

MICHAEL P. GALIME, MAYOR
CITY OF UTICA

URBAN RENEWAL AGENCY
1 KENNEDY PLAZA
UTICA, NEW YORK 13502
PHONE: (315) 792-0181
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Urban Renewal Agency Special Meeting Agenda January 30, 2025

1. Call to Order

2. Approval of Agency Minutes January 23, 2025

3. Old Business

4. New Business Approval of Annual URA Audit Settlement of 500 Columbia Street eminent domain

5. Adjournment

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**CITY OF UTICA URBAN RENEWAL AGENCY
MEETING MINUTES –January 23, 2025
1 KENNEDY PLAZA, UTICA, NEW YORK 13502**

MEMBERS ATTENDING: Councilman Joseph Betrus, Joe Burke, Danielle Faulkner-Forgas, Marques Phillips, Nick Brindenbecker,

EXCUSED: Mayor Michael P. Galime, Councilman Venice Ervin

OTHERS ATTENDING: Brian Thomas, Assistant Corporation Council Stephanie DiGiorgio, Cathy Mack, Gene Allen

CALL TO ORDER: By Brian Thomas at 9:05 am

ITEM #1 Approval of Agency Minutes

Councilman Joseph Betrus made a motion to approve the minutes from the September 26, 2024 URA meeting. The motion was seconded by Nick Bridenbecker and passed unanimously.

Old Business

No Old business

New Business

Item #2 Adoption of the 2025 – 2026 Budget

Prior to the meeting all URA board members were sent a copy of the 2025-2026 URA budget for their review. Brian Thomas presented the budget to the members and opened the floor for discussion.

Marques Phillips, with the factors established by the Agency, made a motion to adopt the 2025-2026 URA budget (with no changes). The motion was seconded by Danielle Faulkner-Forgas and passed unanimously.

Item #3 Approval of Annual URA Audit

The review and approval of the Annual URA Audit was anticipated for this meeting. At the time of the meeting the Audit was not completed and the board did not receive a copy to review prior to the meeting. Brian Thomas noted once the Audit is completed another meeting will be held.

Nick Bridenbecker, with the factors established by the Agency, made a motion to table the review and approval of the URA Annual audit. The motion was seconded by Joe burke and passed unanimously.

Item #4 Settlement of 319 court St. eminent domain

Prior to the meeting all board members were provided with a Resolution Authorizing the Utica Urban Renewal Agency (“UURA”) to Settle the Eminent Domain Procedure Law Article 5 Proceeding entitled Matter of Court Street Development Project, LLC v City of Utica Urban Renewal Agency, (Oneida County Supreme Court Index No.: EFCA-2022-001196) (the “Litigation”) for review. Brian Thomas presented the Resolution to the members and opened the floor for discussion.

Joe Burke, with the factors established by the Agency, made a motion to approve the settlement. The

motion was seconded by Marques Phillips and passed unanimously.

Item 5# Settlement of 500 Columbia St. eminent domain

Prior to the meeting all board members were sent a Resolution Authorizing the Utica Urban Renewal Agency (“UURA”) to Settle the Eminent Domain Procedure Law Article 5 Proceeding entitled Matter of Utica Urban Renewal Agency v 500 Columbia Street, LLC, (Oneida County Supreme Court Index No.: EFCA2022-01299) (the “Litigation”) for review. Brian Thomas noted the settlement must be validated by MVHS before moving forward.

Marques Phillips, with the factors established by the Agency, made a motion to table approval of the Resolution until such time as it is validated by MVHS. The motion was seconded by Councilman Joseph Betrus and passed unanimously.

Item # 6 Appropriation of Fund Balance

The following Appropriation of Fund Balance was submitted for Agency approval:

From:	URA Fund Balance	\$162,000.00
To:	CU58620.216 Property Acquisition	\$162,000.00

Appropriation of Fund Balance to cover the cost of the Settlement of the Eminent Domain proceeding entitled *Matter of Court Street Development Project, LLC v City of Utica Urban Renewal Agency*. The total settlement is \$194,000.00; we have \$41,000.00 encumbered in the property acquisition line so an additional \$153,000.00 is required. This also covers an additional \$9,000.00 for the 2nd payment to Seriani Signs for the new Business Park sign.

Marques Phillips, with the factors established by the Agency, made a motion to approve the Appropriation of fund Balance to cover the cost of the eminent domain settlement. The motion was seconded by Danielle Faulkner-Forgas and passed unanimously.

Item# 7 Adjournment

Councilman Joseph Betrus made a motion to adjourn the meeting at 9:38 am. The motion was seconded by Danielle Faulkner-Forgas and passed unanimously.

Respectfully submitted this 23th day of, January 2025 by Gene A. Allen

CITY OF UTICA, NEW
YORK URBAN RENEWAL
AGENCY RESOLUTION

No. 2025-

**Board Member offered the
following:**

A Resolution Authorizing the Utica Urban Renewal Agency ("UURA") to Settle the Eminent Domain Procedure Law Article 5 Proceeding entitled *Matter of Utica Urban Renewal Agency v 500 Columbia Street, LLC*, (Oneida County Supreme Court Index No.: EFCA2022-01299) (the "Litigation")

WHEREAS, UURA was created pursuant to Article 15-B, Title 47 of the General Municipal Law of the State of New York ("GML") and exercises the powers granted to it under the New York State Constitution and Article 15 and 15-A of the GML (collectively, the "Enabling Statutes"), including among others, the power to acquire real property by eminent domain to fulfill UURA's statutory purposes;

WHEREAS, pursuant to the Enabling Statutes and the New York State Eminent Domain Procedure Law ("EDPL"), on or about August 12, 2022, UURA acquired by eminent domain fee title to certain real property commonly known as Tax Map No.: 318.33-3 -11, City of Utica, County of Oneida, State of New York (the "Property") in connection with the Mohawk Valley Health System ("MVHS") Integrated Health Campus ("IHC") project;

WHEREAS, on or about August 8, 2023, 500 Columbia Street, LLC, the former owner of the Property, filed the Litigation seeking just compensation under EDPL Article 5, including costs, interest, and attorneys' fees;

WHEREAS, in the context of the Litigation, UURA obtained an appraisal report opining that the value of the Property at the time of taking was approximately \$300,000;

WHEREAS, in the context of the Litigation, 500 Columbia obtained an appraisal report opining that the value of the Property at the time of taking was approximately \$500,000;

WHEREAS, UURA recognizes the time, expense, and risk associated with defending the Litigation on the merits, including, without limitation, the risk of awards of costs, interest, and /or attorney's fees;

WHEREAS, UURA wishes to settle and resolve the Litigation on the terms set forth in the Settlement Agreement attached hereto as Exhibit A, which, among other things, calls for a payment of \$415,000.00 to 500 Columbia in exchange for a release of just compensation claims;

WHEREAS, MVHS has approved the settlement amount and agreed to reimburse UURA in connection with the Settlement ;

NOW THEREFORE, BE IT RESOLVED, that UURA does hereby enter into and agree to be bound by the Settlement Agreement attached hereto as Exhibit A; and it is further

RESOLVED, that the Chairman or his designee is authorized to execute the Settlement Agreement on behalf of DURA and thereby bind it; and it is further

RESOLVED, that, as set forth in the Settlement Agreement, UURA shall make payment of the sum of \$415,000.00 to 500 Columbia within 30 days of the execution of the Settlement Agreement; and it is further

RESOLVED, that the Chairman or his designee is authorized and directed to take, or cause to be taken, such actions as are necessary or appropriate to seek reimbursement of the settlement payment from MVHS; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Approved as to form this
day of _____, 2025:
