

A LOCAL LAW AMENDING LOCAL LAW NO. 7-1994

BE IT ENACTED BY THE ONONDAGA COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, NEW YORK, AS FOLLOWS:

Section 1. That the County of Onondaga is the owner of certain real property located at 321-325 Montgomery Street in the City of Syracuse (the "Property").

Section 2. That the Property was acquired by the County in 1980 from the New York Telephone Company.

Section 3. That the Onondaga Historical Association, an authorized agency of the County, currently occupies the Property.

Section 4. That on June 6, 1994, the Onondaga County Legislature enacted Local Law No. 7-1994, which authorized the transfer of the Property to the Onondaga Historical Association.

Section 5. That in order to further the interests of the County, Local Law No. 7-1994 is hereby amended by deleting Section 5 of said Local Law and substituting the following language in its place:

Section 5. The Property shall be used only for municipal or public purposes while in the ownership of the Onondaga Historical Association. Upon the sale or transfer of the Property from the Onondaga Historical Association to any non-municipal or non-public entity, the proceeds, if any, of such sale or transfer shall be divided as follows:

(a) The Onondaga Historical Association shall first be reimbursed for all customary closing costs which it actually incurs. Such closing costs shall include the cost of obtaining an Abstract of Title and survey Map, obtaining appropriate Tax Certificates or other governmental certifications, plus the payment of recording fees, transfer taxes, closing statement adjustments, if any; then

(b) The proceeds of the sale of the Property, less closing costs as specified in paragraph 5(a) above, shall be divided between the County and the Onondaga Historical Association on the following basis:

i. To date, the County has expended \$823,469.00 for capital improvements to the property. At the time of any such future sale of the property, it shall be the obligation of the Onondaga Historical Association to establish the value of the capital improvements that it has made to the Property. These two figures shall then be depreciated pursuant to the Internal Revenue Code of 1986, as amended (26 USC 167 et seq), with the parties agreeing that the Property shall be treated as non-residential real property with an applicable recovery period of thirty-nine (39) years, with the County's recovery period beginning as of the effective date of this Local Law.

ii. If, at the time of any future sale of the property, 25% of the proceeds of the sale of the property, less closing costs, equals or exceeds the depreciated value of the capital improvements that the County made to the Property, then the proceeds of the sale, less closing costs, shall be distributed 25% to the County and 75% to the Onondaga Historical Association.

iii. If, at the time of any future sale of the Property, 25% of the proceeds of the sale of the property, less closing costs, is less than the depreciated value of the capital improvements that the County made to the Property, then the proceeds of the sale, less closing costs, shall be divided between the County and the Onondaga Historical Association on a pro rata basis, based upon the depreciated value of the respective capital improvements that the County and the Onondaga Historical Association made to the Property.

iv. If the depreciated value of the capital improvements that the County made to the Property is zero at the time of any future sale, then the Onondaga Historical Association shall have no obligation to share the proceeds of such sale with the County.

(c) The property may not be sold for less than 80% of its fair market value as determined by an appraiser without prior approval of the Onondaga County Legislature.

Section 6. This Local Law shall take effect in accordance with Sections 20, 21 and 24 of the Municipal Home Rule Law.

Section 7. Except as herein amended, Local Law No. 7-1994 shall remain in full force and effect.

OHA.LL
MJM/LKS
/ds

ADOPTED

OCT 07 1996

96 SEP 17 AM 11:40

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

NOTICE OF PUBLIC HEARING ON LOCAL LAW

NOTICE IS HEREBY GIVEN, that there has been duly presented to the County Legislature of the County of Onondaga, on October 7, 1996, local law entitled: "LOCAL LAW AMENDING LOCAL LAW NO. 7-1994".

NOTICE IS FURTHER GIVEN, that the Onondaga County Executive will conduct a public hearing pursuant to law on the aforesaid local law at the Legislators' Chambers, County Court House, Syracuse, New York, at 9:00 a.m. on the 24th day of October, 1996, at which time all persons interested will be heard.

DATED: October 8, 1996

I, NANCY J. SKAHEN, Clerk of the County Legislature of Onondaga County, New York, do hereby certify that on the 8th day of October, 1996, the above notice was posted in the west lobby of the Court House on the bulletin board.

A handwritten signature in cursive script, reading "Nancy J. Skahen", written in dark ink. The signature is fluid and stylized, with the first letters of the first and last names being capitalized and prominent.

NANCY J. SKAHEN, Clerk
Onondaga County Legislature



COUNTY OF ONONDAGA

Office of the County Legislature

407 COURT HOUSE
SYRACUSE, NEW YORK 13202
435-2070

NANCY J. SKAHEN
CLERK

WILLIAM SANFORD
CHAIRMAN

CYNTHIA J. KENT
DEPUTY CLERK

TO: Barbara Gray
Legal Classifieds
FAX 470-2050
PHONE 470-2051

FROM: Cindy Kent
Onondaga County Legislature

DATE: October 8, 1996

BILL TO: Deborah Fichera
Onondaga Co. Legislature
407 Court House
Syracuse NY 13202
Billing Account #25963

Enclosed please find:

Notice of Public Hearing on Local Law Amending Local Law No. 7-1994 (OHA).

Please publish in Post Standard and Herald Journal on **OCTOBER 17, 1996.**

Please include two certified proofs of publication for each paper with the statement and bill to the above account.

Thank you.

Proof of Publication

The Post-Standard/Syracuse Herald-Journal

Onondaga Co. Legislature

No. 26519

Attn: Deborah Fichera

State of New York

County of Onondaga

ss.

Diane B. Begnoche

of the City of Syracuse, in

said County, being duly sworn, doth depose and says: she is the Principal Clerk in the office of THE POST-STANDARD and SYRACUSE HERALD-JOURNAL public newspapers, published in the City of Syracuse, Onondaga County, New York; and that the notice, of which the annexed is a printed copy cut from said newspaper, was printed and published in the regular edition and issue of said newspaper on the following days, viz.:

October 17, 1996

NOTICE OF PUBLIC HEARING
ON LOCAL LAW
NOTICE IS HEREBY GIVEN,
that there has been duly pre-
sented to the County Legisla-
ture of the County of Onondaga,
on October 7, 1996, local law en-
titled: "LOCAL LAW AMEND-
ING LOCAL LAW NO. 7-1994".
NOTICE IS FURTHER GIVEN,
that the Onondaga County Ex-
ecutive will conduct a public
hearing pursuant to law on the
aforesaid local law at the Legis-
lators' Chamber, County Court
House, Syracuse, New York, at
9:00 a.m. on the 24th day of Oc-
tober, 1996, at which time all
persons interested will be
heard. DATED: October 8, 1996.
I, NANCY J. SKAHEN, Clerk of
the County Legislature of Onon-
daga County, New York, do
hereby certify that on the 8th
day of October, 1996, the above
notice was posted in the west
lobby of the Court House on the
bulletin board. NANCY J. SKA-
HEN, Clerk Onondaga County
Legislature

Diane B. Begnoche
Principal Clerk

Subscribed and Sworn to before me, this 17th

day of October 19 96

Karen M. Miller
NOTARY PUBLIC, Onondaga County, N.Y.

5/9/98
Commission Expires



COUNTY OF ONONDAGA
OFFICE OF THE COUNTY EXECUTIVE

NICHOLAS J. PIRRO
COUNTY EXECUTIVE

EDWARD KOCHIAN
DEPUTY COUNTY EXECUTIVE

MARTIN A. FARRELL
EXECUTIVE COMMUNICATIONS DIRECTOR

JOHN H. MULROY CIVIC CENTER
421 MONTGOMERY STREET - 14TH FLOOR
SYRACUSE, NEW YORK 13202-2995

315 - 435-3516
TELECOPIER: 315 - 435-8582

JAMES A. ALBANESE
ADMINISTRATOR - PHYSICAL SERVICES

LYNN A. SHEPARD
ADMINISTRATOR - HUMAN SERVICES

SUSAN J. TORMEY
RESEARCH & COMMUNICATIONS OFFICER

October 24, 1996

REPORT OF THE COUNTY EXECUTIVE ON LOCAL LAW NO. ____ - 1996

PURSUANT TO Article 3, Section 20, of the Municipal Home Rule Law, a Public Hearing was held by me on October 24, 1996 at 9:00 a.m. in the Legislative Chambers of the Onondaga County Legislature, Court House, Syracuse, New York, to consider Local Law No. ____ - 1996, entitled: "A Local Law Amending Local Law No. 7-1994", regarding the distribution of sale proceeds in the event the 321-325 Montgomery Street property is ever sold by the Onondaga Historical Association.

This Local Law has been duly passed by the Onondaga County Legislature on October 7, 1996, and the proper posting of notices and publication of such notices of such hearing have been duly made according to law. Proof of such posting and publication has been filed in the office of the Clerk of the County Legislature.

No person having appeared to speak in reference to this Local Law, it is my opinion that the proposed Local Law of the County of Onondaga entitled, "A Local Law Amending Local Law No. 7 - 1994", is proper and beneficial and I, therefore, approve the adoption of Local Law No. ____ - 1996.

Respectfully submitted,

Nicholas J. Pirro
County Executive

NJP:cfc
C:\CHRIS\OHA.NOT



COUNTY OF ONONDAGA

Office of the County Legislature

407 COURT HOUSE
SYRACUSE, NEW YORK 13202
435-2070

NANCY J. SKAHEN
CLERK

WILLIAM SANFORD
CHAIRMAN

CYNTHIA J. KENT
DEPUTY CLERK

December 9, 1996

Alexander Treadwell
Secretary of State
State Department of Records
Department of State
162 Washington Avenue
Albany, New York 12231

Dear Mr. Treadwell:

I am enclosing a copy of Local Law No. 12 of 1996, approved by the Onondaga County Legislature, to be filed in the Office of the Secretary of State.

Please acknowledge receipt.

Thank you.

Sincerely,

CYNTHIA J. KENT, Deputy Clerk
Onondaga County Legislature

enc.

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~~~Town~~~~Village~~

of ONONDAGA

Local Law No. 12 of the year 1996

A local law AMENDING LOCAL LAW NO. 7 -1994

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County

~~City~~~~Town~~~~Village~~

of Onondaga, New York as follows:

Section 1. That the County of Onondaga is the owner of certain real property located at 321-325 Montgomery Street in the City of Syracuse (the "Property").

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(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

treated as non-residential real property with an applicable recovery period of thirty-nine (39) years, with the County's recovery period beginning as of the effective date of this Local Law.

ii. If, at the time of any future sale of the property, 25% of the proceeds of the sale of the property, less closing costs, equals or exceeds the depreciated value of the capital improvements that the County made to the Property, then the proceeds of the sale, less closing costs, shall be distributed 25% to the County and 75% to the Onondaga Historical Association.

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(c) The property may not be sold for less than 80% of its fair market value as determined by an appraiser without prior approval of the Onondaga County Legislature.

Section 6. This Local Law shall take effect in accordance with Sections 20, 21 and 24 of the Municipal Home Rule Law.

Section 7. Except as herein amended, Local Law No. 7-1994 shall remain in full force and effect.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 12 of 19 96 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Onondaga was duly passed by the County Legislature on October 7 19 96 and was (approved)(~~not disapproved~~)(~~repassed after~~ ~~disapproval~~) by the County Executive on October 24 1996. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of December 8 1996, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

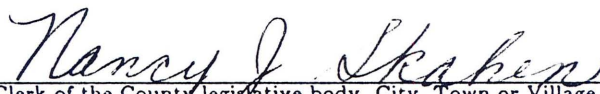
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

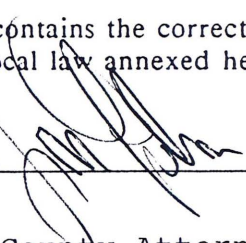
(Seal)

Date: December 9, 1996

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Title

County Attorney

County

~~City~~

of

~~Town~~

~~Village~~

Onondaga

Date: December 9, 1996

(3)



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

RECEIVED
ONONDAGA COUNTY
LEGISLATURE
96 DEC 23 PM 12:33

December 18, 1996

CYNTHIA J. KENT
COUNTY OF ONONDAGA
407 COURT HOUSE
SYRACUSE, NY 13202

RE: County of Onondaga, Local Law 12, 1996, filed 12/16/96

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Please be advised only 1 original local law is required to be filed in our office.

Sincerely,

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml