

RESOLUTION NO. 19-09
Adopted October 21, 2019

Introduced by Nick Caimano
who moved its adoption

Seconded by Brian Campbell

RESOLUTION OF THE COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY APPROVING AND AUTHORIZING SALE OF PROPERTY

WHEREAS, the Counties of Warren and Washington Industrial Development Agency (the "Agency") owns certain property in the Town of Kingsbury as shown on a Subdivision Plat entitled "Phase IIB & Phase II" Development, Warren-Washington Counties Industrial Park" made by Jarrett-Martin Engineers, PLLC, Van Dusen & Steves, Surveyors, dated January, 2006, and last revised on April 20, 2007, a copy of which was filed in the Washington County Clerk's Office on May 1, 2007, Drawer 31C-134 (the "Map"); and

WHEREAS, John Kubricky & Sons, LLC, a New York limited liability company, or its permitted assigns, desires to purchase from the Agency the following Lots as shown on said Map (collectively referred to as the "Property"):

Lot #21	137.-2-1.22	6.60 acres
Lot #22	137.-2-1.23	4.91 acres
Lot #23	137.-2-1.24	2.30 acres
Lot #24	137.-2-1.25	2.33 acres
Lot #25	137.-2-1.26	1.96 acres
Lot #26	137.-2-1.27	1.81 acres
Lot #27	137.-2-1.36	6.80 acres
Road Easement*	137.-2.-1.36	1.40 acres

(*ingress, egress and utility easement); and

WHEREAS, pursuant to section 6(c) of the Agency's Disposition of Property Guidelines, the Property may be sold by negotiation if the disposal is intended to further the economic development interests of the Agency; and

WHEREAS, after due deliberation thereon, the Agency has determined that the disposal of the Property intends to further the economic development interests of the Agency, whereby (a) the Property has been on the market for over a decade with no meaningful interested purchasers; (b) the Property contains wetlands which prohibit and/or impair economically feasible development; and (c) the sale of the Property will return the Property to the tax rolls; and

WHEREAS, based on the foregoing, the Agency has determined that the sale of said Property, located in the Agency's Airport Industrial Park is in the economic development interests of the Counties of Warren and Washington and the Town of Kingsbury, is in accord with the public provisions of applicable federal, state and local laws and the Agency's

Disposition of Property Guidelines, and will benefit the welfare and the economies of both Warren and Washington Counties and the Town of Kingsbury and the residents of those municipalities; and

WHEREAS, the Company intends to initially use the Property as an outdoor storage space for equipment and, therefore, has requested that the Agency grant a variance to Section 2.01 of the Declaration of Uses, Covenants and Restrictions for Phase II of the Agency's Airport Industrial Park, as adopted, April 28, 2003, and recorded in the Washington County Clerk's Office on May 9, 2003 in Book 935 of Deeds at Page 318 (the "Covenants") based on the use being reasonable and compatible with other uses in the Park; and

WHEREAS, the Company has requested that the Agency approve of a license at a monthly fee of \$500.00 for the Company to access the Property prior to closing in order to clear the lot and place gravel.

NOW, THEREFORE, it is hereby

RESOLVED, that the sale of the Property by the Agency constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA") pursuant to the Type II List adopted by the Agency on March 17, 2003; therefore, no further SEQRA review is necessary.

RESOLVED, that:

1. The Agency agrees to sell the Property described above, consisting of approximately 28.49 acres of land and a 1.40 acre road easement, to John Kubricky & Sons, LLC, or its permitted assigns (the "Developer") for the sum of Forty Seven Thousand Dollars (\$47,000.00), for development as an outdoor storage space for equipment; subject to (a) the Developer submitting a full Site Plan pursuant to Paragraph 6, Page 2 of the Agency's Application to Purchase Property; (b) the Agency's approval of the Site Plan; (c) the Agency's approval of the screening of the outdoor storage per section 3.06 of the Covenants, as may be applicable; (d) Site Plan and SEQRA review and approval by the Kingsbury Planning Board; and (e) the Developer's execution of a purchase and sale contract, and any addendums, for the Property; and it is further
2. Should the Developer fail to complete construction within one (1) year, the Agency shall have the right to terminate title in the Developer and reinvest title in the Agency;
3. The Developer shall reimburse the Agency for its costs and expenses associated with the sale, inclusive of legal fees; and
4. The Developer will have arranged financing and will complete the purchase of the Property within 60 days after the contract is signed, unless otherwise agreed to by the parties; and it is further

RESOLVED, that after due deliberation thereon and based on other similar uses in the Park and the compatibility of such use with other properties in the Park, pursuant to Article VIII

of the Covenants the Agency hereby finds the request for the variance to be reasonable and approves of a variance of Section 2.01 of the Covenants to allow the Property to be used for outdoor storage space of equipment.

RESOLVED, that the Agency hereby approves of a license agreement to be entered into with the Company with a monthly license fee of \$500.00 and which agreement shall include insurance requirements and an indemnification provision.

RESOLVED, that the Chairman, or Vice Chairman in his absence, is authorized to execute and deliver a contract of sale, license agreement, deed, and other such documents as will incorporate the terms set forth above, subject to the approval of the Agency's legal counsel as to form and content.

The question of the adoption of the foregoing resolution was duly put to a vote by roll call, which resulted as follows:

The foregoing resolution was thereupon declared duly adopted.

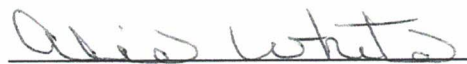
STATE OF NEW YORK)

) SS:

COUNTY OF WARREN)

This is to certify that I, Alie White, Office Administrator for the Counties of Warren and Washington Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Counties of Warren and Washington Industrial Development Agency, Glens Falls, New York on the 21st day of October, 2019.

In witness whereof, I have hereto set my hand and affixed the official seal of the Counties of Warren and Washington Industrial Development Agency on this 21st day of October, 2019.



Alie White
Counties of Warren and Washington
Industrial Development Agency

[SEAL]

