



**COMMON COUNCIL MEETING  
FINANCE, ASSESSMENT AND TAXATION COMMITTEE  
Ginnie Farrell, Chair**

**DATE:** Monday, August 23, 2021

**TIME:** 5:30 p.m.

**LOCATION:** Common Council Chambers, 2<sup>nd</sup> Floor, City Hall

**TOPIC(S) OF DISCUSSION/CONSIDERATION:**

- **Update on the City's Current Financial Position and Federal COVID Relief Money**

- **Resolution 66.81.21R**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A LICENSE AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE SOUTH END CONNECTOR PROJECT**

- **ORDINANCE 23.82.21**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO ALECIA SEARS AND BRETT SEARS OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF MYRTLE AVENUE FOR THE CONSTRUCTION AND MAINTENANCE OF A FENCE ADJACENT TO THEIR PROPERTY AT 40 SOUTH MANNING BOULEVARD**

**PUBLIC COMMENT PERIOD: YES**

**Council Member Johnson introduced the following:**

**RESOLUTION NUMBER 66.81.21R**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A LICENSE AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE SOUTH END CONNECTOR PROJECT**

**WHEREAS**, the City is planning to start construction on updates on the much used link between the Helderberg-Hudson Rail Trail and the Mohawk-Hudson Bike-Hike Trail; and

**WHEREAS**, the South End Connector is a key piece of the region's growing network of alternative transportation paths that when finished, will offer amenities on the protected path for cyclists and pedestrians along the two miles from the rail trail's South End trailhead and the Mohawk-Hudson trail on the Hudson River; and

**WHEREAS**, this project will to offer people within the South End a safer and more dynamic way to the riverfront.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor be and is authorized and empowered to enter into and execute a license agreement with the New York State Department of Transportation for the use and occupancy of State-owned lands in connection with the South End Connector Project to connect and enhance the existing Albany County Rail and Mohawk-Hudson Bike-Hike Trails.

**TO: Danielle Gillespie, City Clerk**  
**FROM: Brett Williams, Senior Assistant Corporation Counsel**  
**RE: Request for Common Council Legislation**  
**Supporting Memorandum**

**DATE: July 22, 2021**

**SPONSOR: Council Member Johnson**

**RESOLUTION NUMBER 66.81.21R**

**TITLE**

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A LICENSE AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE SOUTH END CONNECTOR PROJECT

**GENERAL PURPOSE OF LEGISLATION**

To authorize the Mayor to execute a license agreement with NYS DOT in order to facilitate the South End Connector Project.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Adoption is required by the New York State Department of Transportation.

**FISCAL IMPACT(S)**

None.

**Council Member Igoe introduced the following:**

**ORDINANCE 23.82.21**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO ALECIA SEARS AND BRETT SEARS OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF MYRTLE AVENUE FOR THE CONSTRUCTION AND MAINTENANCE OF A FENCE ADJACENT TO THEIR PROPERTY AT 40 SOUTH MANNING BOULEVARD**

*The City of Albany, in Common Council convened, does hereby ordain and enact:*

**Section 1.** It is hereby authorized that the City of Albany (the “City”) grants an Permanent Easement to Alecia Sears and Brett Sears over a portion of the Myrtle Avenue Right-of-Way in the area of 40 South Manning Boulevard, in the City of Albany for the purpose of construction and maintenance of a fence as requested by the above-referenced owners of 40 South Manning Boulevard (tax map parcel no. 64.50-2-15), and as described more fully in the legal description attached hereto.

**Section 2.** The form, content, terms and conditions of such Permanent Easement shall be approved by the Corporation Counsel.

**Section 3.** The Grantee shall not hinder, interfere with, prevent, delay, obstruct, or adversely affect the Grantor City, in the reasonable exercise of its governmental operations or functions.

**Section 4.** This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS  
5<sup>TH</sup> DAY OF AUGUST, 2021**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk

**From:** Brett Williams, Senior Assistant Corporation Counsel

**Re:** Common Council Legislation  
Supporting Memorandum

**Date:** August 5, 2021

**Sponsor:** Council Member Igoe

**ORDINANCE 23.82.21**

**TITLE**

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO ALECIA SEARS AND BRETT SEARS OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF MYRTLE AVENUE FOR THE CONSTRUCTION AND MAINTENANCE OF A FENCE ADJACENT TO THEIR PROPERTY AT 40 SOUTH MANNING BOULEVARD

**GENERAL PURPOSE OF THE LEGISLATION**

Alecia and Brett Sears, the owners of 40 South Manning, had a fence on what they thought was their property. When they went to repair or replace their existing fence, it came to light that the portion of their fence that ran along Myrtle Avenue was actually in the City Right-of-Way.

The purpose of this ordinance is to grant a Permanent Easement to the Seares so that they may (re)construct their fence in the same location as before, technically on City property.

A draft of the Permanent Easement and a map depicting the location of the Permanent Easement are included herewith.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Common Council approval is required for land transactions, such as the granting of a Permanent Easement in the City's Right-of-Way.

**FISCAL IMPACT**

None.