

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

Monday, September 14, 2020

6:00 PM

Held Remotely

Public Works Committee

CURRENT BUSINESS:

- 335.** AUTHORIZING A UTILITY EASEMENT WITH THE TOWN OF COLONIE REGARDING WATER MAIN RELOCATION AT THE ALBANY INTERNATIONAL AIRPORT



ALBANY COUNTY AIRPORT AUTHORITY
 ALBANY INTERNATIONAL AIRPORT
 ADMINISTRATION BUILDING
 SUITE 200
 ALBANY, NEW YORK 12211-1057

TEL: 518-242-2222
 ADMIN FAX: 518-242-2641
 FINANCE FAX: 518-242-2640
 SITE: www.flyalbany.com

September 10, 2020

Andrew C. Joyce, Chairman
 Harold L. Joyce Albany County Office Building
 112 State Street, Room 710
 Albany, New York 12207

Dear Chairman Joyce:

Enclosed please find a Request for Legislative Action from the Albany County Airport Authority. More specifically the request is for a grant of a utility easement to the Town of Colonie for relocation of an existing water main. The relocation of the water main will allow an additional access gate enabling deliveries and shipments to the Philips Medical facility located at 450 Old Niskayuna Road. The new access gate will connect to the service road on the Philips site and is a priority for their operation and planned expansion. In exchange Philips has agreed to expend up to \$50,000 in costs related to repaving the service road in the easement area. Additionally, they are in the process of removing several trees for line of sight needs of the control tower.

Thank you for your consideration.

Very truly yours,

Philip F. Calderone, Esq.
 Chief Executive Officer

PFC:jam

Enclosure(s)

cc: Hon. Daniel P. McCoy, Albany County Executive
 Hon. Dennis A. Feeney, Albany County Majority Leader
 Hon. Frank A. Mauriello, Albany County Minority Leader
 Daniel C. Lynch, Esq., Deputy County Executive
 Rebekah Kennedy, Esq., Majority Counsel

FOR COUNSEL USE ONLY	
Date Received:	_____
Received By:	_____
Method: Hand:	_____
Courier:	_____
Mail:	_____

REQUEST FOR LEGISLATIVE ACTION

DATE: September 10, 2020

DEPARTMENT: Albany County Airport Authority

Contact Person: Philip F. Calderone, CEO/Christine C. Quinn, Authority Counsel

Telephone: 518-242-2222

Dept. Representative Attending _____

Committee Meeting: Philip F. Calderone/Christine C. Quinn

PURPOSE OF REQUEST:

Adoption of Local Law _____

Amendment of Prior Legislation _____

Approval/Adoption of Plan/Procedure _____

Bond Approval _____

Budget Amendment (See below) _____

Contract Authorization (See below) _____

Environmental Impact _____

Home Rule Request _____

Property Conveyance _____

Other: (State briefly if not listed above) Conveyance of a utility easement to the Town of Colonie for relocation of an existing water main.

CONCERNING BUDGET AMENDMENTS NA

STATE THE FOLLOWING:

Increase Account/Line No. _____

Source of Funds: _____

Title Change: _____

CONCERNING CONTRACT AUTHORIZATION NA

STATE THE FOLLOWING:

TYPE OF CONTRACT

Change Order/Contract Amendment _____

Purchase (Equipment/Supplies) _____

Lease (Equipment/Supplies) _____

Requirements _____

Professional Services _____

Education/Training _____

Grant: _____

 New _____

 Renewal _____

 Submission Deadline Date _____

Settlement of a Claim _____

Release of Liability _____

Other: (State briefly) _____

CONCERNING CONTRACT AUTHORIZATION (Cont'd)

STATE THE FOLLOWING:

Contract Terms/Conditions:

Party (Name/Address):

Amount/Rate Schedule/Fee:

Term: _____

Scope of Services: _____

Contract Funding:

Anticipated in Current Budget: Yes ____ No ____

Funding Source: _____

County Budget Accounts:

Revenue: _____

Appropriation: _____

Bond (Res. No. & Date of Adoption) _____

CONCERNING ALL REQUESTS:

Mandated Program/Service: Yes ____ No ____ NA

If Mandated Cite: Authority _____

Anticipated in Current Adopted Budget: Yes ____ No ____ NA

If yes, indicate Revenue/Appropriation Accounts: _____

Fiscal Impact - Funding: (Dollars or Percentages) NA

Federal _____

State _____

County _____

Term/Length of Funding _____

Previous Requests For Identical or Similar Action: NA

Resolution/Law Number: _____

Date of Adoption: _____

Justification: (State briefly why legislative action is requested)

§3.10 of the Airport Lease Agreement between the County and the Authority provides that the Authority may enter into agreements creating easements for the operation of or to provide service to the Airport and that the County shall approve such easements.

§3.10 reads in its entirety:

3.10 Right of Authority to Grant Easements. The Authority shall have the right to enter into Agreements creating easements as may be required to allow operation of or provide service to the Airport consistent with the operation and use of the Airport in accordance with the provisions of the Act; and the County covenants and agrees to approve the granting of such easements, as necessary, and to execute all documents and to take all such other actions as are necessary in order to effectuate the creation of easements, at the sole cost and expense of the Authority.

Back-up Material Submitted: (i.e., application/approval notices from funding source, bid tabulation sheet, civil service approval notice, program announcement, contracts and/or any materials which explain or support the request for legislative action.)

1. Proposed Easement
2. Engineered Survey

Submitted By: Philip F. Calderone, Esq.
Title: Chief Executive Officer

**UTILITY EASEMENT
TO THE TOWN OF COLONIE
"450 OLD NISKAYUNA ROAD"
TOWN OF COLONIE, COUNTY OF ALBANY, NY
AREA = 2,767± SQUARE FEET OF LAND**

THIS INDENTURE made this ____ day of _____ 2020, between

THE COUNTY OF ALBANY ,

party(ies) of the first part, and the

TOWN OF COLONIE, a municipal corporation, with its principal place of business at Memorial Town Hall, PO Box 508, Newtonville, NY 12128,

party of the second part.

WITNESSETH that the party of the first part, in consideration of one (\$1.00) dollar to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby grant and release unto the party of the second part, its successors or assigns, a utility easement for the installation, construction and maintenance of municipal utilities including, but not limited to, water lines, sanitary sewer lines, storm sewer lines, drainage basins and related appurtenances to the same in, on, over and through said easement bounded and described in Schedule "A", which is attached hereto and made a part hereof.

THE PARTY of the second part shall restore or cause to be restored the surface of the easement area described herein after any excavation or other disturbance of said surface at any time by the party of the second part, its agents, servants or employees to its condition prior to said excavation or disturbance, to the extent reasonably practicable.

No structures, fencing, pavement, landscaping, or other such improvements shall be placed within said easement without permission of the party of the second part.

BEING a portion of the premises conveyed to the party of the first part by deed dated June 19, 1996 and recorded in the Albany County Clerk's Office on June 21, 1996 in Book 2558 of Deeds at Page 863.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever.

AND the party of the first part covenants as follows:

FIRST, That the party of the second part shall quietly enjoy the said premises;

SECOND, That the party of the first part will forever **WARRANT** the title to said premises;

THIRD, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. .

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal.

By: _____

STATE OF NEW YORK)
COUNTY OF ALBANY) SS:

On the ____ day of _____ in the year 2015, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

**RECORD & RETURN TO:
COLONIE TOWN ATTORNEY
MEMORIAL TOWN HALL
P.O. BOX 508
NEWTONVILLE, NY 12128**

Schedule "A"
UTILITY EASEMENT
TO THE TOWN OF COLONIE
"450 OLD NISKAYUNA ROAD"
TOWN OF COLONIE, COUNTY OF ALBANY, NY
AREA = 2,767± SQUARE FEET OF LAND

All that piece or parcel of land situate, lying and being located in the Town of Colonie, County of Albany and State of New York and being more particularly bounded and described as follows:

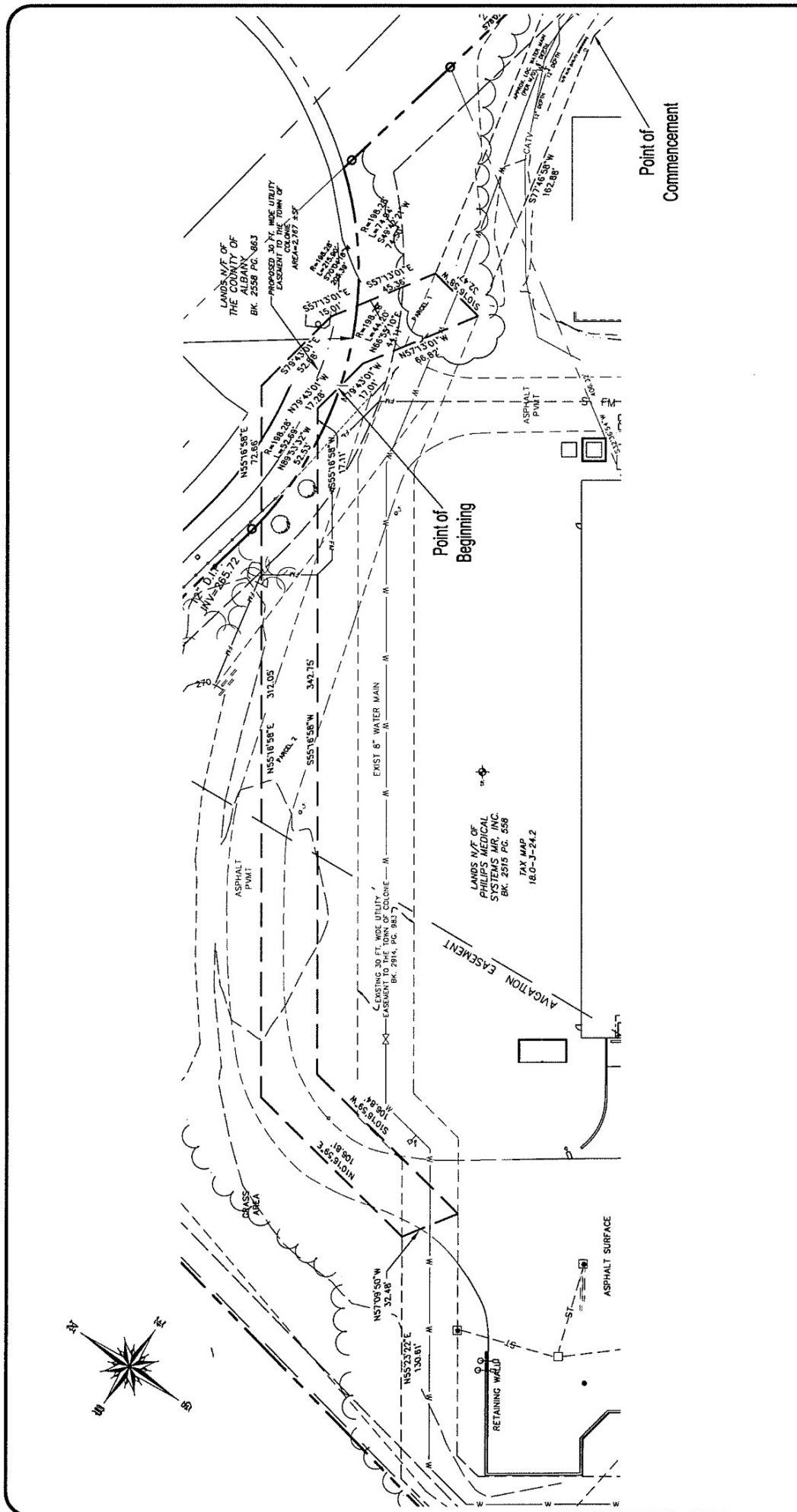
Commencing at an angle point in the existing southerly boundary of a utility easement to the Town of Colonie as recorded in Liber 2914 of deeds at page 983; thence along said existing southerly boundary of a utility easement and through lands now or formerly of Philips Medical Systems MR, Inc. as described in Liber 2515 of deeds at page 558 South 77°-46'-58" West, 162.88 feet to a point; thence continuing through said lands of Philips Medical Systems MR, Inc. North 57°-13'-01" West, 66.82 feet to a point; thence continuing through said lands of Philips Medical Systems MR, Inc. North 79°-43'-01" West, 17.01 feet to a point in the division line between the aforementioned lands of Philips Medical Systems MR, Inc. on the south and The County of Albany as described in Liber 2558 of deeds at page 863 on the north, said point being on an arc of a curve and being the point of beginning; thence from said point of beginning through the said lands of The County of Albany the following two (2) courses and distances:

- 1) North 79°-43'-01" West, 17.28 feet to a point; thence
- 2) South 55°-16'-58" West, 17.11 feet to a point in the aforementioned division line between lands of Philips Medical Systems MR, Inc. and The county of Albany; thence along said division line along an arc of a curve to the right having a radius of 198.28 feet, an arc length of 52.69 feet, chord bearing North 89°-53'-32" West, 52.53 feet to a point therein; thence through the aforementioned lands of The County of Albany the following three (3) courses and distances:

- 1) North 55°-16'-58" East, 72.66 feet to a point; thence
- 2) South 79°-43'-01" East, 52.68 feet to a point; thence
- 3) South 57°-13'-01" East, 15.01 feet to a point in the aforementioned division line between lands of Philips Medical Systems MR, Inc. and The County of Albany; thence along said division line along an arc of a curve to the right having a radius of 198.28 feet, an arc length of 44.20 feet, chord bearing South 66°-55'-10" West, 44.11 feet to the point of beginning and containing 2,767 square feet of land, more or less.

Subject to all rights, easements, covenants and restrictions of record.

Subject to any state of facts an up to date Abstract of Title would disclose.



NO.	REVISION	DATE
1)		

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PROPOSED 30 FT. WIDE UTILITY EASEMENT
 TO
TOWN OF COLONIE
 450 OLD NISKAYUNA ROAD TOWN OF COLONIE
 COUNTY OF ALBANY NEW YORK
 SCALE: 1" = 50'
 SHEET 1 OF 1
 DATE: JULY 24, 2020
 16047-PH2-ADD4



Phillips Easement area

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42°45'22.80" N 73°48'02.12" W elev 11 ft

RESOLUTION NO. 335

AUTHORIZING A UTILITY EASEMENT WITH THE TOWN OF COLONIE REGARDING WATER MAIN RELOCATION AT THE ALBANY INTERNATIONAL AIRPORT

Introduced: 9/14/20

By Public Works Committee:

WHEREAS, The Airport Lease Agreement between the County and the Albany County Airport Authority (“Authority”) provides that the Authority may enter into easement agreements for Authority purposes and that the County will approve and effectuate the creation of such easements, and

WHEREAS, The Chief Executive Officer of the Authority has requested authorization for the County to enter into a utility easement agreement with the Town of Colonie for the relocation of an existing water main at the Airport, and

WHEREAS, The relocation of an existing water main will benefit both the Authority and the Phillips Medical facility located at 450 Old Niskayuna Road, as it will allow for creation of an additional access gate, and

WHEREAS, In exchange for the easement agreement, Phillips Medical has agreed to expend an amount up to \$50,000 in costs related to repaving a service road in the easement area and has also agreed to remove several trees for line of sight needs of the control tower, now, therefore be it

RESOLVED, By the Albany County Legislature, that the County Executive is authorized to enter into a utility easement agreement with the Town of Colonie, Colonie, NY 12110 for the relocation of an existing water main at the Airport, and be it further

RESOLVED, That the County Attorney is authorized to approve said utility easement agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.