



Authorities Budget Office  
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March 14, 2023

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**COUNSEL**

ANTHONY G. HALLAK, Esq.  
Felt Evans, LLP

State of New York Authority Budget Office  
P.O. Box 2076  
Albany, New York 12220  
info@abo.ny.gov

**RE: 90 DAY NOTICE under the Public Authority Accountability Act of 2005 for the Disposal of Property by Negotiation by the Herkimer County Industrial Development Agency for conveyance by negotiation to Project Jefferson as agent for a corporate principal.**

Dear Sir, Madam or Designated Representative:

Pursuant to subparagraph (ii) of paragraph (d) of subdivision (6) of Section 2897 of Title 5-A of the Public Authorities Law (the "PAL"), the Herkimer County Industrial Development Agency (the "Agency") submits this letter as an explanatory Statement.

As authorized by paragraph (d) of subdivision (6) of section 2897 of Title 5-A of the PAL, the Agency intends to dispose of approximately 15.003± acres (the "Property") in the Schuyler Business Park, Town of Schuyler, New York (the "Business Park") by negotiation to Project Jefferson (the "Company") upon not less than ninety (90) days from the date of this notice. The location of the real property to be conveyed to the Company (the "Property") is more particularly described as Parcel D on the site map attached hereto as Exhibit "A".

Background. The Agency is the owner and developer of the Business Park which is located in the Town of Schuyler, Herkimer County, New York. The Agency acquired title to the parcel to be disposed of in the Business Park in 2020 and took the necessary action to make the site a "shovel ready" development site, including zoning approvals, SEQRA review and engineering/survey work. The Property is zoned Planned Development and contains interior roads with utility improvements.

The proposed Disposition is within the purpose, mission, statement and relevant statutes with respect the Herkimer County Industrial Development Agency. The Business Park is being actively promoted as an opportunity to conduct business in Herkimer County. The Agency has

**420 E. German Street, Box 1 Suite 101A, Herkimer, NY 13350 315-866-3000**

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erected signage along New York State Route 5S advertising the availability of lots for sale in the Business Park. In addition, it promotes the Business Park on its website. The Agency also advertises its business parks through New York States website called "State Book." The Agency has its business parks available on a national scale with different site selectors and realtors as well as advertising through trade shows, local mailings and banks.

The goals of the Agency include creating job opportunities in the County of Herkimer and encouraging economic development.

Justification for Conveyance By Negotiation. The Property has an estimated fair market resale value of \$15,000.00 per acre. This value is determined by a 2021 real estate appraisal prepared by Donato Real Estate Appraisal and Consulting, an independent real estate appraisal company. The appraisal company was retained to ascertain a market value for the resale of lands in the Business Park. The stated monetary consideration for the sale of subject 15.003± acres is \$225,000.00, the equivalent of the full market value per acre as measured by the aforementioned appraisal.

The Agency entered into a negotiated agreement with the Company following regional marketing. Public advertising for bids to ascertain a fair market value for the Disposition of the property pursuant to the general requirements of the law is not appropriate and will not be utilized due to:

- (i) An independent appraisal being utilized to establish a market price;
- (ii) Regional marketing which was utilized. It is a transparent and open process affording all prospective developers an equal opportunity to evaluate the property in question and purchase;
- (iii) A legally recognized exception allowing for property disposal by negotiation. In this case, based upon the economic development benefit of this Disposition benefitting the political subdivision and the residents of Herkimer County; and
- (iv) The development and promotion of a business park is not the same as the disposition of surplus property being disposed of without regard to purpose. To effectively attract a legitimate developer willing to invest a significant amount of money, cost certainty and fair treatment are paramount. The negotiated price based upon factors readily available to the public and all potential developers is most appropriate. Equally as important is the fact that the Agency can control who it sells to and maintain the integrity of the Business Park.

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As a general proposition, the economic development benefit of the proposed Disposition includes attracting a regionally recognized tenant to establish a warehouse and distribution facility in a distressed area, achieve a better use of the lands, increase the tax base and derivatively trickle down money to the community in the purchase of fuels, food and personal goods.

More specifically, to construct a steel manufacturing facility and the Company is proposing to develop 15.003± acres in the Schuyler Business Park to construct a regional warehouse and distribution facility which will create jobs and support transportation.

The parties anticipate a closing shall occur on or about July 1, 2023.

Kindly direct any correspondence to the undersigned with a copy to Anthony G. Hallak, Felt Evans, LLP, 4 – 6 North Park Row, Clinton, New York 13323.

Should you have any questions or comments, please do not hesitate to call.

Sincerely,

**HERKIMER COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY**

By: \_\_\_\_\_

**John J. Piseck, Jr., Contracting Officer**

cc:   Comptroller of the State of New York  
      Director of the Budget of the State of New York  
      Commissioner, The New York State Office of General Services  
      Speaker of the New York State Assembly  
      President of the New York State Senate

**EXHIBIT “A”**

**SITE MAP**

**SUBDIVISION  
MAP**

PROJECT NO.	19-021
REVISION	DATE BY
	03-24-22 M. SCUTTEN
	M. ENGLISH
	M. ENGLISH
	1" = 120'
SHEET TITLE	

HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
SUBDIVISION MAP  
SHOWING LANDS BELONGING TO  
DISTRICT NO. 5  
PARCELS "D", "E", "F", "G", "H", "J", and PROPOSED ROADS  
COUNTY OF HERKIMER  
STATE OF NEW YORK



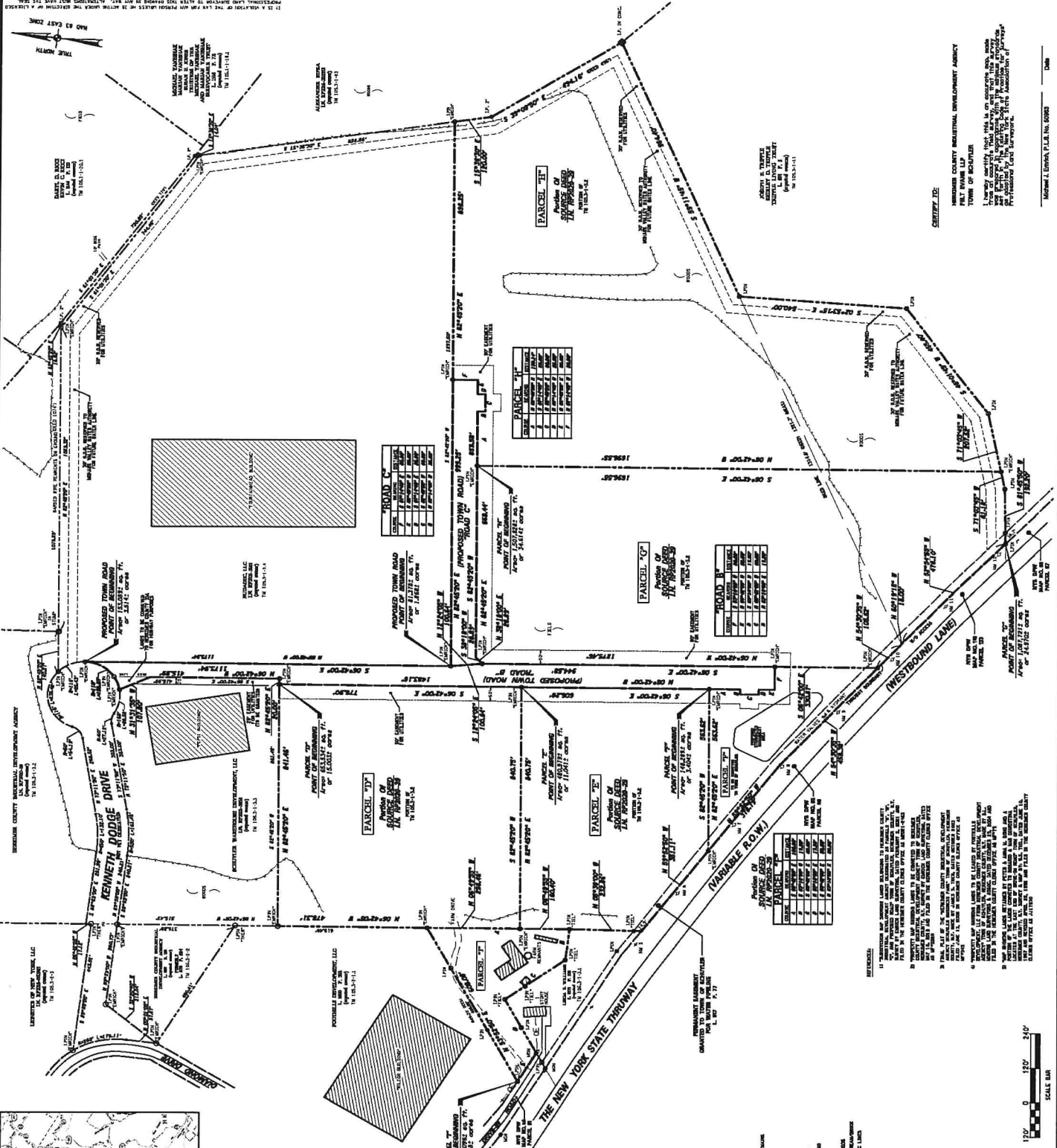
**EMRICH** Land Surveying  
P.O. Box 27, 26 Pine Street, Ithaca, NY 13357  
315.866.6069 & 315.866.4535  
emrichsurveying@gmail.com



IT IS A VIOLATION OF THE LAW FOR ANY PERSON UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL LAND SURVEYOR TO ALTER THIS DRAWING IN ANY WAY. ALTERATIONS MUST HAVE THE SEAL AND APPROVED ATTEND WITH A DESCRIPTION OF THE ALTERATION, THE SIGNATURE AND DATE.

**PROPERTY TO:**  
HENDERSON COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
P.O. BOX 114  
P.O. BOX 114  
TOWN OF SCOTTLAND  
TOWN OF SCOTTLAND

Michael J. Enrich, P.L.L. No. 50763

[illegible]

**LESSON**

●	UP	HOW FAR AWAY
○	DOWN	HOW FAR AWAY
●	LA	HOW FINE STRAND
□	□	CIRC. MOUNT
②	②	TIME W/ FORCE REMAIN
③	③	SUCCESSFUL TIME
④	④	COMPARABLE TIME
⑤	⑤	STAMP
⑥	⑥	UTILITY POLE
⑦	⑦	PROPERTY LINE
⑧	⑧	ROBERT HANCOCK
⑨	⑨	CONTINUING OF ROAD
⑩	⑩	ROAD LINES
⑪	⑪	FORCE LINE
⑫	⑫	EDGE OF BRIDGE/POON
⑬	⑬	CONTINUING OF STRAIGHT
⑭	⑭	DEVELOP ELECTRIC LINES

LOCATED WITHIN THE  
WOODHULL TRACT IN KANE'S PATENT  
Portion Of  
TAX PARCEL No. 105.3-1-3.2  
TOWN OF SCHUYLER

