

OFFICE OF THE MAYOR
Telephone: (716) 286-4310

May 16, 2022

The City Council
Niagara Falls, New York

RE: Approval of Amendment of Deed Restrictions - (324 Niagara Street Landlord, LLC)

Council Members:

324 Niagara Street housed the former Press Box restaurant. The property is a three-story commercial building on the north side of Niagara Street, with commercial space on the ground floor and apartments on the second and third floor. The parcel has approximately 22 feet of frontage by 99 feet deep and is identified as SBL No. 159.37-1-15. The City acquired the property in December 2015 through the in rem process.

The property was sold to 324 Niagara Street Landlord, LLC, an entity established by Savarino Companies, LLC, in December 2017. At the time of conveyance, Savarino had a development plan in place with a rapid timeline for completion. The deed contained a restriction that provided that construction of the development was to be completed within 12 months of the transfer date. In the event of failure to commence and complete construction within that period, the Premises was to be conveyed back to the City upon demand for the purchase price paid by 324 Niagara Street Landlord.

Unfortunately, Savarino's development plan was delayed and the project was not completed within the original timeframe. Nonetheless, Savarino continued work on the property. However, the Covid-19 pandemic complicated matters further.

To date, Savarino has pressed forward with redevelopment of the site and is moving closer to completing the project. Additional financing is necessary to complete the project which will require an amendment of the restrictions listed in the original deed. It is now proposed that deed be amended to provide that the project be completed no later than September 1, 2022, and that 324 Niagara Street Landlord shall have 100% of the first-floor commercial space under lease with occupancy by a non-residential commercial tenant no later than September 1, 2022. In the event of failure to commence and substantially complete construction and satisfy the commercial occupancy condition as set forth herein, 324 Niagara Street Landlord shall convey the Premises to the City upon demand and without cost.

As this is a worthwhile project and in the best interests of the City, it is requested that the City Council approve amendment of the deed to reflect the terms as noted above.

Bax _____ **Myles** _____ **Tompkins** _____ **Zajac** _____ **Spanbauer** _____

Will the Council so approve and authorize the Mayor to execute the documents necessary to accomplish the same, provided that they are satisfactory to the Corporation Counsel in both form and content?

Respectfully submitted,

ROBERT M. RESTAINO
Mayor