

## LOCAL LAW NUMBER 4 OF 2012

### LOCAL LAW TO GRANT CERTAIN LANDS AND IMPROVEMENTS TO THE LANSING COMMUNITY LIBRARY

The Town Board of The Town of Lansing, hereby adopts the following local law, as subject to permissive referendum: accordingly, be it enacted by the Town Board of the Town of Lansing as follows:

SECTION 1: TITLE - This Local Law shall be known as "Local Law Number 4 of 2012" (herein, the "Local Law").

SECTION 2: AUTHORITY & PURPOSE - This Local Law is enacted pursuant to, *inter alia*, the provisions and authorities of the New York State Constitution Article VIII, § 1; Municipal Home Rule Law § 10; General Municipal Law § 72-h; Education Law §§ 405, 255, 256, 259; and Town Law § 64. The Town of Lansing (herein, the "Town") built a new town hall on the same parcel of land as the old town hall and scheduled the old town hall for demolition. A group of concerned citizens saved the building from destruction for possible re-use as a public library. Thereafter, the building was completely re-designed and brought up to code, including by being made ADA compliant, without the fiscal participation by the Town and a private library was opened in 2001. The land and now improved building and grounds were leased to the library by the Town through a renewable 10-year lease. This library was open to the public and its mission was to always serve an important public purpose related to education; such purpose being principally furthered by the operation of a free library focusing upon community needs and betterment. In 2007 the library became a school district public library officially known as the "Lansing Community Library" (hereafter, the "Library"). In 2008, the Library became part of the Finger Lakes Library System and became a chartered Library (which involved the Department of Education and "chartering" by the NYS Board of Regents). As a result, the Library acts as a free public library to all persons within the Lansing Central School District. The library thus is a public corporation that has as its tax base the Lansing Central School District tax base, upon which tax bill there is a line for library taxes. Because the Library does not own the land upon which the library building and resources are situate and utilized to fulfill its public mission, the Library cannot qualify for certain grants and betterment opportunities, thus having the effect of increasing taxes for most or all residents in the Town. With such an important public purpose being so served, and with the Town Center project fully underway, the Town Board of the Town has made several important findings, which findings are an integral part of this law. These findings include: (i) that it is in the public interest of the Town to preserve and support a local free library; (ii) having a library resource within the town center area is vital to the success of the town center plan; (iii) that there is no present need or use of or for the land upon which the Library is situate, and concomitantly, there is no need or use of or for the building and improvements situate upon such land; and even further, that there is no foreseeable future need or proposed use for such land or buildings; (iv) that it is in the public interest to require, as a condition for the grant to the Library of such Town land and improvements, that the Library be open to all Town of Lansing residents and that basic library services be forever provided upon a free-of-charge basis; (v) that it is the public interest to retain a right of reversion in title to the land and improvements such that, if it ever ceases to be used for free library services, including to all residents of the Town of Lansing, title thereto shall revert to the Town; and (vi) that this grant, being supported by the consideration of free library services to all Town residents, and being also supported by the power of the Town to gift and grant money, interests, and titles to other public entities and corporations

and libraries for proper public purposes, will have the effect of reducing taxes in most or all of the Town as the Library, being seised in title, will qualify for grants as opposed to having to raise needed funds directly through its own taxing authority, or indirectly through Town taxes generated by the Town's support of the Library.

SECTION 3: GRANT IN TITLE – In relation to certain lands and improvements, as hereafter described, the Town of Lansing does hereby grant to the Library title to the same in fee simple, but retaining to itself a right of reversion for stated conditions and such easements and/or cross-easements as are necessary due to the multiple public purposes being served upon the subject lands where the town hall and library buildings are situate.

A. The specific lands hereby demised are more particularly bounded and described as follows:

All that tract or parcel of land, being part of Town of Lansing Tax Parcel Number 37.1-2-8, and being more particularly described as follows:

Beginning at a point located along the southerly highway line of State Route 34 (Auburn Road), such point being located N 89° 04' 54" E a distance of 126.83 feet from a found iron pipe marking the northwesterly lands of the Town of Lansing (438/599), said point demarking the northwesterly corner of lands herein to be conveyed; continuing thence

N 89° 04' 54" E along the southerly line of SR 34 a distance of 130.00 feet to a pin set with cap; continuing thence

S 00° 55' 16" a distance of 141.00 feet to a set nail in the Town Hall Parking lot; thence continuing

S 89° 04' 54" W a distance of 130.00 feet to a set nail in the Town Hall Parking lot; thence continuing

N 00° 55' 16' W a distance of 141.00 feet to a set pin with cap in the southerly line of SR 34, being the point and place of beginning, all as shown upon a survey map entitled "Survey Map Showing a Portion of Lands of Town of Lansing to be Conveyed to Lansing Community Library, Town of Lansing, Tompkins County, New York," as drawn by T.G. Miller, P.C., Edward Ripic, Jr. L.S. #050823, dated August 16, 2012, a copy of which is intended to be filed concurrently herewith.

B. The Town reserves a right of reversion to be incorporated into any applicable deed substantially as follows: "And further, should the Library cease operations as a free library, cease doing business as a chartered library or otherwise dissolve its organization or charter by express act or by inaction, or fail to provide or cease providing library services free of charge to all residents of the Town of Lansing, at any time now or in the future, and for any period of time exceeding 6 months in duration, then and in any such event title to the land and improvements herein as granted (and then as may exist) shall revert automatically to the Town of Lansing and the Library shall deliver such title by deed free of consideration, charge, or expense to the Town of Lansing. For purposes of enforcement, the parties agree that the Tompkins County Supreme Court of New York State, or any other court of competent jurisdiction, shall have the power to interpret and enforce this deed and right of reversion, to

declare the rights of the parties, and to quiet title to such lands. This right of reversion shall be perpetual and shall run with the land, subject only to restriction as based upon the rules against perpetuities (if and as applicable), the powers of courts and other agencies in bankruptcy or reorganizations, and the powers of the courts sounding in equity. Whenever any claim, case, or controversy shall arise, any presumptions of law or fact and any matter or evidence deemed equivocal shall be construed in a light most favorable to the Town of Lansing.”

C. The grant shall be subject to easements and cross-easements, and the Town hereby reserves and creates easements in and to the subject lands, as follows:

i. The Town reserves unto itself an easement appurtenant to use and enjoy any and all portions of any parking lot, driveway, pedestrian ways or sidewalks, and all parking areas, each and all as may now or hereafter exist upon the above-described premises. This easement shall at all times be and be construed as an easement appurtenant and it shall forever run with the land;

ii. The Town reserves unto itself an easement appurtenant to use and enjoy any or all portions of the land hereby conveyed, subject to the reasonable approval of the Library as to location, for the purposes of providing or supplying water, heat, cooling, air, electricity, telephonic and communications access lines and devices, sewers, and/or septic systems and their appurtenances, together with any other utilities now known or hereafter existing, and whether above, along, or below ground, as is now or may hereafter be necessary, convenient, or desirable to provide utilities and related or other services to the remaining lands of the Town of Lansing. This easement shall at all times be and be construed as an easement appurtenant and it shall forever run with the land;

iii. The Town hereby also grants to the Library an easement in gross to use and enjoy any and all portions of any parking lot, driveway, pedestrian ways or sidewalks, and all parking areas as may now or hereafter exist upon the remaining lands of the Town of Lansing in such existing tax parcel, excepting these parking areas as front the existing Town Hall. This easement shall be perpetual, but it is revocable and shall at all times be and be construed as an easement in gross;

iv. The Town hereby also grants to the Library an easement appurtenant to maintain any existing septic or sewer lines and facilities as may now run across or be located upon any remaining lands of the Town. Said easement and related rights shall apply only to the location of any existing lines or appurtenances and a width of five feet surrounding such lines or appurtenances to facilitate any work or repairs. The Library shall fully restore any land, improvements, or structures disturbed when exercising any rights under or in furtherance of this easement, including re-paving and re-seeding where appropriate. However, and in limitation of the foregoing, such easement shall expire and be automatically void and of no force or effect in either of the following circumstances: one year after any public sewer system becomes available to the Library; or if the Library needs to substantially repair, rebuild, replace, upgrade, or re-locate the existing septic system(s). Upon the earliest happening of either of such events, the Library shall execute any document memorializing the termination of such easement whenever the Town so reasonably requests without charge, cost, or consideration. Thus, and subject to the above

conditions that automatically terminate this easement, said easement shall at all times be and be construed as an easement appurtenant and it shall forever run with the land;

SECTION 4: If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such judgment or determination shall not affect, impair or invalidate the remainder of this Local Law, and shall be confined in its operation and interpretation only to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment or determination shall have been rendered.

SECTION 5: This Local Law shall take effect immediately upon filing with the New York State Secretary of State unless subjected to referendum and not approved by the eligible electors.