

**Authorizing The Chairman To Execute A License Agreement with James and Andrea Demosthenes For Usage Of County Owned Property For A Patio Project**

Referred to: The Economic Development and Tourism Committee (Chairman Maloney and Legislators Loughran, Maio, Roberts and Wishnick) and The Ways and Means Committee (Chairman Gerentine and Legislators Gregorius, Maio, Maloney, Provenzano, Rodriguez and Ronk)

Chairman of the Economic Development and Tourism Committee, James F. Maloney, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, the County of Ulster is the owner of a lot on the northerly side of Main Street in the City of Kingston adjacent to premises owned by Golestan, LLC, known as 11 Main Street; and

WHEREAS, Santa Fe Uptown Restaurant is currently operating on the ground floor of the structure at 11 Main Street in Kingston, NY, per a lease agreement between Golestan, LLC and James and Andrea Demosthenes; and

WHEREAS, James and Andrea Demosthenes (the Applicants) seek to license the County-owned property located alongside the building, three (3) defined parking spaces situated in the front of the parking lot adjacent to the guardrail and front Main Street, for the purpose of operating an outdoor patio café; and

WHEREAS, a boundary line agreement, regarding the County's property and the property now owned by Golestan, LLC, was entered into on December 20, 1977; and

WHEREAS, pursuant to Resolution No. 196 of June 8, 2000, the County of Ulster entered into a supplemental boundary line agreement with the former owners in order to address a structure encroachment upon the premises; and

WHEREAS, as per section 2.26 of the County's Type II List, this action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of SEQRA; and

WHEREAS, whenever permissible, the Ulster County Legislature is dedicated to helping Ulster County businesses expand and flourish, especially in a challenging economy; and

WHEREAS, pursuant to Resolution No. 130 unanimously adopted by the Ulster County Legislature on May 14, 2013, a revocable License Agreement which expired on October 31, 2013 was executed with the Applicants granting use of the above referenced County-owned property; now, therefore, be it

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RESOLVED, that the Ulster County Legislature hereby finds and determines that said parking spaces are not currently necessary for County use; and be it further

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute a revocable License Agreement, and any amendments thereto, with the Applicants, granting the use of the above mentioned three defined parking spots from November 1, 2013 through December 31, 2014, in the form as on file with the Clerk of the Legislature or as modified with the approval of the County Attorney; and be it further

RESOLVED, that the Applicants shall pay the sum of \$100.00 for each month of the License period; and be it further

RESOLVED, the granting of the License shall be subject to the Applicants obtaining any and all permits or approvals from any governing entity that may have jurisdiction,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21      NOES: 0  
(Absent: Legislators Aiello and Harris)  
(Legislator Donaldson arrived at 7:27 PM)  
(Legislator Richard Parete arrived at 7:44 PM)

Passed Committee: Economic Development and Tourism as amended on November 7, 2013

Passed Committee: Ways and Means on November 12, 2013

FINANCIAL IMPACT:  
\$1,400.00 – REVENUE DOLLARS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 19<sup>th</sup> Day of November, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19<sup>th</sup> Day of November in the year Two Thousand and Thirteen.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
20<sup>th</sup> Day of November, 2013.

Approved by the County Executive this  
22<sup>nd</sup> Day of November, 2013.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

|s| Michael P. Hein  
Michael P. Hein, County Executive