

RESOLUTION NO. 2016195

RE: AUTHORIZING COUNTY EXECUTIVE TO EXECUTE EASEMENT
BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY
WATER AND WASTEWATER AUTHORITY PERTAINING TO THE
SHORE HAVEN WATER SYSTEM

THOMES Legislators FORMAN, MICCIO, BOLNER, SAGLIANO, LANDISI, and
offers the following and moves its adoption:

WHEREAS, by Resolution No. 208280, this Legislature authorized the County and the Dutchess County Water and Wastewater Authority ("WWA") to acquire and establish Zone "J", known as the Shore Haven Water System in the Town of Pawling, Dutchess County, New York, and

WHEREAS, on or about June 1, 1998, the County and WWA entered into a Service Agreement wherein the WWA may cause Water Service to be provided to the various water districts throughout the County which agreement has, from time to time, been amended, and

WHEREAS, the WWA is requesting the easement from the County in order to install a pressure reducing vault on a new water main to be constructed on Rocky Mountain Way as part of the Shore Haven Water District System Improvement Project being implemented by the WWA, and

WHEREAS, the WWA is requesting the easement on tax parcel 6856-05-197831, located at 1475 Route 292 in the Town of Pawling which is currently owned by the County, and

WHEREAS, a copy of the proposed easement is annexed hereto, now therefore, be it

RESOLVED, that the County Executive, or his designee, is authorized to execute the easement, in substantially the same form as annexed hereto, between the County of Dutchess and the Dutchess County Water and Wastewater Authority pertaining to the Shore Haven Water System.

CA-110-16
CAB/G-0964
07/14/16
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

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
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 \$ _____

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay

Prepared On: 6-28-2016

Water Distribution Main - Permanent Easement
Shore Haven Water Distribution System Improvement Project

This Indenture is made and entered into this ___ day of _____, 2016 by and between County of Dutchess, 22 Market Street, Poughkeepsie, NY 12601 (the "Grantor") and the Dutchess County Water and Wastewater Authority, a public benefit corporation created pursuant to Title 6-C Article Five of the Public Authorities Law, as amended (the "Act"), of the State of New York with an office at 27 High Street, Poughkeepsie, New York 12601 (the "Authority").

WITNESSETH

The Grantor, for and in consideration of the sum of \$1.00 and other good and valuable consideration paid by the Authority, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, convey, and release unto the Authority, its successors and/or assigns an easement to install, maintain, repair and replace a water distribution main and related appurtenances under and through the real property of the Grantor situate in the Town of Pawling, County of Dutchess and State of New York (the "Property") in the easement area more particularly described in Exhibit "A" annexed hereto (the "Easement Area").

The Property (Tax Parcel ID No. 6856-05-197831) of Grantor subject to this easement is described in a deed recorded on August 5, 2015 in the Dutchess County Clerk's Office as Document No. 02-2015-4734.

The Grantor grants and conveys to the Authority a perpetual easement to enter the Easement Area for the purposes of installing, maintaining, repairing and replacing a water distribution main and related appurtenances within, under, and through the Easement Area from time to time, as the Authority may deem necessary. The said water distribution main and appurtenances shall at all times remain the property of the Authority and under its exclusive control and supervision, and the Grantor shall not interfere with or cause injury or damage to said water distribution main and appurtenances or interfere with the rights granted to the Authority hereunder. The Grantor agrees that it shall place no permanent structures, fences or trees on or within the Easement Area.

The Authority shall indemnify and hold harmless the Grantor, their successors, and assigns from any claims arising out of any action taken on the Property by the Authority, its employees, or agents in connection with the easement granted to the Authority by the Grantor, including but not limited to, action taken to install, repair, maintain and replace the water distribution main and related appurtenances.

The Authority shall exercise good faith efforts to perform the installation, maintenance, repair and replacement of the water distribution main and appurtenances without materially interfering with the use and enjoyment of the Grantor of the Property. The Authority shall reasonably restore the surface of the Easement Area and any other portion of the Property disturbed by the Authority in the exercise of its rights hereunder to a similar condition such surface was in prior to the Authority installing any water distribution main or related appurtenances and any maintenance, repair or replacement of the water distribution main and appurtenances, but shall

be under no obligation to replace or restore any gardens, trees, shrubbery, similar plantings, structures, fences, or other improvements, as the surface of the Easement Area is to remain open and unobstructed.

This easement shall run with the Property and bind the Grantor, Grantor's successors and assigns in perpetuity.

COUNTY OF DUTCHESS, NY (Grantor)

By: _____
Name:

Title:

STATE OF NEW YORK, COUNTY OF _____ SS:

On this ___ day of _____ 2016, before me the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to the individual whose name is subscribed to within this instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed this instrument.

Notary Public

Record and Return to:

Dutchess County Water and Wastewater Authority
27 High Street
Poughkeepsie, New York 12601
Attention: Edward Mills

Exhibit "A"

DESCRIPTION of EASEMENTS
LANDS OF COUNTY OF DUTCHESS, 1475 NYS ROUTE 292
(Tax Parcel No. 6856-05-197831)
HOLMES, NY

All that certain piece or parcel of land situate, lying and being in the Town of Pawling, County of Dutchess, State of New York, being a portion of lands conveyed to the County of Dutchess, 22 Market Street, Poughkeepsie, NY, by deed recorded in the Dutchess County Clerk's office as Document No. 02-2015-4734, being bounded and described as follows:

Beginning at a point in the westerly line of New York State Route 292 at its intersection with the southerly line of Rocky Mountain Way; thence, S18° - 28' - 30"W along the westerly line of New York State Route 292 20.01 feet to a point; thence, N69° - 25' - 00"W through aforesaid lands now or formerly of Dutchess County 100.57 feet to a point in the easterly line of Mountain View Road; thence, N19° - 50' - 26"E along the easterly line of Mountain View Road 20.00 feet to a point in the southerly line of Rocky Mountain Way; thence, S69° - 25' - 00"E along the southerly line of Rocky Mountain Way 100.10 feet to the point and place of beginning.

Containing: 2,007 ± Sq. Ft.

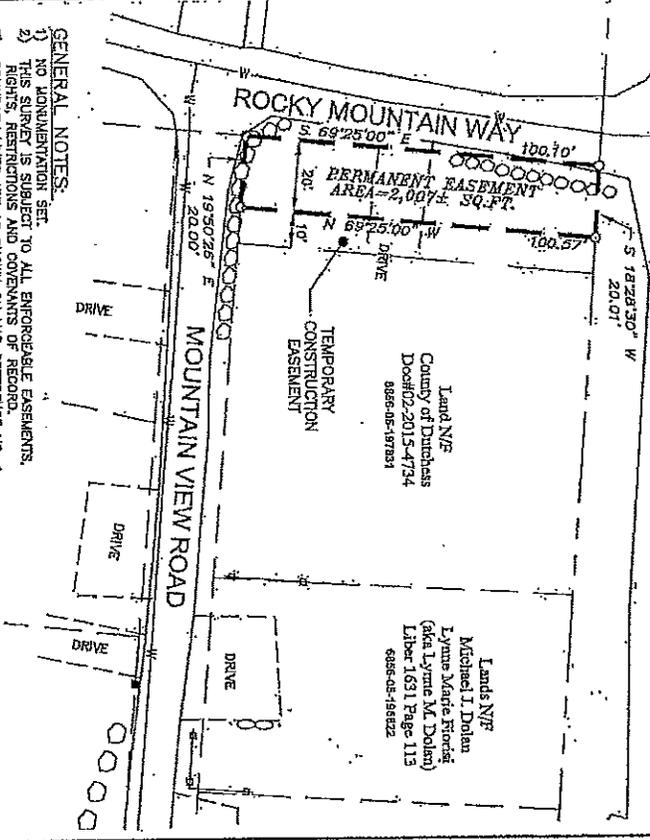
Temporary Easement

Together with temporary construction easements ten (10) feet in width, being parallel with ten (10) feet distant from the lengths of the above described permanent easement.

MAP REFERENCES:
 1) PLANNING & TOPOGRAPHIC MAP SHORE HAVEN WATER DISTRIBUTION SYSTEM IMPROVEMENTS DRAWN, PREPARED BY BROOKS & BROS. LAND SURVEYORS, P.C., DATED DECEMBER 16, 2013, REVISED JANUARY 22, 2014.

- LEGEND:**
- PERMANENT EASEMENT
 - TEMPORARY EASEMENT
 - PROPERTY LINE
 - N/F NOW OR FORMERLY

- GENERAL NOTES:**
- 1) NO ADJUMENTATION SET.
 - 2) THIS SURVEY IS SUBJECT TO ALL ENFORCEABLE EASEMENTS, RIGHTS, RESTRICTIONS AND COVENANTS OF RECORD.
 - 3) BOUNDARY LINES ARE AS SHOWN ON MAP REFERENCE NO. 1.



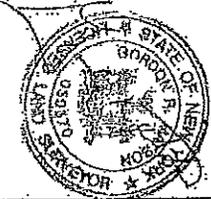
N.Y.S. ROUTE 292
 (STATE HIGHWAY)

Land N/F
 County of Dutchess
 Docr#02-2015-4734
 8886-05-187831

Land's N/F
 Michael J. Dolan
 Lynne Marie Riordán
 (d/b/a Lynne M. Dolan)
 Liber 1631 Page 113
 6886-05-188822

DATE	DESCRIPTION	REVISIONS

**PERMANENT EASEMENT AND
 TEMPORARY CONSTRUCTION EASEMENT
 LANDS OF DUTCHESS COUNTY
 TOWN OF PAWLING**



CONDUCTING ENGINEERS
 LAND SURVEYORS
 LANDSCAPE ARCHITECTS
 AND PLANNERS
WESTER & SAMPSON
 22 High Street, Newburgh, N.Y. 12554
 TEL: 845/562-4400

STATE OF NEW YORK
 SHORE HAVEN WATER SYSTEM
 SHEET 1 OF 1
 DATE: 8/22/2015
 SCALE: 1"=50'

RESOLUTION NO. 208280

RE: ESTABLISHING ZONE "J" ZONE OF ASSESSMENT IN THE DUTCHESS COUNTY WATER DISTRICT IN THE TOWN OF PAWLING, DUTCHESS COUNTY, NEW YORK

Legislators TYNER, WASSELL and KELLY offer the following and move its adoption:

WHEREAS, the New York State Legislature, by Chapter 592 of the Laws of 1991 (§1123, Public Authorities Law), created the Dutchess County Water & Wastewater Authority (WWA), and established the Dutchess County Water District covering all the areas within the boundaries of Dutchess County, and

WHEREAS, WWA proposes to acquire the Shore Haven Water System located in the Town of Pawling from the current owner, the Shore Haven Civic Association, and

WHEREAS, this acquisition is a voluntary conveyance by the current owner to the County and will provide water services to all properties within the system's current service area,

WHEREAS, the water distribution facilities serve approximately one hundred-five single family, two-family and multi-family residential lots, twenty-nine vacant lots and two parcels that will be owned by the Authority for the water pump house and well field, and

WHEREAS, this Legislature has before it a Map, Plan and Report entitled "Map, Plan and Report, Dutchess County Water District, Zone of Assessment "J", which was submitted to it by the WWA with the Notice of Project pursuant to Section 1124, and

WHEREAS, WWA proposes to enter into an Eighth Restatement of the Amended Service Agreement with Dutchess County (County), on behalf of the proposed Zone of Assessment "J" ("Zone "I") whereby the District will provide water service to customers within the Zone at rates established by WWA, and

WHEREAS, said project notification shows there will be no capital expenditure for the acquisition of the Shore Haven Water System, and

WHEREAS, this Legislature must establish Zone of Assessment "J" in the Dutchess County Water District covering the area of the Shore Haven Water System in the Town of Pawling, described in "Attachment A", and

WHEREAS, the average annual customer cost to the typical one family home is estimated to be \$1,555.64 and

WHEREAS, this Legislature conducted a public hearing on this proposal on September 8, 2008 and heard all persons interested, and

WHEREAS, the establishment of said Zone "J" Zone of Assessment will ensure an economical, efficient water system for all properties within the service area, now, therefore, be it

RESOLVED that this Legislature hereby waives the notice provisions of Section 1124 of the Public Authorities Law and by this Resolution consents to this project, and be it further

RESOLVED, that it is hereby determined that all the property and property owners within the proposed Zone "J" Zone of Assessment are benefited thereby and all the property and property owners benefited are included within the proposed Zone "J" Zone of Assessment, and it is in the public interest to create the Zone "J" Zone of Assessment, and be it further

RESOLVED, that the Zone "J" Zone of Assessment in the Town of Pawling in the area of the Shore Haven Water System, more particularly described in "Attachment A" attached hereto is hereby established.

CA-99-08

RLW/ca/G-1217-J

6/10/08

Fiscal Impact: See attached statement

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date September 17, 2008

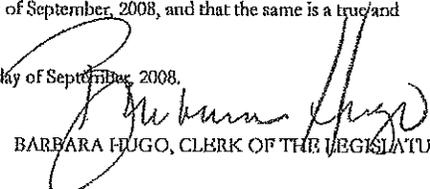
STATE OF NEW YORK

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 September, 2008, 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 September, 2008.



BARBARA HUGO, CLERK OF THE LEGISLATURE

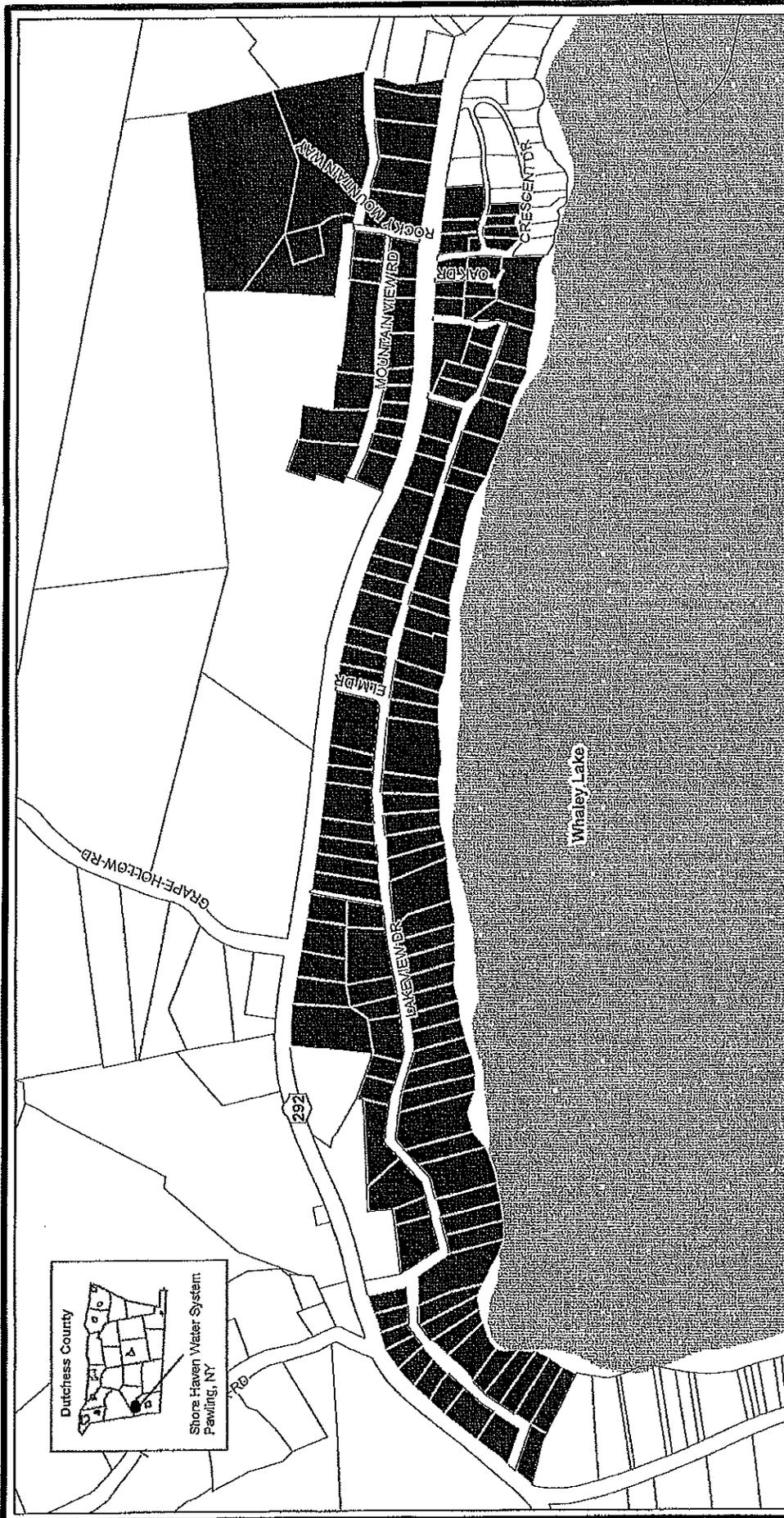
**DUTCHESS COUNTY WATER DISTRICT
ZONE OF ASSESSMENT "J"**

DESCRIPTION OF ZONE

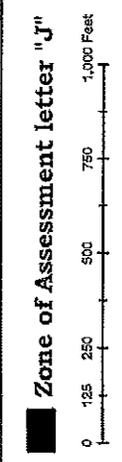
(map and parcel listing)

The Dutchess County Water District Zone of Assessment "J" shall include all those tax parcels presently indicated on the attached boundary map. These parcels are further described by the following list of tax parcel grid numbers:

6856-00-145854	6856-05-212813	6856-09-170618	6856-09-197658	6856-09-215524
6856-00-164838	6856-05-213787	6856-09-171580	6856-09-198633	6856-09-216518
6856-00-168825	6856-05-213818	6856-09-176625	6856-09-198640	6856-09-218512
6856-00-174862	6856-05-213825	6856-09-176631	6856-09-198673	6856-13-190493
6856-05-169765	6856-05-214833	6856-09-177637	6856-09-198746	6856-13-191486
6856-05-173778	6856-05-215791	6856-09-177643	6856-09-199512	6856-13-194481
6856-05-180789	6856-05-215840	6856-09-177653	6856-09-199624	6856-13-197476
6856-05-180810	6856-05-216848	6856-09-178662	6856-09-199682	6856-13-201471
6856-05-184828	6856-05-217758	6856-09-179667	6856-09-200688	6856-13-206467
6856-05-185834	6856-05-220765	6856-09-180679	6856-09-201614	6856-13-209492
6856-05-186762	6856-05-220796	6856-09-182605	6856-09-201694	6856-13-210499
6856-05-189770	6856-05-220833	6856-09-182616	6856-09-202595	6856-13-211463
6856-05-191776	6856-05-221813	6856-09-182694	6856-09-202601	6856-13-211487
6856-05-193782	6856-05-223802	6856-09-183545	6856-09-202607	6856-13-214483
6856-05-193787	6856-05-223825	6856-09-183700	6856-09-203550	6856-13-219457
6856-05-193845	6856-05-224818	6856-09-184593	6856-09-203589	6856-13-219476
6856-05-194793	6856-05-225776	6856-09-184706	6856-09-203703	6856-13-226471
6856-05-195801	6856-05-228833	6856-09-185561	6856-09-204558	6856-13-228449
6856-05-195813	6856-05-228837	6856-09-186587	6856-09-204578	6856-13-231469
6856-05-196822	6856-05-228842	6856-09-187568	6856-09-204583	6856-13-236466
6856-05-196856	6856-05-229785	6856-09-187715	6856-09-205565	6856-13-237443
6856-05-196868	6856-05-229846	6856-09-189577	6856-09-205571	6856-13-241464
6856-05-197831	6856-05-231790	6856-09-189724	6856-09-205712	6856-13-245461
6856-05-197878	6856-05-232809	6856-09-191529	6856-09-206718	
6856-05-198884	6856-05-233797	6856-09-192729	6856-09-207726	
6856-05-203760	6856-05-235820	6856-09-194735	6856-09-208541	
6856-05-206768	6856-09-168594	6856-09-197521	6856-09-210735	
6856-05-208776	6856-09-168602	6856-09-197646	6856-09-213536	
6856-05-209795	6856-09-169610	6856-09-197653	6856-09-213747	



**Shore Haven
Water System**
Zone of Assessment letter "J"



**DUTCHESS COUNTY
Water & Wastewater Authority**
27 High Street
Poughkeepsie, NY 12601

Sheet No.
1 of 1

Availability no accuracy or completeness guarantee is implied or intended, all information on this map is subject to map, hardware and connections as right. This is not a warranty. © 2008 Dutchess County Road, Planning and Engineering Department
Drawn By: Jonathan Churnin, Project Engineer
Date: March 19, 2008