RESOLUTION NO. 391

AUTHORIZING THE RESTORATION OF AN AVIGATION EASEMENT TO ALBANY COUNTY

Introduced: 9/12/18
By Public Works Committee:

WHEREAS, The State of New York inadvertently acquired an avigation easement held by Albany County as part of the acquisition of land owned by ETPerson, LLC depicted on Map 747, Parcel 83 by eminent domain for highway improvements along Albany Shaker Road and the proposed I-87 Exit 4 Project, and

WHEREAS, The State has agreed to restore an avigation easement over the acquired property as depicted on Map 768-C Parcel 895 to the County of Albany, now, therefore be it

RESOLVED, That the Albany County Executive be, and hereby is, authorized to execute the waive the $1.00 offer for the easement interests inadvertently acquired as depicted on Map 747, Parcel 873, and be it further

RESOLVED, That the Albany County Executive is authorized to execute the necessary documents to restore an avigation easement as set forth in the attached “Grant of Avigation Easement to the County of Albany”, and, be it further

RESOLVED, That the Albany County Attorney be, and hereby is, authorized to approve said documents as to form and content prior to execution thereof, and, be it further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to forward certified copies of this resolution to the appropriate State, Airport Authority and County Officials.

Adopted by unanimous vote – 9/12/18
GRANT OF AVIATION EASEMENT TO THE COUNTY OF ALBANY

WHEREAS the grantees are the owners of property appropriated for highway purposes as shown on Parcel No. 873 on Map No. 747 for Interstate Route 502, F.S.R. 57-17, said Map filed in the Department of Transportation February 9, 2015 and in the Albany County Clerk’s Office February 19, 2015;

And WHEREAS the grantee is the owner of an Aviation Easement described in a grant of easement dated September 29, 1993 and recorded at the Albany County Clerk’s Office October 5, 1993 in Liber 2493 of Deeds at Page 881;

And WHEREAS by virtue of the appropriation of property described above as Parcel No. 573 a portion of the easement rights of the grantee were extinguished;

NOW THEREFORE the grantees herein described do hereby grant and convey unto the County of Albany, its successors and assigns, for use by the public, a perpetual easement and right-of-way over Parcel No. 895 as shown on this map, for the free and unobstructed passage of aircraft above the portion of said Parcel, previously encumbered by said easement recorded in Liber 2493 at Page 881 along with all rights and interests associated with said easement as described in said previously recorded easement.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is reasonable.

Date: 3/4/2018

Thomas E. Hoffman, P.E.
Regional Design Engineer
for the Regional Director of Transportation Region No. 1

Unauthorized alteration of a survey map is a violation of the New York State Education Law.

I hereby certify that this map was prepared in accordance with current NYS DOT policies, standards and procedures.

Date: 3/4/2018

Erion F. Noyes, P.S.
Regional Land Surveyor
N.Y. License No. 56915

HIGHWAY RIGHT OF WAY
PRESENTLY UNDER THE JURISDICTION OF
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Description and map of property which was acquired by appropriation, as set forth above pursuant to Section 30 of the Highway Law, within which the Commissioner of Transportation has determined an easement may be granted, in the name of the People of the State of New York for hereinafter benefit to the State.

Pursuant to the statutory set forth above and the authority delegated to me by official order of the Commissioner of Transportation, this acquisition map is hereby approved and filed in the main office of the New York State Department of Transportation.

Date: 3/4/2018

I have compared the foregoing copy of the map with the original thereof, as filed in the office of the Department of Transportation, and I do hereby certify the same to be a true and correct copy of the original and of the whole thereof.

Office of Right of Way

Printed by...

Checked by...

Final Check...

F.S.R. 57-17
ALBANY - LATHAM SECTION
INTERSTATE ROUTE 502
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP
NEW YORK STATE
PIN 1721.51
MAP NO. 768-C
PARCEL NO. 895
SHEET 4 OF 4 SHEETS