

ID 79285

Date: September 9, 2020

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: **Resolution authorizing the County of Westchester to execute an Agreement For Advance Payment with the Commissioner of Transportation for the People of the State of New York in connection with the State's taking, by eminent domain, of certain County-owned property situated in the Village of Hastings-on-Hudson, Town of Greenburgh, for the purpose of accommodating a highway improvement project and a bike path/hiking trail over and along the Saw Mill River Parkway.**

Transmitted herewith is a proposed Resolution which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to execute an Agreement For Advance Payment with the Commissioner of Transportation for the People of the State of New York ("State") in connection with the State's taking, by eminent domain, of certain County-owned property situated in the Village of Hastings-on-Hudson, Town of Greenburgh, for the purpose of accommodating a highway improvement project and bike path/hiking trail over and along the Saw Mill River Parkway.

In accordance with Section 30 of the New York State Highway Law and the Eminent Domain Procedure Law, the State Department of Transportation has advised the County the following portions of County property are required in order to construct the planned improvements:

For the highway improvement project at Ravensdale Road over the Saw Mill River Parkway. The overpass is being replaced as part of this project.

Map 1017	Parcel 1021 Fee (0.017 ± acre)
Map 1017	Parcel 1022 Fee (0.026 ± acre)
Map 1018	Parcel 1023 Temporary Easement (0.073± acre)
Map 1018	Parcel 1024 Temporary Easement (0.114 ± acre)

and

For the bike path/hiking trail

Map 1026 Parcel 1032 Permanent Easement (0.031 ± acre)

Map 1027 Parcel 1033 Temporary Easement

(collectively, the “Property”).

All of the Property is referred as portions of tax lot 4.90-91-4 on the Official Tax Maps for the Town of Greenburgh.

It should be noted that on January 10, 2020 the State filed the requisite maps in the office of the Westchester County Clerk.

In consideration for the appropriation of the Property, the State will pay the County the sum of \$3,525.00 (“Advance Payment”), an amount determined by the State Commissioner of Transportation to be the value of all claims for the property appropriated and legal damages caused by said appropriation. As a prerequisite to such Advance Payment, the County will be required to provide a full release of all claims by reason of the appropriation, including claims by reason of any estate or interest in the streams, lakes, drainage and irrigation ditches or channels, streets, road, highways, or public or private rights of way, if any, adjacent to or abutting the Property, required for the purposes of the project. The County reserves the right to file a claim with the Court of Claims within the time period set forth in the Eminent Domain Procedure Law. If no such claim is filed, then the Agreement For Advance Payment shall automatically become an Agreement of Adjustment in full and complete settlement of all claims in connection with the appropriation of the subject property.

This agreement is not subject to the County Procurement Policy.

A resolution for your consideration is attached.

KMC/ran

RESOLUTION

Upon a communication from Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester (the “County”) is authorized to execute an Agreement For Advance Payment with the Commissioner of Transportation for the People of the State of New York (“State”) in connection with the State’s taking, by eminent domain, of the following portions of County property listed below situated in the Village of Hastings-on-Hudson, Town of Greenburgh, for the purpose of accommodating a highway improvement project and bike path/hiking trail over and along the Saw Mill River Parkway.

For the highway improvement project at Ravensdale Road
over the Saw Mill River Parkway for planned bridge replacement.
The overpass is being replaced as part of this project.

Map 1017	Parcel 1021 Fee (0.017 ± acre)
Map 1017	Parcel 1022 Fee (0.026 ± acre)
Map 1018	Parcel 1023 Temporary Easement (0.073 ± acre)
Map 1018	Parcel 1024 Temporary Easement (0.114 ± acre)

and

For the bike path/hiking trail

Map 1026	Parcel 1032 Permanent Easement (0.031 ± acre)
Map 1027	Parcel 1033 Temporary Easement

(collectively, the “Property”); and be it further

RESOLVED, that the Property referenced as portions of tax lot 4.90-91-4 on the Official Tax Maps for the Town of Greenburgh; and be it further

RESOLVED, that in consideration for the appropriation of the Property, the State will pay the County the sum of \$3,525.00 (“Advance Payment”), an amount determined by the State Commissioner of Transportation to be the value of all claims for the Property appropriated and legal damages caused by said appropriation; and be it further

RESOLVED, that as a prerequisite to such Advance Payment, the County will be required to provide a full release of all claims by reason of the appropriation, including claims by reason of any estate or interest in the streams, lakes, drainage and irrigation ditches or channels, streets, road, highways, or public or private rights of way, if any, adjacent to or abutting the property required for the purposes of the project. The County reserves the right to file a claim with the Court of Claims within the time period set forth in the Eminent Domain Procedure Law. If no such claim is filed, then the Agreement For Advance Payment shall automatically become an Agreement of Adjustment in full and complete settlement of all claims in connection with the appropriation of the subject property; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purpose hereof.

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/17/2020 - LISA MRIJAJ, SECRETARY

Original Agreement \$3,525
 First Amendment \$
 This Amendment \$ _____
 TOTAL \$3,525

Agreement # PRC-1286

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	42	776V	9856	T776	\$3,525

Budget Funding Year(s) 2020 Start Date upon execution End Date 3 years from execution
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$3,525 Federal Aid _____
 (must match resolution) Other REVENUE _____

APPROVED BOARD OF ACQUISITION & CONTRACTS - 09/17/2020 USA MARIJAJ, SECRETARY