

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 04-2022

RESOLUTION ESTABLISHING A BUDGET FOR THE EAST POST ROAD LAND SALES LOCATED IN THE PHASE II EAST POST ROAD/SOUTH LEXINGTON AVENUE URBAN REWEWAL PROJECT, PROJECT NO. WPUR-12

WHEREAS, pursuant to Section 583 of the General Municipal Law of the State of New York, the **CITY OF WHITE PLAINS URBAN RENEWAL AGENCY** (hereinafter the "Agency") was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Articles 15 and 15-a (each as may be amended from time to time and hereinafter collectively called the "Act") which authorizes the Agency "to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein..." necessary or convenient to carry out and effectuate the purposes and provisions of the Act; and

WHEREAS, the Agency exercised its power of eminent domain for the "acquisition" of all or portions of certain "real property" (as such quoted terms are defined in the New York Eminent Domain Procedure Law, herein the "EDPL") located in the City of White Plains, Westchester County, State of New York (the "City") and comprising approximately 4.18 +/- acres of real property, and consisting of thirteen (13) tax parcels identifiable by the following street addresses and tax identification numbers: (1) 223-225 Dr. Martin Luther King Jr. Boulevard (being the approximate 1.52-acre southern portion identifiable by section, block and lot number ("SBL") 125.83-7-1), (2) 1-3 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-10-1), (3) 2-4 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-2-10), (4) 60 East Post Road (being approximately 0.37-acres identifiable by SBL 130.27-2-2), (5) 42 East Post Road (being approximately 0.24-acres identifiable by SBL 130.27-2-3), (6) 34 East Post Road (being approximately 0.26-acres identifiable by SBL 130.27-2-4), (7) 26-28 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-5), (8) 22-24 East Post Road (being approximately 0.16-acres identifiable by SBL 130.27-2-6), (9) 18-20 East Post Road (being approximately 0.15-acres identifiable by SBL 130.27-2-7), (10) 14-16 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-8), (11) 12 East Post Road (being approximately 0.15-acres identifiable by SBL 130.27-2-9), (12) 184-188 South Lexington Avenue (being approximately 0.17-acres identifiable by SBL 130.27-8-2) and (13) 190-192 South Lexington Avenue (being approximately 0.52-acres identifiable by SBL 130.27-8-3), collectively "the Parcels", all in connection with a certain future project(s) consisting of facilitating and promoting the productive use of the Parcels, which are currently underutilized; and

WHEREAS, in accordance with the EDPL, the Agency conducted a duly noticed public hearing on September 5, 2019 at 10:00 a.m. to inform the public and to review the public use, benefit or purpose to be served by the Project, the proposed location of the Project and its general effect on the environment and the residents of the locality where the Project is proposed to be constructed and at the public hearing, the public was provided an opportunity to provide any comments and written comments were accepted by the Agency through September 16, 2019 (such comment period collectively with the aforementioned hearing record hereinafter referred to as the "Hearing"); and

WHEREAS, in accordance with the EDPL, and pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617.1 et seq., as amended (collectively referred to as "SEQRA"), the Agency issued a Negative Declaration (as that term is defined under SEQRA), on December 5, 2019, determining that the condemnation of certain real property consisting principally of approximately 4.18 acres was an Unlisted Action which would not result in any significant adverse impact to the environment, thereby satisfying the applicable requirements set forth in SEQRA; and

WHEREAS, in accordance with the EDPL and any applicable laws, rules or regulations concerning the condemnation of certain real property consisting principally of approximately 4.18 acres, the Agency adopted and published the Determination and Findings on December 5, 2019; and

WHEREAS, by resolution dated March 18, 2021, the Agency authorized the acquisition of title to property located at 26-28 East Post Road for a sale price of One Million Five Hundred Thousand Dollars (\$1,500,000) and the Agency authorized its Chair to execute a Sale and Purchase Agreement; and

WHEREAS, by resolution dated March 18, 2021, the Agency authorized the acquisition of title to property located 60 East Post Road for a sale price of Two Million Nine Hundred Thousand Dollars (\$2,900,000) and the Agency authorized its Chair to execute a Sale and Purchase Agreement; and

WHEREAS, by resolution dated March 18, 2021, the Agency authorized counsel to enter into a settlement agreement with the owners of 42 East Post Road to commence proceedings under EDPL Article IV in New York State Supreme Court, Westchester County authorizing the filing of an acquisition map by the Agency to acquire title to the Property by Eminent Domain as soon as practicable and upon vesting of title to the Property with the Agency, the parties would enter into an EDPL Article 5 Settlement Agreement to settle any claims the

Owners would have under EDPL Article 5 related to compensation for the condemnation of the Property in the amount of Five Million Two Hundred Thousand Dollars (\$5,200,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AS FOLLOWS:

1. The Agency has reviewed the proposed East Post Road Acquisition/Disposition Budget to record the revenues and expenditures of the Agency in relation to the acquisition of properties referenced above; and
2. The Agency finds that the proposed East Post Road Acquisition/Disposition Budget properly reflects the anticipated revenues and expenses in relation to the acquisition of properties referenced above; and
3. The Agency hereby approves and adopts the proposed East Post Road Acquisition/Disposition Budget, as shown in Exhibit A attached hereto and made a part hereof.
4. This Resolution is effective June 1, 2021.

Dated: August 8, 2022

Adopted: August 10, 2022

Exhibit A

White Plains Urban Renewal		
East Post Road Acquisition/Disposition		
Fund 353 Org 2650		
Revenues:		
07711	Interest	\$ -
08820	BAN Principal	9,800,000
08822	BAN Premium	-
		<u>\$ 9,800,000</u>
Expenditures:		
4.005	Finance & Auditing	\$ 15,000
4.008	Legal Services	15,000
4.820	Interest Expense	100,000
4.840	Acquisition Expense	60,000
4.841	Real Estate Acquisition	9,600,000
4.848	Temporary Operation of Acquired Property	10,000
		<u>\$ 9,800,000</u>

WHITE PLAINS URBAN RENEWAL AGENCY

70 Church Street, White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 04-2022**, (the "Resolution"), adopted at a meeting of the Agency held on **August 10, 2022** (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman and the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **August 10, 2022**.



Christopher N. Gomez
Executive Director