

Town of Riverhead Community Development Agency

Resolution # 2

FILED IN THE OFFICE OF THE **Adopted**

Authorizes Chairman to Execute Contract with Virtual Tours, Inc.

JAN 19 11 37 AM '99

COUNCILMAN KENT

offered the following resolution,

BARBARA LULL
TOWN CLERK

which was seconded by COUNCILMAN KWASNA

WHEREAS, the CDA has received grant funds from the U.S. Department of Defense for marketing of the Calverton site; and

WHEREAS, it is the recommendation of the Economic Development Zone Administrative Board to expend said funds for the development of a CD-ROM for personal computer utilization that will demonstrate specific attributes of the site and buildings.

THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to execute the attached contract with Virtual Tours, Inc. In the amount of \$11,700 for development of the described CD-ROM product.

AND BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Director Andrea Lohneiss.

The Vote:

- Member Cardinale
- Member Kent
- Member Kwasna
- Member Lull
- Chairman Villella

yes
yes
yes
yes
yes

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___
 Kwasna Yes ___ No ___ Lull Yes ___ No ___
 Villella Yes ___ No ___

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

Adopted

RESOLUTION # 3

At a regular meeting of the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, held at the Town of Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on January 19, 1999, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Vilella and upon roll being called, the following were

- PRESENT: Supervisor Vilella
 Councilman Cardinale
 Councilman Kent
 Councilman Kwasna
 Councilman Lull

ABSENT:

The following resolution was offered by Member COUNCILMAN CARDINALE, who moved its adoption, seconded by Member COUNCILMAN KENT, to-wit:

THE VOTE

Cardinale	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Kent	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Kwasna	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Lull	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Vilella	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No					

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED

RESOLUTION DATED JANUARY 19, 1999.

A RESOLUTION CALLING A PUBLIC HEARING ON THE AGENCY'S DESIGNATION OF ATLANTIS HOLDING COMPANY, LLC AS A QUALIFIED AND ELIGIBLE SPONSOR FOR REDEVELOPMENT OF APPROXIMATELY THREE AND TWO-TENTHS ACRES OF LAND, TOGETHER WITH THE BUILDINGS, LOCATED THEREON, AND FOR THE SALE BY THE AGENCY OF SUCH PROPERTY TO ATLANTIS HOLDING COMPANY, LLC FOR REDEVELOPMENT.

WHEREAS, the Town of Riverhead Community Development Agency (the "Agency") is the owner of a certain parcel of land of approximately 3.2 acres located on East Main Street, Riverhead (SCTM #0600-29-4-18.5&19) (the "Land"), including the buildings situated thereon (the "Buildings") (the Land together with the Buildings being the "Property"); and

WHEREAS, on September 10, 1997, the Agency prepared and sent to numerous parties, including Atlantis Holding Company, LLC, a New York limited liability company ("Atlantis"), a request for proposals for the acquisition of the Property and the redevelopment thereof (the "Request for Proposals"), the Property to be redeveloped in accordance with certain criteria set forth in the Request for Proposals and in the Town of Riverhead East Main Street Urban Renewal Plan, duly adopted October 19, 1993 (the "Plan"); and

WHEREAS, the Property is specifically referred to in the Plan as being highly under utilized, property for which appropriate water-front related use is recommended and property upon which a tourist destination facility and an economic generator should be constructed; and

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WHEREAS, in response to the Request for Proposals Atlantis, on December 5, 1997, submitted a proposal for the acquisition and redevelopment of the Property, which response was clarified by letter dated January 28, 1998 and further clarified by Atlantis at a meeting held with the Agency on April 15, 1998; and

WHEREAS, there has been submitted to the Agency a proposal for, and the Agency is considering, (i) designating Atlantis the "qualified and eligible sponsor" (the "Sponsor"), pursuant to Section 507(2)(d) of the General Municipal Law and in accordance with the established rules and procedures provided by the Agency, for the redevelopment of the Property and (ii) selling the Property, pursuant to Sections 507(2)(d) and 556(2) of the General Municipal Law, to Atlantis, pursuant to a certain Agreement of Sale by and between the Agency and Atlantis, an unexecuted draft of which Agreement of Sale is on file in the Office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours (the "Agreement of Sale") for \$4,750,000 for redevelopment by Atlantis as an entertainment facility in accordance with the Plan; and

WHEREAS, Sections 507(2)(d) and 556(2) of the General Municipal Law require that a public hearing, following at least ten days public notice, be held by the Agency on the question of designating Atlantis the Sponsor for the redevelopment of the Property and selling the Property to Atlantis; and

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WHEREAS, the Town of Riverhead (the "Town"), pursuant to a review pursuant to Article 8 of the Environmental Conservation law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") declared itself "lead agency" for the sale of the Property, the Town has concluded its SEQRA analysis with respect to the sale of the Property and has determined the sale of the Property to be an unlisted action pursuant to SEQRA, the implementation of which, as proposed, will not result in any significant environmental impact; and an Environmental Impact Statement need not be prepared.

WHEREAS, the Agency now desires to call a public hearing on the designation of Atlantis as the Sponsor for the redevelopment of the Property and the sale of the Property by the Agency to Atlantis; and

WHEREAS, a majority of the Town Board of the Town, acting as Members of the Agency, will attend such public hearing; NOW, THEREFORE, BE IT

RESOLVED, by the Members of the Agency, as follows:

Section 1: A public hearing will be held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town on February 2, 1999, at 7:10 o'clock P.M., Prevaling Time, on the question of designating Atlantis the Sponsor for the redevelopment of the Property and the sale of the Property by the Agency to Atlantis, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Secretary of the Agency is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the News Review, the newspaper hereby designated as the official newspaper for this purpose and one having general circulation in, and available to residents of, the Town, such publication to be made not less than ten days before the date designated for the hearing. The Secretary is hereby further authorized and directed to cause a copy of such Notice of Public Hearing to be posted in such places as she deems appropriate under the circumstances, such posting to be done not less than ten days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached:

NOTICE OF PUBLIC HEARING

TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY,
TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York (the "Agency"), will meet at the Town of Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on February 2, 1999, at 7:10 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on whether Atlantis Holding Company, LLC, a New York limited liability company, should be designated the "qualified and eligible sponsor" for the redevelopment of a parcel of land of approximately 3.2 acres, being the site of the former Okeanos Preview Center, together with the buildings located thereon (the "Property"), and whether the Property should be sold to Atlantis pursuant to a certain Agreement of Sale by and between the Agency and Atlantis, an unexecuted draft of which Agreement of Sale is on file in the Office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours (the "Agreement of Sale") for \$1,750,000 for redevelopment of the Property by Atlantis as an entertainment facility. The Agreement of Sale provides for the Agency to do certain environmental remediation on the property, to remove violations of law with respect to the Property, if any, for title, title exceptions and title insurance, for the apportionment of closing costs, for the Riverhead Sewer District, pursuant to the provisions of Section 202-b of the Town Law, to authorize and provide for the relocation of the force main and gravity line in

the Property, for Atlantis to pay certain costs of such relocation, for operation of the Property until closing, for Atlantis to have a period in which to undertake its "due diligence" with respect to the Property, for a closing date on the Property and for a schedule pursuant to which Atlantis will commence construction and completion of its redevelopment of its first phase of its redevelopment proposal, as well as for other provisions commonly found in a contract for the sale of real property.

The Town of Riverhead (the "Town"), pursuant to a coordinated review pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") declared itself "lead agency" for the sale of the Property, the Town has concluded its SEQRA analysis with respect to the sale of the Property and has determined the sale of the Property to be a Type I Action pursuant to SEQRA, the implementation of which, as proposed, the Town Board has determined will not result in any significant environmental effects.

At said public hearing the Members of the Agency will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York
 January 19 1999

BY ORDER OF THE MEMBERS OF THE TOWN OF RIVERHEAD
 COMMUNITY DEVELOPMENT AGENCY, TOWN OF RIVERHEAD,
 SUFFOLK COUNTY, NEW YORK

By _____
 Secretary

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

<u>Supervisor Villella</u>	VOTING	<u>Yes</u>
<u>Councilman Cardinale</u>	VOTING	<u>Yes</u>
<u>Councilman Kent</u>	VOTING	<u>Yes</u>
<u>Councilman Kwasna</u>	VOTING	<u>Yes</u>
<u>Councilman Lull</u>	VOTING	<u>Yes</u>

The resolution was thereupon declared duly adopted.

* * * *

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, the undersigned Secretary of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Members of said Agency, including the resolution contained therein, held on January 19, 1999, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all Members of said Agency had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
Times Review	January 15, 1999

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I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice

Date of Posting

Town Clerk's Bulletin Board

January 15, 1999

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency on January 19, 1999.

Secretary

(CORPORATE
SEAL)

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Section 4. This resolution shall take effect immediately.