

Authorizing The County Legislature To Conduct A Public Hearing For The Proposed Acquisition For Public Purpose Of Property For The Construction Of The Kingston Rail Trail Project (PIN 8758.04) In The Town Of Hurley, Town Of Ulster And City Of Kingston - Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman James Maloney and Legislators Archer, Delaune, Litts, Maio, Rodriguez, and Woltman), and The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, Maio, James Maloney, Joseph Maloney, and Petit)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, James F. Maloney, and Deputy Chair Hector Rodriguez offer the following:

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

WHEREAS, pursuant to Resolution No. 293 passed on August 19, 2014, the Ulster County Legislature authorized an agreement between Ulster County (“the County”) and the State of New York Department of Transportation (“NYSDOT”) to fund design and right-of-way incidentals for the construction of the Kingston Rail Trail, PIN 8754.08 (the “Project”); and

WHEREAS, pursuant to Resolution No. 168 passed on March 15, 2016, the Ulster County Legislature adopted and issued a Negative Declaration for the Project pursuant to 6 NYCRR Part 617 et seq. of the Regulations of Article 8 of the Environmental Conservation Law of New York State (“SEQRA”); and

WHEREAS, pursuant to Resolution No. 276 passed on June 19, 2018, the Ulster County Legislature authorized a supplemental agreement between Ulster County and the NYSDOT to fund right-of-way acquisition for construction of the Project; and

WHEREAS, negotiations regarding approximately three permanent easements for the Project have not yet been completed; and

WHEREAS, the County intends to pursue all means to complete these negotiations in a timely manner without necessitating legal measures, but must provide for the contingency that the properties in question may need to be acquired via eminent domain procedures as a last resort; now, therefore be it

Resolution No. 459 November 20, 2018

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RESOLVED, on the recommendation of the County Department of Planning, the Ulster County Legislature will conduct a public hearing pursuant to Section 201 of the Eminent Domain Procedure Law at the County Office Building, 244 Fair Street, Kingston, NY 12401 on the 11th day of December, 2018 at 6:10 P.M.; 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 construction of the Kingston Rail Trail Project in the Town of Hurley, Town of Ulster and City of Kingston 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 the Eminent Domain Procedure Law, the Clerk of the Legislature shall cause to be published at least ten days and not more than thirty days prior to said hearing a notice of same in a least five (5) consecutive issues of the Daily Freeman, a daily newspaper of general circulation, and in at least two (2) successive issues of the two official newspapers of the County of Ulster: Ulster Publishing and the Shawangunk Journal,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Bartels, Collins, and Eckert)

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on November 8, 2018

Passed Committee: Ways and Means on November 13, 2018

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 20th Day of November in the year Two Thousand and Eighteen, 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 Eighteen.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature