



**BATAVIA CITY COUNCIL
SPECIAL BUSINESS MEETING**

**City Hall - Council Board Room
One Batavia City Centre
Monday, January 25, 2016
Following the Conference Meeting**

AGENDA

I. Call to Order

II. Assignment of Agenda Items

III. New Business

#13-2016 A Resolution to Discontinue the Public Use and to Authorize the Council President to Sign a Purchase and Sale Contract for 40-52 Ellicott Street with the Batavia Development Corporation

#14-2016 A Resolution to Discontinue the Public Use and to Authorize the Council President to Sign a Purchase and Sale Contract for 56-70 Ellicott Street with the Batavia Development Corporation

IV. Adjournment

#13-2016

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE
THE COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT
FOR 40-52 ELLICOTT STREET WITH THE BATAVIA DEVELOPMENT
CORPORATION**

Motion of Councilperson

WHEREAS, the City is currently awaiting a default foreclosure judgement on 40-52 Ellicott Street (SBL 84.015-1-2) for non-payment of property taxes; and

WHEREAS, the Batavia Development Corporation (the "BDC") was established as a Not-for-Profit local development corporation pursuant to Section 1411(a) of the New York Not-for-Profit Corporation Law (the "Act") to, among other items, relieve and reduce unemployment, promote additional employment, bettering and maintaining job opportunities, lessen the burdens of government, and improve the quality of life within the City by encouraging and facilitating the development of underutilized real estate in the City; and

WHEREAS, the property has been investigated as part of the City's Brownfield Opportunity Area ("BOA") Project and environmental impacts have been identified on the parcel which have been reported to New York State Department of Environmental Conservation; and

WHEREAS, the BDC has agreed to accept title to said property and work towards executing agreements with a preferred developer for redevelopment of the site consistent with the accepted BOA Step 2 Nomination Plan; and

NOW THEREFORE, BE IT RESOLVED, that based on the current conditions of the structures and property, as well as environmental contamination identified during the BOA Project, and need to remediate and re-develop the property and put it back to productive use and on the City's tax rolls the sale of the property to Batavia Development Corporation is in the City's best interests, thus pursuant to BMC Section 66-99 (C), the City Manager has recommended waiving sale of the property based on its appraised value, which the City Council hereby confirms and authorizes; and

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for the property, as well as, all necessary and appropriate closing documents, to convey 40-52 Ellicott Street to the Batavia Development Corporation, subject to the City receiving foreclosure judgement and the Batavia Development Corporation's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office; and

BE IT FURTHER RESOLVED, this transfer of property and redevelopment is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Vibrant, Livable Neighborhoods and Healthy and Growing Economy strategic priorities.

**Seconded by Councilperson
and on roll call**

#14-2016

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE
THE COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT
FOR 56-70 ELLICOTT STREET WITH THE BATAVIA DEVELOPMENT
CORPORATION**

Motion of Councilperson

WHEREAS, the City is currently awaiting a default foreclosure judgement on 56-70 Ellicott Street (SBL 84.015-1-5, 84.015-1-4, 84.015-1-37.311, 84.015-1-37.312) for non-payment of property taxes; and

WHEREAS, the Batavia Development Corporation (the "BDC") was established as a Not-for-Profit local development corporation pursuant to Section 1411(a) of the New York Not-for-Profit Corporation Law (the "Act") to, among other items, relieve and reduce unemployment, promote additional employment, bettering and maintaining job opportunities, lessen the burdens of government, and improve the quality of life within the City by encouraging and facilitating the development of underutilized real estate in the City; and

WHEREAS, the BDC has agreed to accept title to said property and work towards executing agreements with a preferred developer for redevelopment of the site consistent with the accepted Brownfield Opportunity Area (the "BOA") Step 2 Nomination Plan; and

NOW THEREFORE, BE IT RESOLVED, that based on the current conditions of the structures and property, as well as environmental contamination identified during the BOA Project, and need to remediate and re-develop the property and put it back to productive use and on the City's tax rolls the sale of the property to Batavia Development Corporation is in the City's best interests, thus pursuant to BMC Section 66-99 (C), the City Manager has recommended waiving sale of the property based on its appraised value, which the City Council hereby confirms and authorizes; and

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for the property, as well as, all necessary and appropriate closing documents, to convey 56-70 Ellicott Street to the Batavia Development Corporation, subject to the City receiving foreclosure judgement and the Batavia Development Corporation's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office; and

BE IT FURTHER RESOLVED, this transfer of property and redevelopment is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Vibrant, Livable Neighborhoods and Healthy and Growing Economy strategic priorities.

**Seconded by Councilperson
and on roll call**