

**RESOLUTION NO. 61 OF 2012
TOWN OF CLAYTON
A RESOLUTION FOR THE TOWN OF CLAYTON TO CONVEY THEIR JOINT
OWNERSHIP WITH THE CLDC ON THE INTERIOR PORTION OF THE FRINK
PROPERTY TO THE CLDC.
DECEMBER 17, 2012**

Title: A resolution for the Town of Clayton to convey their Joint Ownership with the CLDC on the Interior Portion of the Frink Property to the CLDC.

At a special meeting of the Town Board of the Town of Clayton, held at the Town offices, 405 Riverside Drive, Clayton, New York, on December 17, 2012, at 5:00 p.m. there were:

PRESENT: Justin A. Taylor, Supervisor
Lance Peterson, Councilman
Robert W. Cantwell III, Councilman
Christopher D. Matthews, Councilman

ABSENT: George E. Kittle, Councilman

WHEREAS, the Town of Clayton (“Town”) and the Clayton Local Development Corporation (“CLDC”) have heretofore jointly acquired those certain parcels of real property located in the Village of Clayton known as the Frink America Property and identified on the latest completed assessment roll for the Village of Clayton as tax parcel numbers 20.39-1-8; 20.39-1-1.1; 20.39-1-9; 20.39-1-11; and 20.39-1-1.9 (“the Frink Property”); and

WHEREAS, the Town and the CLDC jointly acquired the Frink Property for the purposes of remediating environmental contamination on said property pursuant to State and Federal environmental remediation programs to make the Frink Property attractive for development; and

WHEREAS, the CLDC was formed for the purpose of bettering and maintaining job opportunities and attracting new industry and commercial development to the Town and Village of Clayton; and

WHEREAS, the environmental remediation on the Frink Property has been successfully completed, and, except as otherwise provided herein, the Frink Property is no longer needed for municipal purposes of the Town; and

WHEREAS, the Town and the CLDC have previously determined that it is in the best interest of the residents of the Town and the Village of Clayton, and the public at large that a public access easement be dedicated around the perimeter of the Frink Property on the waterfront sides, and to that end, the Town has previously reserved for the benefit of the public such easement; and

WHEREAS, the Town has determined that it is in the best interests of the public that the Town retain ownership in fee of that portion of the Frink Property previously dedicated as the Riverwalk in order to preserve and maintain the public access, and the CLDC has concurred with that determination; and

WHEREAS, the remaining portion of the Frink Property outside of the boundaries of the Riverwalk Easement (the "Interior Portion") is no longer needed for municipal or public purposes, and is intended to be developed commercially, and the Town Board of the Town recognizes that the CLDC is the entity best situated to market the Interior Portion of the Frink Property for development and to oversee such development pursuant to the community's plans and goals, and the CLDC has agreed to undertake the duties and responsibilities associated therewith.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Clayton, as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. The Town does not need or desire for Town purposes that portion of the Frink Property identified as the Interior Portion and has deemed it in the best interests of the Town that fee title in said Interior Portion be held solely by the CLDC in furtherance of its purposes, goals and objectives to facilitate the commercial development of the Frink Property which shall increase employment opportunities within the community.
3. The Town hereby determines that that portion of the Frink Property constituting the Riverwalk easement is needed for public purposes and shall be retained in fee by the Town and maintained by the Town as a public easement in perpetuity.
4. The Town shall convey to the CLDC the Town's undivided ownership interest in the Interior Portion of the Frink Property in exchange for the conveyance by the CLDC of its undivided interest in the Riverwalk easement portion of the Frink Property.

5. The Town Supervisor is hereby authorized and directed to take all acts necessary and execute all instruments required to accomplish the purposes of this Resolution.
6. This Resolution is adopted pursuant to the provisions of Section 1411(d) of the New York Not-for-Profit Corporations Law and shall take affect immediately.

A motion to adopt the foregoing resolution was made by Councilmember Lance Peterson and seconded by Councilmember Christopher D. Matthews and upon a roll call vote of the Board was duly adopted as follows:

Justin A. Taylor, Supervisor	Yes <u>X</u>	No ___
George E. Kittle, Councilman	Absent	
Lance L. Peterson, Councilman	Yes <u>X</u>	No ___
Chris Matthews, Councilman	Yes <u>X</u>	No ___
Robert W. Cantwell III, Councilman	Yes <u>X</u>	No ___

Aye 4 Nay 0 Absent 1 Abstain 0

Dated: December 17, 2012

(Seal)

Kathleen E. LaClair, Town Clerk