PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2024190

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY OWNED BY CABLEVISION OF BOSTON INC., IN CONNECTION WITH INTERSECTION IMPROVEMENT PROJECT, MIDDLEBUSH ROAD (CR 93) AT SERGEANT PALMATEER WAY, 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 classified as 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 impact on the environment and as a Type II Action no further review is required, and

WHEREAS, DPW has made a determination that in order to complete the Project referenced above, it is necessary to acquire certain real property owned by Cablevision of Boston Inc., described as a 101.00 +/- square foot parcel, Map No. 4, Parcel No. 4, located at 719 Sergeant Palmateer Way, Town of Wappinger, described as Parcel Identification Number 135689-6157-02-539850-0000, and

WHEREAS, negotiations with the property owners to acquire the property have reached an impasse and authorization is requested to begin Eminent Domain Proceedings to acquire said portion of real property owned by Cablevision of Boston Inc., and

WHEREAS, it is now necessary for this Legislature to authorize the commencement of proceedings pursuant to the Eminent Domain Procedure Law for the acquisition of said property as follows:

Name	Map No.	Parcel No.	Acres	Proffered Amount
Cablevision of Boston Inc.	4	4	101.00 +/- sq. ft.	$296

now therefore, be it

RESOLVED, that the Commissioner of Public Works on behalf of Dutchess County be and is hereby authorized and empowered to commence proceedings against Cablevision of Boston Inc. pursuant to the Eminent Domain Procedure Law for the fee acquisition of the above property in furtherance of the intersection improvement project, Middlebush Road (CR 93) at Sergeant Palmateer Way, Town of Wappinger, Dutchess County, New York.

CA-124-24
AMS/rjw
R-1074-D
10/15/24
Fiscal Impact: See Attached.

APPROVED
Susan J. Serino
SUSAN J. SERINO
COUNTY EXECUTIVE
Date 11-15-2024

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.

DUTCHESS COUNTY SEAL

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 $ 296

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): $296
Over Five Years: _____

Additional Comments/Explanation:
RESOLUTION REQUEST TO BEGIN CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF REAL PROPERTY OWNED BY CABLEVISION OF BOSTON 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

Dut.pdf

AGREEMENT TO PURCHASE REAL PROPERTY

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

Map: 4 Parcel: 4

This Agreement by and between CABLEVISION OF BOSTON INC., a Delaware Corporation with offices at 6 City Place Drive, Suite 800, Saint Louis, MO 63141, 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* 101.00+/- square feet of real property.

   Located at 719 Sergeant Palmateer Way, Town of Wappinger, Dutchess County, New York, being further described on Map: 4, Parcel: 4, attached hereto.

   Being a portion of those same lands described in that certain deed dated January 5, 2001, and recorded January 19, 2001, as Document 02 2001 543, in the Office of the County Clerk for Dutchess County, re: Parcel Number (135689-6157-02-539850-0000).

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: Grass area.

3. PURCHASE PRICE. The total purchase price is TWO HUNDRED NINTY-SIX AND 00/100 DOLLARS ($296.00). 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. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. Seller agrees to cooperate with Buyer in its curative action activities. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3 and paid to the appropriate party by the Buyer at the time of closing. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.

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 dose not contemplate the use of "electronic signatures" as regulated by New York State Technology Law Article 3, "Electronic Signatures and Records Act."

IN WITNESS WHEREOF, on this _____ day of _____ 2024, the parties have entered into this Agreement.

APPROVED AS TO FORM:

Seller: _____
CABLEVISION OF BOSTON INC.

_____
Department of Law

Print Name: _____

Title: _____

APPROVED AS TO CONTENT:

Buyer: _____
COUNTY OF DUTCHESS

_____
Department of Public Works

Print Name: _____

Title: _____

EXHIBIT A
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ACQUISITION MAP

C.R. 93 (MIDDLEBUSH ROAD) AT SERGEANT PALMATEER WAY INTERSECTION IMPROVEMENTS

MAP NO. 4
PARCEL NO. 4
SHEET 1 OF 2

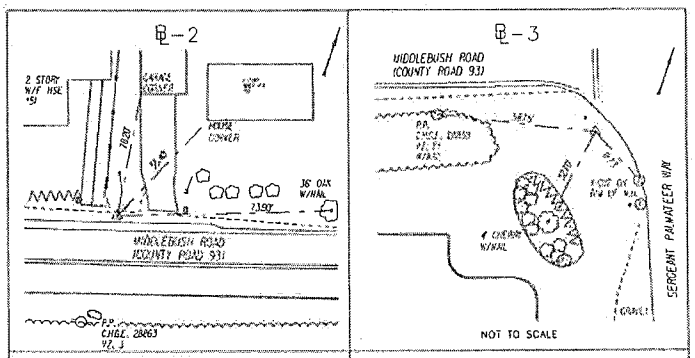
ACQUISITION DESCRIPTION:

Type: FEE
Portion of Real Property Tax
Parcel ID No 135689-6157-02-539850

Town of Wappinger
County of Dutchess
State of New York

REPUTED OWNER:

CABLEVISION OF BOSTON, INC.
6 CITYPLACE DRIVE, SUITE 800
ST. LOUIS, MO 63141

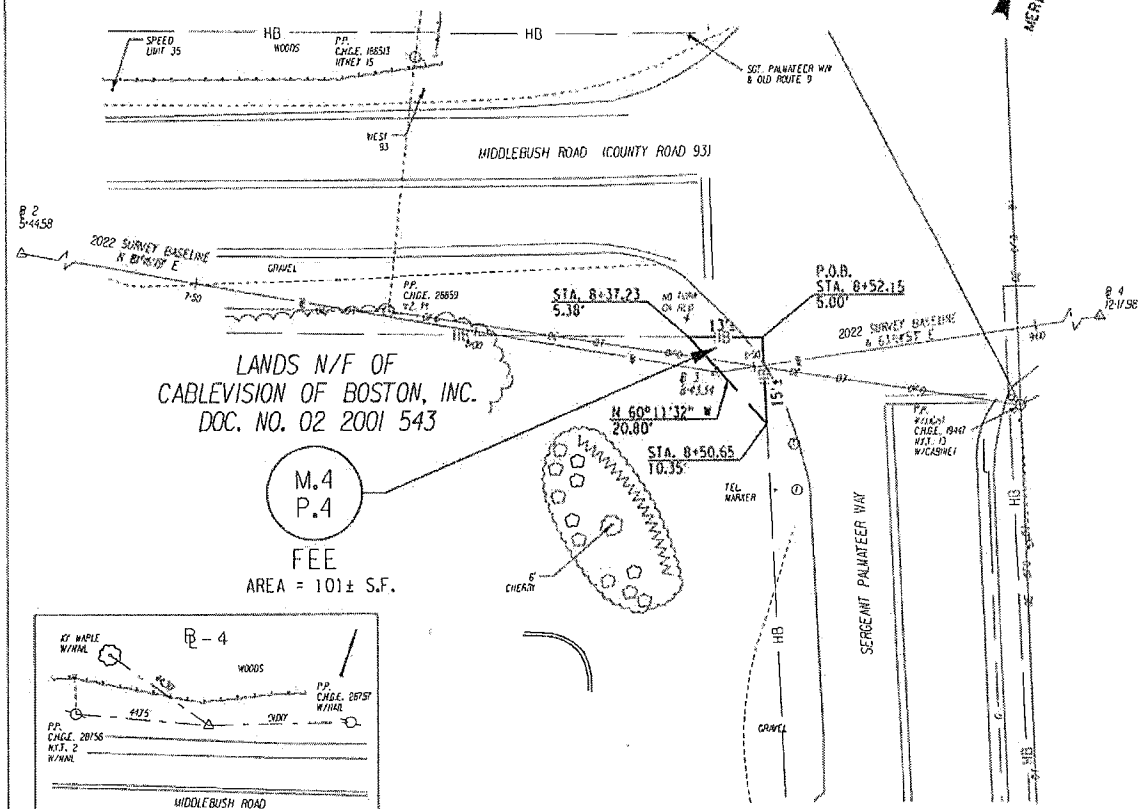


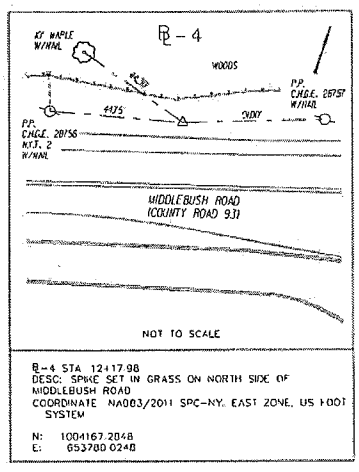
℄-2 STA. 5+44.58
DESC: SPIKE SET IN GRAVEL SHOULDER ON NORTH SIDE OF MIDDLEBUSH ROAD
COORDINATE: NAD83/2011 SPC-NY, EAST ZONE, US FOOT SYSTEM

N: 1003853.3145
E: 653150.1043

℄-3 STA. 0+43.34
DESC: SPIKE SET IN GRASS AT SOUTHWEST CORNER OF MIDDLEBUSH ROAD & SERGEANT PALMATEER WAY.
COORDINATE: NAD83/2011 SPC-NY, EAST ZONE, US FOOT SYSTEM

N: 1003998.6499
E: 653445.4867





℄-4 STA. 12+17.98
DESC: SPIKE SET IN GRASS ON NORTH SIDE OF MIDDLEBUSH ROAD
COORDINATE: NAD83/2011 SPC-NY, EAST ZONE, US FOOT SYSTEM

N: 1004167.2048
E: 653780.0248

1" = 20'

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

MAP NUMBER 5
REVISED DATE
DATE PREPARED 12-01-2023

PREPARED BY JM CHECKED BY JWD FINAL CHECK BY DBS

EXHIBIT A
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ACQUISITION MAP

CR 93 (MIDDLEBUSH ROAD) AT SERGEANT PALMATEER WAY INTERSECTION IMPROVEMENTS

MAP NO. 4
PARCEL NO. 4
SHEET 2 OF 2

All that piece or parcel of property hereinafter designated as Parcel No. 4, 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. 4

Beginning at a point on the southerly boundary line of County Route 93 (Middlebush Road), at its point of intersection with the westerly boundary line of Sergeant Palmateer Way, said point being 5.00 feet distant northwesterly measured at right angles from Station 8+52.15 of the herein described survey baseline for the CR 93, (Middlebush Road) at Sergeant Palmateer Way Traffic Signal Project; thence southerly along said westerly boundary line, 15± feet to a point 10.35 feet distant southeasterly measured at right angles from Station 8+50.65 of said baseline; thence northwesterly N 60°11'32" W through the lands of Cablevision of Boston, Inc., 20.80 feet to a point on the southerly boundary line of County Route 93 (Middlebush Road), said point being 5.38 feet distant northerly measured at right angles from Station 8+37.23 of said baseline; thence along said southerly road boundary line, 13± feet to the point of beginning, being 101± square feet of land, more or less.

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

Beginning at Station 5+44.58; thence North 81°16'19" East to Station 8+43.34; thence North 63°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, P.E.
Commissioner of Public Works

STATE OF NEW YORK
DONALD C. SOVEY
050078
LICENSED LAND SURVEYOR

"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 C. Sovey Land Surveyor
P.L.S. License No. 050078

CREIGHTON MANNING ENGINEERING, LLP
2 WINNERS CIRCLE ALBANY, NY 12205

MAP NUMBER 4
REVISED DATE
DATE PREPARED 12-01-2023

AREA = 101± S.F.

PREPARED BY AK CHECKED BY AVO FINAL CHECK BY DCS

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 MD

Date: October 8, 2024

Re: RESOLUTION REQUEST – TO BEGIN CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF REAL PROPERTY OWNED BY CABLEVISION OF BOSTON INC., IN CONNECTION WITH INTERSECTION IMPROVEMENT PROJECT, MIDDLEBUSH RD (CR 93) AT SERGEANT PALMATEER WAY, TOWN OF WAPPINGER, DUTCHESS COUNTY

The Department of Public Works is seeking authorization to condemn a 101.00+/- square foot parcel of real property from CABLEVISION OF BOSTON INC., located at 719 Sergeant Palmateer Way, Town of Wappinger. The parcel identification number is 135689-6157-02-539850-0000. This acquisition contains a small portion of the existing paved roadway and a grass area considered to be a part of the highway shoulder. This fee acquisition will be used to improve the road and shoulder area and continue to be used for highway purposes. The main office of Cablevision of Boston Inc. located in St. Louis, MO has been unresponsive to all inquiries regarding the acquisition documents.

Acquisition Type:	Map No.:	Parcel No.:	Area sq. ft.+/-:	Proffered Amount:
Fee Acquisition	4	4	101.00	$296.00

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.

Contact Diary:

May 10, 2024:	The initial offer package was mailed to Cablevision of Boston.
July 19, 2024:	I meet with Cablevision's Director of Operations at the Sergeant Palmateer Way office. I provided him with another offer package, and he stated that he would send all the documents to the main office for signature.
August 18, 2024:	Spoke with Director and he stated that he had sent the package to the main office and hadn't heard back yet.
September 16, 2024:	The Department of Law sent a letter to the main office stating if the offer was not accepted and the purchase agreements were not executed, the Department would move forward obtaining the necessary property acquisition in accordance with, NYS Eminent Domain Law and Procedures.
September 20, 2024:	The Director of Operations called and left me a message saying that they are working on getting the documents signed.
October 2, 2024:	Spoke with Director of Operations and he said he will get back to me by the end of the week at the latest.
October 8, 2024:	Left message with Director of Operations.

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 7 - Hyde Park and Pleasant Valley	Truitt*	✓	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston*		
District 3 - LaGrange	Polasek*		
District 16 - Fishkill and Beacon	Valdés Smith*		
District 9 - City of Poughkeepsie	Atkins*		
District 1 - Town of Poughkeepsie	Gorman		
District 10 - City of Poughkeepsie	Johnson (VC)	Absent	
District 12 - East Fishkill	Metzger (C)		
District 13 - East Fishkill and Wappinger	Paoloni		
District 15 - Wappinger	Faust		
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn	Absent	
District 23 - Pawling, Beekman and East Fishkill	Rolison		

Present: 10
Absent: 2
Vacant: 0

Resolution: ✓
Motion: ____

Total : 10 (Yes) 0 (No)
Abstentions: 0

2024190 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY OWNED BY CABLEVISION OF BOSTON INC., IN CONNECTION WITH INTERSECTION IMPROVEMENT PROJECT, MIDDLEBUSH ROAD (CR 93) AT SERGEANT PALMATEER WAY, TOWN OF WAPPINGER, DUTCHESS COUNTY

NOVEMBER 7, 2024

Roll Call Sheets

District	Last Name	YES	NO
District 7 - Hyde Park and Pleasant Valley	Truitt	✓	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston		
District 3 - LaGrange	Polasek		
District 16 - Fishkill and Beacon	Valdés Smith		
District 9 - City of Poughkeepsie	Atkins		
District 1 - Town of Poughkeepsie	Gorman		
District 2 - LaGrange, Pleasant Valley & Town of Poughkeepsie	Travelpiece		
District 4 - Hyde Park and Town of Poughkeepsie	Lawler		
District 5 - Town of Poughkeepsie	D'Aquanni		
District 6 - Town of Poughkeepsie	Kaul		
District 8 - City and Town of Poughkeepsie	Brendli		
District 10 - City of Poughkeepsie	Johnson	Absent	
District 11 - Clinton, Pleasant Valley, and Rhinebeck	Kearney		
District 12 - East Fishkill	Metzger		
District 13 - East Fishkill and Wappinger	Paoloni		
District 14 - Wappinger and Town of Poughkeepsie	Versaci		
District 15 - Wappinger	Faust		
District 17 - Town and Village of Fishkill	McHoul		
District 18 - City of Beacon and Fishkill	Page		
District 19 - North East, Stanford, Pine Plains, Milan & Red Hook	Drago		
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn	Absent	
District 21 - East Fishkill	Caswell		
District 22 - Beekman and Union Vale	Garito		
District 23 - Pawling, Beekman and East Fishkill	Rolison		
District 24 - Dover and Pawling	House		

Present:	23	**Resolution:**	✓	**Total :**	23	0
Absent:	2	**Motion:**			**Yes**	**No**
Vacant:	0			**Abstentions:**	0	

2024190 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY OWNED BY CABLEVISION OF BOSTON INC., IN CONNECTION WITH INTERSECTION IMPROVEMENT PROJECT, MIDDLEBUSH ROAD (CR 93) AT SERGEANT PALMATEER WAY, TOWN OF WAPPINGER, DUTCHESS COUNTY

NOVEMBER 12, 2024