

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUL 02 2008

County
 City of Erie
 Town
 Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 2008.

A local law relating to the leasing of approximately 2 acres of vacant
(Insert Title)
land on the South Campus of Erie Community College to West
Herr Imports, LLC d/b/a West Herr Toyota of Orchard Park.

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

County
 City of Erie
 Town
 Village as follows:

Section 1.

The Erie County Legislature hereby finds that certain vacant land comprising approximately 2 acres on the South Campus of Erie Community College is not presently needed for County purposes and that such land shall be best utilized to the County's and the College's benefit by permitting the County to lease the property for fair and reasonable consideration to West Herr Imports LLC d/b/a West Herr Toyota of Orchard Park, New York whose principal offices are located at 3498 McKinley Parkway, Blasdell, New York 14219 ("West Herr"). Said property will be used as a site for the construction and operation of a parking surface for displaying vehicles for sale by West Herr. The property is adjacent to the West Herr Toyota Dealership at 4141 Southwestern Boulevard in Orchard Park, replacing property lost by West Herr through eminent domain proceedings brought by the State of New York for the reconstruction and widening of Southwestern Boulevard? Route 20????

Section 2.

The County of Erie, on behalf of ECC may enter into a Lease Agreement for such surplus vacant land with West Herr upon such terms and conditions as may be set forth in a resolution enacted by the Erie County Legislature including, but not limited to, the conditions set forth in Section 3 hereafter.

Section 3.

The County of Erie, on behalf of Erie Community College, shall enter into a Lease Agreement that shall provide for the lease of said vacant land for an initial term of five years which shall begin as soon as practical upon the approval of the Erie County Legislature and the Erie County Fiscal Stability Authority, whichever occurs last; provided, however, that West Herr shall have the right to renew the Lease for up to three additional five-year terms upon written notice to the County at any time prior to the end of the initial term and each renewal term.

Section 4.

This local law shall take effect immediately upon its filing in accordance with Section 27 of the Municipal Home Rule Law.

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

(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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. 2 of 2008 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on June 12 2008, and was (approved)(not approved)(repassed after ~~disapproval~~) by the Erie County Executive and was deemed duly adopted on June 27 2008, *(Elective Chief Executive Officer*)* in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted *(Elective Chief Executive Officer*)* 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 _____ 20____, in accordance with the applicable provisions of law.

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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to *(Elective Chief Executive Officer*)* permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* 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 chairperson 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 20_____ 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 _____ 20____, 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 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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 _____, above.

~~Clerk of the County legislative body, City, Town or Village Clerk
or officer designated to perform legislative work~~

Date: 7/1/08

(Seal)

(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 ERIE

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

Assistant County Attorney

County

~~City~~ of Erie
~~Town~~
~~Village~~

Date:

7/1/08