

FOR CONSIDERATION

June 24, 2010

TO: The Directors

FROM: Dennis M. Mullen

SUBJECT: Radisson Community

REQUEST FOR: Determination of No Significant Effect on the Environment; Authorization to Convey Land to the Radisson Community Association, Make a Minor Modification to the Radisson General Project Plan, and Take Related Actions

Project Summary

Site: 246 +/- acres of non-industrial land

Purchase Price: \$ 10

Obligation: Conveyance of Property and Modification of General Project Plan

Appraisal: \$0-\$10,000 an acre depending upon location
Wicker Appraisal Associates, Inc., Syracuse, New York,
April 1, 2010

Purchaser: Radisson Community Association
8650 Carpenter Road
Baldwinsville, New York 13027

Development Contemplated: Land will be converted to Common Property for recreational and community use

Brokerage Fee: None

Background

The Radisson Community (“Radisson”) is located on 3,000 acres in the Town of Lysander, 12 miles northwest of Syracuse. It was started in the late 1960s and early 1970s as part of UDC's New Community program. Radisson is now home to about 9,000 residents (almost half the population of the Town of Lysander). Thirty-one businesses, among them Anheuser Busch InBev, Specialized Packaging and McLane as well as other warehouse and trucking companies employ approximately 3,000 people. The Town of Lysander recently moved its offices to existing buildings in Radisson, and the regional YMCA would like to open a new facility there.

The homeowners association, the Radisson Community Association (“RCA”), is a powerful and vocal stakeholder in the community. It maintains open space and recreation property as Common Property. The land use plan as well as individual subdivision plans reserve land for open space use. The Radisson General Project Plan mandates that 25% of Radisson’s land be open space (both private and public). Land as well as improvements that are to be considered Common Property, such as some recreation facilities or walkways, are deeded to the RCA at no cost by the developers or ESDC. When the RCA acquires property under the Radisson Declaration, the property becomes Common Property, and the RCA is precluded from selling it unless to a governmental or semi-governmental entity including a school district or the power authority.

Approximately 300 acres of industrially-zoned land in Radisson remain unsold. Almost all the residentially-designated land has been committed: land is either sold, under contract, or authorized for sale by ESDC Directors. Much of the land that remains unsold is not easily accessible or buildable. ESDC involvement in the residential area has been greatly diminished and there have been few recent sales.

Proposal

Land within the residential portion of Radisson is nearly completely sold or committed and it is proposed that ESDC convey to the RCA all non-industrial ESDC-owned land, totaling approximately 246 acres.

The proposed conveyance contract will include all 246 ± acres, including the ESDC office (Parcel 14 on Schedule B), a 19.9 acre parcel designated for education use (Parcel 4 on Schedule B), and three residential parcels on which there are contracts for sale (Parcels 1, 11 and 8a on Schedule B). There will be different closing dates depending upon the outcome of the land sale contracts. Two hundred eleven acres including the office will close without contingencies. Because of the RCA’s resale prohibition, the three parcels totaling 34.4 acres that are subject to land sale contracts will close with the purchasers upon conditions outlined in their respective contracts. If the residential developers do not receive site plan approval or cannot close for another reason, the RCA will acquire the property and convert the land to Common Property. The 19.99 acre education site can be conveyed by the RCA to the local school district.

It is also proposed that the Radisson General Project Plan be modified to reflect this change of use and that the conveyed land now designated “Residential” will be changed to Open

Space on the Land Use Plan; the Education parcel will remain restricted to education use to be conveyed by the RCA to the school district as the reconveyance restriction does not apply to governmental or quasi-governmental entities. These Land Use Changes will be considered a minor modification to the General Project Plan as outlined in Chapter X. Although public hearings are not required for minor modifications, a public hearing is required for all land conveyances; the two issues can be combined at that time.

The cost of surveying the property is \$14,900. The RCA and ESDC will equally split this expense.

There are certain administrative responsibilities and post-closing obligations such as design review of new-builds that ESDC has with respect to the development of Radisson. Designating the RCA to address these issues will be incorporated in a separate Memorandum of Understanding between the RCA and ESDC. In addition, ESDC will leave the infrastructure and site investigation documentation at the office for reference by the RCA as it has requested. The office furniture has been offered to ESD regional offices; whatever remains will either be advertised for sale locally or left at the office for the RCA's use.

Valuation

The non-Open Space property being conveyed has been valued at \$760,000, itemized below; no value was placed on existing Open Space land because it can not be resold.

Three residential parcels:	29.1 acres	\$290,000 (Parcel 1)
	3.11 acres	\$15,500 (Parcel 8a)
	2.41 acres	\$ 30,000 (Parcel 11)
ESDC Office		\$125,000 (Parcel 14)
School site		\$199,500 (Parcel 4)
Miscellaneous unsold residential land		\$100,000 (Parcel 8)

RCA ownership reduces the property value to the minimum because Common Property cannot be resold. The transfer of this land is within the purpose, mission and governing statute of ESDC as the land will remain within the Radisson Community for the benefit of the residents and will be maintained as Common Property by the RCA. Because some of the property will be conveyed for less than the appraised value, ESDC will make the required notifications and comply with all other aspects of the newly-enacted Public Authorities Act of 2009.

Affirmative Action

RCA and all purchasers agree to the following policy, which will appear in the land purchase contract and deed:

Purchaser and every successor in interest to the Property shall not discriminate upon the basis of race, creed, color, sex or national origin, in the sale, lease or rental or in the use or occupancy of the Property or any improvements erected or to be erected thereon or any part thereof. This covenant shall run with the land in perpetuity.

Environmental Review

The Empire State Development Corporation, as lead agency, has completed an environmental review of the proposed project, pursuant to the requirements of the State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation. This review, which was coordinated with the involved agencies due to the project's Type I classification, found that the proposed project would not result in significant adverse impacts on the environment. Therefore, ESDC staff recommend that the Directors make a Determination of No Significant Effect on the Environment.

Attachments

Resolutions
Schedules A and B (Index and Map)
Appraisal

June 24, 2010

RADISSON COMMUNITY (Onondaga County) - Authorization to Convey Land to the Radisson Community Association, Make a Minor Modification to the Radisson General Project Plan, and Take Related Actions

RESOLVED, that based upon the materials presented to the Directors at this meeting (the "Materials"), the Corporation may convey to Radisson Community Association (the "Purchaser"), for common property purposes, 246 ± acres acquired by the Corporation located within Radisson as shown on the map presented to this meeting, substantially on the terms and conditions set forth in the Materials; and be it further

RESOLVED, that the based upon the Materials and pursuant to Section X of the Radisson General Project Plan (the "Plan"), the Corporation authorizes the minor modification to the Plan to reflect the property conveyance to the Purchaser; and be it further

RESOLVED, that the Corporation hereby finds, pursuant to Section 6(1) of the New York State Urban Development Corporation Act of 1968, as amended (the Act), that such sale as proposed and approved herein is in conformity with a plan or undertaking of the clearance, replanning, reconstruction or rehabilitation of substandard and insanitary areas within the Town of Lysander and County of Onondaga; and be it further

RESOLVED, that the appropriate officers of the Corporation or their designee(s) be, and each of them is hereby is, authorized in the name and on behalf of the Corporation to execute and deliver and affix the seal of the Corporation to all such agreements, contracts, deeds, certificates, memorandums of understanding and instruments and to take any such action as they may, in their sole discretion, consider to be necessary or proper to effectuate the conveyance of such property and to establish the uninterrupted administration of post-closing responsibilities.

June 24, 2010

RADISSON COMMUNITY (Onondaga County) – Determination of No Significant
Effect on the Environment

RESOLVED, that based on the materials submitted to the Directors with respect to the conveyance of land to the Radisson Community Association and the minor modification to the Radisson General Project Plan, the Corporation hereby determines that the proposed action will not have a significant effect on the environment.