

Local Law No. ___ of the Year 2024

A LOCAL LAW AUTHORIZING THE COUNTY OF SULLIVAN, notwithstanding Section 215 of the County Law of the State of New York, TO ENTER INTO A LEASE OF LANDS OF OTHERS FOR COUNTY OWNED COMMUNICATIONS TOWERS FOR A TERM NOT TO EXCEED FORTY (40) YEARS.

SECTION 1. Purpose

The County of Sullivan seeks to enter into lease agreements with property owners for the purpose of erecting telecommunication towers sufficient for the placement of radio antennas, as well as leases of real property adjacent to communication towers sufficient for the storage of the equipment necessary for the operations of the antennas. These agreements require the lease of real property owned by others for an initial term not to exceed forty (40) years.

SECTION 2. Legal Authority

New York State County Law Section 215 provides that a County may lease for county purposes real property for terms not to exceed five (5) years with the privilege of renewal.

New York State Comptroller Opinion 68-857 opines that a municipality may enter into leases for a term in excess of five (5) years if the municipality authorizes such leases by local law.

New York State Municipal Home Rule Law Section 24 provides that any local law that changes a provision of law relating to leasing of real property is subject to referendum on petition (permissive referendum).

SECTION 3. Applicability.

The County of Sullivan is authorized, notwithstanding Section 215 of the County Law of the State of New York, to enter into a lease of real property for the erection of County owned communication towers for a term not to exceed forty (40) years.

This Local Law is applicable to the leases of real property of others for the purpose of erecting communications towers that are owned by the County of Sullivan and which shall be utilized for public safety purposes.

SECTION 4. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.