

**SPECIAL MEETING  
AGENDA  
NIAGARA COUNTY LEGISLATURE  
JULY 11, 2012 – 6:00 P.M.**

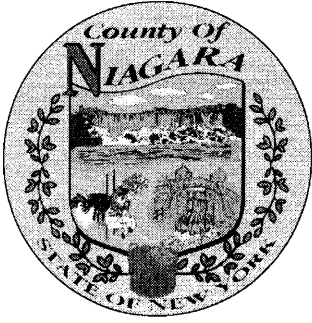
**Special Meeting – July 11, 2012**

**CW-001-12** Committee of the Whole, re Sale of Surplus Property at Mt. View Health Facility

*Mary Jo Tamburlin*

Mary Jo Tamburlin, Clerk  
Niagara County Legislature

**The next meeting of the Legislature will be held on July 31, 2012.**



**NIAGARA COUNTY LEGISLATURE**  
**NIAGARA COUNTY COURTHOUSE**  
**175 HAWLEY STREET**  
**LOCKPORT, NY 14094-2740**

**WILLIAM L. ROSS**  
*Chairman*

**MARY JO TAMBURLIN**  
*Clerk*

*(716) 439-7000*  
*(716) 439-7124 Fax*

July 9, 2012

**NOTICE OF SPECIAL MEETING**

**Special Legislature Meeting**  
**Wednesday, July 11, 2012**  
**6:00 p.m.**  
**Niagara County Legislature Chambers**  
**Courthouse**  
**Lockport, New York**

**Agenda**

Resolution - Committee of the Whole, re Sale of Surplus Property at Mt. View Health Facility

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 07/11/12 RESOLUTION # CW-001-12

<b>APPROVED</b>	<b>REVIEWED</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	<u>CW - 7/11/12</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**SALE OF SURPLUS PROPERTY AT MOUNT VIEW HEALTH FACILITY**

WHEREAS, Niagara County has previously determined that the Mount View Health Facility is surplus property and has directed the Niagara County Manager to list such facility with a real estate broker for the purposes of selling such buildings and grounds, and

WHEREAS, the County has negotiated in good faith with the interested party David Toretto, 30 Carrollwood Court, Youngstown, New York, on behalf of an entity to be formed [the "buyer"] for purposes of the sale of such buildings and grounds, and

WHEREAS, the Buyer, has offered to pay to Niagara County an amount equal to Five Hundred Fifty Thousand Dollars (\$550,000.00) as a purchase price for such buildings and grounds, and

WHEREAS, such purchase price is equal to or greater than any other purchase offers received by Niagara County during the period that such buildings and grounds have been listed for sale, and

WHEREAS, such purchase is contingent upon the New York State Department of Health giving its approval to Buyer for the operation of a one-hundred fifty (150) bed adult home facility designated as assisted living program at such location, and

WHEREAS, such purchase is also contingent upon the Buyer completing a 120 day due diligence inspection of the premises, during such time the Buyer may further negotiate with Niagara County concerning the terms of this contract, and

WHEREAS, prior to entering into this purchase contract, Niagara County has not conducted an analysis as to the cost for asbestos abatement at the Mount View facilities; it is necessary for Niagara County to have an estimate of those costs which are necessary to abate the asbestos conditions at such facility, therefore, within thirty (30) days after the Effective Date of this purchase contract, Niagara County shall obtain quotes for such asbestos report from qualified contractors; in the event that all of the quotes received for such asbestos report exceed Fifty Thousand Dollars (\$50,000.00), either party may within ten (10) days after the receipt of all of such quotes terminate this Agreement upon written notice to the other party, and

WHEREAS, the County will retain easement rights for the various utilities located on this parcel, as well as rights-of way for ingress and egress to other related parcels, and

WHEREAS, prior to the execution of the purchase contract, the County Manager and the Niagara County Attorney have reviewed the documents for approval as to legal form, language and compliance, and thereafter submit such contract to the Niagara County Legislature for its approval, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves the sale contract for the sale of the surplus property known as the Mount View Health Facility, its buildings and grounds for a sale price of \$550,000.00, and be it further

RESOLVED, that the Chairman of the Niagara County Legislature is hereby authorized to execute such sales contract and all other necessary documents to effectuate the sale of the Mount View Health Facility to the Buyer.

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COMMITTEE OF THE WHOLE