

*Monroe County
Clerk of the Legislature*

*Cheryl M. Rozzi
Clerk*



*Casey K. DiCaro
Deputy Clerk*

*David Grant
Assistant Deputy Clerk*

M E M O R A N D U M

TO: Legislators, Directors, Staff and Media

FROM: Cheryl M. Rozzi, Clerk of the Legislature

A handwritten signature in black ink, appearing to be "C. Rozzi", is written to the right of the "FROM:" line.

DATE: January 8, 2013

RE: Matter of Urgency – File No. 13-0041

13-0041 - Amending Local Law No. 7 of 1997, Entitled, "Local Law Authorizing Ground Lease from Monroe County for Development of Sports Complex at Brighton Campus of Monroe Community College to Extend the Term and Adjust the Rent" – County Executive Maggie Brooks

Per President Jeffrey R. Adair, the attached communication is declared to be a Matter of Urgency pursuant to Section 545-24 (A) (3) of the Rules of the Monroe County Legislature and will be considered at the Tuesday, January 8, 2013 meeting of the Monroe County Legislature.

Attachments



Office of the County Executive

Monroe County, New York

Maggie Brooks
County Executive

Daniel M. DeLaus, Jr.
Deputy County Executive

January 8, 2013

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

OFFICIAL FILE COPY
No. <u>130041</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
URGENT -L-

Subject: Amend Local Law No. 7 of 1997, Entitled "Local Law Authorizing Ground Lease from Monroe County for Development of Sports Complex at Brighton Campus of Monroe Community College" to Extend the Term and Adjust the Rent

Honorable Legislators:

I recommend that Your Honorable Body amend Local Law No. 7 of 1997, entitled "Local Law Authorizing Ground Lease from Monroe County for Development of Sports Complex at Brighton Campus of Monroe Community College," to extend the term and adjust the rent as follows (added language is underlined and deleted language is ~~stricken~~):

The County Executive, or her~~his~~ designee, is hereby authorized to ~~execute a 35-year~~ enter into an amendment to the ground lease from Monroe County, as trustee for Monroe Community College (MCC), to Monroe Community Sports Centre Corporation (MCSC), (the "Original Lease") ~~{or Community Development Properties, Monroe, Inc. (CDP), for future assignment to MCSC}~~, of a 12-acre parcel of land in the northeast section of the Brighton Campus of MCC for ~~development of~~ a sports complex, together with easements for a detention pond and access and utilities to the facility, and any and all other documents necessary for the ~~development of the~~ facility. ~~The initial rent will average \$150,000 per year for the first 5 years, with future rent increases every 5 years, plus 10% of MCSC's surplus, and a \$10,000 annual contribution for roadway costs, starting in the year 2000, adjustable every 5 years from the commencement date.~~ The Amended and Restated Lease shall provide that the term of the Original Lease shall be extended for a thirty (30) year term commencing from the date of execution of the Amended and Restated Lease and shall provide for annual rent at the rate of Ninety Thousand Dollars (\$90,000.00) per year subject to the rent escalation provisions in the Original Lease and subject to MCC receiving a payment of Five-Hundred Thousand Dollars (\$500,000.00) from MCSC. All the other terms and conditions of the Original Lease shall remain in full force and effect.

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Monroe Community Sports Centre Corporation ("MCSC") is presently in arrears in its original payments and has agreed to pay a reduced negotiated sum in the amount of five hundred thousand dollars (\$500,000) to bring the Original Lease current.

As a result of an issue as to the fairness and reasonableness of the current rent level and MCSC's inability to pay rent at the current level, the County, MCC and MCSC authorized new commercial appraisals of the sports complex to determine whether or not the current rent is fair and reasonable based on current market conditions. The appraisers determined that the current fair market rental for the sports complex should be an annual rent of ninety thousand dollars (\$90,000).

As a result the parties have agreed to amend the Original Lease to provide for a reduction of the annual rent from the present \$193,200 to \$90,000 annually subject to the original escalation clauses and extend the new lease term to thirty (30) years from the date of execution of an amended lease subject to MCC's receiving the aforesaid five hundred thousand dollars (\$500,000) payment from MCSC.

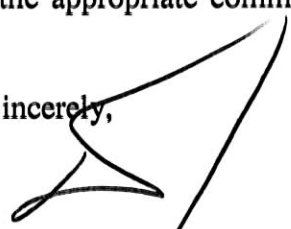
The specific legislative action required is to amend Local Law No. 7 of 1997, entitled "Local Law Authorizing Ground Lease from Monroe County for Development of Sports Complex at Brighton Campus of Monroe Community College" to extend the term and adjust the rent as described above.

No additional net County support is required in the current Monroe County budget.

The Monroe Community Sports Centre Corporation is a not-for-profit agency, and the records in the Office of the Monroe County Treasury have indicated that it does not owe any delinquent Monroe County property taxes.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,



Maggie Brooks
County Executive

By Legislators _____ and _____

Intro. No. ____

LOCAL LAW NO. __ OF 2013

AMENDING LOCAL LAW NO. 7 OF 1997, ENTITLED "LOCAL LAW AUTHORIZING GROUND LEASE FROM MONROE COUNTY FOR DEVELOPMENT OF SPORTS COMPLEX AT BRIGHTON CAMPUS OF MONROE COMMUNITY COLLEGE" TO EXTEND THE TERM AND ADJUST THE RENT

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of the Local Law 7 of 1997 is hereby amended to read as follows:

Section 1. The County Executive, or herhis designee, is hereby authorized to ~~execute a 35-year~~ enter into an amendment to the ground lease from Monroe County, as trustee for Monroe Community College (MCC), to Monroe Community Sports Centre Corporation (MCSC), ~~(the "Original Lease") for Community Development Properties, Monroe, Inc. (CDP), for future assignment to MCSC,~~ of a 12-acre parcel of land in the northeast section of the Brighton Campus of MCC for ~~development of~~ a sports complex, together with easements for a detention pond and access and utilities to the facility, and any and all other documents necessary for the ~~development of the~~ facility. ~~The initial rent will average \$150,000 per year for the first 5 years, with future rent increases every 5 years, plus 10% of MCSC's surplus, and a \$10,000 annual contribution for roadway costs, starting in the year 2000, adjustable every 5 years from the commencement date. The Amended and Restated Lease shall provide that the term of the Original Lease shall be extended for a thirty (30) year term commencing from the date of execution of the Amended and Restated Lease and shall provide for annual rent at the rate of Ninety Thousand Dollars (\$90,000.00) per year subject to the rent escalation provisions in the Original Lease and subject to MCC receiving a payment of Five-Hundred Thousand Dollars (\$500,000.00) from MCSC. All the other terms and conditions of the Original Lease shall remain in full force and effect.~~

Section 2. This local law shall take effect in accordance with the provisions of Section 21 of the Municipal Home Rule Law and immediately upon filing in the Office of the Secretary of State as provided for in Section 27 of the Municipal Home Rule Law.

____ Committee; January __, 2013 – CV:
File No. 13-.LL

ADOPTION: Date: _____, 2013

Vote:

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____

Added Language is underlined
Deleted Language is ~~stricken~~