

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Adopted May 14, 2019

*Introduced by Dave D'Amore
who moved its adoption.*

Seconded by Joseph Semione

**RESOLUTION SCHEDULING PUBLIC HEARING IN
ACCORDANCE WITH EMINENT DOMAIN PROCEDURE LAW AND
AUTHORIZING THE CHAIRMAN TO SIGN AGREEMENTS WITH
FULTON COUNTY AND THE TOWN OF JOHNSTOWN**

WHEREAS, Fulton County's Development Strategy includes the creation of three (3) Primary Development Areas:

- 1) Hales Mills
- 2) Vail Mills
- 3) Tryon

and

WHEREAS, the Concept Plans for each Development Area identify new public recreational, residential, commercial and retail development to be built out in each area, and

WHEREAS, these Concept Plans are all consistent with the local zoning and Comprehensive Plans, and

WHEREAS, the Hales Mills Development Area consists of four (4) parcels of land that are owned by two (2) property owners and

WHEREAS, Robert Bowe owns the following two (2) parcels on Hales Mills Road Extension in the Town of Johnstown:

163.-1-19.2	:	69+/- acres	:	west side of Hales Mills Road Extension
163.-1-26.12	:	89.5+/- acres	:	east side of Hales Mills Road Extension

and

WHEREAS, Fulton County desires parcel 163.-1-26.12 to be developed into housing, commercial and retail uses identified on the Hales Mills Development Area Concept Plan and the Town of Johnstown desires parcel 163.-1-19.2 to develop into a Town Park also as identified on the Hales Mills Development Area Concept Plan, and

WHEREAS, the Hales Mills Development Area would address the public need of creating new housing, providing public recreational facilities and generating new property and sales tax revenues to stabilize property tax rates for Fulton County residents, and

WHEREAS, in June, 2018, Mr. Bowe put these two (2) parcels up for sale, and

WHEREAS, Fulton County and the Fulton County Industrial Development Agency (IDA) have both attempted to negotiate the purchase of the two (2) parcels owned by Mr. Bowe. However, these negotiations have not resulted in the purchase of the parcels, and

WHEREAS, independent certified appraisals determined that Mr. Bowe's asking price for these two (2) parcels is substantially higher than the appraised value, and

WHEREAS, Fulton County and the IDA have partnered on projects like the Tryon Technology Park whereby the IDA took title to land so it could sell it to private business to create jobs and expand the County's tax base, and

WHEREAS, Industrial Development Agencies are authorized by Sections 852 and 858 of the General Municipal Law to acquire property by the Eminent Domain Procedure Law (EDPL) which is necessary for its corporate purposes, and

WHEREAS, on May 13, 2019, the Fulton County Board of Supervisors authorized and directed the IDA to undertake an EDPL Action to acquire parcels 163.-1-19.2 and 163.-1-26.12, and

WHEREAS, EDPL requires that, prior to acquisition, a condemner shall conduct a public hearing at a location reasonably proximate to the property proposed to be acquired,

NOW THEREFORE BE IT

RESOLVED, that the IDA is authorized to pursue the condemnation and acquisition of certain parcels more specifically identified by Tax Map Numbers 163.-1-19.2 and 163.-1-26.12 pursuant to the Eminent Domain Procedure Law of the State of New York ("EDPL"); and be it further

RESOLVED, that the IDA will conduct a public hearing pursuant to EDPL Section 201 in order to inform the public and review the public use to be served by the acquisition of parcels 163.-1-19.2 and 163.-1-26.12 and to accept written and oral comments upon such proposed acquisition which public hearing is to be held at 4:00 p.m. on Tuesday, June 4, 2019, in the Town of Johnstown Town Hall located at 2753 State Highway 29, Johnstown, New York, and be it further

RESOLVED, that IDA Counsel be and is authorized and directed to provide all notices of the public hearing as may be required by the EDPL; and be it further

RESOLVED, that the Chairman be and is hereby authorized and directed to execute agreements with both Fulton County and the Town of Johnstown in relation to the payment of costs which will be incurred by the IDA in pursuit of the acquisition of parcels 163.-1-19.2 and 163.-1-26.12.

AYES: 6
NAYS: 1 (Joseph Gillis)
ABSENT: 0
ABSTAIN: 0

I, James E. Mraz, Executive Director of the Fulton County Industrial Development Agency, hereby certify that I have compared the foregoing resolution with the original resolution, adopted by the Fulton County Industrial Development Agency, at a duly called and held meeting of said Agency on the 14th day of May, 2019, and the same is a true and correct transcript there from and the whole thereof.

Witness my hand and official seal
This 14th day of May, 2019

James E. Mraz, Executive Director