

**52665**

Date: August 26, 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 Ossining adjacent to Croton Dam Road/Route 134 for the purpose of rehabilitating a culvert.**

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 (hereinafter the "State") in connection with the State's taking, by eminent domain, of certain County-owned property situated in the Ossining adjacent to Route 134, for the purpose rehabilitating a culvert along Croton Dam Road/Route 134.

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 a temporary easement to construct planned improvements. The parcel comprises approximately 4,410 square feet and is designated on the Official Tax Map of the Town of Ossining as being a portion of Map 132, Parcel 143 (the "Property"). It should be noted that the State is only taking a temporary easement to facilitate the highway improvements and the easement will terminate upon project completion.

In consideration for the appropriation of the Property, the State will pay the County the sum of \$10,600.00 ("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/JPI

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/06/2016 - JOHN COCCARDI, SECRETARY

## RESOLUTION

Upon a communication from the 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 (the "State") in connection with the State's taking, by eminent domain, of a parcel of County-owned property situated in the Town of Ossining adjacent to Croton Dam Road/Route 134, for the purpose of rehabilitating a culvert. The parcel comprises approximately 4,410 square feet and is designated on the Official Tax Map of the Town of Ossining as being a portion of Map 132, Parcel 143 (the "Property"). The State is only taking a temporary easement to facilitate the highway improvements and the easement 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 \$10,600.00 ("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		\$10,600

\*Estimated Amount

Budget Funding Year(s): 2016  
(must match resolution)

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Funding Source

\$ 10,600  
(must match resolution)

Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other Revenue \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/06/2016 - JOAN COCCARDI, SECRETARY