

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2024192

RE: AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM LEEMILT'S PETROLEUM, INC., IN CONNECTION WITH THE INTERSECTION IMPROVEMENT PROJECT, MIDDLEBUSH ROAD (CR 93) AT SERGEANT PALMATEER WAY, IN THE TOWN OF WAPPINGER, DUTCHESS COUNTY

Legislators METZGER, GORMAN, PAOLONI, and VERSACI offer the following and move its adoption:

WHEREAS, the Department of Public Works ("DPW") has proposed intersection improvements to Middlebush Road (CR 93) at Sergeant Palmateer Way, in the Town of Wappinger (hereinafter referred to as the "Project"), a Project which includes the acquisition of certain portions of real property, and

WHEREAS, DPW has determined that this Project is a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617.5 of the NYCRR ("SEQRA"), and will not have a significant effect on the environment, and

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

WHEREAS, DPW has made a determination that in order to complete the Project referenced above, it is necessary to acquire a fee acquisition from a portion of real property shown on Map 2, Parcel 2 (approximately 236.00 +/- square feet) located at 1499 Route 9, in the Town of Wappinger, described as Parcel Identification Number 135689-6157-02-578955-0000, presently owned by Leemilt's Petroleum, Inc., and

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

WHEREAS, DPW has recommended that the subject property be purchased for the sum of \$661, plus authorization to spend up to \$1,000 in related expenses, if any, and that the terms and conditions of the Agreement be carried forth, 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 acquisition of portions of certain properties, in the Town of Wappinger, will not have a significant effect on the environment, and be it further

RESOLVED, that the County Executive or her 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 this acquisition, and be it further

RESOLVED, that upon receipt from the property owner of an 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 \$661 and up to \$1,000 in related expenses, if any, for such conveyance, and be it further

RESOLVED, that the terms and conditions of the aforementioned Agreement to Purchase Real Property be carried out by the Dutchess County Department of Public Works.

CA-123-24
AMS/rjw
R-1074-B
10/15/24
Fiscal Impact: See Attached.

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 12th day of November 2024, 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 12th day of November 2024.



LEIGH WAGER, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS
(To be completed by requesting department)

Total Current Year Cost \$ 661 _____

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): \$661 _____
Over Five Years: _____

Additional Comments/Explanation:

RESOLUTION REQUEST TO ACQUIRE REAL PROPERTY OWNED BY LEEMILT'S PETROLEUM, INC., IN CONNECTION WITH INTERSECTION IMPROVEMENT PROJECT: MIDDLEBUSH RD (CR 93) AT SERGEANT PALMATEER WAY, TOWN OF WAPPINGER, DUTCHESS COUNTY

Prepared by: Matthew W. Davis *MD* Prepared On: 10/8/24

AGREEMENT TO PURCHASE REAL PROPERTY

Project: INTERSECTION IMPROVEMENT PROJECT: MIDDLEBUSH RD (CR 93) AT
SERGEANT PALMATEER WAY, TOWN OF WAPPINGER, DUTCHESS COUNTY

Map: 2 Parcel: 2

This Agreement by and between LEEMILT'S PETROLEUM, INC., a domestic corporation, with offices at 292 Madison Avenue, New York, NY 10017, 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,

a fee acquisition of 236.00+/- square feet of real property.

Located at 1499 Route 9, Town of Wappinger, Dutchess County, New York, being further described on Map: 2, Parcel: 2, attached hereto.

Being a portion of those same lands described in that certain deed dated June 4, 1971 and recorded June 9, 1971, in Liber of Deeds 1309 at page 169, in the Office of the County Clerk for Dutchess County, re: Parcel Number (135689-6157-02-578955-0000).

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: Asphalt pavement.
3. PURCHASE PRICE. The total purchase price is SIX HUNDRED SIXTY-ONE AND 00/100 DOLLARS (\$661.00). 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. This Agreement may be subject to the approval of the Dutchess County Legislature.
5. BUYER'S POSSESSION OF THE PROPERTY. For fee simple acquisitions and permanent easements, the Buyer shall have possession of the property rights on the day payment is received by the Seller. 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. **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.

7. **INSURABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid insurable title in fee simple and/or permanent easement to the property.

8. **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.

9. **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.

10. **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.

11. **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.

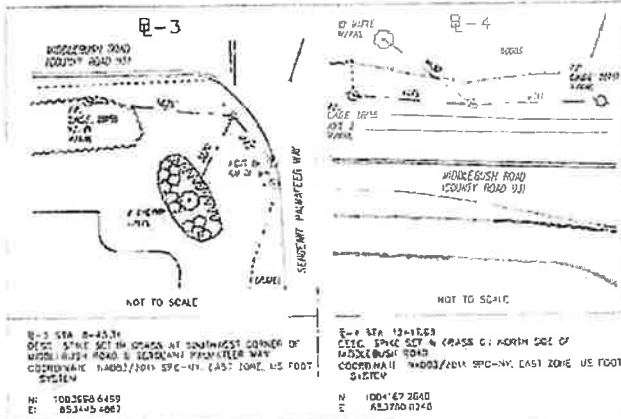
12. **COUNTERPARTS. SIGNATURES TRANSMITTED BY ELECTRONIC MEANS.** This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one Agreement, and any of the parties hereto may execute this Agreement by signing any such counterpart. A facsimile of signature transmitted by electronic means applied hereto or to any other document shall have the same and effect as a manually signed original. This provision contemplates giving legal force and effect to copies of signatures. This provision does not contemplate the use of "electronic signatures" as regulated by New York State Technology Law Article 3, "Electronic Signatures and Records Act."



EXHIBIT A
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS
 ACQUISITION MAP

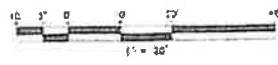
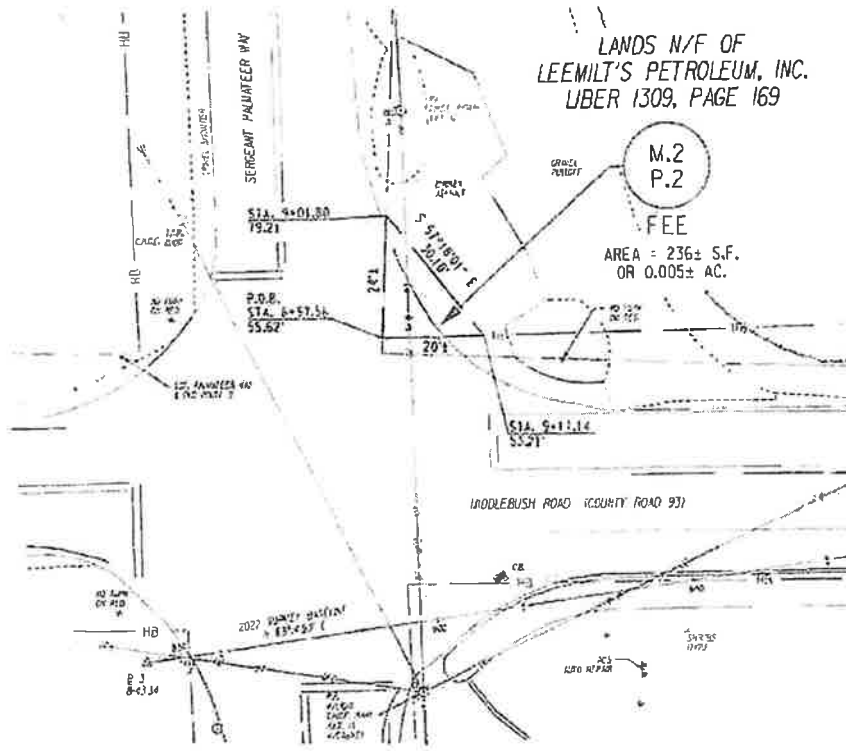
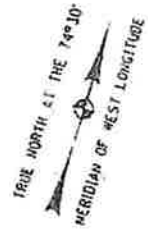
MAP NO 2
 PARCEL NO. 2
 SHEET 1 OF 2

CR 93 (MIDDLEBUSH ROAD) AT
 SERGEANT PALMATEER WAY
 TRAFFIC SIGNAL IMPROVEMENTS



ACQUISITION DESCRIPTION:

Type: FEE
 Portion of Real Property Tax
 Parcel ID No 135649-6157-02-578955
 Town of Wappinger
 County of Dutchess
 State of New York
 REPUTED OWNER:
 LFEMILT'S PETROLEUM, INC
 292 MADISON AVENUE, FL 9
 NEW YORK, N.Y. 10017



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

MAP NUMBER: _____
 REVISED DATE: _____
 DATE PREPARED: _____

PREPARED BY: _____ CHECKED BY: _____ TOTAL CHECK BY: _____



EXHIBIT A
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS
 ACQUISITION MAP

MAP NO. 2
 PARCEL NO. 2
 SHEET 2 OF 2

All that piece or parcel of property hereinafter designated as Parcel No. 2, situate in the Town of Wappinger, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

Parcel No. 2

Beginning at a point on the northerly boundary line of County Route 93 (Middlebush Road), at its point of intersection with the easterly boundary line of Sergeant Palmateer Way, said point being 55.62: feet distant northwesterly measured at right angles from Station 8+37.56 of the herein described survey baseline for the CR 93, (Middlebush Road) of Sergeant Palmateer Way Traffic Signal Project; thence northerly along said easterly boundary line, 24: feet to a point 79.21 feet distant northwesterly measured at right angles from Station 9+01.80 of said baseline; thence southeasterly $S 57^{\circ}18'01'' E$ through the lands of Leemitt's Petroleum, Inc., 30.18 feet to a point on the northerly boundary line of County Route 93 (Middlebush Road), said point being 53.21 feet distant northwesterly measured at right angles from Station 9+17.14 of said baseline; thence along said northerly road boundary line, 20: feet to the point of beginning, being 236: square feet or 0.005 acres of land, more or less.

The above-mentioned survey baseline is a portion of the 2022 survey baseline for the CR 93, (Middlebush Road) of Sergeant Palmateer Way Traffic Signal Project and is described as follows:

Beginning at Station 8+43.34; thence North $63^{\circ}14'53''$ East to Station 12+17.98.

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

Date JAN 9 20 24

Robert H. Balkind

Robert H. Balkind, P.E.
 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 DECEMBER 28 20 23

Donald G. Sovey

Donald G. Sovey Land Surveyor
 P.L.S. License No. 050078

CREIGHTON WANNING ENGINEERING, LLP
 2 WINNERS CIRCLE A. BANY, NY 12205

MAP NUMBER _____
 REVISED DATE _____
 DATE PREPARED 12.01.2023

AREA = 236: S.F. OR 0.005: AC.

SUE SERINO
COUNTY EXECUTIVE



ROBERT H. BALKIND, P.E.
COMMISSIONER

DAVID C. WHALEN
DEPUTY COMMISSIONER

DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

To: Robert H. Balkind, P.E., Commissioner

From: Matthew W. Davis, Assistant Civil Engineer I 

Date: October 8, 2024

**Re: RESOLUTION REQUEST – TO ACQUIRE REAL PROPERTY OWNED BY
LEEMILT’S PETROLEUM, INC., IN CONNECTION WITH INTERSECTION
IMPROVEMENT PROJECT, MIDDLEBUSH RD (CR 93) AT SERGEANT
PALMATEER WAY, TOWN OF WAPPINGER, DUTCHESS COUNTY**

Accompanying this memo is a Resolution Request Form and Fiscal Impact Statement with supporting documentation requesting authorization to acquire in fee a 236.00+/- square foot parcel of real property described on Map 2, Parcel 2, attached hereto, for the purchase price of \$661.00.

This parcel is a portion of the property located at 1499 Route 9, Town of Wappinger, Dutchess County, Parcel Identification Number (135689-6157-02-578955-0000).

The subject project is a Type II Action pursuant to Article 8 of the Environmental Conservation Law and Part 617.5 of the NYCRR (SEQR) and will not have a significant impact on the environment.