

Warren County Board of Supervisors

RESOLUTION NO. 163 OF 2019

RESOLUTION INTRODUCED BY SUPERVISORS LOEB, LEGGETT, SOKOL, HYDE, MAGOWAN, HOGAN, WILD, DRISCOLL AND DICKINSON

AUTHORIZING EASEMENT OVER COUNTY-OWNED RAILROAD PROPERTY IN THE TOWN OF THURMAN

WHEREAS, the County owns the railroad tracks which run through the Town of Thurman; and

WHEREAS, Janis L. Merrithew owns Town of Thurman Tax Map Parcel Nos. 196.2-1-24 and 196.2-1-19; and

WHEREAS, Town of Thurman Tax Map Parcel No. 196.2-1-24, which contains a dwelling, is located to the west of the County owned railroad tracks, and Town of Thurman Tax Map Parcel No. 196.2-1-19, which connects to River Road, is located to the east of the county owned railroad tracks; and

WHEREAS, the property owner is now under contract to sell these parcels, but the sale has been delayed due to title issues concerning crossing of the railroad tracks needed to access the dwelling; and

WHEREAS, historical use of the parcels has included the crossing of the railroad tracks by automobile to access the dwelling which is otherwise landlocked; and

WHEREAS, diligent searches have, to date, not revealed a record source of the title to or rights for use of the aforementioned crossing; and

WHEREAS, Ms. Merrithew has requested that the County grant a railroad crossing easement at the location described above, as a matter of resolving title issues which are holding up the sale; now, therefore, be it

RESOLVED, that this Board hereby determines that it is in the best interest of the County to grant the requested easement in order to resolve any claim to crossing rights at the aforementioned location as a means of avoiding litigation to establish or confirm such rights; and be it further

RESOLVED, that the Chairman of the Board is hereby authorized and directed to execute appropriate instruments granting the easement to Janis L. Merrithew across the County owned railroad tracks, subject to the terms and conditions ordinarily imposed upon similar crossings, in a form approved by the County Attorney.