

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2018041

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM PAUL HOGAN AND CIARAN EGAN, IN CONNECTION WITH THE PROJECT KNOWN AS THE HARLEM VALLEY RAIL TRAIL, PHASE IV, IN THE VILLAGE OF MILLERTON AND TOWN OF NORTH EAST, DUTCHESS COUNTY AND TOWN OF ANCRAM, COLUMBIA COUNTY (PIN 8758.74)

Legislators METZGER, PULVER, ROMAN, SAGLIANO, and THOMES offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the project known as Harlem Valley Rail Trail, Phase IV, which consists of developing a shared use path along approximately eight (8) miles of an abandoned railroad corridor in the Village of Millerton and Town of North East, Dutchess County, and the Town of Ancram Columbia County and the project (8758.74) includes the acquisition of portions of certain properties, and

WHEREAS, this Legislature adopted the Department of Public Works' Full Environmental Assessment Form and a Finding of Negative Declaration in connection with this project in Resolution No. 2014273, and

WHEREAS, the Department of Public Works has determined that the project (1) constitutes a Type I action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA", and (2) will not have a significant impact on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to complete the project referenced above, it is necessary to acquire in fee a portion of real property described as a 38,240+/- square foot parcel as shown on Map 5, Parcel 5, and located at 1689-1691 Boston Corners Road, in the Town of North East, Dutchess County, which is described as a portion of parcel identification number 133889-7274-00-204418-0000, presently owned by Paul Hogan and Ciaran Egan, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, and

WHEREAS, it is the purpose of this Legislature in adopting this resolution to adopt and confirm the findings of the Department of Public Works, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property be acquired for the sum of \$10,100, plus an authorization to spend up to an additional \$1,000 in related expenses, if necessary; now, therefore, be it

RESOLVED, that this Legislature hereby adopts and confirms the determination of the Dutchess County Department of Public Works that the project, including the fee acquisition of the property described above in the Town of North East, will not have a significant impact on the environment, and be it further

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Purchase Real Property in substantially the same form as annexed hereto along with any other necessary documents in connection with the fee acquisition, and be it further

RESOLVED, that upon the receipt from the property owner of the executed deed to the aforementioned land, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, the County shall pay to the property owner the sum of \$10,100 plus up to an additional \$1,000 in related expenses, if necessary, in connection with the fee acquisition.

CA-026-18
AMS/kvh/R-0480
1/16/18
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 February 2018, 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 February 2018.

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 \$ 11,100

Total Current Year Revenue \$ 10,545
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): \$555
Over Five Years: _____

Additional Comments/Explanation:

This Fiscal Impact Statement Pertains to:

RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM PAUL HOGAN AND CIARAN EGAN, PIN 8758.74: HARLEM VALLEY RAIL TRAIL PHASE IV, TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK

Request authorization to acquire a fee acquisition of a 38,240+/- square foot parcel as shown on accompanying (Map 5, Parcel 5) for the purchase price of \$10,100.00

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

Prepared by: Matthew W. Davis

2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: **Harlem Valley Rail Trail**
PIN OR CIN: 8758.74

Map(s): 5

Parcel(s): 5

This Agreement by and between **PAUL HOGAN** and **CIARAN EGAN**, residing at 1691 Boston Corners Rd., Millerton, New York 12546, 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 38,240± square feet of real property. Purchase price is \$10,100.*
- a permanent easement to 0± square feet of real property. Purchase price is 0.*
- a temporary easement to 0± square feet of real property. Purchase price is 0.*

Located at 1689-1691 Boston Corners Road, Town of North East, Dutchess County, New York, and is further described as parcel(s) 5 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain deed dated 6/24/2010 and recorded 7/6/2010 in Document # 02 2010 3297 in the Office of the County Clerk for Dutchess County (re: Grid # 7274-00-204418),

2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: misc. trees (firewood).
3. **PURCHASE PRICE.** The total purchase price is **TEN THOUSAND, ONE HUNDRED AND 00/100 DOLLARS (\$10,100.00)**. 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 January 30, 2018. 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 (3) 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 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 18th day of December, 2017, the parties have entered into this Agreement.

APPROVED AS TO FORM:

Department of Law

Seller: _____

Paul Hogan
Paul Hogan

Seller: _____

Ciaran Egan
Ciaran Egan

APPROVED AS TO CONTENT:

Department of Public Works

COUNTY OF DUTCHESS

Print Name: _____

Title: _____



HARLEM VALLEY
RAIL TRAIL

'EXHIBIT A'
COUNTY OF DUTCHESS
ACQUISITION MAP
PIN 6758.74

MAP NO. 5
PARCEL NO. 5
SHEET 1 OF 3 SHEETS

ORIGINALS OF THIS MAP (SHEETS 1, 2, 3)
ARE ON FILE AT THE OFFICES OF THE
DUTCHESS COUNTY DEPARTMENT OF
PUBLIC WORKS.

PAUL HOGAN & CIARAN EGAN
(REPUTED OWNERS)

PARCEL SUMMARY:
Type: FEE
Portion of Tax Map Ref.
No. 133889-7274-00-204418
Town of North East
County of Dutchess
State of New York

MAP REFERENCE INFORMATION:
FM 11223 7/10/2001 & FM 11223A 12/30/2005

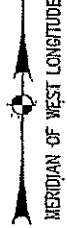
CCD 02 2010 3297

Parcel Locator Point:

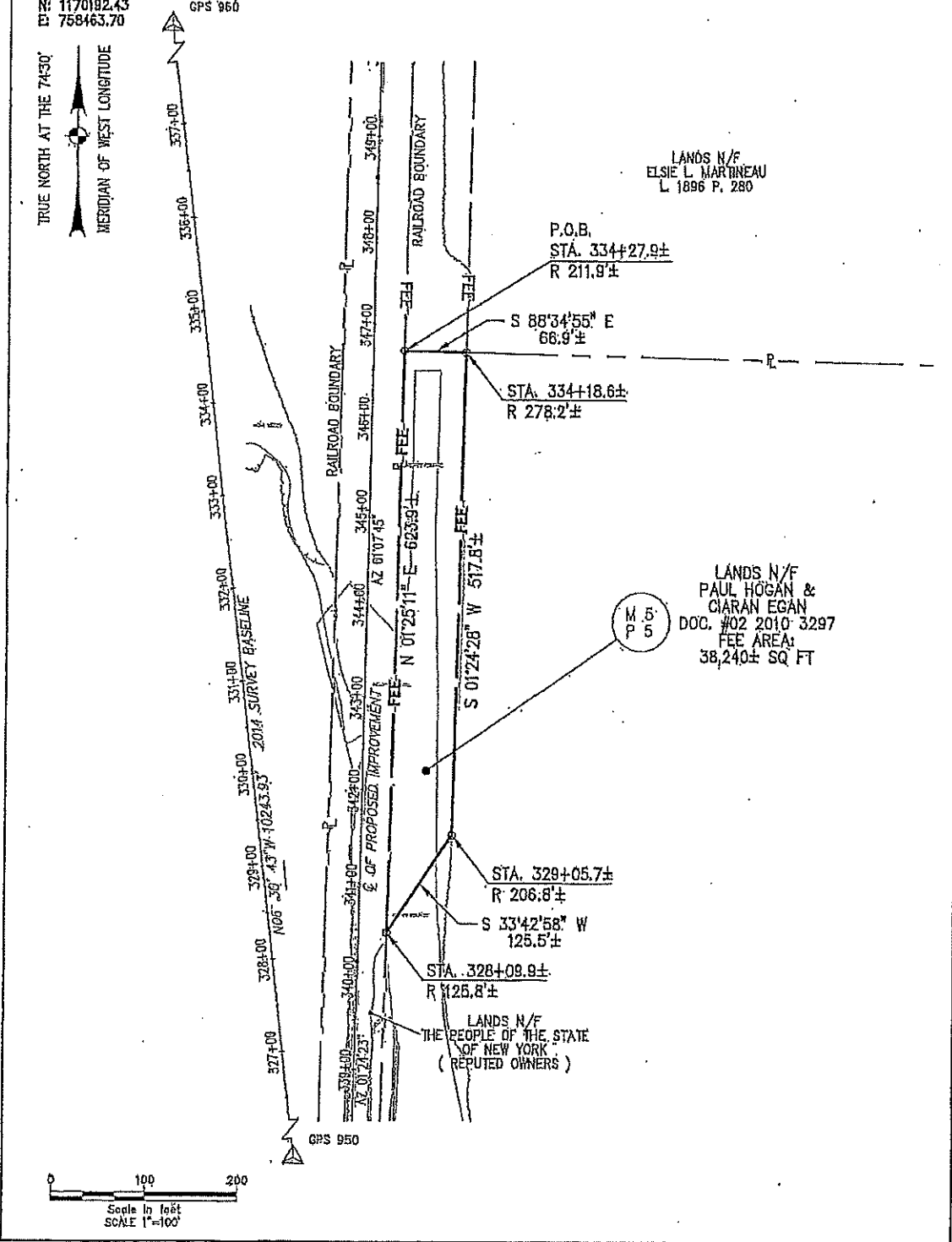
Parcel No:
N: 1170182.43
E: 758463.70

GPS 960

TRUE NORTH AT THE 74°30'



MERIDIAN OF WEST LONGITUDE



PREPARED BY _____

CHECKED BY _____

FINAL CHECK BY _____



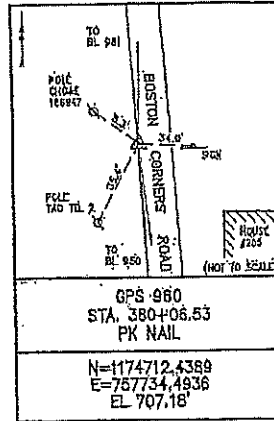
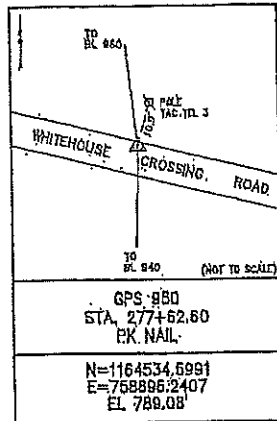
HARLEM VALLEY
RAIL TRAIL

'EXHIBIT A'
COUNTY OF DUTCHESS
ACQUISITION MAP

PLN B758.74

MAP NO. 5
PARCEL NO. 5
SHEET 2 OF 3 SHEETS

ORIGINALS OF THIS MAP (SHEETS 1, 2, 3)
ARE ON FILE AT THE OFFICES OF THE
DUTCHESS COUNTY DEPARTMENT OF
PUBLIC WORKS.



MAP AND DESCRIPTION OF LAND TO BE ACQUIRED BY THE COUNTY OF DUTCHESS
FROM

PAUL HOGAN & CIARAN EGAN
(REPUTED OWNERS)

FOR THE CONSTRUCTION OF THE HARLEM VALLEY RAIL TRAIL

All that certain piece or parcel of land situate in the Town of North East, County of Dutchess and State of New York being more particularly bounded and described as follows:

Parcel No. 5

Beginning at a point on the easterly boundary of lands now or formerly of the People of the State of New York (reputed owners) at its intersection with the property division line between lands now or formerly of Paul Hogan and Ciaran Egan (reputed owners) on the south and lands now or formerly of Elsie L. Martineau (reputed owner) on the north, said point being 211.9± feet distant easterly measured at right angles from Station 334+27.9± of the hereinafter described survey baseline for the construction of the Harlem Valley Rail Trail; thence North 88°34'55" East, along said property division line, a distance of 66.9± feet to a point, said point being 278.2± feet distant easterly measured at right angles from Station 334+18.6± of said baseline; thence southerly through said lands of Paul Hogan and Ciaran Egan (reputed owners) the following two (2) courses and distances: 1) South 01°24'28" West, a distance of 517.8± feet to a point, said point being 206.8± feet distant easterly measured at right angles from Station 329+05.7± of said baseline; and 2) South 33°42'58" West, a distance of 125.5± feet to a point on the said easterly boundary of lands now or formerly of the People of the State of New York (reputed owners), said point being 125.8± feet distant easterly measured at right angles from Station 328+09.9± feet of said baseline; thence North 01°25'11" East, along said easterly boundary of the People of the State of New York (reputed owners), a distance of 623.9± feet to the point or place of beginning, said parcel being 38,240± square feet more or less;

The survey baseline is a portion of the 2014 Survey Baseline for the construction of The Harlem Valley Rail Trail, as shown on the map and described as follows: Beginning at station 277+62.60 thence N 06°30'43" W to Station 380+06.53.

All bearings referred to True North at the 74°30' Meridian of West Longitude.

CHIA

In Yonkers, N.Y., P.O. Box 6269 • Albany, NY 12205-0269
Attn: (518) 455-4500 • www.chiainc.com

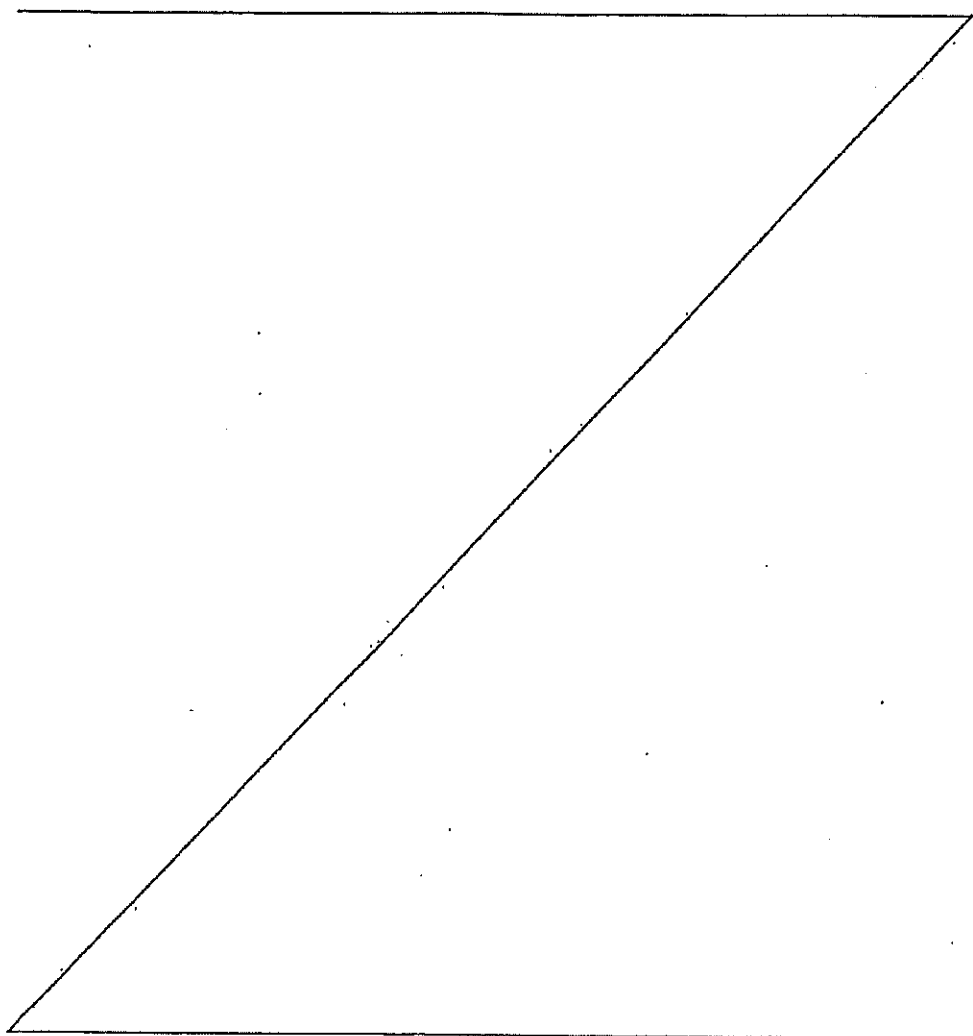


HARLEM VALLEY
RAIL TRAIL

'EXHIBIT A'
COUNTY OF DUTCHESS
ACQUISITION MAP
PIN 0768.74

MAP NO. 5
PARCEL NO. 5
SHEET 3 OF 3 SHEETS

ORIGINALS OF THIS MAP (SHEETS 1, 2, 3)
ARE ON FILE AT THE OFFICES OF THE
DUTCHESS COUNTY DEPARTMENT OF
PUBLIC WORKS.



I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND
MAPPED ABOVE IS NECESSARY FOR THIS PROJECT, AND
THE ACQUISITION THEREOF IS RECOMMENDED.

Date 1-4, 2016
[Signature]

NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER OF PUBLIC WORKS

RECOMMENDED BY:
[Signature]
Date 1/4, 2016

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER OF PUBLIC WORKS



I HEREBY CERTIFY THAT THIS IS AN ACCURATE
DESCRIPTION AND MAP MADE FROM A LIMITED
SURVEY, PREPARED UNDER MY DIRECTION

Date DECEMBER 17, 2015
[Signature]

JOHN E. QUINN, JR., LAND SURVEYOR
P.L.S. LICENSE NO. 50289
CLOUGH-HARBOUR & ASSOCIATES LLP

*Unauthorized alteration or addition
to a survey map bearing a licensed
land surveyor's seal is a violation of
Section 7209 Subdivision 2, of the
New York State Education Law.



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