

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 11 2001

County
~~CITY~~ of Erie
~~xTown~~
~~xVillage~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 4 of the year 2001

A local law relating to the leasing of 3.5 acres of vacant land at
(Insert Title)
663 Kensington Avenue, Buffalo, New York to the Living
Opportunities of DePaul, Inc.

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

County
~~xCity~~ of Erie as follows:
~~xTown~~
~~Village~~

Section 1. The Erie County Legislature hereby finds and determines that certain vacant land comprising approximately 3.5 acres at 663 Kensington Avenue, Buffalo, New York on the Erie County Medical Center campus is not presently needed for County government purposes and that such land shall be best utilized to the County's and the Erie County Medical Center's benefit by permitting the County to lease the property for a fair and reasonable consideration to the Living Opportunities of DePaul, a not-for-profit organization, whose principal offices are located at 2240 Union Road, Cheektowaga, New York 14227. Said property would be used as the site for construction and operation of a 75-bed residential facility that will provide transitional as well as permanent housing in a service-enriched setting to adults with psychiatric disabilities.

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

Section 2. The County of Erie, on behalf of the Erie County Medical Center, may enter into a Lease Agreement for such surplus vacant land with the Living Opportunities of DePaul, Inc. upon such terms and conditions as may be set forth in a resolution enacted by the Erie County Legislature, including, however, but not limited to the conditions set forth in Section 3 hereafter.

Section 3. The County of Erie, on behalf of the Erie County Medical Center, shall enter into a Lease Agreement that shall provide for the lease of said premises for the term of twenty-five years with one successive twenty-five year renewal term. In determining the fair consideration to be charged for such surplus vacant land, among the factors to be considered shall be the independent appraisal of the parcel and the benefit to be derived by the County from the service-enriched programs that will be provided to individuals with psychiatric disabilities at this residential housing complex.

Section 4. Effective date. This Local Law shall be effective immediately upon filing with the Secretary of State pursuant with Section 27 of the New York Municipal Home Rule Law.

(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. 4 of 2001 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on June 21 2001, and was (approved)(~~not approved~~)(repassed after ~~disapproval~~) by the Erie County Executive and was deemed duly adopted on July 5 2001, 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 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 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.
(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. _____ 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 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)*

* 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.)

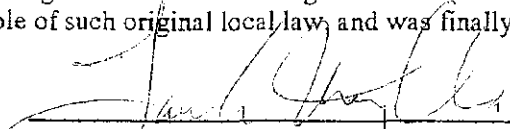
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.

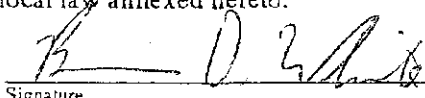

Clerk of the County legislative body, ~~City of Erie~~
~~County designated by local legislative body~~
Laurie A. Manzella
Date: July 6, 2001

(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.

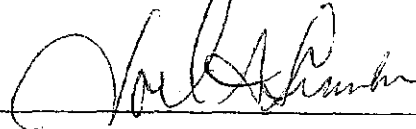

Signature

Brian D. White, Assistant County Attorney
Title

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

Date: 7/6/01

A Public Hearing was held on the foregoing Local Law Intro. No. 7-2001 on Thursday, July 5, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 5th day of July, 2001.



A Public Hearing was held on the foregoing Local Law Intro. No. 7-2001 on Thursday, July 5, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 5th day of July, 2001.
