PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2024213

RE: AUTHORIZATION TO ACQUIRE A FEE ACQUISITION BY WAY OF DONATION FROM THE NORTHEAST COMMUNITY COUNCIL, INC., IN CONNECTION WITH THE HARLEM VALLEY RAIL TRAIL IN THE TOWN OF NORTH EAST, VILLAGE OF MILLERTON IN THE COUNTY OF DUTCHESS

Legislators METZGER, PAOLONI, and GORMAN offer the following and move its adoption:

WHEREAS, the Department of Public Works (DPW) maintains portions of the Harlem Valley Rail Trail, and

WHEREAS, DPW advises that the Northeast Community Council, Inc. has indicated its desire to donate a portion of real property as shown on Map 1 (approximately 1,045.44 +/- square feet), located at South Center Street, in the Town of North East, described as Parcel Identification Number 133801-7271-18-363242-0000, and

WHEREAS, DPW has determined that this acquisition by way of donation is a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617.5 of the NYCRR ("SEQRA"), and would not have a significant effect on the environment, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, and

WHEREAS, it is the purpose of this Legislature in adopting this resolution to adopt and confirm the findings of DPW, and to authorize the County Executive or her designee to execute the Agreement to Purchase Real Property in substantially the same for as annexed hereto, as well as any other necessary documents to finalize the donation of real property, now, therefore, be it

RESOLVED, that this Legislature hereby adopts and confirms the determination of the Dutchess County Department of Public Works that the County's acquisition of real property by way of donation, in the Town of North East, Village of Millerton, will not have a significant effect on the environment, and be it further

RESOLVED, that the County Executive or her designee is authorized to execute the Agreement to Purchase Real Property in substantially the same form as annexed hereto along with any other necessary documents in connection with this acquisition by way of donation.

APPROVED
Susan J. Serino
SUSAN J. SERINO
COUNTY EXECUTIVE
Date 12/12/2024

CA-133-24; R-0987-F; AMS/rjw
11/7/2024; Fiscal Impact: See Attached.

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 9th day of December 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 9th day of December 2024.

DUTCHESS COUNTY SEAL

Leigh Wagner
LEIGH WAGNER, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

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): _____
Over Five Years: _____

Additional Comments/Explanation:
RESOLUTION REQUEST TO ACQUIRE A PARCEL OF REAL PROPERTY BY WAY OF DONATION FROM NORTHEAST COMMUNITY COUNCIL INC., TOWN OF NORTH EAST, COUNTY OF DUTCHESS

Prepared by: Matthew W. Davis MD Prepared On: 10/31/24

Dut pdf

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 31, 2024

Re: RESOLUTION REQUEST – TO ACQUIRE A PARCEL OF REAL PROPERTY BY WAY OF DONATION FROM NORTHEAST COMMUNITY COUNCIL INC., TOWN OF NORTH EAST, COUNTY OF DUTCHESS

Accompanying this memo is a Resolution Request Form and Fiscal Impact Statement with supporting documentation to request authorization to acquire a 1,045.44+/- square foot parcel of real property by way of donation. This parcel will be used for access between the parking lot at 25 South Center Street and the Harlem Valley Rail Trail.

This parcel is located at South Center Street, Town of North East, Dutchess County, NY with the Parcel Identification Number: (133801-7271-18-363242-0000).

This action is classified as a Type II Action pursuant to Article 8 of the Environmental Conservation Law 6 NYCRR Part 617.5 (39) (SEQR) and will not have a significant impact on the environment and as a Type II Action no further review is required.

AGREEMENT TO PURCHASE REAL PROPERTY

This Agreement by and between, NORTHEAST COMMUNITY COUNCIL INC., a Not-for-Profit Corporation of the State of New York with its principal office at 51 South Center Street, Millerton, NY 12546, hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS, with offices at 22 Market Street, Poughkeepsie, NY 12601 hereinafter referred to as "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey by way of donation:

   ☒ *all right title and interest* to 1,045.44 SF+/- square feet of real property,

   Located at South Center Street, Town of North East, Village of Millerton, Dutchess County, New York, and is further described on Map 1, attached hereto.

   Being a portion of those same lands described in that certain deed dated July 13, 1993 and recorded July 13, 1993 in Liber 1930, Page 41, in the Office of the County Clerk for Dutchess County (re: Grid # 133801-7271-18-363242-0000).

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: None

3. 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.

4. BUYER'S POSSESSION OF THE PROPERTY. The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. 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.

5. 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.

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.

6. 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."

Docusign Envelope ID: 9B1C5D10-D86D-4601-8DA3-AB4720D96024

IN WITNESS WHEREOF, on this 29th **day of** October, **2024, the parties have entered into this Agreement.**

APPROVED AS TO FORM:

DocuSigned by:
Anne Marie Smith
02967A5661C94DB...
Department of Law

SELLER: Christine Sergeant
Authorized Agent

Print Name: Christine Sergeant

Title: Executive Director

APPROVED AS TO CONTENT:

Department of Public Works

BUYER: Signed by:
Rachel M. Kashimer
D4051520F984...
County of Dutchess

Print Name: Rachel M. Kashimer

Title: Deputy County Executive

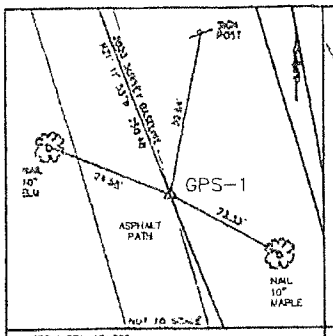
24-0493-10/34-ER
CA File # 19640
10/29/2024

EXHIBIT A
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ACQUISITION MAP

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

HVRT Pedestrian Connector Path at 25 South Center Street

PIN 1234.86 OR 0CH-201X-AB



GPS 1 STA 10+000
DESC: MAG NAIL IN ASPHALT
COORDINATE: NORTH AMERICAN DATUM OF 1983 (NAD83/2011, EPOCH 2010.00), NEW YORK STATE PLANE EAST ZONE 3101
N: 1137401.4237
E: 761275.8786

GPS-2 STA 13+30.43
DESC: MAG NAIL IN ASPHALT
COORDINATE: NORTH AMERICAN DATUM OF 1983 (NAD83/2011, EPOCH 2010.00), NEW YORK STATE PLANE EAST ZONE 3101
N: 1137724.9549
E: 761186.1069

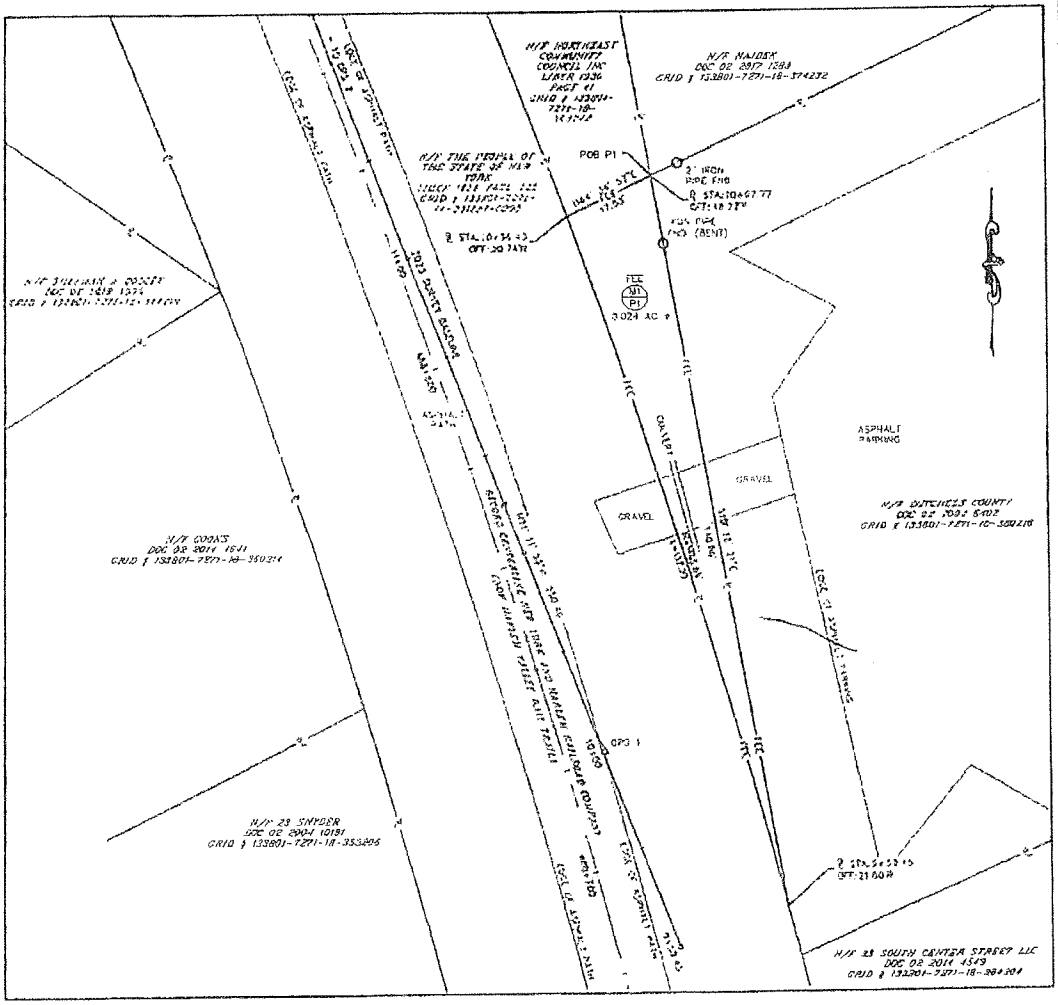
ACQUISITION DESCRIPTION:

Type: FEE
Portion of Real Property Tax
Parcel ID No. 133801-7271-18-363242

Village of Millerton
Town of North East
County of Dutchess
State of New York

REPUTED OWNER:

Northeast Community Council Inc
PO Box 35
Millerton, NY 12546



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

1" = 20'

MAP NUMBER 1
REVISED DATE
DATE PREPARED 10/11/2021

PREPARED BY MJP CHECKED BY PJ FINAL CHECK BY PJ

EXHIBIT A
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ACQUISITION MAP

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

HVRT Pedestrian Connector Path
at 23 South Center Street

PIN 1234.58 OR DCH-201X-AB

EXHIBIT A

Metes and Bounds Description

Parcel No. 1

FEE

All that piece or parcel of property designated as Parcel No. 1, situate in the Town of North East, Village of Millerton, County of Dutchess, State of New York as shown on the accompanying map described as follows:

Beginning at a point on the easterly property line of lands of Northeast Community Council Inc (Reputed Owner), at the southwesterly corner of lands of Najdek (Reputed Owner) and the northwesterly corner of lands of Dutchess County (Reputed Owner), said point being 48.22 feet distant Easterly measured at right angles from Station 10+97.77 of the hereinafter described Survey Baseline; thence along the division line of Dutchess County (Reputed Owner) to the east and Northeast Community Council Inc (Reputed Owner) to the west, South 1C° 18' 21" East a distance of 140.86 feet to a point on the easterly property line of lands of The People of the State of New York (Reputed Owner) at the southerly corner of lands of Northeast Community Council Inc (Reputed Owner), said point also being 21.60 feet distant Easterly measured at right angles from Station 9+59.45 of said baseline, thence along the division line of lands of The People of the State of New York (Reputed Owner) to the west and Northeast Community Council Inc (Reputed Owner) to the east, northerly along a curve to the left with a radius of 1,465.69 feet a distance of 137.39 feet to a point, said point being 30.74 feet distant Easterly measured at right angles from Station 10+96.49 of said baseline; thence through the lands of Northeast Community Council Inc (Reputed Owner) North 64° 34' 52" East a distance of 17.53 feet to the point or place of beginning. Said parcel being 0.024 of an acre more or less.

The above described parcel is a portion of the lands of Northeast Community Council Inc as described in a deed filed in the Office of the County Clerk for Dutchess County, New York in Liber 1930, Page 41, with the address South Center Street and Parcel Grid Identification # 133801-7271-18-363242-0000

The above referenced Survey Baseline was established for the the design and construction of the above referenced project and is described as follows: Beginning at Station 10+00 thence North 21° 11' 53" West to Station 12+50.48. All bearings referred to North American Datum of 1983 (NAD83/2011, EPOCH 2010.00), New York State Plane East Zone 3101.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date Oct. 31 2023

Robert H. Balkind, P.E
Commissioner of Public Works

"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 October 31, 2023

Joseph G. Malinowski Land Surveyor
P.L.S. License No. 050314

MJ Engineering and Land Surveying, P.C.
1533 Crescent Road
Clifton Park, NY 12065

STATE OF NEW YORK JOSEPH G. MALINOWSKI LICENSED LAND SURVEYOR 050314

MAP NUMBER 1
REVISED DATE
DATE PREPARED 10-31-2023

PREPARED BY JGM CHECKED BY JGM FINAL CHECK BY JGM

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*	Absent	
District 9 - City of Poughkeepsie	Atkins*		
District 1 - Town of Poughkeepsie	Gorman		
District 10 - City of Poughkeepsie	Johnson (VC)		
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		
District 23 - Pawling, Beekman and East Fishkill	Rolison		

Present: 11 Resolution: ✓ Total : 11 0

Absent: 1 Motion: ___ Yes No

Vacant: 0 Abstentions: 0

2024213 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION BY WAY OF DONATION FROM THE NORTHEAST COMMUNITY COUNCIL, INC., IN CONNECTION WITH THE HARLEM VALLEY RAIL TRAIL IN THE TOWN OF NORTH EAST, VILLAGE OF MILLERTON IN THE COUNTY OF DUTCHESS

DECEMBER 5, 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		
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		
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: 25 **Resolution:** ✓ **Total :** 25 0

Absent: 0 **Motion:** ___ Yes No

Vacant: 0 **Abstentions:** 0

2024213 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION BY WAY OF DONATION FROM THE NORTHEAST COMMUNITY COUNCIL, INC., IN CONNECTION WITH THE HARLEM VALLEY RAIL TRAIL IN THE TOWN OF NORTH EAST, VILLAGE OF MILLERTON IN THE COUNTY OF DUTCHESS

DECEMBER 9, 2024