

Authorizing The Chairman Of The Ulster County Legislature To Waive Its Right Of First Refusal To Purchase Real Property Located At 16 Lucas Avenue In The City Of Kingston, Ulster County, New York And To Release All Right, Title And Interest In Purchasing Said Property To Its Owner, GD Realty Kingston, LLC, And To Its Lessor, GD Realty Company – Department Of Public Works (Buildings And Grounds)

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman Kenneth J. Ronk, Jr. offers the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, on December 28, 1987 the County of Ulster entered into a lease with G.D. Realty Company as Owner and Heritage Oil Delivery Service, Inc. as Lessor, for lease of the entire premises located at 16 Lucas Avenue in the City of Kingston, Ulster County, New York, with a term commencing February 1, 1988 and ending on January 31, 1993, to use and occupy the premises as Ulster County Family Court and for the storage of Ulster County Records; and

WHEREAS, said lease was subsequently renewed and extended by the parties on May 4, 1993 with a term from January 31, 1993 to January 31, 1998; said lease was extended and modified on August 20, 1997 with a term until January 31, 2003; said lease was renewed and extended on January 7, 2003 with a term from January 31, 2003 to January 31, 2008; said lease was amended by letter agreement signed by the parties on May 7, 2003; said lease was extended for only one of two additional consecutive one year terms by letter dated November 7, 2007, said term ending on August 31, 2009; said lease was extended and renewed by the parties in 2009 with a term from September 1, 2009 to August 31, 2014; and said lease was assigned from Heritage Oil Delivery Service, Inc. to GD Realty Kingston, LLC on August 27, 2014; said lease was extended and renewed by the parties on September 2, 2014 with a term from September 1, 2014 to August 31, 2015; a Lease Amendment Rider was signed by the parties on November 17, 2014; said lease was renewed and extend by the parties on May 11, 2015 with a term from August 31, 2015 to August 31, 2016; and

WHEREAS, pursuant to Resolution 386 dated August 16, 2016 and approved by the Ulster County Legislature on the same day and signed by the County Executive on August 19, 2016, said lease was renewed and extended by the parties on August 31, 2016 with a term from September 1, 2016 to August 31, 2018; and

Resolution No. 167 April 18, 2017

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WHEREAS, on November 8, 2016, the electorate of Ulster County approved a mandatory referendum in favor of relocating the Ulster County Family Court to a different site in the Town of Ulster, Ulster County, New York; and

WHEREAS, by reason of the foregoing, Ulster County has no intention of purchasing the premises located at 16 Lucas Avenue from GD Realty of Kingston, LLC and GD Realty Company; and

WHEREAS, on March 23, 2016, Ulster County was served with “Notice of Right of First Refusal Under Lease” by GD Realty of Kingston, LLC and GD Realty Company, owner and lessor of 16 Lucas Avenue, respectively, a copy of which notice is annexed hereto as Exhibit A; and

WHEREAS, that said owner and lessor have requested that the County of Ulster waive its Right of First Refusal and release the sixty (60) day acceptance period granted pursuant to the language contained in Section XXVIII of the lease and further that the County of Ulster, by the Chairman of the Ulster County Legislature, execute and acknowledge a “Certificate of Right of First Refusal Waiver and Release”, thereby documenting its termination, waiver and release of said Right of First Refusal as previously described; now, therefore, be it

RESOLVED, that the Chairman of the Ulster County Legislature is authorized and directed to make, execute and deliver to said owner and lessor of 16 Lucas Avenue in the City of Kingston, Ulster County, New York, or to their authorized representative(s), a “Certificate of Right of First Refusal Waiver and Release”, a copy of which is annexed hereto as Exhibit B, concerning the said real property leased by the County and located at 16 Lucas Avenue; and, be it further

RESOLVED, that the said County of Ulster shall in no event be or become liable for any defects in said waiver and release for any cause whatsoever, and that no claim or demand of any nature shall ever be made against the County of Ulster arising from such waiver and release or the proceedings leading thereto,

and move its adoption.

