January 14, 2014 City Council Resolutions

Resolution 6A

Resolution offered by Mayor Spinello and seconded by

RESOLUTION OF THE GLEN COVE CITY COUNCIL AUTHORIZING THE TRANSFER OF PARCEL 7 TO THE GLEN COVE INDUSTRIAL DEVELOPMENT AGENCY, AND THE CANCELLATION OF CERTAIN TAX LIENS

WHEREAS, the Glen Cove Industrial Development Agency ("IDA"), the Glen Cove Community Development Agency ("CDA"), and RXR Glen Isle Partners LLC (successor-by-assignment to Glen Isle Partners, LLC) (the "Redeveloper") are parties to a Contract for Sale of Land for Private Redevelopment dated as of May 14, 2003, as amended by Amendment No. 1 to Contract for Sale of Land for Private Redevelopment, dated April 12, 2005, Amendment No. 2 to Contract for Sale of Land for Private Redevelopment, dated September 9, 2008, Amendment No. 3 to Contract for Sale of Land for Private Redevelopment, dated October 14, 2009, and Amendment No. 4 to Contract for Sale of Land for Private Redevelopment, dated June 29, 2012 (as amended, the "Agreement"), with respect to approximately fifty-six (56) acres of real property located along the north side of Glen Cove Creek, more particularly set forth in the Agreement and commonly known as the Glen Cove Waterfront (the "Property"); and

WHEREAS, although the City of Glen Cove ("City") is not a party to the Agreement, the Agreement sets forth certain actions and responsibilities to be performed by the City with respect to the redevelopment of the Property for the RXR Glen Isle Mixed-Use Waterfront Redevelopment Project (the "Project"); and

WHEREAS, the City's obligations that are necessary for the successful execution of the Project were memorialized in a Letter Agreement between the City and Redeveloper, dated September 13, 2012 (the "Letter Agreement"); and

WHEREAS, one of the obligations set forth in the Letter Agreement requires the City to transfer title to the real property commonly known as "Parcel 7" from the City to the IDA, as provided in Section 5 of Amendment No. 1, and Section 6.09A of the Agreement; and

WHEREAS, Parcel 7 consists of approximately 2.1 acres, and is known and designated on the Nassau County Tax Map as Section 21, Block 259, Lots 2, 3 and 4; and

WHEREAS, Parcel 7 is located at the western end of the Property, fronting Hempstead Harbor immediately south of the Hempstead Harbor Club; and

WHEREAS, Parcel 7 is included in the Garvies Point Urban Renewal Plan, and the Glen Cove Waterfront Revitalization Plan; and

WHEREAS, the City desires to transfer title to Parcel 7 to the IDA to be used in furtherance of the Garvies Point Urban Renewal Plan, and the Glen Cove Waterfront Revitalization Plan; and

WHEREAS, the specific intended uses for Parcel 7 are shown in the PUD Master Development Plan approved for the Project by the Glen Cove Planning Board on December 19, 2011, following a full environmental review under the State Environmental Quality Review Act and its implementing regulations (6 N.Y.C.R.R. Part 617) ("SEQRA"); and

WHEREAS, the City Council was an Involved Agency in the coordinated SEQRA review of the Project; and

WHEREAS, the conveyance of Parcel 7 (the "Conveyance") is classified as an Unlisted Action under SEQRA; and

WHEREAS, the City Council finds that the Conveyance will not result in any significant adverse environmental impacts based upon the Short Environmental Assessment Form, and the criteria for determining significance set forth in 6 N.Y.C.R.R. Section 617.7(c); and

WHEREAS, a portion of Parcel 7 will be used for a separate City project known as the Garvies Point Road Reconstruction Project (the "Road Project"); and

WHEREAS, a portion of Parcel 7 will also be used as the Boat Ramp Parcel, which is required to remain in public ownership and be maintained by the City pursuant to Section 9.09(f) of the Agreement, as well as the Letter Agreement; and

WHEREAS, the IDA shall cause that portion of Parcel 7 that is required for the Road Project and Boat Ramp Parcel to be transferred back to the City prior to or simultaneous with the Closing of the sale of the Property; and

WHEREAS, in furtherance of the IDA's and CDA's anticipated conveyance of the overall waterfront Property to the Redeveloper, the City needs to cancel and discharge certain City tax liens with respect to the Property as identified on the attached Schedule of City Tax Liens (the "Tax Liens"), and remove them of record; and

WHEREAS, the IDA and CDA are obligated under Article 7 of the Agreement to convey the Property to the Redeveloper "free and clear" of any liens or other encumbrances; and

WHEREAS, the Tax Liens constitute an encumbrance on the Property; and

WHEREAS, the Tax Liens represent unpaid School and City taxes on the Property, dating back to a period before the IDA and CDA took title to the Property in furtherance of the

City's goal to remediate the former contaminated industrial sites, and restore them to active and productive waterfront-related uses; and

WHEREAS, the City acquired the Tax Liens to facilitate the IDA and CDA taking ownership of and redeveloping the Property, while the City never anticipated to collect the unpaid taxes from the IDA and CDA; and

WHEREAS, the Tax Liens, which, as a practical matter, constitute bad debt that the City has already written off, should have been removed from record at the time the IDA and CDA acquired title to the Property for the purpose of facilitating the redevelopment of the Property pursuant to the City's Garvies Point Urban Renewal Plan, and the Glen Cove Waterfront Revitalization Plan; and

WHEREAS, the City has never had an intention to foreclose or otherwise collect on the Tax Liens from IDA and CDA, which are public benefit corporations formed for the benefit of the City; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 617.7 of SEQRA's implementing regulations, the City Council considered the impacts which may be reasonably expected to result from the Conveyance by comparing them against the applicable criteria in said Section, and finds that:

1. Conveyance will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems;

2. Conveyance will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not significantly impact habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources;

3. Conveyance will not result in the impairment of the environmental characteristics of a Critical Environmental Area;

4. Conveyance will not result in the creation of a material conflict with the City's Comprehensive Plan or Zoning Ordinance;

5. Conveyance will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

6. Conveyance will not significantly impact the use of either the quantity or type of energy;

7. Conveyance will not create a hazard to human health;

8. Conveyance will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

9. Conveyance by itself will not encourage or attract a substantially larger number of people to the area compared to the number of people who would come to such area absent the action;

10. Conveyance will not create a material demand for other actions which would result in one of the above consequences;

11. Conveyance will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment; and

12. Conveyance will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in Section 617.7 of SEQRA's implementing regulations, and that the City Council considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action; and be it

FURTHER RESOLVED, that the City Council adopts the Short Environmental Assessment Form, and determines under SEQRA that the Conveyance will not cause any significant adverse environmental impacts; and be it

FURTHER RESOLVED, that the City Council adopts a Negative Declaration with respect to this "Unlisted" action under SEQRA, and determines that a Draft Environmental Impact Statement need not be prepared; and be it

FURTHER RESOLVED, that this Negative Declaration was prepared in accordance with Article 8 of the New York Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (i.e., SEQRA); and be it

FURTHER RESOLVED, that the City Clerk is directed to file a copy of this Resolution and Negative Declaration with the City pursuant to 6 N.Y.C.R.R. Section 617.12; and be it

FURTHER RESOLVED, that the Mayor of the City of Glen Cove is hereby authorized, on behalf of the City of Glen Cove, to execute and deliver any and all documentation (e.g., a deed) necessary to effectuate the transfer of Parcel 7 to the IDA, and that such documentation may be filed and recorded in the Nassau County Clerk's Office, provided, that IDA shall cause that portion of Parcel 7 that is required for the Road Project and Boat

Ramp Parcel to be transferred back to the City without further compensation prior to or simultaneous with the Closing of the sale of the Property; and be it

FURTHER RESOLVED, that IDA shall pay to the City as compensation for the Conveyance of Parcel 7 the sum of $250,000.00, which sum shall be credited to the City pursuant to the accounting created by and kept pursuant to the Intermunicipal Agreement among the City, IDA and CDA; and be it

FURTHER RESOLVED, that the City Controller is hereby directed, on behalf of the City of Glen Cove, to complete all steps necessary to cancel and discharge the Tax Liens against the Property, and remove them of record; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

VOTING

VOTING

VOTING

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VOTING

The foregoing Resolution was thereupon declared duly adopted.

- Short Form EAF
- Waterfront Tax Liens to be Cancelled

Resolution 6B

Resolution offered by Mayor Spinello and seconded by

BE IT RESOLVED, that the City of Glen Cove Department of Public Works (DPW) is authorized to accept the Highway Work Permit to be issued by the New York State Department of Transportation (DOT) for the refurbishment of the City of Glen Cove Soundscape mural on NY State Route 107; and

WHEREAS, the New York State DOT requires permitted access to perform work on or along DOT rights-of-way in compliance with highway Law Sections 52, 103, 203 and/or 234; and

WHEREAS, the City of Glen Cove DPW has submitted a work permit request for cleaning, repainting and repair by Glen Cove Beautification of the existing City mural located on NY State Route 107, south bound side retaining wall; and

WHEREAS, it is in the best interests of the City to accept said permit to improve and enhance entryways to our fair City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the DPW to accept said Highway Work Permit as issued by the NY State DOT.

**The mural renovation is to be performed through volunteer labor and materials already in the City's possession.

Resolution 7A

Resolution offered by Mayor Spinello and seconded by

BE IT RESOLVED, that Ambrosia Saccente is hereby appointed as Clerk, with the Senior Center, $15.00 per hour, retroactive to January 13, 2014.

Budge Line 7030-51120