

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2016192

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR A FEE ACQUISITION AND A TEMPORARY EASEMENT OF REAL PROPERTY OWNED BY MICHAEL N. KAPLAN AND CHRISTINA H. LEE FOR THE REPLACEMENT OF BRIDGE C-19 ON CR 14 (HOLLOW ROAD) OVER LITTLE WAPPINGER CREEK, TOWN OF CLINTON, DUTCHESS COUNTY

Legislators PULVER and SAGLIANO offer the following and moves its adoption:

WHEREAS, the Department of Public Works has proposed the replacement of Bridge C-19, County Route 14, (Hollow Road) over Little Wappinger Creek in the Town of Clinton, Dutchess County, New York, which 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 NYS Environmental Conservation Law and Part 617 of the NYCRR (SEQR) and (2) will not have a significant adverse impact on the environment, and

WHEREAS, the properties that need to be acquired are: (a) a temporary easement of a 75 +/- square foot parcel as shown on Map 8, Parcel 12, and (b) a fee acquisition of 1,001 +/- square foot parcel as shown on Map 3, Parcel 6 located at 863 Hollow Road in the Town of Clinton, Dutchess County, a portion of Tax Grid No. 132400-6467-03-051285-0000, for the purpose of facilitating the subject project, and

WHEREAS, for reasons unknown to the Department of Public Works, the property owners have not responded to multiple attempts to contact them to execute the necessary documents in connection with the granting of a Temporary Easement and Fee Acquisition for the replacement of Bridge C-19, and

WHEREAS, the Dutchess County Department of Law has determined that the proposed acquisition of this Temporary Easement and Fee Acquisition are a "de minimus" acquisition pursuant to New York State Eminent Domain Law (EDPL) Section 206 (D) thus exempting the County from complying with the provisions of Article 2 of the EDPL, and

WHEREAS, it is now necessary for this Legislature to authorize the commencement of proceedings pursuant to the Eminent Domain Procedure Law for the acquisition of a Temporary Easement and Fee Acquisition as follows:

| <u>Name</u> | <u>Map No./Parcel No.</u> | <u>Type</u> | <u>Square Feet</u> | <u>Proffered Amount</u> |
|---|---------------------------|----------------|--------------------|-------------------------|
| Michael N. Kaplan and Christina H. Lee | 3/6 | Fee Acq. | 1,001+/- | \$4,500 |
| Michael N. Kaplan and Christina H. Lee | 8, 12 | Temp. Easement | 75 +/- | \$100.00 |

now, therefore, be it

RESOLVED, that the Commissioner of Public Works on behalf of Dutchess County be and she hereby is authorized and empowered to commence proceedings pursuant to the Eminent Domain Procedure Law for the Temporary Easement and Fee Acquisition on the above property in furtherance of the replacement of Bridge C-19, County Route 14, (Hollow Road) over Little Wappinger Creek, Town of Clinton, Dutchess County, New York.

CA-1019-16
CAB/kvh/R-0948-I
7/13/16
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 8th day of August 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 8th day of August 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Fiscal Impact Statement

Resolution Request Number
1019

No Fiscal Impact Projected

Total Current Year Cost
\$5,800.00

Total Current Year Revenue and Source
\$5,510.00

Source of County Funds (if OTHER is selected, please explain below.)

EXISTING APPROPRIATIONS 

Explanation / Identify Line Item(s)

Amount and Nature of Related Expenses
\$1,000.00

Included in Total Current Year Costs

Anticipated Savings to County
\$0.00

Net County Cost for Current Year
\$290.00

Net County Cost Over Five Years
\$0.00

Additional Comments / Explanation

PIN 8755.91: Replacement of Bridge C-19, CR 14 (Hollow Rd.) over Little Wappinger Creek, Town of Clinton:

Authorization to commence Eminent Domain Proceeding to acquire in Fee a 93+/- sq. meter (1,001+/- sq. ft.) parcel as shown on Map 3, Parcel 6 with the compensation amount of \$4,700, and a Temporary Easement to a 7+/- sq. meter (75+/- sq. ft.) parcel as shown on Map 8, Parcel 12, with the compensation amount of \$100. These parcels are a portion of property owned by Michael N. Kaplan and Christina H. Lee and are located at 863 Hollow Road in the Town of Clinton.

Prepared By
Matthew W. Davis

Date Submitted
7/12/2016

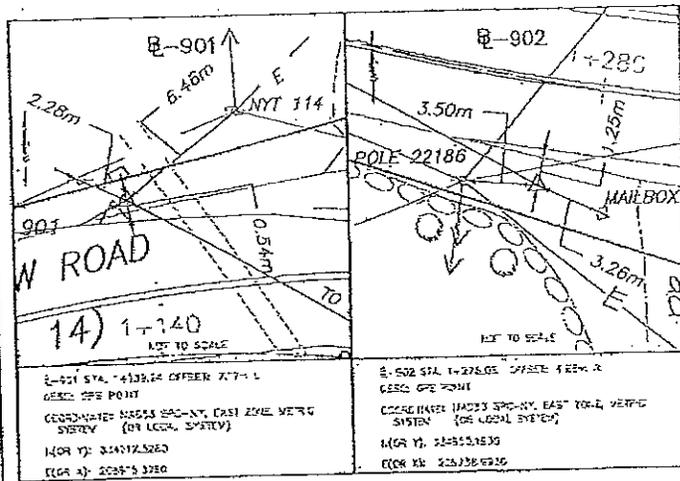


EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

MAP NO. 3
PARCEL NO. 6
SHEET 1 OF 2

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

PIN 8755.91

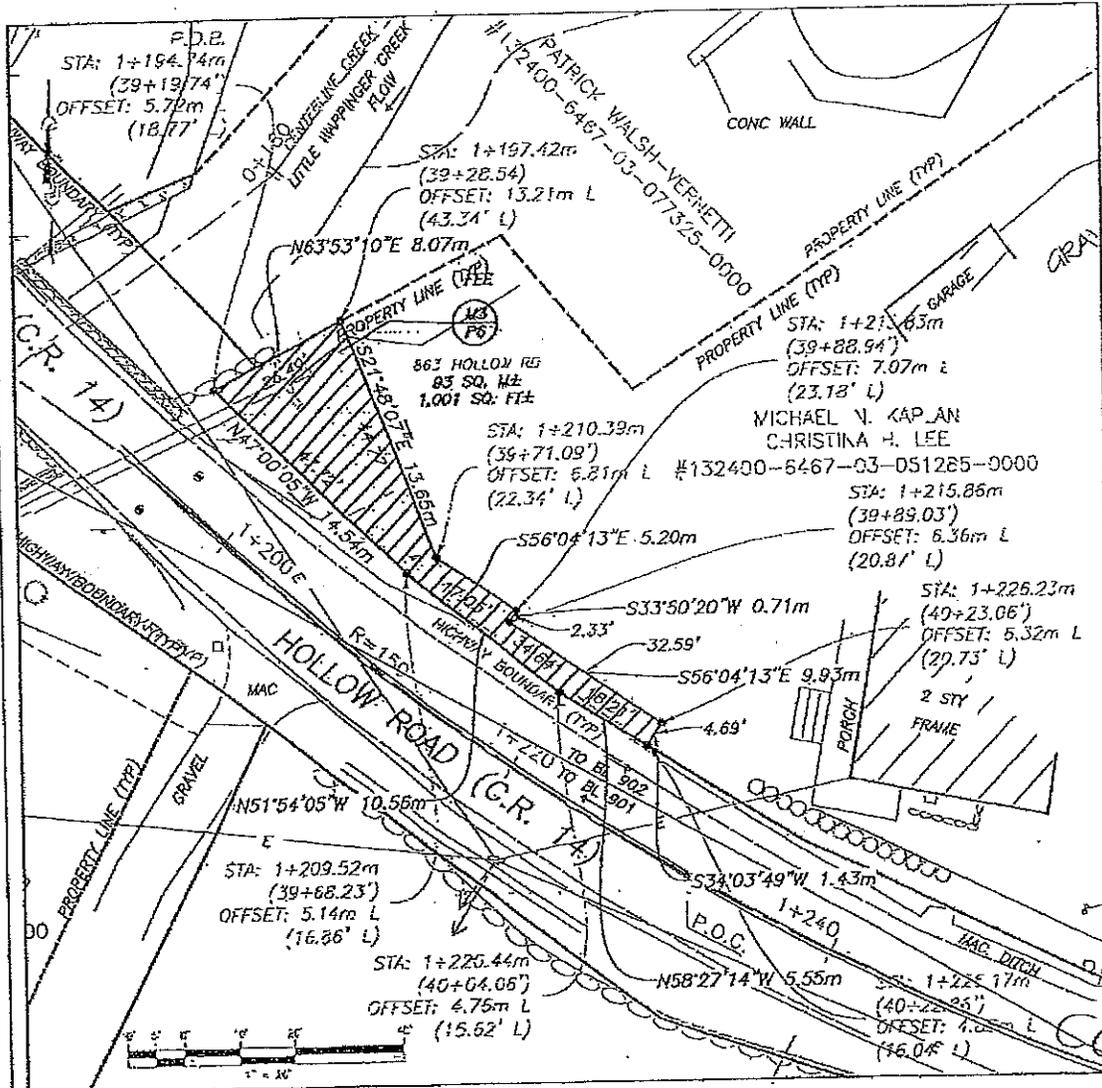


ACQUISITION DESCRIPTION:

Type: FEE
Portion of Real Property Tax
Parcel ID No. 132400-6467-03-051285-0000
Town of Clinton
County of Dutchess
State of New York

REPUTED OWNER(s):

Michael N. Kaplan
Christina H. Lee
863 Hollow Road
Salt Point, NY 12578
Deed Book: 1829
Deed Page: 782



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

MAP NUMBER 3
REVISED DATE 4/5/16
DATE PREPARED 3/20/15

PREPARED BY DL

CHECKED BY TBC

FINAL CHECK BY JP



EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

MAP NO. 3
PARCEL NO. 6
SHEET 2 OF 2

CR 14 (HOLLOW ROAD) OVER THE
LITTLE WAPPINGER CREEK (BR
33-2820) BRIDGE C-19

PIN R255.91

All that piece or parcel of property hereinafter designated as Map No. 3, Parcel No. 6, 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 northeasterly boundary of Hollow Road, aka County Route 14, said point being 5.72 meters (18.77 feet) left, measured at right angles, from STA 1+194.74 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the southerly boundary of lands now or formerly Walsh-Vernetti (reputed owner), N 63 degrees 53 minutes 10 seconds E 8.07 meters (26.49 feet) to a point 13.21 meters (43.34 feet) left, measured at right angles from STA 1+197.42 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence through the property of Kaplan & Lee (reputed owners) the following five (5) courses and distances: (1) S 21 degrees 48 minutes 07 seconds E 13.65 meters (44.77 feet) to a point 6.81 meters (22.34 feet) left, measured at right angles from STA 1+210.39 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (2) S 56 degrees 04 minutes 13 seconds E 5.20 meters (17.05 feet) to a point 7.07 meters (23.18 feet) left, measured at right angles from STA 1+215.83 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (3) S 33 degrees 50 minutes 20 seconds W 0.71 meters (2.33 feet) to a point 6.36 meters (20.87 feet) left, measured at right angles from STA 1+215.86 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (4) S 56 degrees 04 minutes 13 seconds E 9.93 meters (32.59 feet) to a point 6.32 meters (20.73 feet) left, measured at right angles from STA 1+226.23 meters of the centerline of the Re-constructed Hollow Road, aka County Route 14; and (5) S 34 degrees 03 minutes 49 seconds W 1.43 meters (4.69 feet) to a point 4.89 meters (16.04 feet) left, measured at right angle from STA 1+226.17 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the northeasterly boundary Hollow Road, aka County Route 14 the following three (3) courses and distances: (1) N 58 degrees 27 minutes 14 seconds W 5.55 meters (18.21 feet) to a point 4.76 meters (15.62 feet) left, measured at right angles from STA 1+220.44 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (2) N 51 degrees 54 minutes 05 seconds W 10.56 meters (34.64 feet) to a point 5.14 meters (16.86 feet) left, measured at right angles from STA 1+209.52 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; and (3) N 47 degrees 00 minutes 05 seconds W 14.54 meters (47.72 feet) to the point and place of beginning; being 93 square meters (1,001 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 4-18 2016

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

Recommended by:

Date 4/18 2016

Robert H. Bailland, 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

MAP NUMBER 3
REVISED DATE 4/18/16
DATE PREPARED 5/20/16

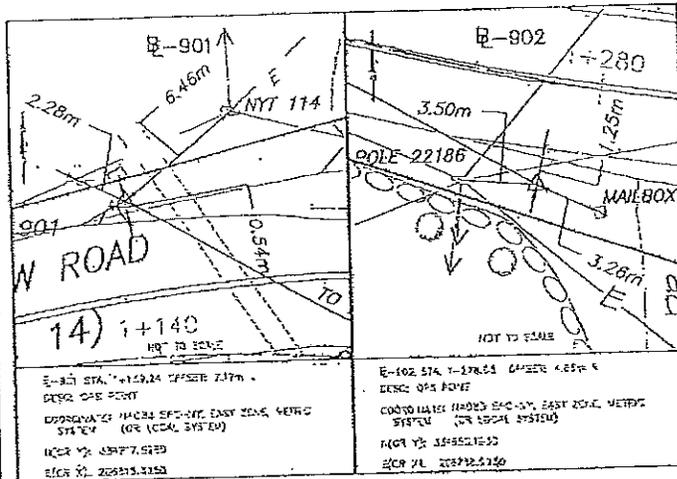


EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

MAP NO. 3
PARCEL NO. 12
SHEET 1 OF 2

CR 14 (HOLLOW ROAD) OVER THE
LITTLE WAPPINGER CREEK (BN
3742826) BRIDGE C-19

PIN 8255.91

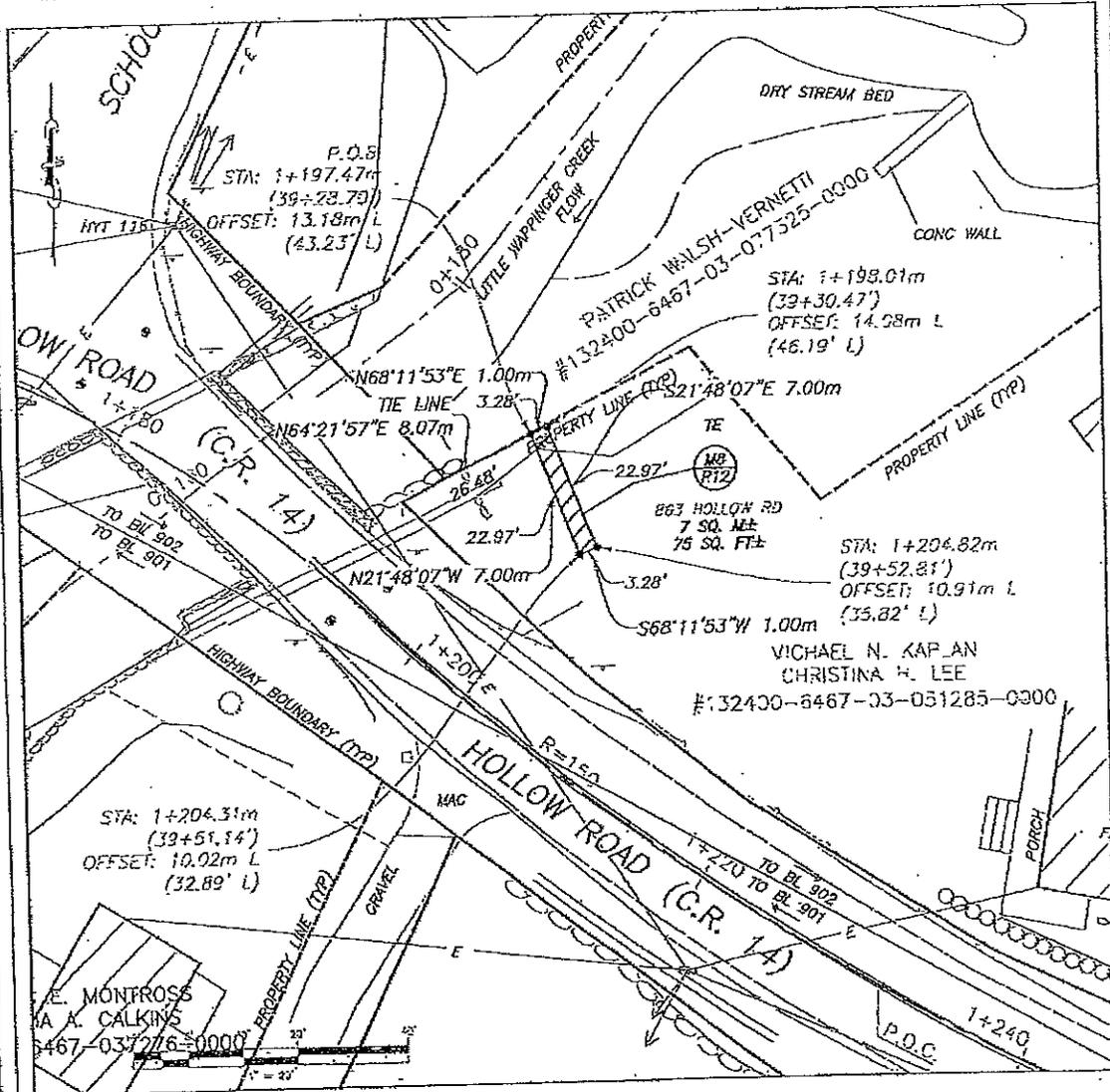


ACQUISITION DESCRIPTION:

Type: TE
Portion of Real Property Tax
Parcel ID No. 132400-6467-03-051285-0000
Town of Clifton
County of Dutchess
State of New York

REPUTED OWNER(s):

Michael N. Kaplan
Christina H. Lee
863 Hollow Road
Salt Point, NY 12578
Deed Book: 1829
Deed Page: 782



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

MAP NUMBER 3
REVISED DATE 2/3/08
DATE PREPARED 10/1/08



EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP

MAP NO. 8
PARCEL NO. 12
SHEET 2 OF 2

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

PIN 8755.91

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 highway purposes and released by the County of Dutchess or other authorized representative acting for the The People of The County of Dutchess or its assigns. Such easement shall be exercised in and to all the (those) piece(s) or parcel(s) of property designated as Parcel No. 12 as shown the accompanying map and further described as follows:

All that piece or parcel of property hereinafter designated as Map No. 8, Parcel No. 12, 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 southerly boundary of lands now or formerly Walsh-Verneti (reputed owners), said point being 13.18 meters (43.23 feet) left, measured at right angles, from STA 1+197.47 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the along the southerly boundary of lands now or formerly Walsh-Verneti (reputed owners) N 68 degrees 11 minutes 53 seconds E 1.00 meter (3.28 feet) to a point 14.08 meters (46.19 feet) left, measured at right angles, from STA 1+198.01 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence through the property of Kaplan & Lee (reputed owners) the following three (3) courses and distances: (1) S 21 degrees 48 minutes 07 seconds E 7.00 meters (22.97 feet) to a point 10.91 meters (35.82 feet) left, measured at right angles, from STA 1+204.82 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (2) S 68 degrees 11 minutes 53 seconds E 1.00 meter (3.28 feet) to a point 10.02 meters (32.89 feet) left, measured at right angles, from STA 1+204.31 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; and (3) N 21 degrees 48 minutes 07 seconds W 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 2016

Noel H.S. Knille

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

Recommended by:

Date 2/22 2016

Robert H. Balkind

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: January 21, 2016



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

MAP NUMBER 8
REVISED DATE 2/9/16
DATE PREPARED 1/21/16