Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County / City / Town / Village of HAMILTON

Local Law No. 1 of the year 20 04

A local law **A LOCAL LAW SUPERSEDING COUNTY LAW SECTION 215 AND AUTHORIZING PRIVATE LEASE, FOR A PERIOD OF TIME NOT TO EXCEED TEN (10) YEARS, WITHOUT ADVERTISEMENT AND AUCTION, OF CERTAIN COUNTY OWNED REAL PROPERTY IN THE TOWN OF INDIAN LAKE AND DETERMINING THE REAL PROPERTY IS NOT REQUIRED FOR PUBLIC USE**

Be it enacted by the BOARD OF SUPERVISORS (Name of Legislative Body) of the

County / City / Town / Village of HAMILTON as follows:

BE IT ENACTED, by the Board of Supervisors of the County Of Hamilton, 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 This Local Law allows the provisions of County Law Section 215 to be superseded to allow the lease of portions of certain County owned real property located in the Town of Indian Lake and more specifically described herein, by private lease. The transaction facilitates the legitimate purpose of providing office space to organizations providing services to residents of Hamilton County. The lease price is obtained from a fair market value analysis of office space rentals in the Town of Indian Lake, County of Hamilton and State of New York, and therefore the lease price to be established appears reasonable and fair.

SECTION 2. County Law Section 215 Amended and/or Superseded. The Hamilton County Board of Supervisors hereby states its intent, by this Local Law, to supersede County Law Section 215(4) which provides that property no longer necessary for public use, "... may be leased for a term not exceeding five years..." and 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." The said Board of Supervisors desires to provide for the private lease for a period of time not to exceed ten (10) years without public advertisement and auction, of certain portions of County real property more specifically described herein under the circumstances set forth in this Local Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 3. Description of County owned real property affected by Local Law and determination that said real property not required for public use. This Local Law concerns the lease of a portion of the improvements located on County owned real property consisting of one (1) acre, more or less, lying and existing in the Town of Indian Lake, County of Hamilton and State of New York, a copy of said description is attached hereto as Attachment "A", and further described in the deed to Hamilton County recorded at Book 230 at Page 542, in the Book of Deeds. The property bears tax map parcel no. 65.007-2-38.112. A portion of the said real property will be retained by the County and used for office space. It is hereby determined by the Board of Supervisors for Hamilton County that approximately one thousand three hundred seventy-seven square feet of the improvements located on the real property which is proposed to be leased is serving no County purpose and therefore the portion of the improvements located on the real property, proposed to be leased, is serving no County purpose and therefore the property proposed to be leased is not required for public use by Hamilton County.

SECTION 4. Authorization to Lease Certain County Property in the Town of Indian Lake, Hamilton County, acting through the Hamilton County Board of Supervisors is hereby authorized and empowered to, and may lease a portion of the County owned real property described in Section 3 above, to private business owners serving the needs of the residents of Hamilton County, by private lease for a lease period of time not to exceed ten (10) years and without public advertisement and auction, subject to the following terms and conditions: A) Payment of a lease amount to be determined by the Hamilton County Board of Supervisors based upon fair market value; B) the lease shall be otherwise approved as to form by the County Attorney.

SECTION 5. Local Law Subject to Referendum of Petition. This Local Law shall not take effect until at lease forty-five (45) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of Hamilton County voting on a proposition for its approval if, within forty-five (45) days after adopting, there 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. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

ATTACHMENT "A"

Legal Description

ALL THAT CERTAIN PIECE OR PARCEL OR LAND situate, lying and being in the Town of Indian Lake, County of Hamilton and State of New York, and being shown on a map entitled "Map for: Warren-Hamilton Housing Corporation", dated November 19, 1986, by James Nestor, Licensed Land Surveyor and which map filed in the Hamilton County Clerk's Office and more particularly bounded and described as follows:

BEGINNING at a point at the northeast corner of a 50 foot wide right of way hereinafter described, said point being the southeast corner of the parcel herein described and running from said point of beginning:

1. thence North 76 degrees 46 minutes 30 seconds West, along the northerly side of said 50-foot wide right of way, a distance of 50.00 feet to a point;
2. thence North 84 degrees 50 minutes West, along the southerly side of the parcel herein described, a distance of 265.00 feet to a point for the southwest corner of the parcel herein described;
3. thence North 05 degrees 10 minutes East, along the westerly side of the parcel herein described, a distance of 210.00 feet to a point for the northwest corner of the parcel herein described;
4. thence South 84 degrees 50 minutes East along the northerly side of the parcel herein described, a distance of 314.51 feet to a point for the northeast corner of the parcel herein described;
5. thence South 05 degrees 10 minutes West, along the easterly side of the parcel herein described, a distance of 217.01 feet to a point of beginning.

TOGETHER WITH a right of way over a 50 foot wide strip of land leading northerly from Stanton Road to the southerly boundary of the above described parcel, said right of way is more particularly shown on a map entitled "Map for: Warren-Hamilton Housing Corporation", made by James Nestor, L.S., dated November 19, 1986, and is more particularly described as follows:

BEGINNING at a point on the northerly side of Stanton Road, said point being located South 56 degrees 58 minutes East, a distance of 105.45 feet from an iron pipe found at the southeast corner of lands now or formerly of Paul T. Kunkle and running from said point of beginning:

1) thence northerly along the westerly side of said right of way, the following six courses and distances:
   a) along a curve to the left having a radius of 50.00 feet, a distance of 79.53 feet to a point;
   b) North 31 degrees 54 minutes East, a distance of 78.82 feet to a point;
   c) North 25 degrees 45 minutes East, a distance of 77.87 feet to a point;
   d) North 13 degrees 00 minutes East, a distance of 213.74 feet to a point;
   e) North 04 degrees 02 minutes 30 seconds East, a distance of 198.01 feet to a point;
   f) North 13 degrees 13 minutes 30 seconds East, a distance of 451.37 feet to a point on the southerly side of the above-described parcel;

2) thence in a general easterly direction along the southerly side of the above described parcel to a point on a line parallel with and 50 feet distant from course "f";
3) thence southerly along the easterly side of said right of way, the following seven courses and distances:
   a) South 13 degrees 13 minutes 30 seconds West a distance of 447.35 feet o an angle point shown on the above map:
   b) South 04 degrees 02 minutes 30 seconds West, a distance of 197.91 feet to a point;
   c) South 13 degrees 00 minutes West, a distance of 223.24 feet to a point;
   d) South 25 degrees 45 minutes West, a distance of 86.13 feet to a point;
   e) South 31 degrees 54 minutes West, a distance of 81.50 feet to a point;
   f) along a curve to the right having a radius of 100.00 feet, a distance of 64.87 feet to a point of reverse curve;

g) along a curve to the left having a radius of 19.53 feet, a distance of 30.68 feet to a point on the northerly side of Stanton Road;

4) thence North 20 degrees 56 minutes West, along the northerly side of said Stanton Road, distance of 39.33 feet to a point;

5) thence North 43 degrees 19 minutes West, along the northerly side of said Stanton Road, a distance of 54.93 feet to the point of the beginning.

The above bearings refer to the magnetic meridian of 1966.

Excepting from the above described premises:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the Town of Indian Lake, County of Hamilton, State of New York, being a part of Lot #66 Township 17 Totten and Crossfields Purchase, surveyed and described as follows:

BEGINNING at a point in the northwest corner of lands of Grantor; thence S 5 degrees 10` 00" W 210.00 feel along the boundary line between lands of the Grantor and grantee to a point; thence S 84 degrees 50` 00" E 100 feet to a point; thence N 5 degrees 10` 00" E 210 feet to a point; thence N 84 degrees 50` 00" W 100 feet to the point and place of beginning. Intending to convey a strip of land 100 feet wide along the western boundary of lands to the Grantor.