

Town of Berne

RESOLUTION 2024-_____

AUTHORIZING SALE OF SURPLUS TOWN PROPERTY

Dated: _____, 2024

At a meeting of the Town Board of the Town of Berne, Albany County, New York, held at the Town Hall, 1656 Helderberg Trail Road, Berne NY on the ____ day of _____ 2024, there were:

Supervisor Dennis Palow	Present / Not Present
Councilmember Joesph Martin	Present / Not Present
Councilmember Leo Vane	Present / Not Present
Councilmember Thomas Doolin	Present / Not Present
Councilmember Albert Them	Present / Not Present

Councilmember _____ offered the following resolution and moved for its adoption:

WHEREAS, the Town of Berne is the owner of a parcel of land located on Game Farm Road in the Town of Berne, New York, consisting of +/- 355.66 acres (the “Property”), and bearing Tax Assessment Map designation _____; and

WHEREAS, pursuant to Town Law 64 (2), the Town Board is authorized to sell real property pursuant to a resolution which is subject to a permissive referendum, and provided the property is unneeded for town purposes and adequate consideration is received; and

WHEREAS, the Property is currently not being used for any public purpose, and there is no future use contemplated for that Property, and it is therefore unnecessary for Town purposes;

WHEREAS, the Town purchased the Property in January 2015 for \$_____;

WHEREAS, the Property is subject to a conservation easement recorded in the records of the Albany County Clerk at Liber 3126 Page 199 prohibiting development but allowing such lands to be used for public recreational activities as defined therein (“Conservation Easement”);

WHEREAS, the Property is subject to additional easements, restrictions, and covenants limiting its use;

WHEREAS, since its purchase, the structures on the Property have deteriorated, the repair of which would impose a significant financial burden on the Town and its taxpayers;

WHEREAS, the County of Albany (“County”) desires to purchase the Property for public purposes subject to the Conservation Easement and other existing easements, restrictions, and covenants;

WHEREAS, the County has offered to purchase the Property for \$ ____ (“Purchase Price”).

WHEREAS, in addition to the purchase price of the Property, all costs of the proposed transfer of title to the Property, including, but not limited to abstract, instrument survey, transfer of taxes, legal notice, recording and filing fees shall be borne exclusively by the County (the “Additional Consideration”); and

WHEREAS, in addition to the Purchase Price and Additional Consideration, any rights to public access on those portions of land as set forth in the Conservation Easement shall continue;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board finds that the Property is currently not being used for any public purpose, and there is no future use contemplated for that portion of the Property, and does hereby find and declare that the Property is surplus and may, therefore, be sold in accordance with the requirements of applicable law; and

BE IT FURTHER RESOLVED, that the Town Board finds that \$ ____ and the Additional Consideration are together fair and reasonable consideration for the Property;

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the sale, transfer and conveyance by the Town to the County, and further authorizes the Town Supervisor to execute the necessary documents to convey the Town’s right, title and interest in and to the Property, subject to any legally existing easements, for a purchase price of \$ ____ (\$_), and upon such other terms and conditions as appropriate and consistent with this Resolution.

BE IT FURTHER RESOLVED, that in addition to the Purchase Price and Additional Consideration, there shall be recorded in the conveyance instrument a covenant that preserves the rights of public access to use the lands identified in the Conservation Easement for the uses and activities set forth therein.

BE IT FURTHER RESOLVED that this Resolution is subject to a permissive referendum as provided in Section 64 (2) of the Town Law of the State of New York and shall not take effect until thirty (30) days after the date of its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the Town voting on such proposition, if within thirty (30) days after the adoption of this Resolution, there be filed with the Town Clerk of the Town a petition signed, and acknowledged or proved, or authenticated by electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in the Town at the last general election held for the election of State officers, but which shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class, protesting against this Resolution and requesting that it be submitted to the qualified electors of the Town, for their approval or disapproval.

BE IT FURTHER RESOLVED, that as the sale of said Property is subject to a permissive referendum, the Town Clerk is directed to publish and post the notice of adoption of this resolution in accordance with Article 7 of the Town Law.

On a motion by Councilmember _____, seconded by _____, the resolution was adopted on a roll call vote, the results which follow:

Supervisor Dennis Palow	Aye – Nay – Abstain
Councilmember Joseph Martin	Aye – Nay – Abstain
Councilmember Leo Vane	Aye – Nay – Abstain
Councilmember Thomas Doolin	Aye – Nay – Abstain
Councilmember Albert Theim	Aye – Nay – Abstain

___ Ayes ___ Nays

Dated: _____, 2024

BY ORDER OF THE BERNE TOWN BOARD

Adopted this _____ day of _____ 2024.

Kristin De Oliveira, Town Clerk