

Staff Summary

Subject GRANT OF EASEMENT TO NEW YORK STATE PARKS, RECREATION & HISTORIC PRESERVATION, AND NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION , FISHKILL, NEW YORK
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ROBERT GOLDBERG

Date MAY 24, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North / LIRR Committee	5/22/2023		X	
2	Finance Committee	5/22/2023	X		
3	Board	5/24/2024	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA Metro-North Railroad ("Metro-North")
GRANTEES: New York State Parks, Recreation & Historic Preservation ("Parks")
 New York City Department of Environmental Protection ("DEP")
LOCATION: South of Breakneck Ridge Station on Metro-North's Hudson Line
 Town of Fishkill in Dutchess County, NY
 Section 5953, Block 0, p/o Lot 530330
SPACE: Permanent easement (approximately 234,135 square feet or 5.375 acres)
ACTIVITY: Installation, operation and maintenance of a recreational trail (the "Breakneck Connector"), related amenities including parking and improvements to Breakneck Ridge Station and installation, operation and maintenance of a bridge (the "Breakneck Bridge")
ACTION REQUESTED: Approval of terms
COMPENSATION: \$1.00, payment waived

COMMENTS:

As part of the development of the proposed Fjord Trail ("FT"), Parks and DEP have requested a permanent easement on Metro-North property to construct the Breakneck Connector portion of the FT and a new bridge, the Breakneck Bridge, in conjunction with the Breakneck Connector. The proposal to construct the Breakneck Connector was developed to physically separate patrons of this recreational pedestrian/bicycle trail from the Route 9D roadway and from the Metro-North railroad tracks, and to provide a safe pedestrian connection between Metro-North's Breakneck Ridge Station and Parks' Breakneck Ridge Trailhead. The Breakneck Connector will run approximately from the proposed eastern side of the Breakneck Bridge adjacent to the Parks Breakneck Ridge Trailhead proximate to the Route 9D tunnel, north to the pedestrian overpass that provides access to the inbound side of the Breakneck Ridge Station.

The Breakneck Bridge will connect to the southern end of the Breakneck Connector. The Breakneck Bridge will be located on Metro-North property to the east of the tracks and cross over the Hudson Line to the west side of the tracks. The southwestern end of the Breakneck Bridge will be located on City-owned land at DEP's Hudson River Drainage Chamber (HRDC), west of the tracks. The Breakneck Bridge will serve the dual function of providing the DEP with vehicular access

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from Route 9D to the HRDC facility and providing the general public with a pedestrian and bicycle path connecting to the Breakneck Connector. At no cost or obligation to Metro-North, Parks will install, operate, inspect, repair and maintain the Breakneck Bridge and Breakneck Connector. Parks may, however, subcontract these obligations to a third party.

In addition to construction of the Breakneck Connector and Breakneck Bridge, the proposed project will address access and safety issues, including fencing placed along all grade portions of the trail (where the path is elevated, the trail will have a railing). The Breakneck Ridge Station improvements will include removal of the current low level platforms and installation of new high level platforms with ADA accessible ramps, a newly designed and improved parking lot for visitor and emergency vehicle parking, comfort stations, and seating/rest areas. While maintaining Metro-North's access point for maintenance vehicles, formalized parallel parking spaces on Route 9D and safety measures for visitors crossing the road will be provided. At no cost or obligation to Metro-North, Parks will be constructing all of the above improvements, as well as operating, maintaining and repairing all of the improvements, except for the improvements to the Breakneck Ridge Station, which Station will continue to be maintained by Metro-North. Parks may, however, subcontract its construction, operation, maintenance and repair obligations to a third party.

An appraisal of the easements has been conducted and the valuation has been determined to be \$37,800. MTA Real Estate's Disposition Guidelines allow for disposition of property using the lease/sale negotiation method under those circumstances permitted by Public Authorities Law Section 2897, which include, where the transferee is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the asset will remain with the government or any public entity. Pursuant to Section 2897(6)(d) of the Public Authorities Law, an explanatory statement for the disposal by negotiation of real property owned by Metro-North is not required as the value of the property does not meet or exceed the \$100,000 threshold as described in the MTA RED Property Disposition Guidelines.

Based on the forgoing, MTA Real Estate is requesting approval to enter into an easement agreement with New York State Department of Parks, Recreation & Historic Preservation and New York City Department of Environmental Protection, on the above-described terms and conditions.