**TOWN OF ORANGETOWN**

**NOTICE OF RESOLUTION**

**SUBJECT TO PERMISSIVE REFERENDUM**

**RESOLUTION NO. 160**

**AUTHORIZE EXECUTION OF ASSIGNMENT AND ASSUMPTION AGREEMENT  SOUTH NYACK VILLAGE HALL / SALE OF 65 BROOKSIDE**

**WHEREAS,** pursuant to New York General Municipal (“GML”) Law Article 17-A and a dissolution plan adopted by the Village of South Nyack (“the Village”) dated July 30, 2021, the Village will officially dissolve as of March 31, 2022; and,

**WHEREAS,** the Town of Orangetown (“the Town”) shall formally serve as the Village’s successor municipality as of April 1, 2022; and,

**WHEREAS,** the Village entered into a contract dated February 23, 2022 to sell the property at 282 S. Broadway, South Nyack, New York 10960 (S/B/L 66.70–1-21), known as the South Nyack Village Hall property (“South Nyack Village Hall”), to Richard DeMan or his corporate assignee for the sum of $615,050.00; and,

**WHEREAS,** the Village also entered into a contract dated January 11, 2022 to sell the property at 65 Brookside Avenue S., South Nyack, New York 10960 (S/B/L 66.53-3-6.1 and 66.53-3-6.2), known as the South Nyack Department of Public Works property (“South Nyack DPW Property”), to Durso Trucking Services Inc. for the sum of $1,651,000.00; and,

**WHEREAS,** the sale and closing of the above referenced properties has not to date been consummated,

**NOW THEREFORE BE IT RESOLVED** that in accordance with the relevant provisions of New York GML Article 17-A and the dissolution plan as adopted by the Village of South Nyack pursuant thereto, the Town hereby agrees to enter into an Assignment and Assumption Agreement with the Village with respect to the contracts of sale for the above referenced properties, to the extent they are not otherwise transferred or sold prior to March 31, 2022 by the Village, and

**BE IT FURTHER RESOLVED,** that pursuant to the Assignment and Assumption Agreement, the Town hereby agrees to accept quit claim deeds from the Village for the properties, to the extent they are not transferred or sold prior to March 31, 2022, and the net proceeds of any sale of the properties by the Town that occurs on or before April 1, 2027, shall be assigned to the South Nyack legacy account established in accordance with NY GML Article 17-A to pay outstanding debts and liabilities of the dissolved Village and as otherwise authorized by law, and

**BE IT FURTHER RESOLVED,** that the Supervisor or her designee shall be authorized to execute the Assignment and Assumption Agreement and any other documents necessary to implement the purposes of this resolution.

**BE IT FURTHER RESOLVED** that to the extent this Resolution involves an agreement for the conveyance of real property by the Town, pursuant to Town Law §64(2), **this** **resolution is subject to permissive referendum.**

Dated:  March 29, 2022

Rosanna Sfraga, Town Clerk

Robert Magrino, Town Attorney