

LEGAL NOTICE

PLEASE TAKE NOTICE THAT, pursuant to New York State Urban Development Corporation Act (Chapter 174, Section 1, Laws of 1968, as amended; the "Act"), the New York State Urban Development Corporation d/b/a Empire State Development ("Seller") proposes to sell to the Baldwinsville Central School District ("Purchaser") a 28.79 acre parcel of vacant land, known as 2810 West Entry Road (Town of Lysander Tax Parcel 057.-02-11.1; the "Premises"), in the industrial sector of the Radisson New Community located in Baldwinsville New York. Purchaser seeks to purchase the Premises for construction of an approximately 35,000 square foot transportation facility. Purchaser's offer to purchase is contingent upon due diligence review and Purchaser and voter approval. The proposed sale price is \$210,000, approximately 43% of the fair market "as is" value as determined by independent appraisal performed on behalf of ESD. The Premises consist partly of wetlands, which will remain protected and undeveloped. A copy of the ESD Director materials authorizing such sale is on file at ESD's Central New York Regional Office, 620 Erie Boulevard West, Suite 112, Syracuse, New York 13204, and is available for inspection by the general public during regular business hours. Copies of such Director materials are available without charge upon request to ESD. Copies of such Director materials also are available at www.esd.ny.gov.

PLEASE TAKE FURTHER NOTICE THAT, in accordance with the Act, ESD will hold a public hearing open to all persons to consider the proposed sale on Tuesday, December 8, 2015 from 2:00pm to 3:00pm at Town of Lysander Town Hall, 8220 Loop Road, Baldwinsville, New York 13027. Comments on the proposed sale may be made orally or in writing at the hearing. Comments also may be presented in writing to ESD's Central New York Regional Office at the address set forth above, or to Quinn.Hubbard@esd.ny.gov, on or before the hearing date. Comments received by ESD after the close of the hearing will not be considered.

DATE: November 20, 2015
New York, New York

NEW YORK STATE URBAN
DEVELOPMENT CORPORATION,
d/b/a EMPIRE STATE DEVELOPMENT

By: Eileen McEvoy
Corporate Secretary

FOR CONSIDERATION

November 19, 2015

TO: The Directors

FROM: Howard Zemsky

SUBJECT: Lysander (Onondaga County) – Radisson Community

REQUEST FOR: Authorization to Sell Land to Baldwinsville Central School District;
Authorization to Hold Public Hearing Thereon; and Authorization to Take
Related Actions

I. Project Summary

Site: A 29.73 acre parcel of vacant land currently owned by ESD, known as 2810 West Entry Road (SE corner of West Entry Road and Brundage Road within Radisson’s industrial sector), located in Baldwinsville, New York, Town of Lysander, Onondaga County, also known as Town of Lysander Tax Parcel 057.-02-11.1 (the “Site”). See Map at Attachment A.

Purchase Price: \$210,000, due at Closing

ESD Obligation: Sale of Site only.

ESD Funding: None

Appraisal: Fair market “as is” value is \$490,000
Wicker Appraisal Associates Inc., Syracuse, New York
Valuation Date October 28, 2015
See appraisal at Attachment B

Purchaser: Baldwinsville Central School District (“BCSD”)
29 East Oneida Street
Baldwinsville, New York 13027

Construction Contemplated: Construction of BCSD transportation facility

Brokerage Fee: None

II. Background

The Radisson Community ("Radisson") is located on approximately 3,000 acres in the Town of Lysander, County of Onondaga, approximately 12 miles northwest of Syracuse. Approximately 300 acres of industrial land in Radisson remains unsold and in ESD ownership. In Fall 2010, ESD issued a public Request for Proposals soliciting offers to purchase the Radisson industrial properties, including the Site. ESD received no response to that Request. Both ESD's main web site (under Resources/Zoom Prospector/Baldwinsville) and ESD's Radisson web site publicly indicate that Radisson industrial parcels, which include the Site, are for sale. Further, ESD staff advertises industrial park listings on a variety of local and regional listing sites, and ESD staff is in regular contact with area brokers to market these properties.

The proposed Purchaser of the Site, the Baldwinsville Central School District ("BCSD"), is seeking to construct a new transportation facility on the Site. BCSD's existing facility, located within the Village of Baldwinsville, is 70 years old, is in poor physical condition, is inadequate to accommodate current vehicle requirements, and at peak hours exacerbates Village traffic. A new facility at the Site will ameliorate all of these concerns, and place what is essentially a small commercial trucking operation within an industrial sector better suited to accommodate BCSD's infrastructure needs and related traffic. A new facility also will permit BCSD to consolidate maintenance work with other surrounding governmental entities, thereby creating efficient synergies and reducing costs. BCSD's re-located facility will retain approximately 150 employees.

III. Proposal

BCSD seeks to purchase the Site from ESD, consisting of an approximately 30 acre parcel of vacant land in the industrial sector of the Radisson Community, to be used for vehicle and bus parking and storage and for construction of the above-described transportation facility, which would be housed in an approximately 35,000 square foot newly constructed commercial building. The proposed sale price is \$210,000, approximately 43% of the appraised fair market "as is" value, as determined by independent appraisal performed on behalf of ESD. Approximately 10 of the 30 acres at the Site consist of wetlands, which will remain protected and undeveloped. As more fully described in the draft Contract to Purchase attached hereto at Attachment C, Purchaser's offer to purchase is contingent upon due diligence review and BCSD and voter approval.

IV. Public Authorities Law ("PAL") Compliance

In accordance with the PAL, an appraisal of the Site has been prepared. As set forth above, Wicker Appraisal Associates Inc., an independent appraiser from Syracuse, New York, appraised the fair market "as is" value of the Site at \$490,000 as of October 28, 2015. See Attachment B.

Although ESD has advertised and marketed the Radisson industrial properties as described under Section II Background above, PAL 2897(6)(c)(v) provides an exception to the requirement of public advertising for bids by permitting disposition of property by negotiation under circumstances permitted by PAL 2897(7). PAL 2897(7) permits the disposal of the Site without bids and for less than fair market value if either: (i) "transferee is a government or other public

entity”; or (ii) “the purpose of the transfer is within [ESD’s] purpose, mission or governing statute”. The proposed sale of the Site meets both of these criteria. BCSD is a political subdivision and a government entity under the laws of the State of New York. Further, Section 2 of the UDC Act notes that ESD was created “to promote the sound growth and development of our municipalities” through, among other things, redevelopment of underutilized or vacant properties for “the provision of educational ... facilities”. See also UDC Act Section 5(11) permitting ESD to dispose of property. The proposed sale of the Site will further these corporate statutory goals by creating the opportunity for enhanced education-related facilities to be constructed and utilized by BCSD and by alleviating traffic congestion in the Village of Baldwinsville.

Given the lack of response to ESD’s continuing efforts to market Radisson industrial properties, given the continuing availability of approximately 300 acres of vacant commercial property at Radisson, and given BCSD’s interest in developing the Site for education related facilities, staff believes, and recommends that the Directors determine, as required by the PAL, that there exists no reasonable alternative to the proposed sale that would result in the same benefits to the public or achieve the same purpose of the proposed sale. In these circumstances, PAL Section 2897(7)(b) requires disclosure of the following information:

- (i) full Site description: 29.73 acres of vacant land known as 2810 West Entry Road, Baldwinsville, New York 13027, within the Town of Lysander, County of Onondaga, State of New York. See Map at Attachment A.
- (ii) appraisal: Wicker Appraisal Associates Inc., Syracuse, New York, fair market “as is” value is \$490,000 as of October 28, 2015 valuation Date. See appraisal at Attachment B.
- (iii) purpose of transfer; statement of public benefit: the purpose of the transfer is to assist BCSD to construct education-related transportation facilities, which will result in benefit to the public of increased efficiencies and alleviation of traffic.
- (iv) value to be received by ESD: \$210,000; in addition to the benefits to the Baldwinsville area listed directly above.
- (v) private participants and value to be received: there are no private participants to this transaction.
- (vi) other offers: none, despite continuing public marketing.

V. Environmental Review

Disposition of the Site for development in the industrial section of Radisson is consistent with Radisson’s General Project Plan and/or its amendments that the Directors have approved after prior environmental reviews. Sale of the Site does not require separate environmental review.

VI. Affirmation Action

BCSD will agree to the following policy, which will appear in the deed: BCSD, and every successor in interest to the Site, shall not discriminate upon the basis of race, creed, color, sex or national origin, or any other basis prohibited by applicable law, in the sale, lease or rental or in the use or occupancy of the Site or any improvements erected or to be erected thereon or any part thereof. This covenant shall run with the land in perpetuity.

VII. Requested Actions

The Directors are requested to: (a) adopt the draft Contract of Sale and authorize a public hearing thereon; (b) approve the essential terms of the Contract of Sale and authorize execution of the Contract of Sale and sale of the Site; and (c) determine that there exists no reasonable alternative to the proposed sale that would result in the same benefits to the public or achieve the same purpose of the proposed sale.

VIII. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

IX. Attachments

Resolutions

A – Map

B – Appraisal

C – Draft Contract to Purchase Land

November 19, 2015

Lysander (Onondaga County) – Radisson Community – Authorization to Sell Land to Baldwinsville Central School District; Authorization to Hold Public Hearing Thereon; and Authorization to Take Related Actions

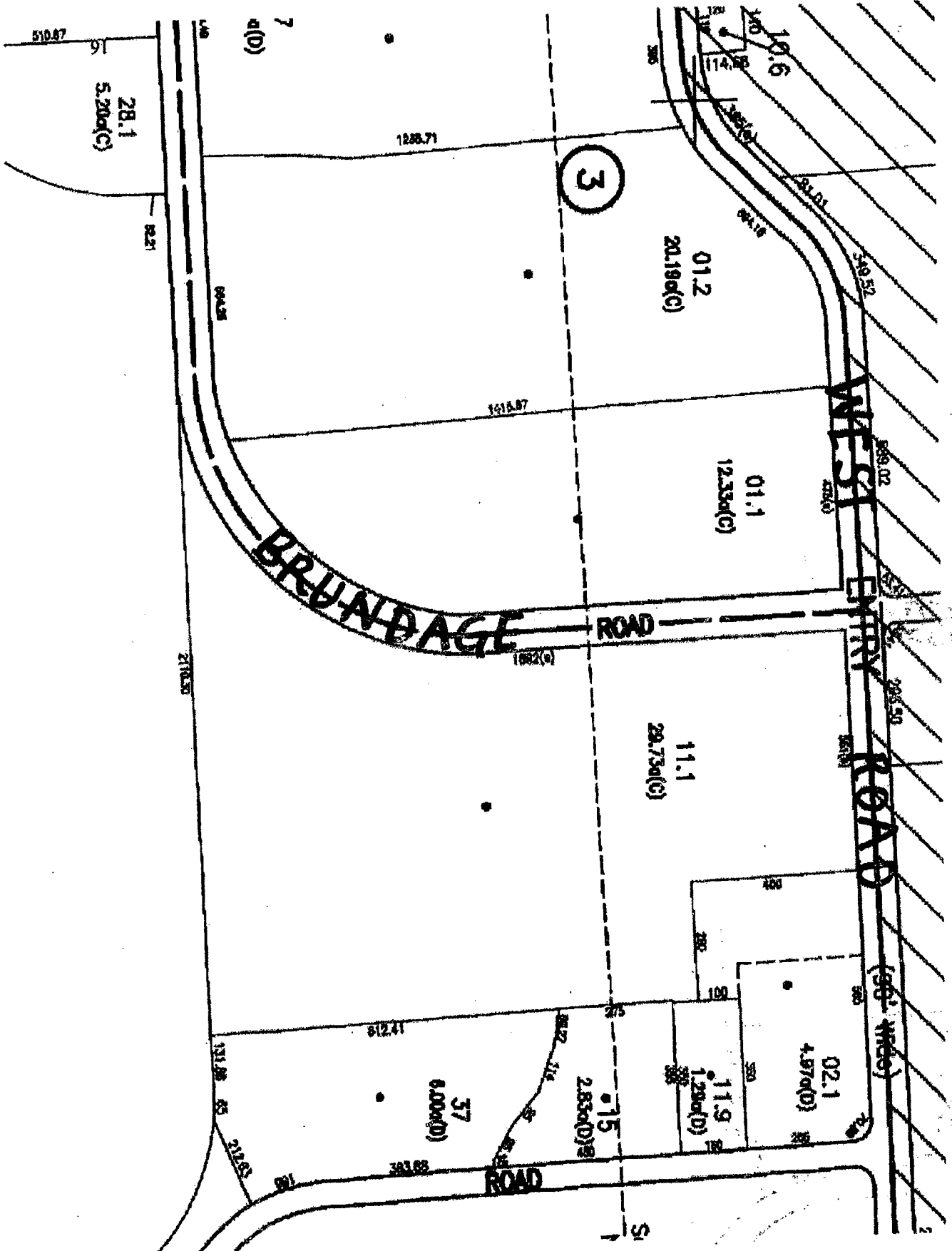
RESOLVED, that on the basis of the materials presented to the Directors at this meeting, a copy of which is hereby ordered to be filed with the records of the Corporation (the "Materials"), the Corporation is hereby authorized to sell and convey to the Baldwinsville Central School District ("BCSD"), for development of education-related facilities, an approximately 30 acre parcel of vacant land owned by the Corporation and located within the Radisson Community as shown on the map presented to this meeting (the "Site"), substantially on the terms and conditions set forth in the Materials; and be it further

RESOLVED, that the Corporation hereby finds, pursuant to Section 6(1) of the New York State Urban Development Corporation Act of 1968, as amended (the "Act"), that such sale as proposed and approved herein is "in conformity with a plan or undertaking for the clearance, replanning, reconstruction or rehabilitation of substandard and insanitary areas" within the Town of Lysander and County of Onondaga; and be it further

RESOLVED, the Corporation hereby determines, after giving due consideration to the appraisal of the Premises, the lack of response to the Corporation's continuing marketing of Radisson industrial properties, and BCSD's intent to develop the Site for education related facilities, that there is no reasonable alternative to the proposed below-market transfer that would result in the same benefits to the public or achieve the same purpose of the proposed sale; and be it further

RESOLVED, that the President and Chief Executive Officer or designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to take all such actions as are necessary or appropriate to schedule and hold public hearing as required by the UDC Act or other applicable law (which hearings may be held simultaneously); and be it further

RESOLVED, that the President and Chief Executive Officer or designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver, and affix the seal of the Corporation to, all such agreements, contracts, deeds, certificates and instruments and to take any such action as may be considered to be necessary or proper to effectuate the sale of the Site.



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a(D)

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01.2
20.19d(C)

01.1
12.33d(C)

11.1
29.73d(C)

02.1
4.87d(D)

11.9
1.29d(D)

15
2.85d(D)

37
6.00d(D)

28.1
5.20d(C)

510.87

1288.71

1616.87

1882(C)

1721.9

131.88 65

212.83

92.21

94.45

2178.53

347.85

347.85

WEST FERRY ROAD

BRUNDAGE ROAD

FERRY ROAD

ROAD

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