



**COMMON COUNCIL MEETING
FINANCE, ASSESSMENT AND TAXATION COMMITTEE
Sonia Frederick, Chair**

DATE/TIME: Wednesday, September 21, 2022 at 7:30 PM or directly after the Joint Committee Meeting

LOCATION: Council Chambers-2nd Floor. City Hall

TOPIC(S) OF DISCUSSION/CONSIDERATION:

- **ORDINANCE 17.81.22**

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO 1053 BREWING, LLC OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF BRIDGE STREET FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP AND DECK AT DRUTHERS BREWING COMPANY

- **ORDINANCE 18.82.22**

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO NATIONAL GRID OF AN EASEMENT OVER A PORTION OF CITY-OWNED PROPERTY WITHIN LINCOLN PARK AT THE BEAVER CREEK SATELLITE FACILITY FOR THE INSTALLATION OF A TRANSFORMER AND ELECTRICAL LINE

PUBLIC COMMENT PERIOD: YES

Council Member Kimbrough introduced the following:

ORDINANCE 17.81.22

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO 1053 BREWING, LLC OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF BRIDGE STREET FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP AND DECK AT DRUTHERS BREWING COMPANY

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. The City of Albany is hereby authorized to grant an easement to 1053 Brewing, LLC over a portion of the Bridge Street right-of-way in the area of 1053 Broadway, in the City of Albany for the purpose of construction and maintenance of an ADA compliant ramp and deck as requested by the property owner, and as described more fully in the legal description attached hereto.

Section 2. The form, content, terms and conditions of such easement shall be approved by the Corporation Counsel.

Section 3. The Grantee shall not hinder, interfere with, prevent, delay, obstruct, or adversely affect the Grantor in the reasonable exercise of its governmental operations or functions.

Section 4. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
22ND DAY OF JULY, 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Martha Mahoney, Assistant Corporation Counsel
Brett Williams, Senior Assistant Corporation Counsel

Re: Request for Common Council Legislation
Supporting Memorandum

Date: July 8, 2022

Sponsor: Council Member Kimbrough

ORDINANCE 17.81.22

TITLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO 1053 BREWING, LLC OF AN EASEMENT IN THE CITY OF ALBANY, OVER A PORTION OF THE CITY RIGHT-OF-WAY OF BRIDGE STREET FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP AND DECK AT DRUTHERS BREWING COMPANY

GENERAL PURPOSE OF THE LEGISLATION

The purpose of this ordinance is to authorize the grant of an easement to 1053 Brewing, LLC, so that an ADA-compliant deck and ramp may be constructed, installed, and maintained at Druthers Brewing Company to accommodate the need for additional outdoor seating in the City's Bridge Street right-of-way.

Chris Martell, the owner of 1053 Brewing, LLC, which owns 1053 Broadway and operates Druthers Brewing Company, located at 1053 Broadway, seeks an easement to install, construct, and maintain an ADA-Compliant ramp and deck for additional seating at Druthers. Mr. Martell submitted applications for three area variances associated with this project to the Board of Zoning Appeals (the "Board"), and the Board conditionally approved each on March 16, 2022.

During the Board's review of the three area variances, the Board served as lead agency for the coordinated review of the project (an Unlisted Action) under SEQRA and identified the Common Council as an involved agency. The Common Council consented to the Board's lead agency designation on December 30, 2021. On February 2, 2022, the Board adopted a Determination of Non-Significance Resolution and issued and adopted a Negative Declaration for the project, thus fully complying with and concluding the SEQRA process.

As an aside, please note that before requesting area variances and this easement, Mr. Martell explored other options, such as purchasing 1043 Broadway and building a rooftop deck to accommodate additional outdoor seating. For various reasons, these options were not available to Mr. Martell.

A site plan map of the proposed ramp and deck, and an appraisal report for the subject property, are included herewith as Attachments "A" and "B," respectively.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Common Council approval is required for land transactions, such as the granting of a permanent easement in the City's right-of-way.

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

The subject portion of the Bridge Street Right-of-Way in the area of 1053 Broadway has a valuation of approximately \$3,500. The requester has obtained an appraisal report, which is included herewith as Attachment "B."

FISCAL IMPACT

The requester will pay the \$3,500 fair market value identified for the subject property in the attached appraisal report (Attachment "B").

Council Member Adams introduced the following:

ORDINANCE 18.82.22

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO NATIONAL GRID OF AN EASEMENT OVER A PORTION OF CITY-OWNED PROPERTY WITHIN LINCOLN PARK AT THE BEAVER CREEK SATELLITE FACILITY FOR THE INSTALLATION OF A TRANSFORMER AND ELECTRICAL LINE

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. It is hereby authorized that the City of Albany grants an easement to National Grid over a portion of City-owned property at 6 MLK Blvd (Tax Id. 76.10-1-3), commonly referred to as the Beaver Creek Satellite Facility, in Lincoln Park, in the City of Albany, for the purpose of the installation of transformer and electrical line, and as described more fully in the easement attached hereto.

Section 2. The form, content, terms, and conditions of such easement shall be approved by the Corporation Counsel.

Section 3. The Grantee shall not hinder, interfere with, prevent, delay, obstruct, or adversely affect the Grantor in the reasonable exercise of its governmental operations or function.

Section 4. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
5TH DAY OF AUGUST 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: June 10, 2022

Sponsor: Council Member Adams

ORDINANCE 18.82.22

TITLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO NATIONAL GRID OF AN EASEMENT OVER A PORTION OF CITY-OWNED PROPERTY WITHIN LINCOLN PARK AT THE BEAVER CREEK SATELLITE FACILITY FOR THE INSTALLATION OF A TRANSFORMER AND ELECTRICAL LINE

GENERAL PURPOSE OF LEGISLATION

National Grid has gas and electric distribution and transmission facilities and properties located throughout the City of Albany and Capital Region. In this instance, the City of Albany seeks to grant a utility easement to National Grid over a portion of City-owned property located at 6 MLK Blvd, commonly referred to as the Beaver Creek Satellite Facility (hereinafter the “Facility”), in Lincoln Park, in the City of Albany, for the purpose of installing a transformer and electrical line to power the Beaver Creek Satellite Facility.

National Grid’s transformer and electrical line, requiring the easement herein described, are necessary to power the Facility. The transformer will be installed adjacent to the Facility and the electrical line will travel from the entrance of the Facility, around the Facility, to the Southwest corner of the Facility.

The easement request has been reviewed by the Technical Review Committee. The Department of General Services noted that National Grid will be required to apply for and receive approval of a street-opening permit for the installation work. All associated project work, construction, and permit and filing fees shall be at National Grid’s sole cost and expense. The transformer and electrical will remain National Grid’s property. The form, content, terms, and conditions of the easement, once authorized, will be approved by the Corporation Counsel.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Common Council approval is required for land transactions, such as the granting of a permanent easement over municipal property.

FISCAL IMPACT(S)

None identified.