

(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~~

of ----- Niagara -----

Local Law No. ----- 2 ----- of the year 20⁰⁵

A local law Authorizing the Sale of County Property Hereinafter Described
(Insert Title)
to Joseph M. Loiacano, Thomas Cleary and David Mellor

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

County

~~CITY~~
~~TOWN~~
~~VILLAGE~~

of ----- Niagara ----- as follows:

**A LOCAL LAW AUTHORIZING THE SALE OF COUNTY PROPERTY
HEREINAFTER DESCRIBED TO JOSEPH M. LOIACANO,
THOMAS CLEARY AND DAVID MELLOR**

1. That, in as much as the property hereinafter described is no longer necessary for public use and the sale of said property will have no significant environmental impact on the area, the County of Niagara be allowed to sell said property to Joseph M. Loiacano, 118 Windermere Road, Lockport; Thomas Cleary, 74 Windermere Road, Lockport, and David Mellor, 98 Windermere Road, Lockport for a price of \$37,080.00 said price being the fair market value of said property as determined by an appraisal done for the benefit of the County of Niagara.

2. That it is in the best interest of the County of Niagara to sell said property at a private sale without the requirement of public bidding.

3. That said sale will be for a fair and adequate consideration, as indicated by the appraisal provided to the County of Niagara and subject to final approval by the Niagara County Legislature.

4. That the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute all documents necessary to effectuate such sale, including, but not limited to, contracts of sale and deeds, subject to the approval of the County Attorney.

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

5. That the property to be sold is described as follows:

Commencing at a point which is 75.02 feet west of a point that is on the south line of the Rochester, Lockport and Buffalo Railway Right-of-Way for Carlisle Gardens Association and is the southeast corner of a "Map of Survey of Rochester, Lockport and Buffalo Railway Right-of-Way for Carlisle Gardens Association" made by Peter R. Saggese, L.S., and filed on the 14th day of October 1959 in the Niagara County Clerk's Office in Map Book 63 at page 1586, now in Book 40 of Microfilmed Maps at page 3988. Said point also being the northwest corner of a Condominium Plat of "Waterford Place" prepared by McIntosh and McIntosh, P.C., Consulting Engineers, Land Surveyors, Planners, and filed in the Niagara County Clerk's Office on the 30th day of May 1997 in Book 57 of Microfilmed Maps at Pages 5706 and 5707; said point also being 66.05 feet southerly, measured from the southeast corner of Lot 123 of the "Revised Map of Carlisle Gardens", Lockport, New York, owned by the Bewley Realty and Building Corporation made by Julius F. Frehsee, C.E., and filed in the Niagara County Clerk's Office on the 24th day of June 1925 under Map Cover 512, now in Book 21 of Microfilmed Maps at pages 2001 thru 2005;

Thence westerly along said south line of Rochester, Lockport and Buffalo Railway Right-of-Way for Carlisle Gardens Association a distance of 1,604.74± to a point in said South line of Rochester, Lockport and Buffalo Railway Right-of-Way for Carlisle Gardens Association.

Thence at an interior angle of 90° and southerly to the aforesaid line a distance of 280° to point.

Thence easterly and at an interior angle of 90° and parallel to the South line of the Rochester, Lockport and Buffalo Railway Right-of-Way for Carlisle Gardens Association a distance of 1,598.96 feet to a point that is 280.06 feet southerly from the Point of Beginning.

Thence at a straight line 280.06 feet northerly to the Point of Beginning.

Subject to all Liens and Easements of record.

This Parcel is subject to any easements of record and to any and all unwritten rights of adjoining.

This Parcel is further subjected to certain conditions as follows:

1. There can be no appurtenances on the property; no permanent structures are to be erected on the property and the non-permanent structures shall be removed upon 60 days notice to the grantee by the grantor.

2. The parcels can and will be utilized as required buffer zones or green areas that may be required in the future development of the remainder of the adjacent property now owned by the County without limitation.

3. This parcel is subject to any easements for sewer and water utility from the County of Niagara, Town of Lockport.

(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. _____ 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 _____ and was deemed duly adopted on _____ 20____, 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____. 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.
(Name of Legislative Body)
(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. 2 of 2005 of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on Sept. 20, 2005, and was (approved)(not approved)(repassed after disapproval) by the Chairman of the Legislature on Sept. 20, 2005. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of Nov. 7, 2005, 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 _____, above.

M. P. Carney

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

Date: November 10, 2005

(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 Niagara

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]

Signature

Assistant Niagara County Attorney

Title

County
~~CITY~~ of Niagara
~~TOWN~~
~~VILLAGE~~

Date: November 9, 2005