

**Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The Town of Lloyd Regarding The Town Of Lloyd's Lease Agreement With A Third-Party Communications Provider At 21 Water Tower Road In The Town Of Lloyd, County Of Ulster, State Of New York**

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney, and Richard Parete)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald Gregorius offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Ulster County Attorney's Office; and

WHEREAS, the County of Ulster (hereinafter the "County") and the Town of Lloyd (hereinafter the "Town") hold a joint interest in and to certain property and easements, including a water storage tank, pipes, and pumps in a lot; and water pumps and pipes located in a driveway off Route 9W, respectively known as "Parcel B" and "Proposed Road," as shown on a map entitled "9W Property Group, Inc. – Subdivision Plat," and filed in the Ulster County Clerk's Office as Filed Map 07-346, and as granted by the Town to the County by deed dated November 5, 2008, and filed in the Ulster County Clerk's Office in the Book of Deeds, Volume 4634 at Page 293, bearing instrument number 2008-00020085 (hereinafter referred to as the "Parcel"); and

WHEREAS, the Town desires to enter into a Lease or License Agreement with a Third-Party Communications Provider (hereinafter referred to as the "Provider"); and

WHEREAS, the County seeks the right to erect, construct, assemble, and/or maintain communications equipment at the Parcel, in the event that the County solely determines such need (hereinafter referred to as the "Right"); and

WHEREAS, the Town has agreed to provide the County with the Right, and to indemnify and hold the County harmless for any and all liability, loss, and/or claims arising out of the Lease or License Agreement with the Provider now or in the future in exchange for the County consenting to, and waiving any claim or entitlement to the proceeds, compensation, or rent in the Lease or License Agreement between the Town and the Provider; now, therefore, be it

RESOLVED, that the Chair of the Ulster County Legislature is hereby authorized to sign an agreement with the Town of Lloyd, and any amendments thereto, for the County to have the Right and to be fully indemnified and held harmless by the Town in exchange for the County's consent to the Town entering into a Lease or License Agreement with the Provider and to waive its interest to any

**Resolution No. 353      September 15, 2015**

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pecuniary compensation, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney, a copy of which is annexed hereto,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22      NOES: 0  
(Legislator Briggs left at 7:46 PM)

Passed Committee: Ways and Means on September 9, 2015

FINANCIAL IMPACT:  
NONE

STATE OF NEW YORK  
ss:  
COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15<sup>th</sup> Day of September in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 17<sup>th</sup> Day of September in the year Two Thousand and Fifteen.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
17<sup>th</sup> Day of September, 2015.

Approved by the County Executive this  
24<sup>th</sup> Day of September, 2015.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

|s| Michael P. Hein  
Michael P. Hein, County Executive