

Authorizing The Required Steps For The Transfer Of Certain Real Properties Owned By Ulster County And Located At The Site Known As IBM Tech City East, Town Of Ulster, To The Ulster County Economic Development Alliance, Inc.

Referred to: The Laws and Rules, Governmental Services Committee (Chairwoman Bartels and Legislators Gavaris, Heppner, Roberts, and Ronk), and The Ways and Means Committee (Chairman Gavaris and Legislators Archer, Bartels, Haynes, Maio, Parete, Ronk, and Walter)

Chairman of the Legislature, David B. Donaldson, offers 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 County of Ulster owns the following properties identified by Real Property Tax Section, Block, Lot (“SBL”) No.: 48.7-1-29.110, 48.7-1-29.120, 48.7-1-29.130, 48.7-1-29.140, 48.7-1-29.150, 48.7-1-29.160, 48.7-1-29.170, 48.7-1-29.240, 48.7-1-29.250, 48.7-1-29.260, 48.7-1-29.270, 48.7-1-29.300, 48.7-1-29.400, 48.7-1-29.500, 48.7-1-29.700, 48.7-1-29.800, and 48.7-1-29.900 (collectively referred to herein as the “Properties”); 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 the Properties to the Ulster County Economic Development Alliance, Inc., 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 any eventual sale of the Properties 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 December 21, 2021; and

WHEREAS, the action as proposed consists solely of the transfer to the LDC of properties acquired by Ulster County by tax foreclosure under Article 11 of the Real Property Tax Law; now, therefore be it

RESOLVED, that the Ulster County Legislature hereby authorizes the following:

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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
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 the equipment and assets situated thereon, to the Corporation pursuant to a deed or deeds 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 Chair of the County Legislature and the County Executive, as may be set forth in the Ulster County Charter and Administrative Code and 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, certificates or applications necessary to effectuate the foregoing; and, be it further

RESOLVED, that the Ulster County Legislature acting as Lead Agency has identified the Disposition as an “Type I action” as said term is defined pursuant to 6 NYCRR Part 617.4(b)(4) of the Regulations of Article 8 of the Environmental Conservation Law of New York State (“SEQRA”); and has conducted a coordinated review of the Disposition pursuant to NYCRR Part 617.6(b)(3); and, be it further

RESOLVED, that the Ulster County Legislature, based on the review of the Record as filed with the Clerk of the Legislature and the requirements under 6 NYCRR Part 617, determines that approval of the transfer of properties to the LDC is a discrete action that can be considered separate and apart from any future actions and that, as such, a segmented review is warranted and will be no less protective of the environment nor will it commit the Legislature to any future course of action; and, be it further

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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: 22 NOES: 0
(Absent: Legislator Bruno)

Postponed in Committee: Laws and Rules, Governmental Services on December 20, 2021 to a Special Meeting on December 21, 2021

Passed Committee: Laws and Rules, Governmental Services on December 21, 2021

Passed Committee: Ways and Means on December 21, 2021

FINANCIAL IMPACT:
\$5,000,000 – ANTICIPATED OVER FIVE (5) YEARS

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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 21st Day of December 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 23rd Day of December in the year Two Thousand Twenty-One.

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

Submitted to the County Executive this
23rd Day of December 2021.

Approved by the County Executive this
28th Day of December 2021.

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

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