

RESOLUTION NO. 268

DECLARING THE SOUTH MALL PROJECT (EMPIRE STATE PLAZA) PROPERTY AND IMPROVEMENTS IN THE CITY OF ALBANY NO LONGER NECESSARY FOR PUBLIC USE

Introduced: 7/13/26

By Audit and Finance Committee:

WHEREAS, The County of Albany ("County") and the State of New York ("State") entered into an Agreement dated May 11, 1965 ("South Mall Agreement") pursuant to Chapter 152 of the Laws of 1964 and Section 850 of the County Law regarding the financing of the South Mall Project (now known as the Empire State Plaza), and

WHEREAS, The South Mall Agreement provided that the State would convey to the County any property the State acquired for the South Mall Project and the County would lease said property and the improvements constructed thereon back to the State until December 31, 2004 or until the earlier payment of all of the principal of and interest on the bonds and notes issued by the County to finance the South Mall Project, and

WHEREAS, The South Mall Agreement further provided that upon the expiration of said Lease the County would convey back to the State, its successors and assigns, without any additional payment therefor, all of the right, title and interest in the South Mall Project property and improvements which the County received from the State pursuant to the South Mall Agreement and any Supplements thereto, and

WHEREAS, Said Lease has by its terms expired and all of principal and interest on the bonds and notes issued by the County to finance the South Mall Project have been paid, and

WHEREAS, Under the circumstances the County required to and wishes to make said conveyance back to the State and the State wishes to accept delivery of said conveyance back to it pursuant to the terms of the South Mall Agreement, and

WHEREAS, Pursuant to § 65-3 of the Albany County Code, parcels of real property owned by the County of Albany shall be deemed "no longer necessary for public use" prior to any conveyance of said real property, now, therefore, be it

RESOLVED, That, pursuant to County Law § 215 and § 65-3 of the Albany County Code, the Albany County Legislature hereby declares that the parcels of real property known as the South Mall Project property located in the City of Albany and

as identified pursuant to the following five (5) Deeds as follows are hereby deemed “no longer necessary for public use,”:

1. People of the State of New York to the County of Albany dated May 11, 1965 and recorded in the Albany County Clerk’s Office in Liber 1829 of Deeds, page 311 on May 11, 1965.
2. People of the State of New York to the County of Albany dated February 17, 1967 and recorded in the Albany County Clerk’s Office in Liber 1898 of Deeds, page 313 on March 1, 1967.
3. People of the State of New York to the County of Albany dated May 2, 1975 and recorded in the Albany County Clerk’s Office in Liber 2102 of Deeds, page 1067 on August 27, 1975.
4. People of the State of New York to the County of Albany dated March 1, 1990 conveying the same property set forth in the No. 3 above and not recorded in the Albany County Clerk’s Office, a copy of which Deed is attached hereto as Exhibit “A”.
5. People of the State of New York to the County of Albany dated May 17, 1979 and recorded in the Albany County Clerk’s Office in Liber 2170 of Deeds, page 813 on June 18, 1979.

EXCEPTING from the premises described in the Five (5) Deeds set forth above the parcels of land described in the following Three (3) Deeds:

1. County of Albany to the New York State Urban Development Corporation dated May 25, 1972 and recorded in the Albany County Clerk’s Office in Liber 2052 of Deeds, page 853 on September 27, 1972.
2. People of the State of New York to County of Albany – Conveyance of leasehold reversion Deed dated January 30, 1989 and recorded in the Albany County Clerk’s Office in Liber 2394 of Deeds, page 377 on June 26, 1989.
3. County of Albany to the People of the State of New York dated September 8, 1989 and recorded in the Albany County Clerk’s Office in Liber 2405 of Deeds, page 999 on December 12, 1989.

and, be it further

RESOLVED, That the County Attorney is authorized to approve said document as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.