

Local Law Filing

(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.

County City Town Village
(Select one:)

of Erie

ST/155

AUG 29 2014

DEPARTMENT OF STATE

Local Law No. 4 of the year 2014

A local law relating to the leasing of approximately 2 acres of vacant land with an option to lease an additional 1 acre parcel on the South Campus of Erie Community College to West Herr Imports, LLC d/b/a West Herr Toyota of Orchard Park. This Local Law supercedes County Law Section 215, subdivision (4).

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

County City Town Village
(Select one:)

of Erie

as follows:

Section 1 - Title

This chapter shall be known as the West Herr-ECC lease agreement of 2014.

Section 2 - Description of leasehold

A. The Erie County Legislature hereby finds as follows: (i) that certain vacant land comprising approximately 2 acres on the South Campus of Erie Community College currently being leased to West Herr Imports LLC d/b/a West Herr Toyota of Orchard Park, New York whose principal offices are located at 3552 Southwestern Boulevard, Orchard Park, New York 14127 ("West Herr") is not 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 extend the term of the existing lease of the property for fair and reasonable consideration to West Herr Imports LLC d/b/a West Herr Toyota. 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 ("Parcel 1") is adjacent to the West Herr Toyota Dealership at 4141 Southwestern Boulevard in Orchard Park and is more fully described and shown on Exhibit "A" hereto, 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. and (ii) that certain additional vacant land comprising approximately 2 acres ("Parcel 2") on the South Campus of Erie Community College is not presently needed for County purposes or public use and that

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

such land as well as a contiguous 1 additional acre (“Parcel 3”) 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. 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 property currently under the Lease described above to West Herr, and the parcels are more fully described and shown in Exhibit “A” hereto.

Section 3 – Limitations

- A. The County of Erie, on behalf of ECC may enter into an amendment of the existing Lease Agreement for Parcel 1, as well as a new Lease Agreement for Parcels 2 and 3, relating to 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 hereafter.

Section 4 – Term of Agreement

- A. Notwithstanding the provisions of Section 215 of the County Law or any special act or local law to the contrary, the County of Erie, on behalf of ECC, shall (i) enter into an amendment of the existing Lease Agreement that shall provide for the extension of the lease for Parcel 1 for an additional six (6) year term and an additional five (5) year term, beyond the remaining two (2) five (5) year renewal terms originally contemplated in the existing Lease Agreement, at the option of West Herr upon written notice to the County at any time prior to the end of a renewal term, which amendment shall become effective upon the approval of the Erie County Legislature and (ii) enter into a new Lease Agreement that shall provide for the lease of said Parcel 2 for an initial term of five (5) years which shall begin as soon as practical upon the approval of the Erie County Legislature; provided, however, that West Herr shall have the right to renew the Lease for up to four (4) additional five (5) year terms upon written notice to the County at any time prior to the end of the initial term and each renewal term, along with an option to lease Parcel 3.

Section 5 – Severability

- A. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion herein.

Section 6 – Effective Date

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

Sponsored By: Legislator Mills

(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 20¹⁴ of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on July 24, 20¹⁴, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the Erie County Executive _____ and was deemed duly adopted on August 15, 20¹⁴, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(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____.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

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.

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.

(Name of Legislative Body)

(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.)

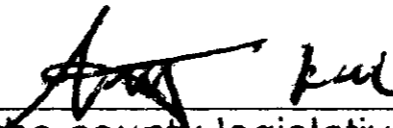
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 2 above.



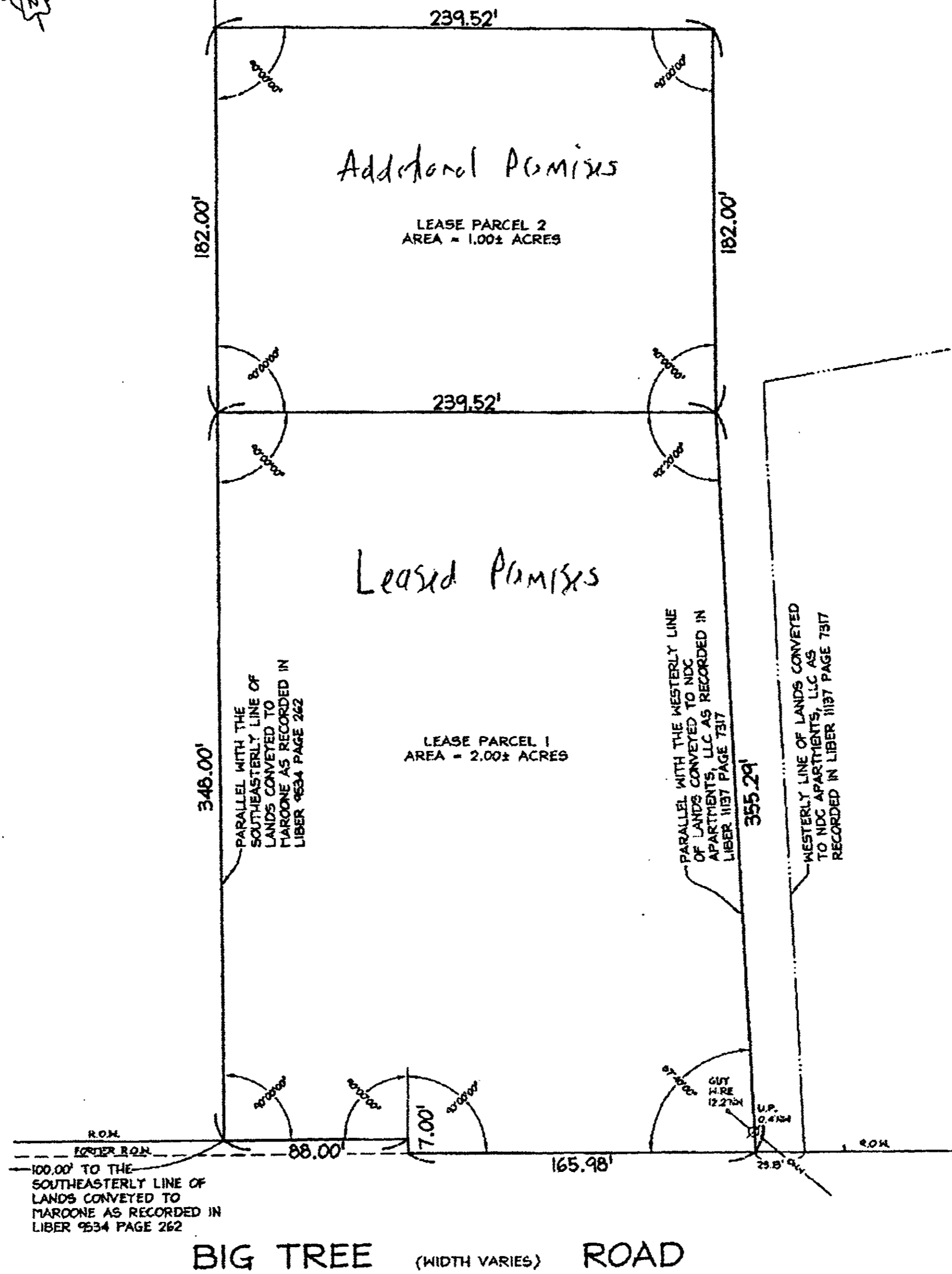
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 29, 2014

(Seal)

Exhibit "A"

EXHIBIT A



This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.

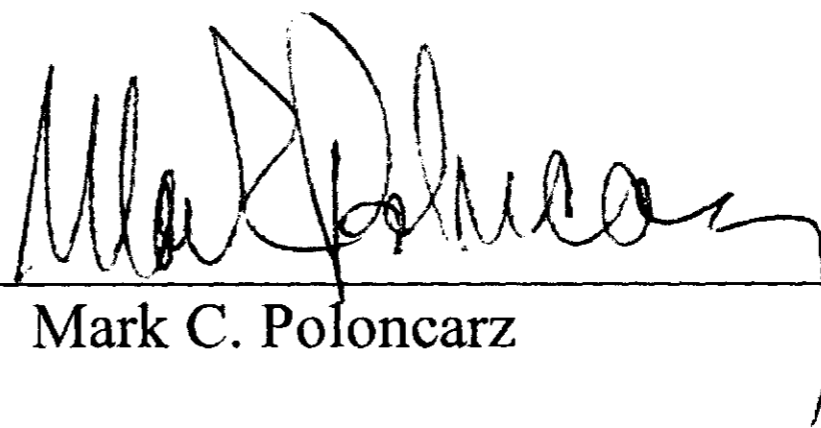
PART OF LOT 47		SECTION 9	TOWNSHIP 9	RANGE 7	STATE OF NEW YORK	SCALE: 1"=50'
LOCATION: TOWN OF HAMBURG		COUNTY OF ERIE				
<p>3556 Lake Shore Road Buffalo, New York 14219-1494 (716) 827-8000</p>	KIND	DATE	REQUESTED BY	JOB NO.		
	LEASE AREA EXHIBIT MAP	03/12/2024	WEST HERR AUTOMOTIVE GROUP, INC.	07.02-0970A-BG1		

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

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Successors to the records of Graf Land Surveyors
Successors to the records of James L. Shisler, Land Surveyor

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2014 on August 13, 2014, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 15 day of August, 2014.



Mark C. Poloncarz

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2014 on August 13, 2014, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of August, 2014.

Mark C. Poloncarz