

ADDENDUM NO. 2

NAME: Purchase and Development of Real Property - RFP No. TNH 143-2016

DATE: July 27, 2016

TO: All Prospective Proposers

This amendment is being issued in response to a question asked of the Town in regard to the RFP:

- 1. Q. In Addendum No. 1 to the RFP, dated June 20, 2016, the question was posed as to whether the restriction contained in the deed by which Nassau County conveyed title to the subject property to the Town would bar the use of that property for an “assisted living facility.” The Town’s response, in relevant part, quoted the language of the deed restriction, namely that the property “shall not be used or developed for residential housing of any kind.”**

Our office represents a not-for-profit institution that operates a full service residential facility for seniors, who, regardless of financial status, by choose or otherwise, cannot or do not wish to live alone. Our client provides a range of services to its residents, including, for example, daily meals, 24-hour medical emergency response, housekeeping, personal grooming, medical assistance, library, social activities and religious services. In light of this description, we would very much appreciate additional guidance and clarification as to whether our client’s facility would be permitted under, or be in violation of, the deed restriction cited above. If the Town does indeed interpret the deed restriction as barring the use of the property for our client’s facility, would the Town be willing at this point in time to undertake the process of attempting to remove of record the deed restriction in anticipation of its receipt of proposals in response to the RFP, including our client? We are aware, of course, that, notwithstanding the deed restriction, the property may need to be rezoned in order to accommodate our client’s proposed use of the property?

A. As noted in the RFP, the property may not be used for “residential” purposes. We note that the use described in the question would be permitted in the Town’s Business-A zone, which is a non-residential zone. However, notwithstanding this, parties other than the Town have the authority to enforce the restriction as the restriction was placed on the property prior to the Town’s acquisition of the property. The Town cannot, with any degree of certainty, assure any proposer that its proposed use of the property would or would not violate the restriction or that a challenge to the use of the property will not be asserted by those able to enforce the restriction. As such, it is not possible for the Town to opine on uses that may or may not violate the referenced deed restriction. In light of this, proposers should submit their proposals with the assumption that the use would be permitted, subject to further determination by the Town and those able to enforce the restriction.

The “ADDENDUM NO. 2 RECEIPT ACKNOWLEDGEMENT FORM” on the last page of this Addendum No. 2 must be signed and dated in the spaces provided and submitted with your Proposal. All Proposers must submit this form with its Proposal regardless of the content contained in each Addendum.

ADDENDUM NO. 2 RECEIPT ACKNOWLEDGEMENT FORM

REQUEST FOR PROPOSALS FOR PURCHASE AND DEVELOPMENT OF REAL PROPERTY RFP No. TNH143-2016

By signing this Acknowledgement and submitting same with its Proposal submission, the undersigned Proposer acknowledges receipt of this Addendum No. 2. Proposer further acknowledges that it has read and reviewed the information contained herein, understands same, and that its questions, if any presented, have been answered satisfactorily. Proposer agrees that it shall incorporate/consider the information contained in this Addendum No. 2 in preparing and providing its proposal price. In addition, this Addendum No. 2 Receipt Acknowledgement Form must be signed and dated and attached to the proposal submittal.

Signature: _____

Company Name: _____

Proposer Acknowledgement Date: _____

Print & Sign Company Principal Name & Title: _____
