Warren County Board of Supervisors

RESOLUTION NO. 132 OF 2016

Resolution introduced by Supervisors Simpson, Conover, Dickinson, Frasier, Merlino, Sokol, Vanselow, Wood and MacDonald

AUTHORIZING ISSUANCE OF A CORRECTION DEED FOR PORTIONS OF TAX MAP PARCELS NO. 288.12-1-3 AND 288.12-1-4 IN THE TOWN OF QUEENSBURY

WHEREAS, the Warren County Treasurer executed a Quit Claim deed dated August 15, 1940 and recorded in the Warren County Clerk's Office on September 16, 1940 transferring title of a parcel located in the Town of Queensbury shown on Map No. 1 prepared by the Highway Department of the State of New York on March 2, 1924 to Jerry B. Mead and French Mountain Holding Corporation, and

WHEREAS, the map reference in the property description in the 1940 deed was erroneous, and

WHEREAS, it was the County's intention to convey any and all of its interest in the area west of the re-aligned Route 9, more recently shown as Parcel 285 on New York State Department of Transportation Map No. 226-C as shown in Exhibit A, containing portions of Tax Map Parcels No. 288.12-1-3 currently owned by Lumberjack Pass Amusements, LLC (L1164/P32) and 288.12-1-4 currently owned by North High Realty Holdings Inc. (L4597/P80) ("subject property"), and

WHEREAS, the New York State Department of Transportation and Fidelity National Title Insurance Company wish to resolve a title insurance claim on behalf of Lumberjack Pass Amusements, LLC, and

WHEREAS, the subject property is not necessary for highway purposes, now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute a Correction Deed to convey the subject property from Warren County to Jerry B. Mead and French Mountain Holding Corporation as to any interest Warren County may have in the parcels in the Town of Queensbury Tax Map Parcel No. 288.12-1-3 and 288.12-1-4 that were intended to be conveyed by the 1940 Quit Claim Deed described in the preambles of this resolution, in a form to be approved by the County Attorney.

EXHIBIT A

New York State Department of Transportation Conveyance Map

GLENS FALLS–LAKE GEORGE S.H. NO. 417

MAP NO. 226-C
PARCEL NO. 285
SHEET 1 OF 2 SHEETS

Property to be Quitclaimed to Lumberjack Pass Amusements, LLC

ACQUISITION SUMMARY:
Type: CONVEYANCE
Town of QUEENSBURY
County of WARREN
State of New York
Portion of 2013 Tax Map
TM# 288.12-1-3

Map Reference:
Map of a survey prepared for
Mike & Mary Giella
By: D.L. Dickinson Associates
Dated: 19 February 2000
Last Revised: 24 May 2010

North High Realty Holdings, Inc.
(reputed owner)
L. 4597 P. 80
TM# 288.12-1-4

Lumberjack Pass Amusements, LLC
(reputed owner)
L. 1164 P. 32
TM# 288.12-1-3

OCSAP, LTD.
(reputed owner)
L. 900 P. 64
TM# 288.12-1-2

Conveyance
Area = 3562± SF
(0.082± acres)

M226-C
P 285

Scale 1" = 30 feet

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
CONVEYANCE MAP

GLENS FALLS—LAKE GEORGE
S.H. NO. 417

MAP NO. 226—C
PARCEL NO. 285
SHEET 2 OF 2 SHEETS

All that certain piece or parcel of land hereinafter designated as parcel 285, situate in the Town of Queensbury, County of Warren, State of New York, as shown on the accompanying map and described as follows:

PARCEL No. 285

Beginning at a point on the westerly boundary of the existing Glens Falls — Lake George Highway, State Highway Number 417, said point being 43.38 feet distant westerly measured at right angles from Station 0+93.07 of the hereinafter described 1984 survey baseline as the magnetic needle pointed in 1984, thence westerly North 78°23'10" West, 16.18 feet to a point being 64.57 feet westerly, measured at right angles from Station 0+93.07 of said Baseline, thence running North 10°50'40" East, 111.49 feet to a point being 65.76 feet westerly, measured at right angles from Station 2.04.55 of said Baseline, thence North 85°22'50" West, 1.00 feet to a point being 66.75 feet westerly, measured at right angles from Station 2.04.43 of said Baseline, thence North 18°01'50" East, 20.91 feet to a point being 64.36 feet westerly, measured at right angles from Station 2+25.20 of said Baseline, thence South 83°16'00" East, 35.96 feet to a point being 28.52 feet westerly, measured at right angles from Station 2+28.16 of said Baseline, thence South 19°49'20" West, 136.59 feet to the point and place of beginning, being 3562± square feet(0.082± ac.), to be the same more or less.

Subject to the rights of others to operate and maintain utilities that exist within the bounds of the above described parcel.

The above mentioned survey baseline was established for Lumberjack Pass Amusements, LLC by D.L. Dickinson Associates, as the magnetic needle pointed in 1984 and described as follows:

Beginning at Station 0+00, thence North 11° 27' 30" East 379.18 feet to Station 3+79.18.

All bearings refer to Magnetic North as the needle pointed in 1984.

I hereby certify that the property described and mapped above is not necessary for highway purposes and the conveyance thereof is recommended.

Date August 5 20 13

Michael V. Johnson, P.E.
Director of Operations
for the Regional Director of Region No. 1

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 Subdivision 2, of the New York State Education Law."

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

Date 25 Oct 20 13

Dennis L. Dickinson, Land Surveyor
P.L.S. License No. 49392

PROPERTY TO BE QUITCLAIMED TO

Lumberjack Pass Amusements, LLC

Description and map of property being a portion of the original right of way for the Glens Falls — Lake George State Highway No. 417 and now found unnecessary for highway purposes.

Approved and adopted by Resolution of the Board of Supervisors of the County of Warren, pursuant to Section 65 of the Highway Law, at a meeting held on the _____ day of _____, 20

Clerk of the Board of Supervisors
Warren County

Pursuant to the authority delegated to me by Official Order of the Commissioner of Transportation, this map is hereby approved and filed in the main office of the New York State Department of Transportation.

Date _____ 20 __

Office of Right—of—Way

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