

Authorizing The Required Steps For The Transfer Of Real Property Owned By Ulster County And Located At Enterprise West, Town Of Ulster To The Ulster County Economic Development Alliance – Department Of Economic Development

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Cahill and Legislators Archer, Corcoran, Delaune, Litts, Maio, and Uchitelle), and The Ways and Means Committee (Chairwoman Archer and Legislators Bartels, Gavaris, Haynes, Maio, Parete, Ronk, and Walter)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Brian B. Cahill, and Deputy Chair Herbert Litts, III, offer the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the Department of Economic Development; and

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 (the “County”) 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 achievement of economically sound commerce and industry in Ulster County has long been hindered by the lack of development and increasingly blighted conditions at the former IBM facility in the Town of Ulster; and

WHEREAS, the County did acquire in 2019 a portion of the former IBM facility consisting of +/- 80 acres on two parcels identified as tax map IDs SBL No. 48.7-29.100 and SBL No. 48.7-29.200 and the buildings, equipment and assets thereon (collectively, “Enterprise West” or the “Properties”), and further shown on a map of lands as filed with the Clerk of the Legislature; and

WHEREAS, the County acquired the Property due to the prior owner’s repeated failure to pay the necessary costs of upkeep, including real property taxes owed to the County, the Town, and the Kingston City School District; 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

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WHEREAS, certain improvements necessary to separate Enterprise West from the remainder of the former IBM facility have been completed, making it feasible to proceed with redevelopment of these Properties as a means of promoting the economic welfare and prosperity of the County's residents; and

WHEREAS, the Department of Economic Development issued a Request for Expressions of Interest ("RFEI") to purchase, lease, or otherwise assist with redevelopment of the Properties, for which submissions are due on February 26th; and

WHEREAS, the RFEI provides the County's clear project goals, which include:

- Supporting a diversified mix of new or retained firms and jobs in one or more of the industry clusters identified in the Ulster 2040 strategic plan;
- Strengthening connections with and between existing local businesses through a combination of proposed tenants, configuration and location of uses on the Properties, and programming in partnership with the County and/or its partners;
- Returning the site to productive use in order to increase sales and property tax revenues for the local jurisdictions;
- Improving equity through active engagement, recruitment and/or development of minority- and woman-owned businesses, worker-owned cooperatives, micro-enterprises and sole proprietors;
- Recognizing, celebrating and enhancing the Properties' assets, including the historical legacy of IBM's presence in the County; the proximity of the Esopus Creek, Lincoln Park neighborhood and Ulster Avenue commercial district; and the site's robust infrastructure, including transportation, sewer/water, electric and telecommunications;
- Advancing the County's goals for a Green New Deal through the production and use of renewable energy, the use green building materials and practices, and the expansion of green businesses and jobs;
- Catalyzing future redevelopment and investment in surrounding properties, especially the remaining portions of the former IBM campus, the Ulster Avenue commercial corridor and the Hudson Valley Mall; and

WHEREAS, the RFEI was widely circulated to businesses and developers locally and throughout the greater region; and

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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

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 the Properties (the “Disposition”) to the Ulster County Economic Development Alliance, a 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; and

WHEREAS, the Corporation shall form an Advisory Board to provide recommendations and support to the Corporation’s Board of Directors relating to the redevelopment of Enterprise West, and which shall consist of seven members, no more than two of whom shall be employees of the County of Ulster and three of whom shall be chosen by the Chair of the Ulster County Legislature; 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

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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 Monday, January 11th at 6:20 PM; now, therefore be it

RESOLVED, that 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 lands shown on the map as filed with the Clerk of the Legislature is not required for use by the County; and
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 Property together with the equipment and assets situated thereon, to the Corporation pursuant to a deed and/or lease to be approved by the County Attorney (the “Deed” and/or “Lease”), provided, however, that any sale or lease of these lands by the Corporation shall be in accordance with the goals of the County as articulated in this Resolution above; and
3. The County shall transfer title to the Corporation in fee unless in the event the County shall need any of the Property for a limited period of time, then the County may transfer a title and/or a leasehold; and
4. The Chair 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 Lease, 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

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RESOLVED, that the County Legislature has identified the Disposition as an “Unlisted Action” as said term is defined pursuant to 6 NYCRR Part 617.6 of the Regulations of Article 8 of the Environmental Conservation Law of New York State (“SEQRA”); and has conducted an uncoordinated review of the Disposition pursuant to NYCRR Part 617.6(b)(4); and, be it further

RESOLVED, that the Ulster County Legislature hereby determines that the Disposition will not have a significant adverse environmental impact, will not require the preparation of a Draft Environmental Impact Statement with respect to the Disposition, and has made a determination of non-significance under SEQRA (“Negative Declaration”), a copy of which is annexed to this Resolution and made a part hereof; and, be it further

RESOLVED, this resolution shall take effect immediately,
and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

Passed Committee: Economic Development, Tourism, Housing, Planning, and Transit on March 2, 2021

Postponed in Committee: Ways and Means on March 9, 2021 for one week

Passed Committee: Ways and Means on March 16, 2021

FINANCIAL IMPACT:
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 16th Day of March in the year Two Thousand Twenty-One, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18th Day of March in the year Two Thousand Twenty-One.

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

Submitted to the County Executive this
18th Day of March 2021.

Approved by the County Executive this
23rd Day of March 2021.

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

|s| Patrick K. Ryan
Patrick K. Ryan, County Executive