

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

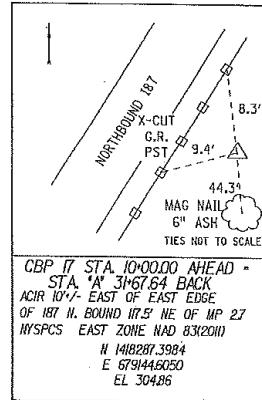
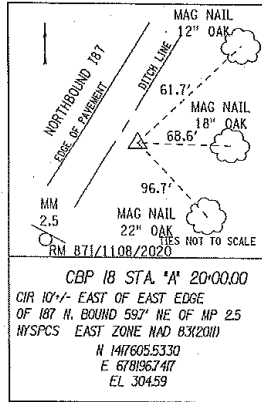
RESOLVED, That the Clerk of the County Legislature be and hereby is directed to forward certified copies of this resolution to the appropriate State, Airport Authority and County Officials.

Adopted by unanimous vote – 9/12/18

INTERSTATE ROUTE 502
 F.I.S.H. 57-17
 ALBANY - LATHAM SECTION

NEW YORK STATE
 DEPARTMENT OF TRANSPORTATION
 ACQUISITION MAP
 PIN 1721.51

MAP NO. 768-C
 PARCEL NO. 895
 SHEET 4 OF 4 SHEETS



GRANT OF AVIGATION EASEMENT TO THE COUNTY OF ALBANY

WHEREAS the grantors are the owners of property appropriated for highway purposes as shown as Parcel No. 873 on Map No. 747 for Interstate Route 502, F.I.S.H. 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 Avigation 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. 873 a portion of the easement rights of the grantee were extinguished;

NOW THEREFORE the grantors 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 of Deeds 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 recommended.

Date 3/14/ 2018

[Signature]

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



"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

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

Date MARCH 14 2018

[Signature]
 Brian F. Magee, Regional Land Surveyor
 P.L.S. License No. 49615

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, which the Commissioner of Transportation has determined an easement may be granted, in the name of the People of the State of New York on terms beneficial to the state.

Pursuant to the statute(s) 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 _____ 2018

I have compared the foregoing copy of the map with the original thereof, as filed in the Office of the State 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

OFFICE OF RIGHT-OF-WAY

PREPARED BY J.J.L.

CHECKED BY B.S.L.

FINAL CHECK BY _____

FILE NAME *