

STATE OF NEW YORK

6387--A

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the town of Livonia, in the county of Livingston, to sell and convey the Jack Evans Community Center to the Little Lakes Community Association, Inc. for reasonable consideration

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature finds that since
2 1989 the town of Livonia, in the county of Livingston, has owned and
3 operated a facility known as the Jack Evans Community Center, located at
4 4705 South Main Street, Hemlock, New York 14466, within such town of
5 Livonia.

6 The town acquired this approximately 25,000 square foot facility,
7 which was a former schoolhouse, by means of a gift from a private citi-
8 zen, Jack Evans.

9 Since the time of such gift, the Jack Evans Community Center has been
10 operated by the town of Livonia as a community business development and
11 education center, whereby community residents, who are hoping to create
12 or expand a local business could receive information and assistance for
13 that purpose.

14 From the origination of its ownership of the Jack Evans Community
15 Center, the town of Livonia has found that the maintenance and operation
16 costs of the facility have become untenable for the town, including its
17 having to expend approximately \$20,000 to \$30,000 in annual heating and
18 operating costs, as well as facing numerous facility capital improvement
19 costs, such as facing new upgrades for roofing, windows, boilers, and
20 other infrastructure improvements and repairs.

21 As a result of these facility operational, capital improvement and
22 maintenance costs, the town of Livonia can no longer afford to maintain

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 and operate such facility, and due to its size, costs and serious repair
2 and capital improvement challenges, the town has been unable to locate
3 any prospective purchasers to purchase the facility and/or known to be
4 available to pay any considerable amount for the building and its
5 grounds.

6 As a result of these circumstances, the town of Livonia has sought to
7 find a person or organization to purchase the Jack Evans Community
8 Center for an amount of reasonable consideration, and which would take
9 into account the facility's size, costs and serious repair and capital
10 improvement challenges, whereby the town could also be relieved of the
11 annual maintenance and operational cost burden of the facility, and
12 where the purpose of the facility as a community business development
13 and education center serving community residents hoping to create or
14 expand a local business, and receive information and assistance for that
15 purpose, as was the intent of Jack Evans, could be continued.

16 The Little Lakes Community Association, Inc., is a 501 (c) (3), not-
17 for-profit corporation, that has expressed interest in purchasing the
18 Jack Evans Community Center for an amount of reasonable consideration,
19 taking into account the facility's current condition as well as its
20 present and future operational, capital improvement and maintenance
21 costs. The Little Lakes Community Association, Inc., has further
22 expressed the intent of continuing to operate the facility as a communi-
23 ty business development and education center, which would serve communi-
24 ty residents hoping to create or expand a local business and provide
25 information and assistance for that purpose.

26 It is in the best interests of the residents of the community, for the
27 people of the town of Livonia and the Little Lakes Community Associ-
28 ation, Inc., to be able to negotiate and complete a transaction through
29 which the town of Livonia will be able to sell the real property,
30 improvements and any personal property upon the facility formerly known
31 as and used as the Jack Evans Community Center to the Little Lakes
32 Community Association, Inc.

33 § 2. Definitions. For the purposes of this act:

34 a. "Town" shall mean the town of Livonia, in the county of Livingston.

35 b. "Facility" shall mean the Jack Evans Community Center, located in
36 the town at 4705 South Main Street, Hemlock, New York 14466, and shall
37 include all the real property, buildings, grounds and other improve-
38 ments, together with any related personal property located at or upon
39 such real property, building and/or grounds.

40 c. "Little Lakes Community Association, Inc." shall mean the 501 (c)
41 (3), not-for-profit corporation, that has expressed interest in purchas-
42 ing the Jack Evans Community Center.

43 d. "Fair market value for sale" shall mean that amount of money a
44 reasonable and prudent buyer would pay after determining the property's
45 financial value, in the current market of the location of the property,
46 together with any and all associated costs for maintenance, necessary
47 repairs, upkeep, tax obligations, building code improvements and future
48 marketability of such property, and such other and further necessary
49 expenses that would be required of an owner of the property.

50 e. "Reasonable consideration" shall mean the amount of money and other
51 items of value which shall be determined by taking into account the fair
52 market value for sale, while also considering the broader community
53 benefit relieving the town from the responsibility of continuing its
54 obligation to expend taxpayer funds for the maintenance and operation
55 costs to keep the facility as a town operation, as well as the value to
56 the community to have the facility continue to be operated by the Little

1 Lakes Community Association, Inc., as a community business development
2 and education center, whereby community residents hoping to create or
3 expand a local business could continue to receive information and
4 assistance for that purpose.

5 f. "Local legislative body" shall mean the town board of the town.

6 § 3. Notwithstanding the provisions of any other law, or of any local
7 law, ordinance or resolution to the contrary, the local legislative body
8 may by a resolution adopted by a two-thirds vote of its members, approve
9 the sale of and convey title to the facility, defined in subdivision b
10 of section two of this act, to the Little Lakes Community Association,
11 Inc., in exchange for what they shall determine to be reasonable consid-
12 eration, and upon such terms as such local legislative body may find to
13 be reasonable and in the best interests of the community. That such sale
14 for reasonable consideration shall not accordingly be deemed an imper-
15 missible gift of local assets and/or property as is prohibited by
16 section one of article VIII of the state constitution, and that such
17 sale for such reasonable consideration, shall be further deemed to be a
18 sale for the fair market value of the facility.

19 § 4. This act shall take effect immediately.