

Authorizing The Ulster County Legislature To Conduct A Public Hearing For The Proposed Acquisition For Public Purpose Of Property For The Construction Of The Ulster County Midtown Linear Park (PIN 8761.82) In The City Of Kingston - Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Woltman and Legislators Archer, Delaune, Litts, Maio, Joseph Maloney, and Rodriguez)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Brian J. Woltman, and Deputy Chair Lynn Archer offer the following:

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

WHEREAS, Resolution No. 503 of 2017 established Capital Project No. 479 to authorize and fund engineering work for the Ulster County Midtown Linear Park-PIN 8761.82 (the “Project”), which was awarded approximately \$1.5 million through the federal Transportation Alternatives Program for this locally-administered federal aid project; and

WHEREAS, locally-administered federal aid projects require that the Ulster County Legislature as Project Sponsor hold a public hearing for proposed acquisitions of property pursuant to Section 201 of New York Eminent Domain Procedure Law (“EDPL”), and the Project includes eleven proposed fee acquisitions and one temporary construction easement acquisition, thereby requiring a public hearing under EDPL; and

WHEREAS, the County owns the corridor right-of-way, but in several sections, the right-of-way is an easement for railroad purposes only rather than fee ownership, and in order to construct the Project, the County needs to consolidate its ownership interest from easements-only to fee ownership; and

WHEREAS, the eleven proposed acquisitions are for fee property interests not held by current adjoining landowners but rather by the heirs and assigns of the original owners of these properties from the 1870’s to early 1900’s because these fee ownership interests were not included in the succession of deeds for the adjoining property parcels; and

WHEREAS, it is infeasible to identify and locate any potential parties that might retain some or all fee ownership of the small sections of County right-of-way on the Project corridor, and it is therefore necessary to consolidate the County’s ownership through the use of EDPL since these ownership interests are more than a century old with no apparent succession of ownership; now, therefore be it

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RESOLVED, on the recommendation of the County's Department of Planning the Ulster County Legislature will conduct a public hearing pursuant to Section 201 of EDPL at the County Office Building, 244 Fair Street, Kingston, NY 12401 on the 12th day of November 2019 at 6:05 PM; and, be it further

RESOLVED, that the purpose of said hearing is to inform the public and to review the public use to be served by the Project's construction, and the impact on the environment and residents of the locality where said Project will be constructed; and, be it further

RESOLVED, that pursuant to Section 202 of EDPL, the Clerk of the Legislature shall cause to be published at least ten but no more than thirty days prior to said hearing a notice of same in at least five successive issues of the Daily Freeman, a daily newspaper of general circulation, and in at least two successive issues of the two official newspapers of the County of Ulster,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 18 NOES: 4
(Noes: Legislators Donaldson, Greene, Joseph Maloney, and Petit)
(Absent: Legislator Rodriguez)

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on October 1, 2019

FINANCIAL IMPACT:
\$300.00 - ESTIMATED ADVERTISING COSTS

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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 15th Day of October in the year Two Thousand and Nineteen, 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 17th Day of October in the year Two Thousand and Nineteen.

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