

Adopted April 13, 2021

Introduced by Joe Semione  
who moved its adoption

Seconded by Mike Fitzgerald

**RESOLUTION OF THE FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
APPROVING AND AUTHORIZING SALE OF REAL PROPERTY**

**WHEREAS**, the Fulton County Industrial Development Agency (the “Agency”) owns certain property in the Town of Perth commonly referred to as the Tryon Technology Park; and

**WHEREAS**, Lott Holdings Corporation, a New York business corporation, or its permitted assigns, desires to purchase from the Agency the following real property (the “Property”):

Building 60                      Portion of 164.-5-1                      6.25 acres                      County Highway 117

**WHEREAS**, pursuant to section 6(c) of the Agency’s Disposition of Property Guidelines, the Property may be sold by negotiation and for less than fair market value if the disposal is intended to further the economic development interests of the Agency; and

**WHEREAS**, the appraisal value of the Property is \$110,000; and

**WHEREAS**, based on the foregoing, the Agency has determined that the sale of said Property, located in the Agency’s Tryon Technology Park is in the economic development interests of the County of Fulton and the Town of Perth, is in accord with the public provisions of applicable federal, state and local laws and the Agency’s Disposition of Property Guidelines, and will benefit the welfare and the economies of both Fulton County and the Town of Perth and the residents of those municipalities.

**NOW, THEREFORE**, it is hereby

**RESOLVED** that after due deliberation thereon, the Agency has determined that the disposal of the Property intends to further the economic development interests of the Agency, whereby (a) the Property has been on the market for considerable amount of time with no meaningful interested purchasers and (b) the sale of the Property will return the Property to the tax rolls; and

**RESOLVED** that in accordance with the Public Authorities Accountability Act, the sale of Property for less than fair market value is justified in that the monetary resources necessary to provide proper electrical service to the building, to install a new water service connection and to modify the building to comply with current State and local laws, codes and regulations exceed the budget and resources currently available to the Agency and by selling the Property to a private entity to complete these items and return the property to the tax rolls is in the best

economic interests of the County of Fulton and Town of Perth.

**RESOLVED**, that the sale of the Property by the Agency constitutes an Unlisted action under the State Environmental Quality Review Act ("SEQRA"). After conducting this review, the Agency has determined that the sale of the Property is consistent with social, economic and other essential considerations and will not result in any significant adverse impacts on the environment. The Agency hereby issues a Negative Declaration with respect to the sale of the property. In doing so, the Agency satisfies the requirements of Part 617 of Title 6 of the New York Code of Rules and Regulations.

**RESOLVED**, that:

1. The Agency agrees to sell the Property described above, consisting of approximately 6.25 acres of land on County Highway 117 in the Town of Perth to Lott Holdings Corporation, or its permitted assigns (the "Developer") for the sum of Seventy Five Thousand Dollars (\$75,000.00), for development as facility to be leased for commercial, industrial and/or office purposes in accordance with the terms and conditions set forth in the Contract for Purchase and Sale of Real Estate as presented at this meeting; and it is further

2. The Developer shall reimburse the Agency for its costs and expenses associated with the sale, inclusive of legal fees.

**RESOLVED**, that the Agency acknowledges that any such sale of the Property shall be carried out pursuant to the Agency's Property Disposition Policy and the applicable provisions of the Public Authorities Accountability Act, as it may be amended and the Agency hereby authorizes the provision of notice of the sale to various State agencies as may be required.

**RESOLVED**, that the Chairman, or Vice Chairman in his absence, is authorized to execute and deliver a contract of sale, deed, and other such documents as will incorporate the terms set forth above, subject to the approval of the Agency's legal counsel as to form and content.

The question of the adoption of the foregoing resolution was duly put to a vote, which resulted as follows:

ROLL CALL VOTE	:				
		Aye	Nay	Abstain	Absent
Joe Semione		<u>X</u>	___	___	___
Jane Kelley		<u>X</u>	___	___	___
Mike Fitzgerald		<u>X</u>	___	___	___
Joseph Gillis		<u>X</u>	___	___	___
Todd Rulison		___	___	___	<u>X</u>
Dave D'Amore		<u>X</u>	___	___	___

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK        )  
                                      ) SS:

COUNTY OF FULTON )

This is to certify that I, James Mraz, Executive Director for the Fulton County Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Fulton County Industrial Development Agency, Johnstown, New York on the 13th day of April, 2021.

In witness whereof, I have hereto set my hand and affixed the official seal of the Fulton County Industrial Development Agency on this 13<sup>th</sup> day of April, 2021.

[SEAL]

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James Mraz  
Fulton County  
Industrial Development Agency