

RESOLUTION NO. 161

CONDITIONALLY AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT 50 RAILROAD AVENUE IN THE TOWN OF COLONIE (TAX MAP NO. 53.05-4-24) AND 54 RAILROAD AVENUE (TAX MAP NO. 53.05-1-15) IN THE TOWN OF GUILDERLAND TO STORE AWAY WAREHOUSING AT GUILDERLAND, LLC

Introduced: 5/10/21

By Audit and Finance Committee:

WHEREAS, The County of Albany ("County") has obtained "in rem" delinquent real property tax lien foreclosure judgments against both the parcel of real property commonly known and described as 50 Railroad Avenue (Tax Map No. 53.05-4-24) located in the Town of Colonie and the parcel of real property commonly known and described as 54 Railroad Avenue (Tax Map No. 53.05-1-15) located in the Town of Guilderland, which judgments enable the County's Enforcing Officer to convey title to said parcels to the County or its assignee, and

WHEREAS, Said parcels are distressed environmentally contaminated "Brownfield" sites, which have been partially remediated by New York State Department of Environmental Conservation ("NYSDEC"), and

WHEREAS, Store Away Warehousing at Guilderland, LLC ("Store Away") has expressed an interest in working with NYSDEC towards acquiring title to said parcels from the County as its assignee for the sum of \$100,000 for economic redevelopment purposes to build warehouses on them, and

WHEREAS, Store Away has indicated that its acquisition and redevelopment of said parcels will result in returning them to being real property tax revenue generating assets and create jobs in furtherance of the expressed intent of the County's Delinquent Tax Foreclosed Properties Disposition Plan adopted by this Honorable Body pursuant to Resolution No. 29 for 2019, now, therefore, be it

RESOLVED, That within 180 days of Store Away having obtained certified Legislative approval from this Honorable Body for the conveyance of said parcels to it: (1) Store Away shall negotiate a liability release ("Release") regarding the outstanding public funds owed to the NYSDEC for the environmental remediation which it conducted with respect to said parcels, and (2) Store Away shall coordinate a Site Management Plan ("Plan") with NYSDEC for Store Away's ongoing environmental obligations associated with said parcels upon their acquisition, and be it further

RESOLVED, That in the event that said Release and Plan have not been fully negotiated by Store Away with the NYSDEC at the end of said 180-day period, subject to submission to the County Executive of documented satisfactory proof of ongoing progress having been made by Store Away with the NYSDEC regarding the negotiation of said Release and establishment of said Plan, the County Executive shall have the authority to extend the foregoing said 180 days for an additional 180 days, and be it further

RESOLVED, That upon receipt by the County Executive of written notice from Store Away that it has reached an agreement with the NYSDEC regarding said Release and Plan with respect to said parcels and the confirmed receipt by the County Director of Finance of the sum of \$100,000 in certified funds from Store Away payable to the County as the non-refundable consideration for said conveyance, the County Executive shall execute any documents necessary to convey title to said parcels to Store Away by Deed by Assignment prepared by the Albany County Attorney's Office, and be it further

RESOLVED, That the County Executive is hereby authorized to take any such additional action as are necessary and appropriate to effectuate the foregoing, and be it further

RESOLVED, That the County Attorney is authorized to approve said conveyance as to form and content, and be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this Resolution to the appropriate County Officials.

*Adopted by unanimous vote – 5/10/21
Mr. Commisso abstained.*