

Abandoning Portions of Old Albany Post Road, County Road Number 79, Town of Gardiner, to Various Adjoining Property Owners, Removal of a Portion of Said Road From County Road Map, and Authorizing the Chairman to Sign Agreement(s) with the Town of Gardiner and Various Adjoining Property Owners

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Allen, Greene, Loughran, and Roberts), and The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Archer, Donaldson, Roberts, and Ronk)

Legislator Tracey A. Bartels offers the following:

WHEREAS, this Resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, on June 28, 1972 the County moved to obtain property at and adjacent to the Tuthilltown Grist Mill in the Town of Gardiner for the purpose of realigning Albany Post Road (a.k.a., County Road No. 79) and creating and relocating a replacement bridge, (a.k.a., County Bridge No. 38) over the Shawangunk Kill Creek; and in 1973 the County obtained the necessary properties and right-of-ways to perform this work; and

WHEREAS, in 1991 the County realigned Albany Post Road, and relocated and replaced the Tuthilltown Bridge; and

WHEREAS, the realignment of Albany Post Road and the relocation and replacement of the Tuthilltown Bridge has caused a portion of the old Albany Post Road to be of no further use as a County Road; and

WHEREAS, it has been proposed to abandon such portions of the old Albany Post Road (now named Grist Mill Lane and Tinkers Lane) to the adjacent property owner, Tuthilltown Holdings, LLC, and to remove major portions of the old Albany Post Road from the County Road System so that those portions would be maintained by the Town of Gardiner; and

WHEREAS, the Town of Gardiner is willing to accept the abandoned portions contingent upon an adjacent property owner conveying a portion of property to the Town of Gardiner for the purpose of a turnaround at the end of the Road (now Grist Mill Lane); and

WHEREAS, maps of Parcels A, B, C, D, and E, and descriptions of Parcels A and B have been prepared and filed with the Clerk of the Legislature; and

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WHEREAS, this transaction is further contingent upon Tuthilltown Holdings, LLC preparing the necessary, updated parcel descriptions for Parcels C, D, and E, which said descriptions shall describe the parcel(s) to be conveyed between the applicable parties; and

WHEREAS, the conveyances for this transaction are further contingent upon the consent and agreement of all the parties involved including the Town of Gardiner, as well as the approval of the Ulster County Legislature and the Ulster County Executive; and

WHEREAS, the abandonment constitutes a Type II action under Section 3.2 and Section 4.5.11 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II list, adopted by Resolution No. 118 on April 20, 2010; and

WHEREAS, Ulster County determines that this action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR part 617 of SEQRA; and

WHEREAS, the Public Works and Capital Projects Committee has met and reviewed said request with a majority of the members voting approval; and

WHEREAS, the Laws and Rules, Governmental Services Committee has met and reviewed said request with a majority of the members voting approval; now therefore, be it

RESOLVED, that pursuant to Section 118-a of Highway Law, the County of Ulster abandons to Tuthilltown Holdings, LLC, an adjacent property owner, that portion of the Old Albany Post Road designated as "Parcel D" on its corresponding map, dated September 24, 2014, prepared by William E. James, P.E., P.L.S. for Tuthilltown Holdings, LLC, filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney and the Ulster County Department of Public Works; and be it further

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RESOLVED, that pursuant to Section 118-a of Highway Law, the County of Ulster abandons to Tuthilltown Holdings, LLC, an adjacent property owner, that portion of the Old Albany Post Road designated as "Parcel E" on its corresponding map, dated September 24, 2014, prepared by William E. James, P.E., P.L.S. for Tuthilltown Holdings, LLC, filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney and the Ulster County Department of Public Works; and be it further

RESOLVED, that pursuant to Section 115-b of Highway Law, the County of Ulster does hereby remove sections of the old Albany Post Road from the County Highway Map designated as "Parcel A" and "Parcel B" on its corresponding map entitled "Abandonment Map No. 1A" prepared for the Office of the Commissioner of Public Works for the County of Ulster by Bert C. Winne, III, L.S., a licensed surveyor who was previously employed by the County of Ulster, and described and filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney and the Ulster County Department of Public Works, so that said portion of the old Albany Post Road (now a lot without road) shall revert to and be maintained by the Town of Gardiner pursuant to the provisions of Section 115-b of Highway Law, with said removal to be effective upon filing with the Ulster County Clerk a deed conveying "Parcel C" on its corresponding map, dated September 24, 2014, prepared by William E. James, P.E., P.L.S. for Tuthilltown Holdings, LLC from Tuthilltown Holdings, LLC to the Town of Gardiner; and be it further

RESOLVED, this transaction is further contingent upon Tuthilltown Holdings, LLC preparing the necessary, updated parcel descriptions for Parcels C, D, and E, which said descriptions shall describe the parcel(s) to be conveyed between the applicable parties; and be it further

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RESOLVED, that the Chairman is authorized to sign any necessary agreements, deeds and other documents as may be required to effectuate the terms of this resolution including, in particular, an agreement with the Town of Gardiner providing 1) for removal of such portion of the old Albany Post Road from the County Road System, and 2) that all future maintenance of the old Albany Post Road (Grist Mill Lane, Tinkers Lane and vacant lot) shall be the full responsibility of the Town of Gardiner, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney; and be it further

RESOLVED, this Resolution is subject to all of the parties, including the Town of Gardiner, having agreed and consented to this transaction in its entirety, as well as the approval of the Ulster County Legislature and the Ulster County Executive,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

Passed Committee: Public Works and Capital Projects on October 9, 2014

Passed Committee as amended: Laws and Rules, Governmental Services as amended on October 20, 2014

FINANCIAL IMPACT:
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster 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 21st Day of October, 2014, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 22nd Day of October in the year Two Thousand and Fourteen.

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

Submitted to the County Executive this
22nd Day of October, 2014.

Approved by the County Executive this
_____Day of October, 2014.

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

Michael P. Hein, County Executive