

December 17, 2013

MEMORANDUM TO THE TRUSTEES

FROM THE PRESIDENT and CHIEF EXECUTIVE OFFICER

SUBJECT: St. Lawrence River Power Project - Conveyance of Surplus Lands to the County of Franklin – Map No. CL-909, Parcel No. 951 and Map No. CL-910, Parcel No. 952

SUMMARY

The Trustees are requested to authorize the conveyance of two adjoining parcels of surplus land improved by a communications tower, totaling approximately 3.91 acres, located in the Town of Ellenburg, Clinton County, to the County of Franklin.

DISCUSSION

The Ellenburg properties were acquired in 1958. A 200-foot communications tower (the “tower”) was erected in 1975 in support of the Barnhart-Plattsburgh Transmission Line. Recently, the Transmission Department determined that the tower was unsafe to climb and that major repairs and upgrades would be required to keep it operational. Concurrently, staff determined that the equipment installed in Ellenburg could be moved to the Authority’s new communication tower at the Ryan Substation. Staff therefore concluded that it was no longer economically feasible to incur the ongoing maintenance and repair costs associated with the tower and that the property was surplus to the Authority’s needs. In consideration of these factors, the tower was scheduled for demolition.

The scheduled demolition was put on hold when Franklin County expressed interest in acquiring the property for use in support of its 911 emergency system (Franklin County Letter of intent attached as Exhibit “A”). The New York State Police also expressed interest in installing equipment on the tower and the Authority has been advised that these two entities intend to coordinate use of the site. The Adirondack region lacks adequate communications infrastructure, and the Authority’s transfer of the Ellenburg property will provide significant benefit to the population of the North Country. At present, Franklin County maintains 911 equipment on the microwave tower located inside the fenced area of the Authority’s Willis substation. Relocation of this equipment to the Ellenburg site will eliminate this third-party use of the Authority’s property.

The appraised value of the property is \$60,000.00; however, in support of this significant public benefit, it is recommended that the property be transferred for consideration of \$1.00, the payment of which shall be waived.

Title 5-A of Article 9 of the Public Authorities Law (the “Act”) and the Authority’s Guidelines for the Disposal of Real Property (the “Guidelines”) allow the Authority, with the approval of the Trustees, to dispose of Authority real property by negotiation and for less than fair market value when the transferee is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the asset will remain with the government or any other public entity.

The County has inspected the property and has been made aware that the tower requires repair and upgrading prior to its continued use. The transfer is to be conditioned upon the execution of an agreement between the Authority and the County of Franklin, to include language stating that the County takes the property “as is,” that it indemnifies and holds the Authority harmless from any claims arising from its acquisition and use of the property and that use of the asset will remain with the government or other public entity.

FISCAL INFORMATION

In accordance with the foregoing, the Authority will transfer title to approximately 3.91 acres of real property located in the Town of Ellenburg to the County of Franklin without payment to the Authority.

RECOMMENDATION

The Senior Vice President – Enterprise Shared Services, the Vice President – Transmission, the Acting Vice President – Project Management and the Director – Site Purchasing/Real Estate recommend that the Trustees approve the transfer of title to properties shown and described on the maps entitled Map No. CL-909, Parcel No. 951 and Map No. CL-910, Parcel No. 952 to the County of Franklin.

For the reasons stated, I recommend the approval of the above-requested action by adoption of a resolution in the form of the attached draft resolution.

Gil C. Quiniones
President and Chief Executive Officer

Att.
Conveyance of Surplus Lands
To County of Franklin

RESOLUTION

RESOLVED, That pursuant to the provisions of Article 5, Title 1 of the Public Authorities Law, the Authority hereby finds and determines that title to the real properties shown and described on the maps entitled “Power Authority of the State of New York, St. Lawrence River Power Project Map No. CL-909, Parcel No. 951 and Power Authority of the State of New York, St. Lawrence River Power Project, Map No. CL-910, Parcel No. 952 may be transferred to the County of Franklin, and be it further

RESOLVED, That the Executive Vice President – Enterprise Support Services and Administration or designee, be, and hereby is, authorized and directed to execute on behalf of the Authority such deeds and supporting documents as are necessary or desirable for the transfer of such real property; and be it further

RESOLVED, That the Chairman, the Vice Chair the President and Chief Executive Officer, the Chief Operating Officer and all other officers of the Authority are, and each of them hereby is, authorized on behalf of the Authority to do any and all things and take any and all actions and execute and deliver any and all agreements, certificates and other documents to effectuate the foregoing resolution, subject to the approval of the form thereof by the Executive Vice President and General Counsel.



FRANKLIN COUNTY LEGISLATURE

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October 10, 2013

Mr. Andrew B. Cline
General Manager - Transmission Maintenance
Clark Energy Center
6520 Glass Factory Road
Marcy, New York 13403-2100

RE: CONVEYANCE OF ELLENBURG RADIO SITE

Dear Mr. Cline:

I would like to request the conveyance of the NYPA Ellenburg Radio site, and the improvements attached thereto, for our Franklin County 911 Emergency Communications System. The Ellenburg site will improve interoperable communications for Franklin County as well as our partner agencies.

Sincerely,

D. BILLY JONES, CHAIRMAN
FRANKLIN COUNTY LEGISLATURE