

**Authorizing The Required Steps For The Transfer Of Real Property Owned By Ulster County And Located On Golden Hill, City Of Kingston To The Ulster County Housing Development Corporation – Department Of Planning**

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, 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 by the County Executive on behalf of the Department of Planning; 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, it is the policy of the State of New York to create safe, healthy and affordable housing opportunities for all New Yorkers; and

WHEREAS, the availability of safe, healthy, and affordable housing is a key factor in increasing spending and employment in the surrounding economy, acts to ensure an available workforce, reduces costs to local governments associated with homelessness and crime, and can place regional economies at a competitive advantage; and

WHEREAS, current Census housing data shows that more than forty percent (40%) of the rental households in Ulster County are now housing cost burdened paying more than thirty percent (30%) of their income for housing; and

WHEREAS, pursuant to Resolution No. 179 of May of 2020 the Ulster County Legislature directed the County Executive to examine existing County lands for their potential to support housing development; and

WHEREAS, the County Planning Department has identified lands owned by the County located in the City of Kingston that include the former jail site as suitable for housing development (the “Golden Hill Site”); and

WHEREAS, the County of Ulster owns the lands located at the Golden Hill Site consisting of an approximately 19.9 acres that is a portion of parcel identified as tax map ID, SBL No. 56.40-1-19.300 and further shown on a map of lands as filed with the Clerk of the Legislature; and

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WHEREAS, the Planning Department issued a request of developer qualifications and site concepts for affordable mixed-income housing development (SOQ) for the Golden Hill Site and received five credible responses; and

WHEREAS, the SOQ provides the County's clear project goals that include:

- Create residential opportunities within a range of income levels in the County with availability to all generations;
- Provide a broad level of affordability for new housing development to ensure access to affordable housing by lower income households while meeting affordable workforce housing needs and including supportive housing;
- Include with the project needed support and recreation amenities that meet the needs of the population mix;
- Identify and, if practical, create space for commercial opportunities and community programming particularly appropriate to the site's setting among nursing and mental health related facilities;
- Ensure seamless access to public transit and include pedestrian/cycling connections;
- Recognize the site's assets, particularly views of the Catskills, while overcoming its challenges such as grades and access; and
- Meet the County's goals for a Green New Deal with the use of renewable energy and the utilization of green building practices in both materials and design; 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, 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, 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

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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 certain portions of the land, buildings, equipment and assets of the Properties to the Ulster County Housing Development Corporation, 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 (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 shall be held on Tuesday, August 11, 2020 at 6:20 PM; now, therefore, be it

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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 (the “Property”) 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 situate 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 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 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

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("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: 22                      NOES: 0  
(1 Abstention: Legislator Gavaris)

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit  
on August 4, 2020

Passed Committee: Ways and Means on August 11, 2020

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 18<sup>th</sup> Day of August in the year Two Thousand Twenty, 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 19<sup>th</sup> Day of August in the year Two Thousand Twenty.

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

Submitted to the County Executive this  
19<sup>th</sup> Day of August, 2020.

Approved by the County Executive this  
25<sup>th</sup> Day of August, 2020.

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

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