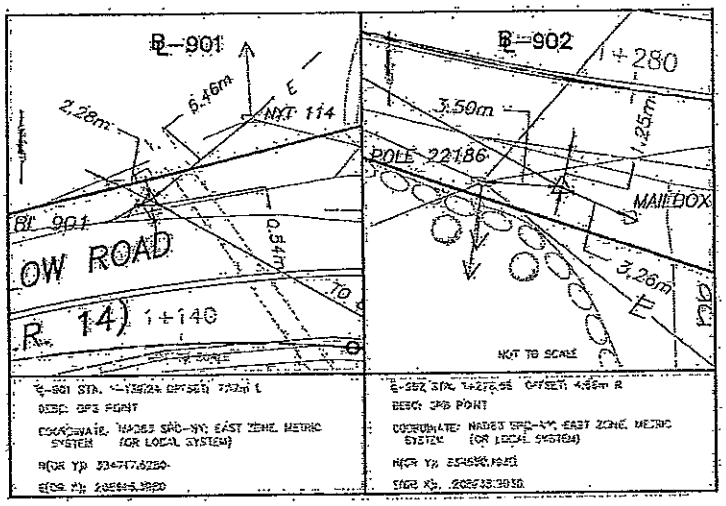
G:\DRAWINGS\PROJECTS\[illegible]\CLINTON CORNERS SITE\ACQUISITION\[illegible]\ACQUISITION 2.12.15.dwg, 2/1[illegible] PM, 111, JV

EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

CR 14 (HOLLOW ROAD), OVER THE LITTLE WAPPINGER CREEK (BIN 3342820) BRIDGE C-19

PIN 8755.91

MAP NO. 9
PARCEL NO. 13
SHEET 1 OF 2



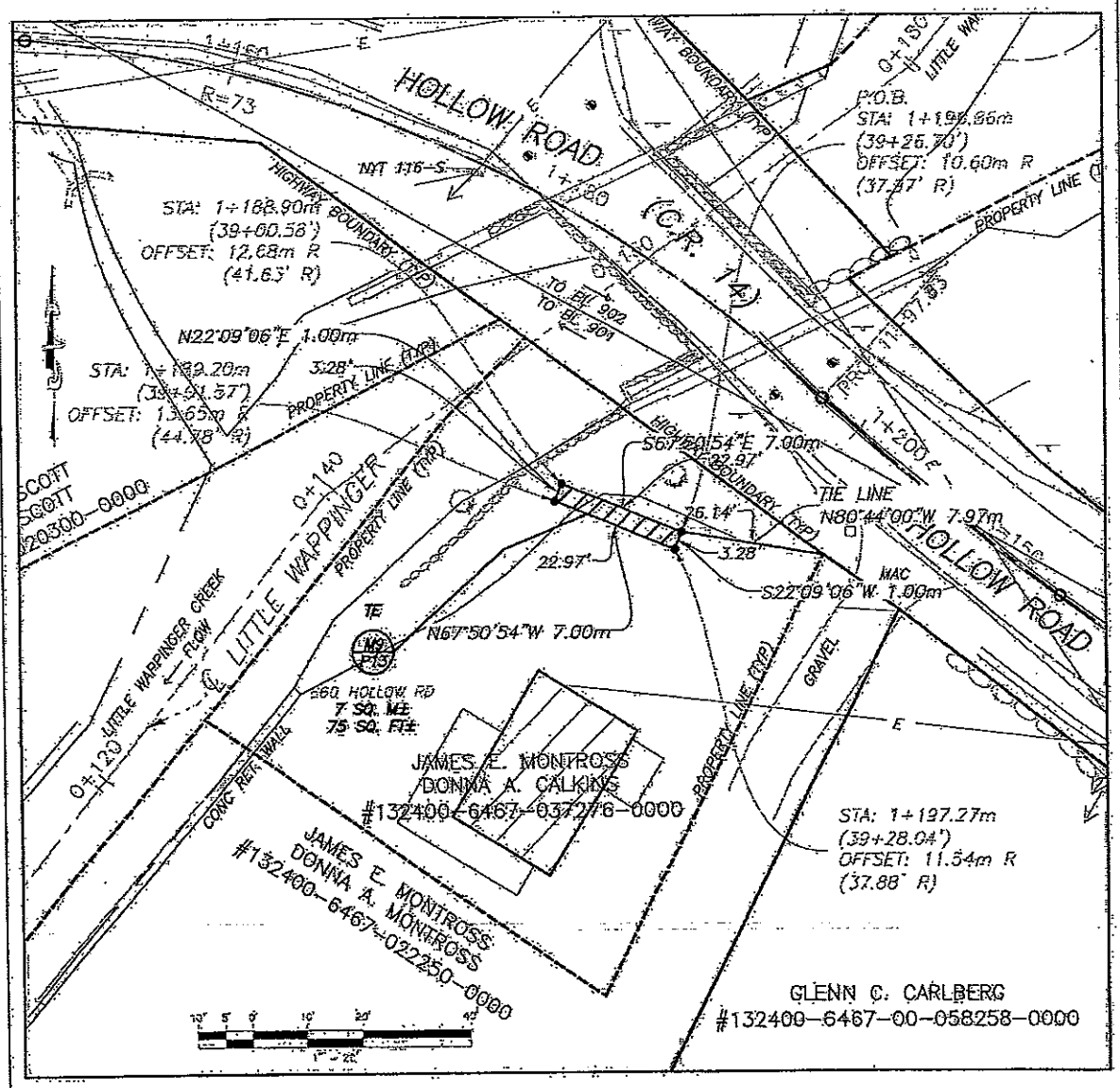
ACQUISITION DESCRIPTION:

Type: TE
Portion of Real Property Tax
Parcel ID No: 132400-6467-037276-0000

Town of Clinton
County of Dutchess
State of New York

REPUTED OWNER(s):

James E. Montross
Donna A. Calkins
860 Hollow Road
Salt Point, NY 12578
Deed Book: 1860
Deed Page: 423



ORIGINAL OF THIS MAP (SHEETS 1 & 2) ARE ON FILE AT THE OFFICES OF THE DUTCHESS COUNTY DEPARTMENT OF PUBLIC WORKS

MAP NUMBER 9
REVISED DATE 2/8/16
DATE PREPARED 1/25/16

EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

CR 14 (HOLLOW ROAD) OVER THE LITTLE WAPPINGER CREEK (BIN 3342820) BRIDGE C-19.

PIN 8755.91

MAP NO. 9
PARCEL NO. 13
SHEET 2 OF 2

Description of easement: A temporary easement to be exercised in, on and over the property above for the purpose of temporary access to local bridge C-19 (BIN 3342820) for the purposes of removing and replacing the existing wingwalls, installation of permanent bank stabilization, and restoration of lands disturbed due to said construction project, for use and exercisable during the construction or reconstruction of the highway and terminating upon the approval of the completed work, unless sooner terminated if deemed no longer necessary for the highway purposes and released by the County of Dutchess or other authorized representative acting for The People of The County of Dutchess or its assigns. Such easement shall be exercised in and to all that (those) piece(s) or parcel(s) of property designated as Parcel No. 13 as shown on the accompanying map and further described as follows:

All that piece or parcel of property hereinafter designated as Map No. 9, Parcel No.13, situate in the Town of Clinton, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

Beginning at the northeasterly corner of the parcel herein described, said point being 10.60 meters (37.97 feet) right, measured at right angles, from STA 1+196.86 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence through the property of Montross & Calkins (reputed owners) the following four (4) courses and distances: (1) S 22 degrees 09 minutes 06 seconds W 1.00 meter (3.28 feet) to a point 11.54 meters (37.88 feet) right, measured at right angles, from STA 1+197.27 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (2) N 67 degrees 50 minutes 54 seconds W 7.00 meters (22.97 feet) to a point 13.65 meters (44.78 feet) right, measured at right angles, from STA 1+189.20 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (3) N 22 degrees 09 minutes 06 seconds E 1.00 meter (3.28 feet) to a point 12.68 meters (41.63 feet) right, measured at right angles, from STA 1+188.90 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; and (4) S 67 degrees 50 minutes 54 seconds E 7.00 meters (22.97 feet) to the point and place of beginning; being 7 square meters (75 square feet) more or less.

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

Date 2-23 20 16

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

Recommended by:

Date 2/22 20 16

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

"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: January 21, 2016.

Terry Bergendorff Collins, Land Surveyor
P.L.S. License No. 49691
Terry Bergendorff Collins Land Surveying
52 Starr Ridge Road
Brewster, NY 10509

STATE OF NEW YORK · TERRY BERGENDORFF COLLINS · No. 49691 · LICENSED LAND SURVEYOR

MAP NUMBER 9
REVISED DATE 2/9/16
DATE PREPARED 1/21/16