

# Warren County Board of Supervisors

## RESOLUTION NO. 89 OF 2015

**Resolution introduced by Supervisors Sokol, Conover, Frasier, McDevitt and Westcott**

### **TO ENACT LOCAL LAW NO. 2 OF 2015**

WHEREAS, proposed Local Law No. 2 of 2015 was duly presented to the Board of Supervisors and considered by them, said proposed Local Law entitled, "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 Determinating the Real Property is Not Required for Public Use", and

WHEREAS, on January 5, 2015 the Board of Supervisors adopted Resolution No. 21 of 2015, authorizing a public hearing to be held by the Board of Supervisors on the 20<sup>th</sup> day of February, 2015, at 10:00 a.m. in the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed Local Law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, and

WHEREAS, through Resolution No. 638 of 2014, adopted on December 20, 2014, the Board of Supervisors approved and authorized contracts for the sale of the Westmount Health Facility including the 8.18± acres associated with the Westmount Health Facility, and in anticipation of the conveyance, declared as may be necessary, the Westmount Health Facility and certain lands associated with the Westmount Health Facility no longer necessary for public use, and authorized the transfer of the Westmount Health Facility to Warren Operations, LLC, the buyer identified in the Asset Purchase Agreement, and the 8.18± acres associated with the Westmount Health Facility to Warren Land Associates, LLC, the buyer identified in the Land Sale Contract subject to the adoption of a Local Law superceding County Law Section 215, and satisfaction of the conditions of sale as defined in the contract documents, and

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WHEREAS, as confirmed in Resolution No. 638 of 2014 the Board of Supervisors conducted and completed a review under the State Environmental Quality Act (“SEQRA”) of the sale and conveyance of the Westmount Health Facility and the associated 8.18± acres which review included that the conveyance is subject to the adoption of a Local Law superceding County Law Section 215, and a determination of non-significance under SEQRA was made and issued, and

WHEREAS, Local Law No. 2 of 2015 if adopted will allow the provisions of County Law Section 215 to be superceded authorizing the private sale of the Westmount Health Facility and the associated 8.18± acres without bidding, public advertisement or auction, now, therefore, be it

RESOLVED, the Board of Supervisors of the County of Warren, New York, on this 20<sup>th</sup> day of February, 2015, does hereby enact and adopt Local Law No. 2 of 2015 as set forth in Schedule “A” annexed hereto, and be it further

RESOLVED, that the Chairman of the Board of Supervisors, Clerk of the Board of Supervisors, County Administrator and County Attorney are hereby authorized to make such minor modifications to Local Law No. 2 of 2015 as deemed necessary, and are authorized to execute, file and publish Local Law No. 2 of 2015 and take all necessary actions for the promulgation thereof, and be it further

RESOLVED, that as provided for in Section 5 of Local Law No. 2 of 2015, Local Law No. 2 of 2015 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 shall be filed with the Clerk of the Board of Supervisors, a petition protesting against such Local Law, signed and authenticated as required by the Municipal Home Rule Law of the State of New York.

**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.