

2d.

RESOLUTION
(Plains Road Water District)
Fifth Rider to Purchase Option Agreement, dated April 14, 2016
With David and Judi Roehrs to Extend the Expiration of the "Second Option Term"
One (1) Calendar Month from June 30, 2017 through July 31, 2017
(Plains Road Water District)

At a meeting of the Town Board of the Town of New Paltz, Ulster County, New York, held at the Community Center, 3 Veteran's Drive, in said Town on the ____ day of _____, 2017, at _____ o'clock P.M., Prevailing time.

The meeting was called to order by Deputy Supervisor, Daniel Torres, and upon roll being called, the following roll was taken:

	<u>PRESENT</u>	<u>ABSENT</u>
Supervisor Neil Bettez	_____	_____
Council Member Jeffrey Logan	_____	_____
Council Member Daniel Torres	_____	_____
Council Member Marty Irwin	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____

The following resolution was offered by Council Member _____ who moved its adoption, seconded by Council Member _____, to wit:

WHEREAS, David Roehrs and Judi Roehrs, Husband and Wife, (hereinafter referred to as "ROEHRS") are the owners of a parcel of land containing approximately 58.30 acres of land situate in the Town of New Paltz, Ulster County, New York, (S-B-L: 86.1-3-19), hereinafter referred to as the "Premises;" and

WHEREAS, the Town of New Paltz (hereinafter referred to as the "Town") has previously entered into a certain "Purchase Option Agreement, Dated April 14, 2016 Between David Roehrs and Judi Roehrs, Husband and Wife, as Seller/Optionors and The Town of New Paltz, as Purchaser/Optionee" whereby the Town acquired an option to purchase the aforesaid Premises from Roehrs, pursuant to a separate Intergovernmental Agreement, dated on or about June 25, 2015, heretofore executed by and between the City of New York, acting by and through

its Commissioner of the New York City Department of Environmental Protection and the Town, (the "IGA") which, by its terms, was originally scheduled to expire on July 31, 2016; and

WHEREAS, the said Purchase Option Agreement, dated April 14, 2016 has been duly extended from July 31, 2016 to and including March 31, 2017 pursuant to the terms of a "Second Rider," dated September 27, 2016 to the aforesaid Purchase Option Agreement; and

WHEREAS, as of March 30, 2017 the Town received from and entered into with Roehrs a "Third Rider to 'Purchase Option Agreement,' dated April 14, 2016 Between David Roehrs and Judi Roehrs, Husband and Wife, as Seller/Optionors and The Town of New Paltz, as Purchaser/Optionee," which extended, at no cost to the Town, the aforesaid "Second Option Term" for an additional period of two (2) calendar months from March 31, 2017 until May 31, 2017; and

WHEREAS, as of May 31, 2017 the Town received from and entered into with Roehrs a "Fourth Rider to 'Purchase Option Agreement,' dated April 14, 2016 Between David Roehrs and Judi Roehrs, Husband and Wife, as Seller/Optionors and The Town of New Paltz, as Purchaser/Optionee," which extended, at no cost to the Town, the aforesaid "Second Option Term" for an additional period of one (1) month from May 31, 2017 until June 30, 2017; and

WHEREAS, the Sellers/Optionors have delivered to the Town a "Fifth Rider to 'Purchase Option Agreement,' dated April 14, 2016 Between David Roehrs and Judi Roehrs, Husband and Wife, as Seller/Optionors and The Town of New Paltz, as Purchaser/Optionee," in the form attached which, when signed on behalf of the Town will extend, at no cost to the Town, the aforesaid "Second Option Term for an additional period of one (1) calendar month effective from June 30, 2017 through July 31, 2017; and

WHEREAS, the Town desires to enter into the aforesaid "Fifth Rider..." to the Purchase Option Agreement so as to confirm the extension of the aforesaid "Second Option Term" for a period of one (1) calendar month from June 30, 2017 through July 31, 2017 at no cost to the Town;

NOW, THEREFORE, BE IT RESOLVED that the Deputy Supervisor of the Town of New Paltz is hereby authorized to execute on behalf of the Town a "Fifth Rider to 'Purchase Option Agreement,' dated April 14, 2016 Between David Roehrs and Judi Roehrs, Husband and Wife, as Seller/Optionors and The Town of New Paltz, as Purchaser/Optionee," in the form attached; and it is further

RESOLVED that the supervisor is hereby authorized to sign on behalf of the town such other and further instruments as may be necessary to give full force and effect to the purposes and intents of this resolution.

The foregoing resolution was duly put to a vote which resulted as follows:

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Neil Bettez	_____	_____	_____
Council Member Jeffrey Logan	_____	_____	_____
Council Member Daniel Torres	_____	_____	_____
Council Member Marty Irwin	_____	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____	_____

The resolution was thereupon duly adopted.

FIFTH RIDER TO "PURCHASE OPTION AGREEMENT"
Dated JUNE 30, 2016
Between DAVID ROEHRS and JUDI ROEHRS, Husband and Wife,
as Sellers/Optionors and
THE TOWN OF NEW PALTZ, as Purchaser/Optionee

Third Rider to control: If there is any inconsistency between the terms of this Fifth Rider and the Purchase Option Agreement, including prior Riders to the Purchase Option Agreement attached thereto and part thereof, and that of this Fifth Rider, or if the reading of the Contract and all Riders together creates any ambiguity, the terms of this Fifth Rider shall control.

1. Sellers/Optionors and Purchaser/Optionee agree to extend the termination date of the option period expiring JUNE 30, 2017 to a new termination/expiration date of JULY 31, 2017. This extension of the option period termination date shall be at no cost to either Sellers/Optionors or Purchaser/Optionee.

2. Should David Roehrs and Judi Roehrs convey title to the real property which is the subject of the Purchase Option Agreement and subsequent Riders to the Judi and Dave Roehrs Real Estate, LLC, such transfer shall be subordinate to the terms and conditions of the Purchase Option Agreement and this Fifth Rider, which shall remain in full force and effect.

Sellers/Optionors:



David Roehrs



Judi Roehrs

Purchaser/Optionee:

Town of New Paltz by:

Print Name: _____
Supervisor, Town of New Paltz