

We ask you NOT to vote on the proposed partial release of the Right of First Refusal (ROFR) for tax map number 193.05-1-6.1 (per the Notice of Meeting, this parcel runs from 231 Main Street – roughly opposite Wells Road - South to the Village limits, the most iconic view the Village has)) or on the proposed MOU for the following reasons:

- 1) The land that is the subject of the ROFR constitutes “inalienable” land that cannot be sold, given away, or released without authority of the New York State Legislature. Such land includes parks, proposed parks, and waterfront land.

From the NYS Alienation Handbook:

B. Land Subject to Parkland Alienation The parkland alienation process applies to any dedicated municipal parkland no matter its size.

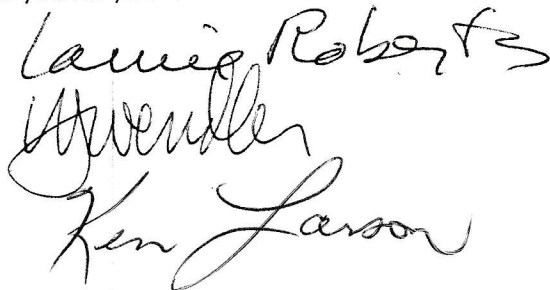
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The dedication of land to park purposes may be either formal or implied. *Formal* dedication is an official act by the governing body of the municipality, such as the passage or adoption of a formal resolution or local law. Formal dedication is commonly indicated by phrases like “land(s) dedicated for park purposes” and “dedicated parkland.” *Implied* dedication is shown by actions or declarations by a local government that are unmistakable in their purpose and decisive in their character as to intent to dedicate land for use as parkland. Examples include a municipality publicly announcing its intention to purchase the land specifically for use as a park, “master planning” for recreational purposes, budgeting for park purposes, “mapping” land as parkland, accepting State or Federal park grant funds, or constructing recreational facilities.

- 2) In order to “alienate” Park you need to replace it with land of equal value. Therefore, you need to determine the value of the asset: the full extent of 193.05-1-6.1, of which 300’ is in the middle of the parcel.
- 3) The donor has been shown the MOU, but has not been given a copy of it, and has not had an opportunity to review with her attorney the document or the terms of her gift that apparently are required for the MOU.
- 4) For the MOU to work as intended by its proponents, surely it must have the effect of pre-emptively eliminating the ROFR. Villagers should be given a copy of the MOU but we believe that if you sign the MOU it will have the effect of releasing the Village’s Right of First Refusal to the entire park land without the right to retrieve it or otherwise exercise it and without ever obtaining the required authority of the NYS Legislature.

We believe that we all want to advance the future of Aurora. Having businesses that are interested in investing in Aurora is a very positive thing that should be encouraged. We are prepared to do this. We are prepared to work with you.

Thank you for your time and attention.



Laurie Roberts
Jennifer
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