

CITY OF KINGSTON

Office of the Mayor

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Steven T. Noble
Mayor



January 29th, 2021

Honorable Andrea Shaut
Common Council President
420 Broadway
Kingston, NY 12401

Re: Transfer of 21 N. Front St. parcel to KLDC

Dear President Shaut,

As you are aware, the Ulster County Industrial Development Agency has approved the PILOT agreement regarding the Kingstonian. The next step of the process will be for the City to transfer our parcel located at 21 North Front St. (SBL: 48.80-1-26) to the Kingston Local Development Company so that the KLDC can then transfer the property to the Kingstonian Development Corporation.

Specifically, I am requesting that the Council authorize the Mayor to transfer title to the property for the purpose of development pursuant to the terms of the Request for Proposals previously awarded by the City. The authorization would be contingent upon final approval of the site plan by the Planning Board and by an affirmative vote by the KLDC to accept the property.

This transfer would be made pursuant to Section 1411 of the Not-for-Profit Corporation Law of the State of New York which authorizes a legislative body to determine that a parcel of real property is not required for use by the City and further authorizes the City to transfer the property to the local development corporation in order to lessen the burden on government and in the furtherance of the public interest.

As previously outlined and discussed, it is my position that the parcel at issue is no longer needed for City purposes as it stands today, and that the transfer to the KLDC facilitates the redevelopment project moving forward and, as set forth in the numerous previous public presentations, the transfer and development of the property lessens the burden on government posed by the property and serves the public interest. It is also my belief that this transfer is fully in accordance with the mission and bylaws of the KLDC.

I would request that this matter be referred to the appropriate committee for discussion and action and that the Common Council schedule a public hearing with regard to the proposed transfer. Please feel free to contact me with any questions regarding this matter. Thank you for your consideration.

Respectfully Submitted,

Steven T. Noble
Mayor

Finance Committee Report – Draft – 21 North Front St. Transfer to KLDC

Authorizing the transfer of 21 North Front Street to the Kingston Local Development Corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law.

RESOLUTION

WHEREAS, it is the policy of the State of New York to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry; and

WHEREAS, The City of Kingston for a long period of time has sought to address several critical issues that have been negatively affecting the Business District and one such issue has been the lack of adequate parking for visitors and consumers which has been the biggest challenge for Uptown Kingston's economy; and

WHEREAS, THE City of Kingston owns the land located at 21 North Front Street consisting of an approximately acres that is identified as tax map ID, SBL No. 48.80-1-26 and further shown on a map of lands as filed with ; and

WHEREAS, The Mayor issued a Request for Qualifications (RFQ) for a developer to design, construct and operate a mix of housing units, commercial and retail space and most importantly public parking; and

WHEREAS, a developer submitted a proposal that addressed the needs and concerns contemplated in the RFQ; and

WHEREAS, the Common Council has examined the property and determined that the City no longer needs the property now or in the future for the operation of the City; and

WHEREAS The City has the responsibility and burden to promote the health, safety and general welfare of the residents of the City by, among other things, preventing unemployment and economic deterioration, increasing and maintaining employment opportunities and attracting and sustaining economically sound commerce; and

WHEREAS, the city is desirous of moving this proposal forward in the most efficient, effective and practical manner in accordance with the RFQ; and

WHEREAS, Not-For-Profit Law, Section 1411 empowers a city to sell and convey real property to its local development corporation; and

WHEREAS, Not-For-Profit Law, Section 1411, was created for the charitable or public purpose of relieving and reducing unemployment, promoting and providing for additional maximum employment, bettering and maintaining job opportunities,and lessening the burdens of government and acting in the public interest; and

WHEREAS, Not-For-Profit Law, Section 1411 further authorizes the legislative body of a City by resolution, to determine that certain real property of the City not required for use by the City may be sold or leased to a not-for-profit local development corporation for purposes that include lessening the burdens of government and acting in the public interest; and

WHEREAS, the Kingston Local Development Corporation was created under Not-For-Profit Law, Section 1411, with the authority to acquire by purchase, lease, gift bequest, devise or otherwise, real property and without leave of court, to sell, lease, mortgage or otherwise disposed.

WHEREAS, Section 1411 (d) of the Not-For-Profit Law further provides that the sale or lease may be on such terms as may be agreed upon by the City and local development corporation, without appraisal or public bidding; and

WHEREAS, pursuant to and in accordance with Section 1411(d), a public hearing relating to the Disposition was duly scheduled, noticed and conducted by the Common Council prior to the adoption of this resolution which hearing shall be on

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. Pursuant to Section 1411 (d)(1) of the LDC Act and upon due consideration of the presentations and comments received during the public hearing, the Common Council hereby determines that title to the lands shown on the map as filed with the _____ (the "Property") is not required for use by the City.

SECTION 2. Pursuant to Section 1411 (d) of the LDC Act, the Common Council hereby authorizes the undertaking of the Disposition, including transfer of title and/or a leasehold of up to ninety-nine years, to the Property together with the equipment and assets situate thereon, to the Corporation pursuant to a deed and/or lease to be approved by the Corporation Counsel (the "Deed" and/or "Lease") provided however, that any sale or lease of these lands by the Corporation shall be in accordance with the goals of the City as articulated in this Resolution

SECTION 3. The City shall transfer title to the KLDC in fee unless in the event the City shall need any of the Property for a limited period of time, then the City may transfer a title and/or a leasehold

SECTION 4. The Mayor of the City of Kingston may as set forth in the City Charter and Code and/or as may be required otherwise, is hereby authorized to execute any and all documents related to the Disposition, including the Deed and Lease Agreement(s), subject to approval by the Corporation Counsel of the City of Kingston, along with any other agreements, forms, certificates or applications necessary to effectuate the foregoing.

SECTION 5. That the property at 21 North Front Street, Tax Map No. 48.80-1-26, be transferred to the Kingston Local Development Corporation.

SECTION 6. That this transfer is conditioned with the requirement that any development must include public parking and a public park with restrooms.

SECTION 7. That this transfer shall require the Kingston Local Development Corporation to obtain all necessary approvals during which time the property shall be leased to the city.

SECTION 8. In the event any of these requirement cannot be met the property shall revert back to the city.

SECTION 9. This resolution shall take effect immediately.

