

Warren County Board of Supervisors

RESOLUTION NO. 21 OF 2015

Resolution introduced by Supervisors Sokol, Conover, Frasier, Taylor and McDevitt

INTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2015 AND AUTHORIZING PUBLIC HEARING THEREON

RESOLVED, that proposed Local Law No. 2 of 2015 titled "A Local Law Superseding County Law Section 215 and Authorizing Private Sale, Without Bidding, Public Advertisement or Auction, of Certain County Owned Real Property in the Town of Queensbury and Determining the Real Property is Not Required for Public Use", attached hereto and made a part hereof, be, and the same hereby is, introduced before the Warren County Board of Supervisors, and a public hearing shall be held at the Supervisors' Rooms in the Warren County Municipal Center on the 20th day of February, 2015, at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 2 of 2015, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and he hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

COUNTY OF WARREN

PROPOSED LOCAL LAW NO. 2 OF 2015

A LOCAL LAW SUPERSEDING COUNTY LAW SECTION 215 AND AUTHORIZING PRIVATE SALE, WITHOUT BIDDING, PUBLIC ADVERTISEMENT OR AUCTION, OF CERTAIN COUNTY OWNED REAL PROPERTY IN THE TOWN OF QUEENSBURY AND DETERMINING THE REAL PROPERTY IS NOT REQUIRED FOR PUBLIC USE

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. Legislation Intent and Purpose. This Local Law allows the provisions of County Law Section 215 to be superseded to allow the sale of certain County owned real property located in the Town of Queensbury and more specifically described herein, by private sale. The sale is for the Westmount Health Facility and associated lands consisting of 8.18± acres more or less.

SECTION 2. County Law Section 215 Amended and/or Superseded. The Warren County Board of Supervisors hereby states its intent, by this Local Law, to supersede County Law Section 215(6) which provides that property no longer necessary for public use "...may be sold or leased only to the highest responsible bidder after public advertisement." Warren County owns and operates the Westmount Health Facility. This is considered a proprietary enterprise function of the County as compared to a governmental function. In considering a sale of the Westmount Health Facility, the Board of Supervisors identified certain objectives to be achieved. These objectives could not necessarily be realized if the provisions of County Law Section 215(6) were to be followed. Accordingly, the Board of Supervisors engaged in an open, competitive request for proposal process with all objectives included in the request for proposals. Through this process a successful proposer was identified, the objectives were achieved and contract documents were negotiated, approved and executed subject to the acceptance of this Local Law. The total purchase price is Two Million Three Hundred Thousand Dollars (\$2,300,000).

SECTION 3. Description of County owned real property effected by Local Law and determination that said real property not required for public use. This Local Law concerns the sale of the Westmount Health Facility and associated lands consisting of 8.18± acres, more or less, lying and existing adjacent to Gurney Lane in the Town

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of Queensbury, and further described in the deeds to Warren County recorded at Book 140 at Page 438 and Book 140 at Page 440, in the Book of Deeds. The property bears tax map parcel no. 288.-1-51. By Resolution No. 638 of 2014 the Warren County Board of Supervisors, in anticipation of the conveyance of Westmount Health Facility and associated 8.18± acres, more or less, and contingent upon the adoption of this Local Law determined that the Westmount Health Facility and the associated 8.18± acres, more or less, serves no County purpose. The determination by the Board of Supervisors that the Westmount Health Facility and the associated 8.18± acres, more or less, serves no County purpose is hereby confirmed. Notwithstanding the foregoing, necessary easements for the benefit of the County over and upon the property have been reserved.

SECTION 4. Authorization to Sell Certain County Property in the Town of Queensbury. Warren County, acting through the Warren County Board of Supervisors is hereby authorized and empowered to, sell the Westmount Health Facility and associated 8.18± acres, more or less, for the total purchase price of Two Million Three Hundred Thousand Dollars (\$2,300,000) by private sale and without bidding, public advertisement or auction and pursuant to the contract documents entered into for such purpose. Centers for Specialty Care Group, the successful proposer formed and incorporated Warren Operations Associates, LLC and Warren Land Associates, LLC for the purpose of completing the transaction the conveyance of the Westmount Health Facility will be to Warren Operations, LLC and the conveyance of the 8.18± acres, more or less will be to Warren Land Associates, LLC. Therefore, Warren County, acting through the Warren County Board of Supervisors, is hereby authorized and empowered to sell the Westmount Health Facility and associated 8.18± acres, more or less, for a total sales price of Two Million Three Hundred Thousand Dollars (\$2,300,000) to Warren Operations Associates, LLC and Warren Land Associates, LLC as detailed above and pursuant to the executed contract documents.

SECTION 5. Local Law Subject to Referendum of Petition. This Local Law shall not take effect until at least forty-five (45) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of Warren County voting on a proposition for its approval if, within forty-five (45) days after adopting, there

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shall be filed with the Clerk, a petition protesting against such Local Law, signed and authenticated as required by the Municipal Home Rule Law of the State of New York. The Clerk shall publish this Local Law and take such further action as may be required by the Municipal Home Rule Law concerning this Local Law.

SECTION 6. Severability. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

SECTION 7. Effective Date. Subject to and upon satisfaction of the requirements of SECTION 5 hereof, this Local Law shall take effect upon filing in the Office of the Secretary of State.