

Resolution 2011-12: 93

Memorandum of Understanding Concerning Maynard's Property

By Board Member Underwood

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the City has acquired certain property located at 1776 North Clinton Avenue, 1790 North Clinton Avenue, and 21 Rau Street, consisting of 61,676 square feet of warehouse space and 2.66 acres of real property (the "Property"), using funds provided by the RJSCB with the intent that the Property be used for program functions associated with the Rochester Schools Modernization Program (the "RSMP"); and

WHEREAS, the use of the Property for the RSMP will include: office space for the staff of Gilbane Building Company (the "Program Manager"); office space for RJSCB staff and program functions; swing space for furniture storage for all school projects that need to be vacated during construction; office space and parking for the construction manager and construction contractors performing work in connection with School # 50 which is located adjacent to the Property; office and training space for RSMP Pre-Apprentice Training Program services; and office space for the ICO; and

WHEREAS, it is expected that the use of the Property will revert to School # 50 and the District in approximately 4 to 5 years for possible future use by the District relating to School #50; and

WHEREAS, pursuant to the Act and a Cooperative Agreement dated February 22, 2010, by and among the City, the District, and the RJSCB (the "Cooperative Agreement"), the RJSCB wishes to establish a Memorandum of Understanding Concerning Use and Operation of Real Property (the "MOU", a copy of which is attached hereto) among the City, the District, the RJSCB, the Program Manager, Career Compliance Placement, Landan & Rian Enterprises, Inc., the Pike Company, and additional parties that may in the future require use of the Property in connection with certain aspects of the RSMP (collectively known as "the Parties"); and

WHEREAS, the Executive Director and the RJSCB's general counsel have recommended that the RJSCB execute the Memorandum; and

WHEREAS, the Committee considered and discussed the Executive Director's recommendations at its April 5, 2012 meeting and after due deliberation, it approved the request to forward the Memorandum to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the MOU in substantially the form presented at this meeting.
2. The RJSCB hereby authorizes its Chair, in the name and on behalf of the RJSCB, to execute the MOU, including such changes as he deems necessary, with the advice of the Program Manager and the RJSCB's general counsel, to finalize the document and conform to any requirements of Bond Counsel to the County of Monroe Industrial Development Agency.

Second by Board Member Brown

Approved 7-0

