

ID51727

Date: April 7, 2016

To: The Honorable Board of Acquisition and Contract

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

Adam Rodriguez
Director of Real Estate

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 Town of Cortlandt adjacent to Oscawana Park, for the purpose of accommodating bridge rehabilitation along Route 9 over the Furnace Brook.**

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 Town of Cortlandt adjacent to Oscawana Park, for the purpose of accommodating bridge rehabilitation along Route 9 over the Furnace Brook.

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 that a portion of the County's property is required in the form of two (2) temporary easements to construct planned improvements as set forth above. The first parcel, comprises approximately 9,374 square feet and is designated on the Official Tax Map of the Town of Cortlandt as being a portion of Map 388 R-1, Parcel 537, and the second parcel measures approximately 4,381 square feet and is designated on the Official Tax Map of the Town of Cortlandt as being a portion of Map 388 R-1, Parcel 538 (the "Property"). It should be noted that the State is only taking temporary easements to facilitate the highway improvements and the easements will terminate upon project completion.

In consideration for the appropriation of the Property, the State will pay the County the sum of \$2,350.00 ("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/AR/TSA

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/26/2016 - LISI/NEPA/SUCRE/PAY

RESOLUTION

Upon a communication from Commissioner of Parks, Recreation and Conservation and the Director of Real Estate, 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 two (2) parcels of County-owned property situated in the Town of Cortlandt adjacent to Oscawana Park, for the purpose of accommodating bridge rehabilitation along Route 9 over the Furnace Brook. The first parcel, comprises approximately 9,374 square feet and is designated on the Official Tax Map of the Town of Cortlandt as being a portion of Map 388 R-1, Parcel 537, and the second parcel, measures approximately 4,381 square feet and is designated on the Official Tax Map of the Town of Cortlandt as being a portion of Map 388 R-1, Parcel 538 (the "Property"). The State is only taking temporary easements to facilitate the highway improvements and the easements will terminate upon project completion, and be it further

RESOLVED, that in consideration for the appropriation of the Property, the State will pay the County the sum of \$2,350.00 ("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.

Account to be Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
	165	42	1100	9542		\$2,350

*Estimated Amount

Budget Funding Year(s): 2016 Start Date: upon execution End Date: 3 years from execution
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$ 2,350 Federal Aid _____
 (must match resolution) Other Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/26/2016 - JISA MRIJAJ, SECRETARY