

Adopted November 9, 2021

Introduced by Dave D'Amore  
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**, on October 12, 2021, the Agency agreed to and accepted a letter of intent from WE Acquisitions LLC, or its designee, (the "Company") to purchase the following real property (the "Property"):

Portion of 164.-5-1 236.58+/- acres (as surveyed) located along County Road 158 and County Highway 107 in the Town of Perth, as more specifically described in said letter of intent which is incorporated herein by reference; and

**WHEREAS**, the Agency is a state agency under Section 8-0105 of the Environmental Conservation Law of the State of New York and the Project is an action under Article 8 of said law (Article 8 hereinafter being referred to as the "State Environmental Quality Review Act" or "SEQRA") and under 6 NYCRR Part 617, §§ 617.2(b) and 617.2(c); and

**WHEREAS**, the Agency has declared the proposed sale of the 236.58+/- acres of Property to be an Unlisted Action in accordance with the provisions of SEQRA; and

**WHEREAS**, a short form environmental assessment form was prepared and reviewed by the Agency and thereafter, on November 9, 2021, the Agency issued a Negative Declaration with respect to the sale of the Property and in doing so, the Agency satisfied the requirements of Part 617 of SEQRA and no further SEQRA review is required; and

**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 Agency has procured an appraisal for the Property for the purpose of determining its fair market value; and

**WHEREAS**, 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; and

**WHEREAS**, the Agency has declared that any sale of the Property pursuant to the terms and conditions set forth in the Purchase and Sale Agreement must be contingent upon the receipt of the appraisal and the Agency's further deliberation of the economic development benefits of said sale of Property.

**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

1. Contingent upon the receipt and review of the appraisal and further economic benefit considerations, the Agency agrees to sell the Property described above, consisting of approximately 236.58 acres of land located along County Road 158 and County Highway 107 in the Town of Perth, County of Fulton and being part of tax map parcel number 164.-5-1 to WE Acquisitions LLC or its designee (the "Company"), for development in accordance with the terms and conditions set forth in the Purchase and Sale Agreement, a copy of which is attached hereto and incorporated herein by reference.

2. Said Purchase and Sale Agreement and the transfer shall be contingent upon compliance with the Agency's Disposition of Real Property Guidelines and the New York State Public Authorities Accountability Act.

3. The Chairman is hereby authorized the Purchase and Sale Agreement, subject to the contingencies set forth herein.

4. This Resolution shall take effect immediately.

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

The foregoing resolution was thereupon declared duly adopted.

AYES:	5
NAYS:	0
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 9<sup>th</sup> day of November, 2021, and the same is a true and correct transcript there from and the whole thereof.

Witness my hand and official seal  
this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
James E. Mraz, Executive Director