

Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With Cape Pond, Inc. For A Permanent Easement Across Property Adjacent To County Road No. 56 - Department Of Public Works (Highways And Bridges)

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Maloney, Roberts, Briggs and John Parete) and The Ways and Means Committee (Chairman Gerentine and Legislators Harris, Maio, Maloney, Gregorius, Provenzano and Rodriguez)

The Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman John Parete offer the following:

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

WHEREAS, Ulster Heights Road (County Rd No. 56), in the Town of Wawarsing has been closed to the travelling public since receiving significant damage during Tropical Storm Irene on August 28, 2011; and

WHEREAS, this closure has caused excessive difficulties in the daily lives of the community and to the safety of the travelling public; and

WHEREAS, Cape Pond, Inc., is the owner of a plot of land (S.B.L. # 82.2-3-48) adjacent to County Road No. 56, and ~~if~~ **if**, in consideration of the sum of One Dollar (\$1.00), ~~it has consented~~ **Cape Pond, Inc. consents to** grant Ulster County a permanent easement to enter upon its lands in order to reconstruct Ulster Heights Road in accordance with the plans of the Commissioner of Public Works, and to maintain the project site after repairs have been made; and

WHEREAS, this permanent easement, **if granted**, will allow the Department of Public Works to enter upon the private lands of Cape Pond, Inc. and perform such reconstruction as is necessary to remove the threat of erosion to County Road No. 56, and to re-enter these lands as often as necessary in accordance with the Permanent Easement in order to maintain the road; and

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

Resolution No. 252 October 16, 2012

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RESOLVED, that the that the Chairman of the Ulster County Legislature is hereby authorized to execute a permanent easement with Cape Pond, Inc., granting the County the authority to enter the private property of the landowner (S.B.L. # 82.2-3-48) adjacent to County Road No. 56 in the Town of Wawarsing, in order to effect repairs to County Road No. 56 and to maintain such road as needed, in the form as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE

AYES: 20 NOES: 0
(2 Abstentions: Legislators Briggs and Harris)
(Absent: Legislator Belfiglio)

Passed Committee: Public Works and Capital Projects on October 3, 2012

Passed Committee: Ways and Means on October 16, 2012

FINANCIAL IMPACT:
\$1.00 – County Dollars

Legislator Gerentine motioned, seconded by Legislator Gregorious, to amend the fourth “WHEREAS” by striking the language as indicated, and adding the language in bold font; and to amend the fifth “WHEREAS” by adding the language in bold font.

MOTION ADOPTED BY THE FOLLOWING VOTE

AYES: 20 NOES: 0
(2 Abstentions: Legislators Briggs and Harris)
(Absent: Legislator Belfiglio)

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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 16th day of October, 2012, 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 17th Day of October in the year Two Thousand and Twelve.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
17th Day of October, 2012.

Approved by the County Executive this
_____ Day of October, 2012.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Michael P. Hein, County Executive