

RESOLUTION NO. 326

AUTHORIZING AN AGREEMENT WITH THE NYS DEPARTMENT OF TRANSPORTATION REGARDING THE FULLER ROAD/WASHINGTON AVENUE INTERSECTION PROJECT

Introduced: 8/8/11

By Public Works Committee:

WHEREAS, Pursuant to Highway Law Sec. 10(27), the Commissioner of Transportation may ("NYS Commissioner"), upon the request of a municipality, perform for and at the expense of such municipality, any work of construction or reconstruction, including the removal and relocation of facilities, provided the NYS Commissioner deems it practicable to perform such work for such municipality in connection with the performance of any work of construction, reconstruction or improvement under the Highway Law, and

WHEREAS, Albany County is a municipality within the meaning of the Highway Law and pursuant to Highway Law Sec. 10(27), Albany County, in connection with the Improvement and Relocation of Washington Avenue at Fuller Road Intersection, wishes the New York State Department of Transportation ("NYSDOT") to perform certain work described as the Betterment in Schedule A, a copy of which is on file with the Clerk of the Legislature, and

WHEREAS, There is a substantial public interest in and benefit to the performance of the Betterment, which is part of the State or Albany County highway system and will be available for use by the general public, and

WHEREAS, NYSDOT has estimated the cost of the Betterment; and in connection with the Betterment Agreement and no later than NYSDOT's award of agreements inclusive of the work contemplated by such agreement, Albany County shall deposit in escrow with the State Comptroller, subject to the draft or requisition of the NYS Commissioner, the amount of the cost estimate, to be expended by the State Comptroller on the costs of the Betterment so requested and approved or the return of the excess amount thereof, if any, to Albany County, and

WHEREAS, Upon completion and payment of the costs of the Betterment, the NYS Commissioner shall determine the costs thereof to be borne by Albany County, and any excess of the deposit shall be paid to Albany County on the warrant of the State Comptroller on vouchers approved by the NYS Commissioner; and, in the event such costs exceed the amount of the deposit, Albany County shall within 90 days of the receipt of notice from the Commissioner pay the amount of such deficiency to the State Comptroller, now, therefore be it

RESOLVED, By the Albany County Legislature that the aforementioned Betterment is approved and the sum of Twelve Million Seven Hundred Thousand Dollars and no cents (\$12,700,000) is appropriated from H522.R5 for deposit with the State Comptroller pursuant to a Betterment Agreement with NYSDOT and expenditure on the draft or requisition of NYSDOT for betterment project costs in accordance with Highway Law Sec. 10(27) and such Betterment Agreement, and, be it further

RESOLVED, That the Albany County Executive is authorized to enter into all necessary agreements or other instruments with the NYS Department of Transportation regarding the Fuller Road/Washington Avenue Extension Intersection Project, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreements and instruments 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.

Adopted by unanimous vote. 8/8/11