

RESOLUTION NO. 2022-

***RELATIVE TO MAKING DETERMINATION AND FINDINGS CONCERNING  
THE PROPOSED ACQUISITION OF CERTAIN PROPERTY LOCATED IN  
THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK  
FOR THE CENTENNIAL PARK REDEVELOPMENT PROJECT***

BY:

Council Chairman John Spanbauer

**WHEREAS**, the City Council of the City of Niagara Falls (hereafter the “City Council” and the “City,” respectively) is authorized and empowered by Section 20(13) of the General City Law to preserve and care for the safety, health, comfort and general welfare of the inhabitants of the City and visitors and tourists thereto. Under Section 21 of the General City Law, the “general welfare” includes the promotion of education, art, beauty, charity, amusement, recreation, health, safety, comfort and convenience, as well as the promotion, creation, development or expansion of business, commerce, industry and/or job opportunities; and

**WHEREAS**, from time to time, the City Council may also purchase real property, in the manner provided by law, or by acquisition in the manner provided by the Eminent Domain Procedural Law of the State of New York (“EDPL”), any lands or rights thereon, required for any public purpose, under Section 20(2) of the General City Law; and

**WHEREAS**, in furtherance of these purposes, the City Council has considered a potential undertaking known as the Centennial Park project (the “Project”), which is proposed to be a multifaceted year-round event campus and community redevelopment plan; and

**WHEREAS**, the undertaking and implementation of the Project requires the acquisition of certain parcels of property located in the City of Niagara Falls, New York (hereafter collectively referred to as the “Parcels”); and

**WHEREAS**, the City Council has proposed to use its powers of condemnation in accordance with the provisions of the EDPL to acquire the Parcels; and

**WHEREAS**, pursuant to the authorization contained in a resolution adopted by the City Council on June 13, 2022 (the “First Public Hearing Resolution”), the City Council: (A) caused notice of a public hearing of the City Council pursuant to Article 2 of the EDPL (the “First Public Hearing”) to be published in the Niagara Gazette, a newspaper of general circulation available to the residents of the City of Niagara Falls, at least ten, but not more than thirty, days before the public hearing in at least five successive issues of the Niagara Gazette running from June 17, 19, and 22 through 26, 2022, (B) provided notice of the First Public Hearing on June 14, 2022, to all record assessment billing owners and counsel, at least ten, but not more than thirty, days before the First Public Hearing by certified mail, return receipt requested, and (C) conducted the First Public Hearing on June 29, 2022, at 6:00 o’clock p.m., at City Hall; and

**Bax \_\_\_\_\_ Myles \_\_\_\_\_ Tompkins \_\_\_\_\_ Zajac \_\_\_\_\_ Spanbauer \_\_\_\_\_**

**WHEREAS**, pursuant to the authorization contained in a resolution adopted by the City Council on August 18, 2022 (the “Second Public Hearing Resolution”), the City Council: (A) caused notice of a public hearing of the City Council pursuant to Article 2 of the EDPL (the “Second Public Hearing”) to be published in the Niagara Gazette, a newspaper of general circulation available to the residents of the City of Niagara Falls, at least ten, but not more than thirty, days before the public hearings in at least five successive issues of the Niagara Gazette running from August 23, 24, 25, 26, and 27, 2022, (B) provided notice of the Second Public Hearing on August 22 and 26, 2022, to all record assessment billing owners and counsel, at least ten, but not more than thirty, days before the Second Public Hearing by certified mail, return receipt requested, and (C) conducted the Second Public Hearing on September 6, 2022, at 6:00 p.m., at City Hall; and

**WHEREAS**, at the First Public Hearing and Second Public Hearing (together, the “Public Hearings”), the City Council outlined the purpose and proposed location of the Project, the proposed public use the Project represented, along with any other information it considered pertinent, including maps and descriptions of the property to be acquired and adjacent parcels, and provided any person in attendance a reasonable opportunity to present oral or written statements and to submit any other documents concerning the Project and/or the proposed public use the Project represented; and

**WHEREAS**, following the Public Hearings, the Agency caused a transcript of the Public Hearings to be made (collectively referred to as the “Record”); and

**WHEREAS**, the City Council maintained the Record as being available to the public for examination without cost during normal business hours in the office of the City Clerk, that being City Hall, 745 Main Street, Niagara Falls, Niagara County, New York; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the “Regulations”, and collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the City Council on November 22, 2022 (the “SEQR Resolution”), the City Council (1) determined that the Project constitutes an “Unlisted Action” (as said quoted term is defined in SEQRA), (2) determined that the Project will not result in a significant adverse impact on the environment, and (3) prepared and issued a negative declaration with respect to the Project; and

**WHEREAS**, the City Council, pursuant to Article 2 of the EDPL, desires to adopt the determination and findings and brief synopsis attached hereto in connection with the acquisition of the Parcels; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Niagara Falls as follows:

Section 1. Based on the entire record of proceedings, including, but not limited to, the conceptual plans for the Project, information set forth in the EAF, the Negative Declaration, the information and materials from the Public Hearing, the City Council’s knowledge of the Project site and the Parcels, input from the community, and pursuant to the requirements of the EDPL, the City Council makes the following findings with respect the Project:

A. Pursuant to Article 2 of the EDPL, the form and substance of the determination and findings attached hereto as Schedule “A” is hereby adopted and incorporated herein by reference.

B. Pursuant to Article 2 of the EDPL, the form and substance of the brief synopsis of the determination and findings attached hereto as Schedule “B” is hereby adopted and incorporated herein by reference.

Section 2. The City Clerk is hereby authorized and directed to take such further action on behalf of the Agency to effectuate the provisions of this Resolution and so as to fulfill the requirements of Article 2 of the EDPL.

Section 3. This Resolution shall take effect immediately.

**Bax \_\_\_\_\_ Myles \_\_\_\_\_ Tompkins \_\_\_\_\_ Zajac \_\_\_\_\_ Spanbauer \_\_\_\_\_**