

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF TOWN CENTER SETTLEMENT AGREEMENT AND RELEASE OF KERSAT LANDSCAPING, INC., SUBJECT TO PERMISSIVE REFERENDUM

RESOLUTION 24-

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF TOWN CENTER SETTLEMENT AGREEMENT AND RELEASE OF KERSAT LANDSCAPING, INC., SUBJECT TO PERMISSIVE REFERENDUM

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, the Town and Kersat Landscaping, Inc. (“Kersat”) had a written lease that had required payments by Kersat to the Town of taxes if and when, if ever, the lands of the Town that were occupied and subject to such lease became subject to taxation due to the lease thereof to private persons or entities for non-governmental purposes; and

WHEREAS, during the lease term the land went from non-taxable to taxable status and neither the Town nor Kersat was aware of the need to pay additional added rental fees due to the Town’s incurring such real property taxes and, atop such mutual mistake, the existing leases did not account for there being multiple private occupants of such parcel of land, did not account or apportion taxes for the portion thereof applicable only to Kersat’s lease, use, or occupancy of land, nor did the lease account or apportion for the portions of such land in continued use and occupancy by the Town, such that the amount of accumulated arrears could be variously argued to be between \$4,000 and \$12,000; and

WHEREAS, rather than argue or litigate the matter, a settlement agreement and release of Kersat has been drafted and approved, upon due deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that the settlement agreement and release of Kersat Landscaping, Inc. be and hereby is approved in substantially the form as presented and, subject to negotiation and approval of the final form thereof by the Town Supervisor, undertaken upon the advice and consent of the Town Attorney, and as so amended in their negotiated final form, the Town Supervisor be and hereby is authorized to execute the same by, for, on behalf of, and in the name of the Town of Lansing; and it is further

RESOLVED, that this Resolution be and hereby is subject to permissive referendum as required by Town Law § 64 and Town Law Article 7, and the Town Clerk is directed to publish a compliant notice of permissive referendum within 10 days of the adoption hereof.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson _____, duly seconded by Councilperson _____, and put to a roll call vote with the following results:

Councilperson Judy Drake –

Councilperson Laurie Hemmings –

Councilperson Christine Montague –
Supervisor Ruth Groff –

Councilperson Joseph Wetmore –

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on February 28, 2024.