

Authorizing The Required Steps For The Transfer Of Real Property Located At 300 Flatbush Avenue And Additional Real Property Located In The Town Of Ulster

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Bartels, Belfiglio, Briggs, Maio, Maloney, Provenzano, and Rodriguez)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Tracey A. Bartels offer the following:

WHEREAS, it is the policy of the State of New York to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry; and

WHEREAS, the County of Ulster has the responsibility and burden to promote the health, safety and general welfare of the residents of the County by, among other things, preventing unemployment and economic deterioration, increasing and maintaining employment opportunities, and attracting and sustaining economically sound commerce; and

WHEREAS, the County of Ulster owns the following properties (collectively the "Properties"):

1. 300 Flatbush Avenue, Kingston, New York (sbl no.: 48.074-3-14.100);
2. An approximately 7.513 acre parcel consisting of vacant land, adjacent to the Golden Hill Health Care Center, located in the Town of Ulster; and

WHEREAS, the County Legislature has examined the Properties and determined that the County no longer needs the Properties now or in the future for the operation of the County; and

WHEREAS, Section 1411 of the Not-For-Profit Corporation Law of the State of New York (the "LDC Act") authorizes the establishment of not-for-profit local development corporations operated exclusively for the charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

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WHEREAS, the LDC Act further authorizes the legislative body of a county, by resolution, to determine that certain real property of the County not required for use by the County may be sold or leased to a not-for-profit local development corporation for purposes that include lessening the burdens of government and acting in the public interest; and

WHEREAS, Section 1411(d) of the LDC Act further provides that the sale or lease may be on such terms as may be agreed upon by the County and a local development corporation, without appraisal or public bidding; and

WHEREAS, in furtherance of the public purposes set forth above, the County Legislature proposes to transfer its interest in certain portions of the land, buildings, equipment and assets of the Properties to the Ulster County Local Development Corporation, formed pursuant to Section 1411(a) of the LDC Act (hereinafter the "Corporation"), subject to the County's reserved leasehold interest in the Properties (collectively, the "Disposition"); and

WHEREAS, the County shall require that the net proceeds of the Disposition and of any eventual sale to a third party are paid to the County; and

WHEREAS, to accomplish the purposes and powers as set forth within the LDC Act and the purposes and powers of the Corporation, including relieving the burdens of the County and the undertaking of the Disposition, the County desires to task the Corporation with such burdens and responsibilities; and

WHEREAS, pursuant to and in accordance with Section 1411(d) of the LDC Act, a public hearing relating to the Disposition was duly scheduled, noticed and conducted by the Ulster County Legislature prior to the adoption of this resolution which hearing was held on June 17, 2014; now, therefore, be it

RESOLVED, the Ulster County Legislature hereby authorizes the following:

1. Pursuant to Section 1411(d) (1) of the LDC Act and upon due consideration of the presentations and comments received during the public hearing, the County Legislature hereby determines that title to the Properties is not required for use by the County; and

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2. Pursuant to Section 1411(d) of the LDC Act, the County of Ulster hereby authorizes the undertaking of the Disposition, including transfer of title and/or a leasehold of up to ninety-nine years, to the Properties together with any necessary fixtures attached to or contained therein, to the Corporation pursuant to a deed to be approved by the County Attorney (the “Deed”); and
3. The County shall transfer title to the Corporation in fee unless in the event the County shall need any of the Properties for a limited period of time pending relocation of operations, then the County may transfer a title and/or a leasehold; and
4. The Chairman of the Ulster County Legislature and/or the County Executive, as may be set forth in the Ulster County Charter and Administrative Code and/or as may be required otherwise, are hereby authorized to execute any and all documents related to the Disposition, including the Deed and/or any lease agreement(s), subject to approval by the County Attorney, along with any other agreements, forms, certificates or applications necessary to effectuate the foregoing; and, be it further

RESOLVED, that the County has identified the Disposition as an “Unlisted Action” as said term is defined pursuant to the State Environmental Quality Review Act (SEQRA). The County’s review of the Disposition pursuant to SEQRA is uncoordinated. Based upon the review by the County of an Environmental Assessment Form (EAF) and related documents, the County hereby finds that (i) the Disposition will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Disposition will not have a “significant effect on the environment” as such quoted terms are defined in SEQRA; and (iii) no “environmental impact statement” as such quoted term is defined in SEQRA, need be prepared for this action. This determination constitutes a negative declaration for purposes of SEQRA; and, be it further

RESOLVED, that this resolution shall take effect immediately,

and move its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 18 NOES: 4
(Noes: Legislators Donaldson, Greene, John
Parete, and Richard Parete)

Passed Committee: Ways and Means on June 11, 2014

FINANCIAL IMPACT:
REVENUE TO BE DETERMINED

Legislator Donaldson motioned, seconded by Legislator Richard Parete, to refer the Resolution back to the Ways and Means Committee.

MOTION DEFEATED BY THE FOLLOWING VOTE:

AYES: 4 NOES: 18
(Ayes: Legislators Bartels, Donaldson, Greene, and
Richard Parete)

