

## REPORT ON PROPERTY OWNED BY TOWN OF COPAKE

The purpose of this report is to identify properties owned by the town of Copake. This identification consists of providing for each parcel the following information: parcel number, physical location, acreage, assessed value, estimated market value, deed reference, restrictions on the purchase or gift (if any) and an abbreviated history.

A summary of this information is provided by the table below. There are 11 owned parcels and 1 leased parcel containing 36.29 acres assessed at \$3,789,490 with an estimated market value of over \$5 million. Five parcels have no restrictions on use or sale; six, do. The West Copake Firehouse parcel 186.-2-46 has severe restrictions and is explained in some detail.

One parcel has been leased for a town waste site, but no evidence has been found for town ownership. It is included in this list because town ownership has been assumed in some quarters.

The information summarized here comes from: Copake Assessor Rolls, Columbia County Deed Books and Tapes, conversations with Columbia County ORP staff, Copake Town Board minutes, Copake town officials and town deed and lease records housed in Copake Town Hall.

### SUMMARY from Assessor Roll

<u>Parcel ID. #</u>	<u>Prop. Class</u>	<u>Roll Sect</u>	<u>Land AV</u>	<u>Total AV</u>	<u>Acres</u>	<u>St. #</u>	<u>Street Name (Location)</u>	<u>Deed Bk</u>	<u>Deed Pg</u>		<u>Notes</u>
167.-1-64	695	8	39600	39600	0.4		N. Mountain	670	332	Cemetery	Williams Cemetery
167.-1-68	311	8	25300	25300	0.15		N. Mountain	636	343	Vacant Land	Part of cemetery
187.1-1-55	963	8	21300	21300	0.23		County Rte. 7A	523	1569	Municipal Park	Adj. Parking Lot
187.1-1-54	438	8	113500	125190	0.3	1672	County Rte. 7A	C523	F1569	Parking Lot	
186.-2-46	662	8	50000	313200	1		County Rte. 7 Mountain View	C427	F1781	Police/Fire	West Copake
176.-1-90	662	8	42300	478900	2.2		Mountain View	585	120	Police/Fire	
176.3-4-3	652	8	78600	1305200	4.1	230	Mountain View	783	324	Town Hall Highway Garage	
157.-1-32.200	651	8	139700	957500	10.96		School Rd. Mountain View	C0369	F0765		
176.-1-87	682	8	61400	61400	6.24		Mountain View	562	201	Rec. Facility	Copake Park
176.-1-48.120	682	8	189100	346500	9.5		Mountain View	779	265	Rec. Facility	Copake Park
176.2-2-6.2	620	8	18200	89800	0.11		Miles & Rte. 344	555	814	Old ME Church	R-J Museum
176.-1-2	650	8	25600	25600	1.1		County Rte. 7A	C0345	F0277	Old Waste Site	
<b>Totals</b>			<b>804600</b>	<b>3,789,490</b>	<b>36.29</b>						

## **Williams Cemetery**

(See Residential Vacant Lot, parcel 167.-1-68)

### **Parcel, Location, Identification**

167.-1-64, North Mountain Rd., 0.4 acres

### **Assessed Value**

\$39600 (Equalization rate is 0.68.)

### **Deed**

L670--P332

Wesley Williams and Evelyn Williams deeded some portion to the town on Feb. 21, 1991, L.670, P.332 for \$1.00.

Harold Darling on October 29, 1992 for \$1 ..."does hereby remiss, release and quitclaim unto the party of the second part, its successor and assigns forever, all that piece or parcel of land situate, lying and being in the Town of Copake, Columbia County..."  
Size is not given for Darling piece : Deed book and page yet to be determined.

### **Restrictions of Sale**

Refer to parcel 167.-1-68 for details of right of access by Conover and Miller families to burial space.

### **Abbreviated History**

Parcel 167.-1-64 has 0.4 acres and Parcel 167.-1-68 has 0.15 acres for a total of 0.55. Columbia County Department of Public Works provided a survey map on Williams Cemetery dated Aug.3, 1989 that lists 0.599 acres.

## **Residential Vacant Lot**

(See Williams Cemetery, 167.-1-64, North Mountain Rd., 0.4 acres)

### **Parcel, Location, Identification**

167.-1-68 North Mountain Rd., 0.15 acres, part of the Williams Cemetery

### **Assessed Value**

\$25300 (Equalization rate is 0.68.)

### **Deed**

L636--P343

Bruce Conover and Susan M. Conover, Oct. 24, 1986, L.595, P794 deeded 0.158 acres to the Town for \$1. The same people deeded the same property to the Town on Oct.1, 1989, L.636, P343. The second deed corrects the first deed with the quotation under Restrictions for Sale below.

### **Restrictions of Sale**

Conover's deed: "This land is being conveyed to the town for cemetery purposes reserving the rear half thereof unto the grantors, their issue and their respective spouses and to Calvin J. Miller and Marion S. Miller, their issue and their respective spouses, the right to be buried therein without charge by the municipality."

"Calvin J. Miller agrees to cut the grass and maintain the entire plot in good condition during his lifetime."

### **Abbreviated History**

Letter of July 29, 1986 from law office of Connor, Curran & Schram clarified that the town is not obligated for any burial expenses for the Miller party.

"The dedication of the cemetery land was approved by a Resolution of the Town Board of the town of Copake which was adopted on the 14th day of August 1986."

Map referenced in deed is No. 8782, May 7, 1985.

## **Municipal Park**

### **Parcel, Location, Identification**

187.1-1-55, County Rte 7A, 0.23 acres

### **Assessed Value**

\$21300 (Equalization rate is 0.68.)

### **Deed**

C523--F1569

### **Restrictions of Sale**

### **Abbreviated History**

See parcel 187.1-1-54 for details.

## **Parking Lot**

### **Parcel, Location, Identification**

187.1-1-54, 1672 County Rte. 7A, 0.35 acres

### **Assessed Value**

\$113500 (land)--124190 (total)

Equalization rate is 0.68.

### **Deed**

C523--F1569

November 17, 2004 from Hudson River Bank & Trust Co., \$1.00, 0.35 acres.

### **Restrictions of Sale**

"...release unto the party of the second part, its successors and/or assigns forever."

Subject to driveway restrictions in Book 328, page 297. The driveway is defined in Book 499, page 456.

### **Abbreviated History**

Survey map is No. 04-260 filed September 29, 2004.

## **Police-Fire**

### **Parcel, Location, Identification**

186.-2-46, Cross Street in West Copake., 1.0 acres

### **Assessed Value**

\$50000 (land)--313200 (total)

Equalization rate is 0.68

### **Deed**

C427--F1781 Copake Fire Company No.3 deeded to Copake

L427 P1776 Brodbeck's deeded to Copake Fire Company No. 3

L498 P409 Engelbart's deeded to Copake Fire Company No. 3

L797 P279 Cronk's deeded to Copake Fire Company No. 3

### **Restrictions of Sale**

See pages 14-16.

### **Abbreviated History**

This property is in West Copake, Cross St. and County Route 7. Donated to the town by Copake Fire Co. #3. It involves three separate parcels provided the Copake Fire Department by three separate deeds: the Brodbeck's (0.06 acres), the Englebarts (0.03 acres) and the Cronk's (0.91 acres).

This is the most complicated holding by the town and is discussed on pages 14-16.

## **Police-Fire**

### **Parcel, Location, Identification**

176.-1-90, 230 Mountain View Dr., 2.2 acres

### **Assessed Value**

\$42300(land)--478900(total)

(Equalization rate is 0.68.

### **Deed**

L585--P120

### **Restrictions of Sale**

"This conveyance is made for the purpose of enlarging and enhancing the town recreational facilities and is made upon the express condition and limitation, which shall run with the land, that the grantee shall use the premises only for recreational purposes, and for no other municipal purpose, unless the whole of the Town's recreational lands shall be sold and used for some other purpose. Any violation may be enjoined by grantor, her heirs, successors and assigns."

### **Abbreviated History**

On September 24, 1985, Virginia P. Quinby, as executor of Sidney Quinby's will and last testament, conveyed this property to the town of Copake , its "...heirs, or successors and assigns ...forever...for no consideration". The property was designated originally in the Properties of Sidney Quinby as parcels 2,3 and 4.

## **Government Building**

### **Parcel, Location, Identification**

176.3-4-3, Mountain View Dr., Town Hall, 4.1 acres

### **Assessed Value**

\$78600(land)--1305200(total)

(Equalization rate is 0.68.

### **Deed**

L783--P324

12-21-1984 Purchased from Odyssey Farm/South, Inc. (Weir Stewart) for \$1.00.

Contained 3.38 acres. (Source of the remainder of this property yet to be identified.)

### **Restrictions of Sale**

"...grant and release unto party of the second part, its survivors and assigns forever.

### **Abbreviated History**

## Highway Garage

### **Parcel, Location, Identification**

157.-1-32.200, School Rd., 10.96 acres

### **Assessed Value**

\$39700(land)--957500 (total)

Equalization rate is 0.68.

### **Deed**

C369--F765: On November 9, 2000, Joseph John Flood and Virginia M. Flood conveyed for \$1.00 to the town of Copake "its successors and assigns forever" this property which the Floods obtained as noted in Book 778, P151.

### **Restrictions of Sale**

None

### **Abbreviated History**

## **Recreation Facility**

### **Parcel, Location, Identification**

176.-1-87, Mountain View Dr., 6.24 acres

### **Assessed Value**

\$61400(land)--61400 (total)

Equalization rate is 0.68

### **Deed**

L562--P201: Sidney Quinby for \$10 conveyed to the town of Copake, its "...heirs or successors and assigns...forever" 6.241 acres with Mountain View Rd. and Taconic Shores Property as boundaries.

### **Restrictions of Sale**

None

### **Abbreviated History**

## **Recreation Facility**

### **Parcel, Location, Identification**

176.-1-48.120, Mountain View Dr., 9.5 acres

### **Assessed Value**

\$189100(land)--346500(total)

Equalization rate is 0.68

### **Deed**

L779--P265: On November 11, 1994, Ernest A. Knox and Shirley A. Knox conveyed to the "...town, its successors and assigns forever" 3.943 acres of land.

### **Restrictions of Sale**

None

### **Abbreviated History**

The Knoxs purchased 8.910 acres for \$26,730 according to Book 587, page 1125.

Have not learned whether all of this was donated later nor if the source of the remainder of the 9.5 acres came from elsewhere.

## **Old Methodist Church and Property - Copake Falls**

### **Parcel, Location, Identification**

Parcel 176.2-2-6.2 refers to 0.11 acres of land and the old Copake Falls Methodist Church which is presently (2010) home for the Roeliff Jansen Historical Society's museum. The property is on Miles Rd. at State Route 344.

### **Assessed Value**

\$18,200 (land)--\$89800(total)

Equalization rate is 0.68 suggests a market rate of about \$132, 060.

### **Deed**

L555--P814. A copy is in Town Hall.

On 15 May, 1981, the N.Y. Annual Conference of the United M.E. Church, 210 Boston Post RD., Rye, NY conveyed this property to the Town of Copake for "...\$10 and other valuable considerations."

### **Restrictions of Sale**

"...this property shall not be used for the manufacture and sale of intoxicating liquor."

### **Abbreviated History**

Town Board provided repairs on the roof and paint in 1982(?) for \$50250.

On 11-12-1982, the Town Board voted to let the Roeliff Jansen Historical Society "...use the church building in Copake Falls as a museum and that your group be the administrator of that building."

The building is referenced in Deed transfer as the "Methodist Episcopal Church of Copake Iron Works".

## Government

### **Parcel, Location, Identification**

176.-1-2 according to Assessor Roll. (Columbia County records indicate this parcel is owned by Deborah Lester and Stephen Gordon and lies within the Taconic Shores area.) County Rte 7A, 1.1 acres, Just north of Snyder Pond Rd.

### **Assessed Value**

\$25600(land)--25600(total)  
Equalization rate is 0.68

### **Deed**

L345--P277

This reference given on the Copake Assessor Roll is incorrect. The above references a mortgage on a different property.

### **Restrictions of Lease**

"...to be used by the party of the second part [Town of Copake] as a town sanitary landfill.."

### **Abbreviated History**

Town Hall records show this parcel was leased from:

Adrian D. Langdon in five year intervals from 1/1/1945 through 6/30/1955;

Grant and Olive Langdon annually or in five year intervals through 6/30/1973;

Grant and D. and Nancy W. Langdon annually through 6/30/1982.

Deed L494, P846 records the transfer from Grant D. and Nancy W Langdon.

Columbia County took over the operation of the landfill sometime during 1981-1986, perhaps 9/1/1981. Columbia County closed and cleaned the landfill according to rules provided by the Columbia County Board of Health and the Environmental Conservation Laws and Rules of the state of New York. The date committed for this was 12/31/1985, but no documentation has been found for the actual date.

### **Note**

No evidence has been found to show that this parcel was ever deeded to the Town of Copake. The evidence available shows that Copake leased the property for 40 years for certain and maybe longer.

**NOTES from conversations**

Bruce Conover donated some of the cemetery property. Correct-found.  
 Highway Garage property was purchased from Joe Flood Sr. Small part next to road was donated by Joe Flood, Jr.  
 Four parcels on Mountain View--parts donated by the Quinbys. These have been found.

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176.-1-2	650	8	25600	25600	1.1		County Rte. 7A	C0345	F0277	Old Waste Site	
<b>Totals</b>			<b>804600</b>	<b>3789490</b>	<b>36.29</b>						

## SYNOPSIS OF WEST COPAKE FIREHOUSE PROPERTY

The property in question is Parcel 186.-2-46 on the 2010 Copake Assessor Roll, listed as 1 acre on County Rte. 7 (Deed C427, page F1781). Land is assessed as \$50,000 and total property is assessed as \$313,200. Since the State Equalization Rate is 68.00%, this implies an estimated market price of \$73,529 for land and \$460,588 for total value. (Below is information suggesting this is out of line.)

### Columnar dates reference Town Board Minutes.

6-14-08 Peter Bloomfield sent a letter of interest to the Town Board concerning the possibility of purchasing the West Copake Firehouse Property. (Bloomfield owns 5.3 acres of land at 8 Upper Rhoda assessed at \$112,000. He lives in Philadelphia, PA.)

7-20-08 Bloomfield commented that he wants to convert the W. Copake Firehouse property into a "small handicap building".

8-14-08 Arnold Anderson, Commander, VFW, asked the town to donate the W. Copake Firehouse property to the VFW. Copake VFW owns two parcels, 187.-1-1-69 (0.87 acres, assessed as \$26,100) and 187.-1-1-70 (1 acre, assessed as \$30,000) on County Rte. 7A beside the Laundromat.

The town attorney, Kevin Thiemann advised the Board that if they wish to sell:

1. the Town Board must decide that the building is no longer needed by the Town;
2. appraisal is needed to learn the fair market price of the property;
3. "right of reversion" investigation will be necessary;
4. and State legislature's approval required because property was given to the Town.

9-13-08 Thiemann provided the Board with the following information provided in attachments to the Board's minutes. (All these papers are available if needed.)

1. Copake Fire Company No.3 obtained the property via three separate deeds. Parcel 1 deeded to the town by John J. Brodbeck and Mary M. Brodbeck, September 5, 1944, 36'x70' (0.06 acres) recorded in Book 427, page 1776. This deed was not recorded with the Columbia County Clerk until 11-20-2002. Part of the current building is on this parcel. The deed noted that this parcel reverts to

"said grantors [Brodbeck], their heirs and assigns" in the event that Copake Fire Company No.3 "should cease to exist or shall cease to use the premises herein granted for the purpose of fire protection in the said Town of Copake..."

2. Parcel 2 deeded to Copake Fire Company No. 3 from Ernest Englebart and B. Kathleen Engelbart, May 14, 1973. This parcel is 20'x70' (0.03 acres) and was recorded May 17, 1973, Book 498, page 409. The deed noted that this parcel

reverts to the Englebarts, their heirs and assigns forever under the same conditions as in deed 1.

3. Parcel 3 deeded from William E. Cronk and Janis A. Cronk 0.91 acres on June 9, 1995 (Book 797, page 279), a parcel that surrounded the lands conveyed by deeds 1 and 2. No right of reversion exists in this deed. The deed did contain the following provision.

“...also conveying all of the grantor’s [Cronk] right, title and interest, in and to that portion of lands shown as Lands occupied by Copake Fire Company No.3 consisting of a parcel of land 70 feet in length and 36 feet in width as shown on the aforesaid map.” (This map is attached.)

10-9-08 Town Board received two bids to appraise the property: Empire State Appraisers, \$1500 and Conera Appraisal Associates, \$800. Board hired Conera.

12-13-08 Total appraisal reported from Conera: \$50,000.

Parcel 1, 0.06 acres	\$3000
Parcel 2, 0.03	1500
Parcel 3, 0.91	45,500

(Note the \$410,588 difference with the assessor value corrected by the Eq. Rate.)

Representative of Mr. Cronk said he does wish to exercise right of reversion of parcel 2. Court order directs that property be used for community use. Attorney Theimann was instructed by Town Board to speak with representative of Mr. Cronk to try and resolve the reversion rights issue.

1-15-2009 Reiterated that Mr. Cronk is the only person to step forward as heir to any parcel. His was parcel 2. Mr. Thiemann advised that if the Town keeps the building and Mr. Cronk exercises his right of reversion, the town could negotiate to pay him a fair market price. A motion was made, seconded and approved not to sell the West Copake Firehouse.

6-12-2010 and 7-8-10 Topic is mentioned, but no action recommended or taken

#### Notes

1. Copake Fire Company No. 3 deeded this property to the Town of Copake, (11-15-2002), recorded on C427, F1781, 11-20-2002. This deed notes:

“This conveyance is made pursuant to an Order entered in the Columbia County Supreme Court on July 23, 2002, and filed in the Columbia County Clerk’s Office on July 31, 2002, authorizing the plan of dissolution and distribution of the assets of the party of the first part [Copake Fire Company No. 3, Inc.]. The property conveyed hereinunder is conveyed to the party of the second part [Town of Copake] for community use, including utilization as a youth activities center, pursuant to said approval plan of dissolution and distribution of the assets of the party of the first part.”

2. Nelson R. Alford, the Town Attorney at the time of the conveyance (11-15-02),

said the Town Board was aware of the right of reversion but intended to quiet this through an Article 15 action on the title. This was never done. Carl Whitbeck, who followed as town attorney, reported there was no record of this file in his office.

3. Charles F. Foote, the attorney who researched title and deeds, wrote to Thiemann on 8-22-08 that he believes the right of reversion of the Brodbecks was extinguished by the Cronks conveyance of land to the Fire Company.

4. At the end of all this, Thiemann advised the Town Board that whether the property was sold or kept, the following needed to be addressed.

- a. Does a right of reversion continue to exist on behalf of the Brodbeck heirs (assuming it has not been extinguished as a result of the Cronk deed)?
- b. Does a right of reversion continue to exist on behalf of the Englebart heirs?
- c. If the property is sold as surplus, how is the restriction on community use (as stated in the Fire Company deed to the town) to be addressed?

And further if the town decides to sell, Thiemann recommended that:

- a. the Highway Superintendent must state in writing that the town no longer needs the property.
- b. Town Board declare the property surplus and determine how the property is to be sold. (A permissive referendum would be required.)
- c. Because of the restriction that the property be held for community use, approval by the State Legislature will be required.

All Town Board Minutes read.