

**Authorizing The Chairman To Execute A License Agreement with James and Andrea Demosthenes For Usage Of County Owned Property For A Patio Project**

Referred to: The Economic Development and Tourism Committee (Chairman Maloney and Legislators Loughran, Maio, Roberts and Wishnick)

Chairman of the Economic Development and Tourism Committee, James F. Maloney, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, the County of Ulster is the owner of a lot on the northerly side of Main Street in the City of Kingston adjacent to premises owned by Golestan, LLC, known as 11 Main Street; and

WHEREAS, Santa Fe Uptown Restaurant is currently operating on the ground floor of the structure at 11 Main Street in Kingston, NY, per a lease agreement between Golestan, LLC and James and Andrea Demosthenes; and

WHEREAS, James and Andrea Demosthenes (the Applicants) seek to license the County-owned property located alongside the building, three (3) defined parking spaces situated in the front of the parking lot adjacent to the guardrail and front Main Street, for the purpose of operating an outdoor patio café; and

WHEREAS, a boundary line agreement, regarding the County's property and the property now owned by Golestan, LLC, was entered into on December 20, 1977; and

WHEREAS, pursuant to Resolution No. 196 of June 8, 2000, the County of Ulster entered into a supplemental boundary line agreement with the former owners in order to address a structure encroachment upon the premises; and

WHEREAS, as per section 2.26 of the County's Type II List, this action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of SEQRA; and

WHEREAS, whenever permissible, the Ulster County Legislature is dedicated to helping Ulster County businesses expand and flourish, especially in a challenging economy; now, therefore be it

RESOLVED, that the Ulster County Legislature hereby finds and determines that said parking spaces are not currently necessary for County use; and, be it further

**Resolution No. 130      May 14, 2013**

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RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute a revocable License Agreement, and any amendments thereto, with the Applicants, granting the use of the above mentioned three defined parking spots from May 15, 2013 through October 31, 2013, in the form as on file with the Clerk of the Legislature or as modified with the approval of the County Attorney; and, be it further

RESOLVED, that the Applicants shall pay the sum of \$100.00 for each month of the License period, except for the month of May 2013 when the fee shall be \$50.00; and, be it further

RESOLVED, the granting of the License shall be subject to the Applicants obtaining any and all permits or approvals from any governing entity that may have jurisdiction,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Gregorius)

Passed Committee: Economic Development and Tourism on May 1, 2013

Passed Committee: Ways and Means on May 14, 2013

FINANCIAL IMPACT:  
\$550.00- REVENUE

0236

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14<sup>th</sup> Day of May, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 15<sup>th</sup> Day of May in the year Two Thousand and Thirteen.

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

Submitted to the County Executive this  
15<sup>th</sup> Day of May, 2013.

Approved by the County Executive this  
22<sup>nd</sup> Day of May, 2013.

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

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