

ORDINANCE NO. 33-A - 2023

AUTHORIZING THE COUNTY EXECUTIVE ON BEHALF OF THE
COUNTY OF NASSAU TO EXECUTE AN AGREEMENT OF COVENANT AND
RESTRICTIONS AND CONSENT TO ASSIGNMENT REGARDING PROPERTY
SITUATED IN THE TOWN OF HEMPSTEAD, COUNTY OF NASSAU, NEW YORK.

WHEREAS the County is the fee owner of a certain parcel of real property located in the Town of Hempstead, Nassau County, New York, identified on the Nassau County Tax Map as Section 44, Block F, Lot 390 (hereinafter referred to as the (“Property”); and

WHEREAS the County previously entered into a Lease Agreement (the “Lease”), with DiFazio Electric, Inc. (hereinafter “DiFazio”) whereby the County leased the Property to DiFazio; and

WHEREAS DiFazio. assigned all of its right, title, and interest in and to the Lease to Concept 400 Realty Company, LLC (“Seller”) pursuant to that certain Assignment of Lease, dated April 1, 1985, and recorded in the Nassau County Clerk’s Office in Liber 9652, page 377; and

WHEREAS Seller and 400 Oak Street, LLC (hereinafter “Purchaser”) entered into that certain Contract of Sale, made effective as of September 8, 2022 (the “Contract of Sale”), whereby Purchaser has agreed to purchase from Seller, and Seller has agreed to sell to Purchaser, all of Seller’s right, title, and interest in and to the Lease and the leasehold estate in the Subject Property; and

WHEREAS, concurrently herewith, Seller, is conveying the leasehold interest in the Property to Purchaser, and in connection with such conveyance, it is agreed that the Property shall be subject to the restrictions, covenants and conditions set forth in this Agreement in perpetuity, on and subject to the terms and conditions as set forth in such Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATURE OF THE
COUNTY OF NASSAU AS FOLLOWS:

SECTION 1. That the County Executive be, and she is hereby authorized to execute on behalf of the County of Nassau, the Agreement of Covenant and Restrictions and Consent to Assignment, subject to all the terms and conditions contained therein:

SECTION 2. That the County Executive is hereby authorized to execute any and all ancillary documents necessary to carry out the purposes of the Agreement of Covenant and Restrictions and Consent to Assignment.

SECTION 3. This Ordinance shall take effect immediately.