

RESOLUTION NO. 189

AUTHORIZING AN AGREEMENT WITH THE NYS DEPARTMENT OF TRANSPORTATION TO FUND THE RESURFACING OF CR 52 (ELM AVENUE) FROM THE DELMAR BYPASS TO FEURA BUSH ROAD IN THE TOWN OF BETHLEHEM AS AN ECONOMIC RECOVERY PROGRAM PROJECT

Introduced: 6/8/09

By Public Works Committee and Mr. Cotrofeld:

WHEREAS, The CR52 (Elm Avenue) Delmar Bypass-Feura Bush Resurfacing and ADA Compliance Economic Recovery Project (hereinafter the "Project") in the County of Albany, in Albany County, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds, now, therefore be it

RESOLVED, By the Albany County Legislature, duly convened, does hereby approve the above Project, and, be it further

RESOLVED, That Albany County agrees to advance the Project through the County's resources and agrees that the Albany County Legislature hereby authorizes Albany County to pay in the first instance the full federal costs and full non-federal costs of any and all phase(s) or portions thereof and hereby appropriates from D5112.4 4075 the funds necessary to complete the Project including all phases or portions thereof, and, be it further

RESOLVED, That the Albany County Legislature makes a 100% commitment of the non-federal share (if any) of the costs of construction phases of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter "NYSDOT") pursuant to the State/Local Agreement, and, be it further

RESOLVED, That the sum of \$242,000.00 (Two hundred forty two thousand dollars and no cents) is hereby appropriated from D5112.4 4075 and made available to cover the cost of participation in the construction phases of the Project, and, be it further

RESOLVED, That upon completion of construction of the Projects, or a fully usable portion thereof, Albany County agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense, and, be it further

RESOLVED, That in the event the full-federal and non-federal share of the Projects exceeds the amount appropriated above, the Albany County Legislature

shall convene as soon as possible to appropriate said excess amount immediately, and, be it further

RESOLVED, That the County Executive of the County of Albany is hereby authorized to execute all necessary agreements or certifications on behalf of the Albany County with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and Albany County's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That this resolution shall take effect immediately and a certified copy of this resolution shall be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary agreement in connection with the Project.

Adopted by unanimous vote. 6/8/09