

Authorizing The Required Steps For The Transfer Of 0.18 Acres Of County Property In Kingston To The Ulster County Economic Development Alliance

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman James Maloney and Legislators Archer, Delaune, Litts, Maio, Rodriguez, and Woltman), and The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, Maio, James Maloney, Joseph Maloney, and Petit)

Chairman of the Legislature, Kenneth J. Ronk Jr., offers 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 certain real property comprising approximately 1.02 acres of property between Cornell and Oneil Streets in the City of Kingston along the former Ulster & Delaware Railroad Corridor (SBL No. 48.8-1-31.11, the "Property"); and

WHEREAS, although the Property has been delineated for development as the Midtown Linear Park, a 0.18-acre portion of the Property ("Parcel A") is not required for development of the trail or other public facilities proposed for the Property; and

WHEREAS, the physical layout of the Property and encroachment on it by an adjoining property owner preclude the use of Parcel A for other County purposes; 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, carry 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 may be sold or leased to a not-for-profit local development corporation for purposes that include retention of an industry and maintenance of job opportunities; 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 public bidding; and

WHEREAS, in furtherance of the public purposes set forth above, the County Legislature proposes to transfer its interest in certain real property (the “Disposition”) as depicted as the Parcel A on the “Map of Land To Be Conveyed From Ulster County to the Ulster County Economic Development Alliance,” prepared by Brooks & Brooks Land Surveyors, P.C. and dated August 27, 2018, to the Ulster County Economic Development Alliance, Inc. (“UCEDA”), formed pursuant to Section 1411(s) of the LDC Act; and

WHEREAS, to accomplish the purposes and powers as set forth within the LDC Act and the Purposes and powers of the UCEDA, including relieving the burdens of the County and the undertaking of the Disposition, the County desires to task the UCEDA 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 November 13, 2018; now, therefore be it

RESOLVED, that the Disposition constitutes a Type II action under Section 4.1.5 of the County of Ulster’s State Environmental Quality Review Act (“SEQRA”) Type II List that was adopted pursuant to Resolution No. 188 on April 20, 2010 and as such, will not have a significant potential environmental impact; and be it further

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 Parcel A 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 of Parcel A to UCEDA pursuant to a deed to be approved by the County Attorney (the "Deed") and submission for any local subdivision and/or lot line revision approvals required; and

3. The County shall transfer title to UCEDA in fee, and 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

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, subject to approval by the County Attorney, along with any other agreements, forms, applications, or certificates necessary to effectuate the foregoing,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 19 NOES: 2
(Noes: Legislators Donaldson and Joseph Maloney)
(Absent: Legislators Collins and Maio)

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on December 4, 2018

Passed Committee: Ways and Means on December 11, 2018

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 18th Day of December in the year Two Thousand and Eighteen, 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 19th Day of December in the year Two Thousand and Eighteen.

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

Submitted to the County Executive this
21st Day of December, 2018.

Approved by the County Executive this
27th Day of December, 2018.

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

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