

Local Law No. __ of the year 2017

A LOCAL LAW AUTHORIZING THE COUNTY OF SULLIVAN, notwithstanding Section 215 of the County Law of the State of New York, TO ENTER INTO A LEASE OF COUNTY OWNED REAL PROPERTY FOR A SPECIFIC PROJECT FOR A TERM NOT TO EXCEED FORTY (40) YEARS.

SECTION 1. Purpose

The County of Sullivan seeks to enter into an agreement with SBA Towers IX, LLC, a subsidiary of SBA Communications Corporation, which agreement shall lease real property owned by the County of Sullivan for an initial term not to exceed forty (40) years.

SECTION 2. Legal Authority

New York State County Law Section 215 provides that after determining that a property is no longer needed for public use a County may sell the property or lease the property for a term not to exceed five years.

New York State Comptroller Opinion 68-857 opines that a municipality may enter into leases for a term in excess of five years if the municipality authorizes such leases by local law.

New York State Municipal Home Rule Law Section 24 provides that any local law that changes a provision of law relating to leasing of real property is subject to referendum on petition (permissive referendum).

SECTION 3. Applicability

The County of Sullivan is authorized, notwithstanding Section 215 of the County Law of the State of New York, to enter into a lease of County owned real property for a specific project for a term not to exceed forty (40) years.

This Local Law is applicable to the specific project with SBA Towers IX, LLC, a subsidiary of SBA Communications Corporation, for the location, erection and maintenance of a cell tower in the vicinity of the Sullivan County Adult Care Center, Liberty, New York.

SECTION 4. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.