

**RESOLUTION**

**Extending Option to Purchase Real Property For a “Third Extended Option Term” Pursuant to “Second Rider, Dated September 27, 2016 to ‘Purchase Option Agreement,’ dated April 14, 2016 Between David and Judi Roehrs, Husband and Wife, as Sellers/Optionors and The Town of Paltz, as Purchaser/Optionee” (Plains Road Water District)**

At a meeting of the Town Board of the Town of New Paltz, Ulster County, New York, held at the Town Hall, in New Paltz, New York, in said Town on the \_\_\_\_ day of \_\_\_\_\_, 2017, at \_\_\_\_\_ o'clock P.M., Prevailing time.

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

	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
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 with Roehrs wherein and whereby the Town acquired an option to purchase the 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"), including any amendments and revisions thereof, which said option by its terms was originally scheduled to expire on July 31, 2016; and

WHEREAS, the said Purchase Option Agreement has previously been duly extended until September 29, 2016 and has previously been extended for a "Second Extended Option Term" of six (6) months commencing October 1, 2016 and ending March 31, 2017; and

WHEREAS, the Town desires to extend such option again for a "Third Extended Option Term" as provided for in said second rider, dated September 27, 2016, such "Third Extended Option Term" to commence on April 1, 2017 and to end on September 30, 2017 by giving written notice of such election delivered to the Optionors by certified mail, return receipt requested, with a copy delivered to Jon Hoyt, Esq., attorney for the Optionors, prior to the expiration of the Second Extended Option Term (March 31, 2017), such notice to be accompanied by the payment to the Optionors of the additional sum of FIFTY THOUSAND and NO/100 DOLLARS (\$50,000.00). Said amount shall be the amount due solely for such elected extension, shall be non-refundable and shall not be applied or count toward the balance of purchase price due in the event that Optionee exercises its option and purchases the Premises; and

WHEREAS, the consideration to be paid for such "Third Extended Option Term" is reimbursable to the Town under its aforesaid intermunicipal agreement with the City of New York, including any revisions and amendments thereof;

NOW, THEREFORE, BE IT RESOLVED that the Town of New Paltz extend the aforesaid option by giving the required notice in writing as provided for in the aforesaid "Second Rider, Dated September 27, 2016 to 'Purchase Option Agreement,' Dated April 14, 2016 between David Roehrs and Judi Roehrs, Husband and Wife," and that the town release to Roehrs the consideration set forth in such rider for a third extension to the Purchase Option Agreement, such extension to commence on April 1, 2017 and to end on September 30, 2017; 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; and it is further

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.