

**Authorizing The Commissioner of Finance To Accept The New York State Department Of Environmental Conservation's Offer To Purchase A Parcel Of County-Owned Real Property In The Town Of Lloyd And Authorizing The Chairman Of The Ulster County Legislature To Convey Such Parcel – Department Of Finance**

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators Richard Parete, Rodriguez, Ronk, and Wawro), and 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 Department of Finance; and

WHEREAS, the Commissioner of Finance has requested permission to accept an offer from the New York State Department of Environmental Conservation (hereinafter referred to as the "DEC") to purchase a parcel of county-owned real property as hereinafter described, which was acquired by the County by reason of non-payment of taxes on April 14, 2004, and offered at both the April 22, 2004 and April 12, 2005 Public Auctions; and

WHEREAS, the DEC has offered to purchase the approximately 123.8 acre site, located in the Town of Lloyd, County of Ulster, State of New York, and identified as SBL No.: 79.2-2-1 (hereinafter referred to as the "Parcel") for the sum of one hundred seventy-eight thousand five hundred and 00/100 dollars (\$178,500.00) from the County; and

WHEREAS, the Parcel has unpaid taxes in the amount of \$178,934.65 dating back to the year 1996; and

WHEREAS, the Parcel is centrally located within, and is a key piece of the Plutarch/Black Creek Wetland Complex (hereinafter the "Complex"); and

WHEREAS, said Complex has been identified in the 2002 New York State Open Space Conservation Plan, and its subsequent editions, as a high priority open space acquisition area; and

WHEREAS, the County has a history of demonstrating its support and commitment to open space preservation; and

WHEREAS, the County recognizes that it is in the best interest of the public that the property be preserved in its entirety for reasons of preservation and recreation; and

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WHEREAS, the County by adopting Resolution No. 362 of 2006 has recognized the Parcel's importance as a resource and an asset for public recreation worthy of protection, and that the Parcel's preservation in its entirety would be in the best interest of the public; and

WHEREAS, the County recognizes the Parcel's unique value, and encourages the sale of the Parcel to the DEC for "Just Compensation" in the amount of \$178,500.00; and

WHEREAS, the County, a municipal entity, can convey the parcel to the DEC, a department of the State of New York, pursuant to New York's General Municipal Law §72-h; and

WHEREAS, the Ulster County Legislature has determined that the Parcel is a surplus property that is not needed by the County for county purposes; and

WHEREAS, this conveyance constitutes a Type II action under section 4.1.5 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted in Resolution No. 118 on April 20, 2010; and

WHEREAS, as per section 3 of the County's Type II List, 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; now, therefore, be it

RESOLVED, that the Ulster County Commissioner of Finance is authorized to accept the DEC's offer to purchase the Parcel for \$178,500.00; and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is authorized and directed to make, execute and deliver to the DEC any and all documents required to transfer the Parcel from the County to the DEC, including but not limited to, a quitclaim deed conveying the interest of the County in said parcel, which quitclaim deed shall contain the covenant that the said County of Ulster shall in no event be or become liable for any defects in title conveyed for any cause whatsoever, and that no claim or demand of any nature shall ever be made against the County of Ulster arising from such sale, conveyance or the proceedings leading thereto; and a Land Purchase Agreement; said any and all documents to be reviewed and approved by the Ulster County Attorney,

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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 August 12, 2015

Postponed in Energy and Environment Committee on August 12, 2015

Passed Committee: Energy and Environment on September 3, 2015

**FINANCIAL IMPACT:**

**TOTAL UNPAID TAXES: \$178,934.65**

**TOTAL ACCEPTED BIDS: \$178,500.00**

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