

1 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICE
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis (TM) Group.
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A Title 2 Note (2009)

Pub A Title 2 Note

HISTORY: Formerly Article 7, Title 16, add, L 1955, ch 202; renumbered Article 6, Title 2, L 1957, ch 914, § 6; amd, L 1960, ch 917, § 4, eff April 1, 1960.

NOTES:

Editor's

Laws 1960, ch 917, §§ 1 and 2 provides:

Section 1. Statement of necessity. It is hereby declared that a public necessity exists affecting the economic welfare of New York state and attendant upon the opening of the Saint Lawrence seaway. That waterway has created a new seacoast extending more than three hundred miles along the southern shore of Lake Ontario within this state. Along that coast are a number of ports, none of which now has the facilities to accommodate deep-draft, ocean-going vessels. The port of Oswego, traditionally the most important American port on Lake Ontario, must be developed and improved immediately if it is to compete with ports in states to the westward, and if it is to become the prospective site of new industry based upon water-borne commerce. Failure to do so will adversely affect the city and county of Oswego and the whole central New York area, and leave this state without a true seaway port on Lake Ontario.

§ 2. Statement of policy and intent. The necessity of making possible the construction of a modern dock, transit shed and cargo handling facilities at the port of Oswego is a matter of concern for the legislature. The Oswego port authority has caused a study to be made showing how a tract of land on the east side of the Oswego river may be developed to meet this pressing need. It is necessary too that this project be carried out promptly lest shipping patterns become permanently established elsewhere where facilities are available, and the economy of New York state be lastingly curtailed thereby. It is hereby declared the purpose of the legislature to assist the Oswego port authority in the improvement and development of the harbor facilities at Oswego.



2 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1350 (2009)

§ 1350. Short title

This title may be cited as the "port of Oswego authority act."

HISTORY: Formerly § 1825, add, L 1955, ch 202, § 1; renumbered § 1350, L 1957, ch 914, § 6; amd, L 1960, ch 917, § 4, eff April 1, 1960.

Former § 1350, add, L 1939, ch 870; renumbered § 1650, L 1957, ch 914, eff April 24, 1957.

NOTES:

Editor's Notes

See 1960 note under Article 6, Title 2.



3 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1351 (2009)

§ 1351. Definitions

As used in this title, unless a different meaning clearly appears from the context:

(1) The term "district" shall mean the Oswego port authority district created by section eighteen hundred twenty-seven [n1] of this title.

(2) The term "authority" shall mean the corporation created by section thirteen hundred fifty-three of this title.

(3) The term "board" shall mean the members of the authority.

(4) The term "bonds" shall mean bonds issued by the authority pursuant to this title.

(5) The term "city" shall mean the city of Oswego.

(6) The term "town" shall mean the town of Scriba, Oswego county.

(7) The term "port facilities" shall mean, among other things, wharfs, docks, piers, terminals, railroad tracks or terminals, cold storage and refrigerating plants, warehouses, elevators, freight-handling machinery and such equipment as is used in the handling of freight and the establishment and operation of a port, and work of deepening parts of the Oswego river and Lake Ontario adjacent to the terminal exclusive of the harbor channel, within the port district, and any other works, properties, buildings, structures or other facilities necessary or desirable in connection with the development and operation of port facilities in the district.

(8) The term "common council" shall mean the common council of the city.

(9) The term "mayor" shall mean the mayor of the city.

(10) The term "town board" shall mean the town board of the town of Scriba.

NY CLS Pub A § 1351

(11) The term "industrial project" shall mean a project designed and intended for the purpose of providing facilities for manufacturing, warehousing, recreational opportunities, docking, historical appreciation, research, business or other industrial purposes, including but not limited to machinery and equipment deemed necessary for the operation thereof (excluding raw materials, work in process or stock in trade), on land acquired or to be acquired by the authority in the city of Oswego and the two parcels previously acquired by the authority in the town of Scriba.

HISTORY: Formerly § 1826, add, L 1955, ch 202; amd, L 1957, ch 845, § 1; renumbered § 1351, L 1957, ch 914, § 6, eff April 24, 1957.

Former § 1351, add, L 1939, ch 870; amd, L 1944, ch 381, § 1, L 1949, ch 500; renumbered § 1651, L 1957, ch 914, § 16, eff April 24, 1957.

Sub (1), amd L 1957, ch 845, § 1, eff April 22, 1957.

Sub (2), amd, L 1960, ch 917, § 5, eff April 1, 1960.

Sub (6), add, L 1957, ch 845, § 1, eff April 22, 1957.

Former sub (6), redesignated sub (7), L 1957, ch 845, § 1, eff April 22, 1957.

Sub (7), formerly sub (6), so designated sub (7), L 1957, ch 845, § 1, eff April 22, 1957.

Former sub (7), redesignated sub (8), L 1957, ch 845, § 1, eff April 22, 1957.

Sub (8), formerly sub (7), so designated sub (8), L 1957, ch 845, § 1, eff April 22, 1957.

Former sub (8), redesignated sub (9), L 1957, ch 845, § 1, eff April 22, 1957.

Sub (9), formerly sub (8), so designated sub (9), L 1957, ch 845, § 1, eff April 22, 1957.

Sub (10), add, L 1957, ch 845, eff April 22, 1957.

Sub (11), add, L 1994, ch 506, § 1, eff Aug 25, 1994.

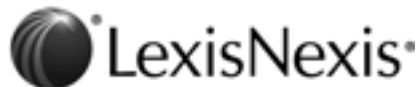
NOTES:

Editor's Notes

See 1960 note under Article 6, Title 2.

FOOTNOTES:

[n1] Section 1827 renumbered as § 1352, L 1957, ch 914, § 6.



4 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1352 (2009)

§ 1352. Oswego port district

There is hereby created and established a district to be known as the "Oswego port district" which shall embrace the city of Oswego, the town of Scriba and all lands and water under and in the Oswego river and Lake Ontario lying or situated within the boundaries of the city of Oswego and/or the town of Scriba subject to the right, title, interest and control of the state under the constitution or any law of the state of New York and subject to the right, title, interest and control of the United States under any law of the United States of America.

HISTORY: Formerly § 1827, add, L 1955, ch 202; amd, L 1957, ch 845, § 2; renumbered § 1352, L 1957, ch 914, § 6, eff April 24, 1957.

NOTES:

New York References:

This section referred to (as § 1827) in § 1351

Research References & Practice Aids:

56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 11



5 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
 Copyright © 2009 Matthew Bender & Company, Inc.
 a member of the LexisNexis Group
 All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
 *** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
 ARTICLE 6. PORT AUTHORITIES
 TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1353 (2009)

§ 1353. Port of Oswego authority

The board heretofore created by this section and known as the Oswego port authority is hereby continued and shall hereafter be known and designated as the port of Oswego authority. Such board shall be a body corporate and politic, constituting a public benefit corporation. The board shall consist of nine members, seven of whom shall be residents of the city of Oswego and one of whom shall be a resident of the town of Scriba, with at least one thereof being a member of or recommended by the county planning board of the county of Oswego commencing with the expiration of the term occurring first after July first nineteen hundred seventy-five. The terms of office of all members of the authority heretofore appointed and in office on March thirty-first, nineteen hundred sixty, shall expire and terminate on such date, provided, however, that they shall continue in office as such until the members first to be appointed by the governor as hereinafter in this section provided shall have qualified. The members of said authority shall be appointed by the governor, by and with the advice and consent of the senate. Of the members first appointed by the governor two members shall be appointed for a term ending September first, nineteen hundred sixty-one, two for terms ending September first, nineteen hundred sixty-two, two for terms ending September first, nineteen hundred sixty-three, and one for a term ending September first, nineteen hundred sixty-four. Any member appointed by the governor to fill any newly created membership on the board shall be appointed for a term ending on the first day of September nineteen hundred seventy-six. Thereafter, upon the expiration of the term of a member, a successor shall be appointed by the governor for a term expiring four years after the expiration of the term of his predecessor. If a vacancy shall occur by reason of a death, disqualification, resignation or removal of a member, the successor shall be appointed by the governor for the unexpired term. The members of the authority shall, before entering upon the duties of their office, take the constitutional oath of office and file the same in the office of the secretary of state. The authority shall organize by the selection from its members of a chairman, vice chairman, and a secretary. It shall adopt such rules as it may deem necessary and proper for the government of its own proceedings and the regulation and use of port facilities and industrial projects in the district, and shall keep a record of its proceedings. Rules pertaining to the regulation and use of port facilities and industrial projects shall be fair, reasonable and impartial and shall be subject to any law, rule or regulation administered by the interstate commerce commission or the public service commission or the water resources commission, or any other department or commission of the United States of America or of the state of New York, which has the jurisdiction in such matters and shall not operate to deprive any person or corporation, private or public, of any

property without due process of law. A majority of the members of the authority shall constitute a quorum for the transaction of business and the concurrence of a majority of all members shall be necessary to the validity of any order of the authority. A member may be removed by the governor for cause after giving such member a copy of the charges and an opportunity to be heard thereon. The members of the authority shall serve without compensation but shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their official duties.

HISTORY: Formerly § 1828, add, L 1955, ch 202; amd, L 1957, ch 845, § 3; renumbered § 1353, L 1957, ch 914, § 6; amd, L 1960, ch 917, § 6, L 1975, ch 681, § 1, L 1994, ch 506, § 2, eff Aug 25, 1994.

Former § 1353, add, L 1939, ch 870; renumbered § 1653, L 1957, ch 914, § 16, eff April 24, 1957.

NOTES:

Editor's Notes

See 1960 note under Article 6, Title 2.

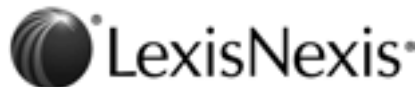
New York References:

This section referred to in § 1351

Research References & Practice Aids:

2 Am Jur 2d, Administrative Law §§ 55-62, 108

70 Am Jur 2d, Shipping §§ 23-28, 30, 34-36



6 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1354 (2009)

§ 1354. Purposes and powers of the authority

The authority shall have power over the survey, development and operation of port facilities and industrial projects in such port district as hereinafter more specifically set forth, and the coordination of the same with existing or future agencies of transportation with a view to the increase and efficiency of all such facilities and projects and the furtherance of commerce and industry, environmental protection, aesthetics, health, welfare, safety, recreational opportunities, and historical appreciation in the district. It shall make a thorough investigation of port conditions in the district and such other places as it may deem proper and shall prepare after conducting public hearings a comprehensive plan for the development of port facilities, industrial projects, and other structures in such district and the furtherance of recreational opportunities and historical appreciation in the district. This comprehensive plan shall include the present use of the land and water in the district, the general capability thereof for development and use based on commercial, ecological, recreational and historic considerations, a statement of proposed development and/or preservation thereof which would accomplish a coordinated and economic use of the district in accordance with present and future needs and resources and best promote the health, safety, order, enjoyment, convenience, appreciation and welfare of the citizens of the district. It shall be provided with an office which shall be located by such authority within the port district and it shall have power to equip the same with suitable furniture and supplies for the performance of the work of the authority. The authority also shall have the power to:

- (1) Sue and be sued.
- (2) Have a seal and alter the same at pleasure.
- (3) Confer with the governing body of the city, the town and with any other body or official having to do with port and harbor facilities within and without the district, and to hold public hearings as to such facilities.
- (4) Confer with railroad, steamship, warehouse and other officials in the district with reference to the development of transportation facilities in such district and the coordination of the same.
- (5) Confer with the proper state officials as to means and measures for stimulating use of the Barge canal.

(6) Determine upon the location, type, size and construction of requisite port facilities, subject, however, to the approval of any department, commission or official of the United States of America or the state of New York where federal or state statute or regulation requires it.

(7) Lease, erect, construct, make, equip and maintain port facilities in the district and for any such purpose to acquire in the name of the authority by purchase, grant, gift or condemnation, except as hereinafter limited, real property, including easements therein, lands under water and riparian rights.

(8) Make surveys, maps and plans for, and estimates of the cost of, the development and operation of requisite port facilities and other structures and for the coordination of such facilities and structures with existing agencies, both public and private, with the view of increasing the efficiency of all such facilities and the appropriateness of all such structures in the furtherance of commerce and industry, environmental protection, aesthetics, health, welfare, safety, recreational opportunities, historical appreciation in the city.

(9) Make contracts and leases and to execute all instruments necessary or convenient.

(10) Issue negotiable bonds within the provisions and limitations of this title and to provide for the rights of the holders thereof.

(11) Issue notes within the provisions and limitations of this act.

(12) Fix fees, rates, rentals or other charges for the purpose of all port facilities owned by the authority and collect such fees, rates, rentals and other charges for such facilities owned by the authority, which fees, rates, rentals or other charges shall at all times be sufficient to comply fully with all covenants and agreements with the holders of any bonds issued under the provisions of this act.

(13) Operate and maintain all port facilities owned by it; use the revenues therefrom for the corporate purposes of the authority, and in accordance with any covenants or agreements contained in the proceedings authorizing the issuance of any bonds hereunder.

(14) Have power to regulate and supervise the construction of all port facilities constructed or installed by any private individual or corporation commenced after this act takes effect, and the power to regulate the operation of all privately owned port facilities insofar as such operation may adversely affect the flow of transportation or the enforcement of approved plans for the development of port facilities. The power granted by this subdivision shall be subject to the rules, regulations or other directives of any federal or state department, commission or other agency having jurisdiction, and such grant of power shall not operate to deprive any person or corporation, private or public, of any property without due process of law.

(15) Accept gifts, grants, loans or contributions from the United States, the state of New York or an agency or instrumentality of either of them, the county of Oswego, the city of Oswego or the town of Scriba, or a person or corporation, by conveyance, bequest or otherwise, and to expend the proceeds for any purpose of the authority, and to enter into a contract with the United States, the state of New York, or an agency or instrumentality of either of them, to accept gifts, grants, loans or contributions on such terms and conditions as may be provided by law authorizing the same. The county of Oswego, the city of Oswego and the town of Scriba are hereby authorized to loan, donate or contribute any available fund to the port authority for any of its corporate purposes, and to appropriate such moneys for such purposes; but neither the county, the city nor the town may borrow money or otherwise pledge its faith and credit for the purpose of making any such loan, donation or contribution.

(16) Have power to grant and maintain a traffic bureau in connection with the operation of port facilities.

(17) Use the officers, employees, facilities and equipment of the city, with the consent of the city, and of the town, with the consent of the town, paying a proper portion of the compensation or cost.

(18) Appoint officers, agents and employees and fix and determine their qualifications, duties and compensation subject to the provisions of the civil service law of the state of New York and such rules as the civil service commission of the city of Oswego may adopt and make applicable to such authority.

(19) Designate the depositories of its moneys.

(20) Have power to do all things necessary to make Oswego harbor and its port facilities useful and productive.

(21) Make application to the foreign-trade zones board established by an act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "an act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to such authority of the privilege of establishing, operating and maintaining a foreign trade zone on premises owned by such authority within such city, pursuant to the provisions of such act, and if such application be granted, to accept such grant and to establish, operate and maintain such zone in accordance with law.

(22) With respect to industrial projects, to carry on any activities authorized for an industrial development agency as provided for in section eight hundred fifty-eight of the general municipal law as well as to provide for the financing of such projects pursuant to article eighteen-A of the general municipal law; provided, however, that where any of the provisions of this article are inconsistent with the provisions of section eight hundred fifty-eight of the general municipal law pertaining to industrial projects or, with respect to financing of such projects, article eighteen-A of the general municipal law, the provisions of this article shall be superceded and the provisions of such section eight hundred fifty-eight and such article eighteen-A shall apply.

HISTORY: Formerly § 1829, add, L 1955, ch 202; amd, L 1957, ch 729, § 11, L 1957, ch 845, § 4; renumbered § 1354, L 1957 ch 914, § 6, eff April 24, 1957.

Former § 1354, add, L 1939, ch 870; amd, L 1944, ch 381, § 1, L 1952, ch 767, § 1; renumbered § 1654, L 1957, ch 914, § 16, eff April 24, 1957.

Opening par, amd, L 1975, ch 688, § 1, L 1994, ch 506, § 3, eff Aug 25, 1994.

Sub (3), amd, L 1957, ch 845, § 4, eff April 22, 1957.

Sub (8), amd, L 1975, ch 688, § 1, eff Aug 6, 1975.

Sub (15), amd, L 1957, ch 845, L 1961, ch 54, eff Feb 28, 1961.

Sub (17), amd, L 1957, ch 845, § 4, eff April 22, 1957.

Sub (18), amd, L 1957, ch 729, § 11, eff April 19, 1957.

Sub (21), add, L 1977, ch 715, § 1, eff Aug 5, 1977.

Sub (22), add, L 1994, ch 506, § 4; amd, L 1995, ch 485, § 1, eff Aug 2, 1995.

NOTES:

Editor's Notes

See 1960 note under Article 6, Title 2.

New York References:

Rule making procedure, CLS St Adm P Act § 202

Federal References:

The act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," cited in statutory text, appears as *19 USCS §§ 81a et seq*

Conveyance of property in water resource development projects for public ports, etc., *33 USCS § 578*
St. Lawrence Seaway Development Corporation, *33 USCS §§ 981 et seq*
Deepwater ports, generally, *33 USCS §§ 1501 et seq*

Research References & Practice Aids:

2 Am Jur 2d, Administrative Law §§ 64-76



7 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1354-a (2009)

§ 1354-a. Meetings and records of authority to be public

The regular meetings of the authority shall be public meetings open to the general public, except for executive sessions thereof. Subject to appropriate provisions of law and any reasonable regulations established by the authority, the records of the authority shall be public records.

HISTORY: Add, L 1975, ch 688, § 3, eff Aug 6, 1975.



8 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1355 (2009)

§ 1355. Orders, service thereof and penalties

The authority may make, and cause to be served upon any corporation or individual, within the port district, excepting the city of Oswego and the town of Scriba, any reasonable order which it may determine to be necessary for the proper development, maintenance and use of the port, relating to the construction, equipment, repair, maintenance, use and rental of any dock, wharf, slip, terminal, warehouse or industrial project owned or leased by any such corporation or individual within the district. There shall be served with a copy of the order a notice specifying a day, not less than ten days after such service, when such corporation or individual may appear before the authority, present written objections to the making of the order and be heard on such objections. If no such objections are filed within the time stated, or if the order be sustained as the result of such hearing, either in its original or modified form, such order shall be final, subject only to review by a court of competent jurisdiction. When an order of the authority shall become final, including the termination of any court proceeding sustaining the order, or of the time for beginning such a proceeding if none be brought, if the corporation or individual shall fail to obey it, or if any corporation or individual shall violate a lawful rule of the authority, the authority may commence and maintain an action or proceeding in an appropriate court having jurisdiction, for the purpose of having such disobedience to an order or violation of a rule prevented or obedience enforced, either by mandamus or injunction.

HISTORY: Formerly § 1830, add, L 1955, ch 202; amd, L 1957, ch 297, § 1, L 1957, ch 845 (repealed, L 1974, ch 712, § 3); renumbered § 1355, L 1957, ch 914, § 6; amd, L 1974, ch 712, § 2, L 1994, ch 506, § 5, eff Aug 25, 1994.

Former § 1355, add, L 1939, ch 870; amd, L 1944, ch 381, § 1; renumbered § 1655, L 1957, ch 914, § 16.

NOTES:

Repeal Notes

[1974, ch 712] Former section 1355 of the public authorities law, repealed by this act, provided for service of orders and penalties with respect to the Port of Oswego authority. Such repealed section was a duplication of a substantially similar section in such law and therefore unnecessary.

Research References & Practice Aids:

2 Am Jur 2d, Administrative Law §§ 439-445, 476-483



9 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1356 (2009)

§ 1356. Investigations

The authority, and any member thereof, when directed by the authority, may make any investigation which the authority may deem necessary to enable it effectually to carry out the provisions of this act, and for that purpose the authority, or such member, may take and hear proofs and testimony and compel the attendance of witnesses and the production of books, papers, records and documents, including public records. The authority, and its authorized agents, may enter upon any lands as in its judgment may be necessary for the purpose of making surveys and examinations to accomplish any purpose authorized by this act, the authority being liable for actual damage done.

HISTORY: Formerly § 1831, add, L 1955, ch 202; renumbered § 1356, L 1957, ch 914, § 6, eff April 24, 1957.
Former § 1356, add, L 1939, ch 870; renumbered § 1656, L 1957, ch 914, § 16, eff April 24, 1957.

NOTES:

Research References & Practice Aids:

2 Am Jur 2d, Administrative Law §§ 264-284



10 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1357 (2009)

§ 1357. Real estate and title thereto

1. The authority may lease or acquire title to real and personal property including water front property, ferries, bridges, wharf property, land under water, public landings, wharves and docks in the name of "Oswego port authority" by purchase, grant or gift from the city of Oswego, town of Scriba, state of New York, United States of America, or from any corporation or individual for the development of port facilities and industrial projects in the district, and shall have the power to sell, subject to approval by order of the supreme court, lease or otherwise dispose of said real property and shall retain and have the power to use the proceeds of sale, rentals or other moneys derived from the disposition thereof for its purposes. Any instrument affecting real property shall be signed by the chairman of the authority, attested by its secretary and have the seal of the authority affixed thereto.

1-a. Authority is hereby conferred upon the city of Oswego and the town of Scriba to give, lease, sell, grant and convey real and personal property including water front property, ferries, bridges, wharf property, land under water, public landings, wharves and docks to the authority, with or without consideration as such city or town shall determine.

2. The authority shall have power to condemn real property located within its territorial limits and owned by any person or corporation, excepting a person or corporation subject to the jurisdiction, supervision and regulation of the Public Service Commission, which the authority deems necessary for the development of port facilities and industrial projects in the district. The authority shall exercise the power of condemnation hereby granted in the manner provided in the condemnation law [n1].

3. The authority and the city of Oswego may enter into contracts for the acquisition by the city or the authority of real property for the benefit of and in the name of the city of Oswego for the purpose of widening existing streets, avenues, parkways, roads or highways or for new streets, avenues, parkways, roads or highways to port facilities within the port district, or partly for such purpose and partly for other city purposes. Such contracts may provide for the work of improvement by the city. The city may close such streets, avenues, parkways, roads or highways as may be necessary or convenient.

HISTORY: Formerly § 1832, add, L 1955, ch 202; amd, L 1957, ch 845, §§ 6, 7; renumbered § 1357, L 1957, ch 914, § 6, eff April 24, 1957.

Former § 1357, add, L 1939, ch 870; amd, L 1952, ch 767, § 1; renumbered § 1657, L 1957, ch 914, § 16, eff April 24, 1957.

Sub 1, amd, L 1957, ch 845, § 6, L 1994, ch 506, § 6, eff Aug 25, 1994.

Sub 1-a, add, L 1957, ch 845, § 7, eff April 22, 1957.

Sub 2, amd, L 1994, ch 506, § 6, eff Aug 25, 1994.

NOTES:

Federal References:

Conveyance of property in water resource development projects for public ports, etc., *33 USCS § 578*

St. Lawrence Seaway Development Corporation, *33 USCS §§ 981 et seq*

Deepwater ports, generally, *33 USCS §§ 1501 et seq*

Research References & Practice Aids:

26 Am Jur 2d, Eminent Domain §§ 21-23

56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions §§ 492, 506

63C Am Jur 2d, Public Funds § 47

FOOTNOTES:

[n1] Repealed, L 1977, ch 839, § 2, see *Eminent Domain Procedure Law §§ 101 et seq.*



11 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1358 (2009)

§ 1358. Grants from commissioner of general services

1. The commissioner of general services shall have power, in his discretion, from time to time to transfer and convey to the authority for such consideration as may be determined by him to be paid to the state of New York, unappropriated state lands and lands under water which the authority shall certify to be necessary or desirable for the corporate purposes of the authority, and may, when the barge canal terminal and barge canal terminal lands in the city of Oswego become no longer necessary or useful for canal or terminal purposes, lease for a term or terms of years or convey said barge canal terminal and barge canal terminal lands as hereinafter described, to the authority for such consideration as may be determined by him to be paid to the people of the state of New York and upon the terms and conditions set forth in this act.

2. There is hereby ratified and confirmed in and to the authority title to the barge canal terminal and barge canal terminal lands described herein, conveyed to said authority by letters patent dated September tenth, nineteen hundred fifty-eight, pursuant to resolutions of the board of commissioners of the land office adopted July twenty-ninth, nineteen hundred fifty-eight, and September tenth, nineteen hundred fifty-eight, subject to the conditions set forth in said letters patent and in this title.

3. The authority shall establish and maintain a port facilities development fund and shall cause all moneys received by it from the operation of such port facilities to be deposited in such fund for the payment of all costs of operation, maintenance and repair of the port facilities and the repayment to the people of the state of New York of any advance made by the state to the authority, which repayment to the people of the state of New York shall not exceed in any one year fifty per cent of the moneys received by the authority in excess of the costs of operation, maintenance and repair of said port facilities.

4. Upon the issuance of said lease or grant by the commissioner of general services pursuant to this act the authority shall assume all expense of or incidental to the operation, maintenance, repair and administration of said port facilities.

5. Except as to moneys and rates accrued thereunder at the time of vesting in the authority all the right, title and interest

of the state in and to said port facilities as herein provided, and as incident thereto, there shall also vest in the authority all the right, title and interest of the state in and to and in connection with the following contracts, agreements and permits with third persons: (a) any and all executory contracts, agreements and permits for the use of said port facilities by third persons as tenants, licensees, or otherwise, or for the docking, mooring or anchorage thereat of vessels owned by third persons, or for the loading, unloading, handling, storage, processing or manipulation of grain, freight, or other property of third persons, or for the rendering of any other services to third persons at said pier properties as wharfinger or warehouseman or otherwise; (b) any and all executory contracts and agreements for the furnishing by third persons of electricity, gas, steam, water or telephone service at said port facilities.

6. The authority shall not grant or convey title to said port facilities to any person or legal entity other than the people of the state of New York.

7. If the authority shall violate any of the conditions herein set forth or such other conditions as the board of commissioners of the land office heretofore included in any lease or grant of said port facilities or any other conditions as the office of general services may include in any lease or grant of said port facilities and such violation of any of said conditions shall not have been remedied by the authority within ninety days after the giving of notice of the existence of such violation by the commissioner of transportation of the state of New York, then at the option of the state such port facilities shall revert to the people of the state of New York.

8. If the port facilities revert to the people of the state of New York they shall be and shall be deemed to be unappropriated state lands.

9. Officers and employees of the state departments and agencies now employed at said port facilities may be transferred to the authority without loss of any civil service status or rights but no such transfer may be made except with the approval of the head of the state department or division thereof charged with the operation of such port facilities, the director of the budget, and in compliance with the rules and regulations of the state civil service commission.

10. a. The premises constituting the port facilities so to be transferred consist of:

All that tract or parcel or [of] [n1] land situate, lying and being in the city of Oswego, county of Oswego and state of New York, bounded and described as follows:

Beginning at a monument in the west line of Water Street, said monument being 231 feet northerly along said street line from the center line of Van Buren Street; thence S 67 degrees --47' W along the Barge Canal Terminal Right of Way line 102 feet to a monument; thence N 22 degrees --13' W along a line parallel to the east line of West First Street and 2 feet distant westerly therefrom, a distance of 38 feet to its intersection with the original shore line of Lake Ontario (1838); thence westerly along said original shore line a distance of 100 feet to its intersection with the west line of West First Street; thence S 22 degrees --13' E along said west street line a distance of 126 feet to a monument set in the westerly line of W. First Street at a point therein 140' northerly from the center line of Van Buren Street, thence S 67 degrees --47' W along the division line between the property of the People of the State of New York on the north and the property of the Delaware, Lackawanna and Western Railroad Co. (reputed owner) on the south a distance of 193 feet to a monument; thence N 71 degrees --37' W along the aforementioned division line a distance of 9.22 feet to a monument set in the east line of West Second Street; thence N 22 degrees --13' W along said street line and said street line extended into the waters of Lake Ontario a distance of 1430 feet to a point; thence N 67 degrees --47' E and for part of the distance along the line of the northerly wall of the New York State Lake Terminal Pier a distance of 425 feet to a point; thence S 22 degrees --13' E a distance of 888 feet to a point in line with the northerly line of Parcel No. T-88, Terminal Contract No. 33, appropriated by the State of New York on August 25, 1914 pursuant to Chapter 746, Laws of 1911; thence S 67 degrees --47' W a distance of 25 feet to the northeast corner of said Parcel No. T-88; thence S 22 degrees --13' E along the easterly line of said Parcel No. T-88 and for part of the distance along the westerly line of Water Street a distance of 485.8 feet to the point of beginning, containing 13.31 acres more or less.

All Bearings are referred to the true meridian.

The above described parcel constitutes all of Parcels Nos. T-86, T-87, T-88 and T-89, Terminal Contract No. 33,

appropriated by the State of New York on August 25, 1914 pursuant to Chapter 746, Laws of 1911, and certain lands now or formerly under the waters of Lake Ontario.

b. It is hereby found and determined that the properties described in paragraph a hereof, heretofore constituting a portion of the barge canal terminal and barge canal terminal lands in the city of Oswego, are no longer necessary or useful for canal or terminal purposes and are hereby abandoned.

11. The commissioner of general services shall issue said lease or grant to said lands to the authority only upon the delivery to and filing with said commissioner a certified copy of a resolution of the authority signifying its willingness to accept said port facilities on the conditions hereinabove set forth, all of which may be made a part of said lease or grant, which lease or grant may also contain such other and further conditions as the commissioner of general services may determine to be appropriate.

HISTORY: Formerly § 1833, add, L 1955, ch 202; renumbered § 1358, L 1957, ch 914, § 6, eff April 24, 1957.

Former § 1358, add, L 1939, ch 870; renumbered § 1658, L 1957, ch 914, § 16, eff April 24, 1957.

Section heading, amd, L 1962, ch 60, § 19, eff Feb 27, 1962.

Sub 1, formerly entire section, so designated sub 1 and amd, L 1957, ch 930; amd, L 1962, ch 60, § 19, eff Feb 27, 1962.

Sub 2, add, L 1960, ch 917, § 7, eff April 1, 1960.

Former sub 2, add, L 1957, ch 930; repealed, L 1960, ch 917, § 7, eff April 1, 1960.

Sub 3, add, L 1957, ch 930, eff April 24, 1957.

Sub 4, add, L 1957, ch 930; amd, L 1962, ch 60, § 19, eff Feb 27, 1962.

Sub 5, add, L 1957, ch 930, eff April 24, 1957.

Sub 6, add, L 1957, ch 930, eff April 24, 1957.

Sub 7, add, L 1957, ch 930; amd, L 1962, ch 60, § 19, L 1968, ch 420, § 190, eff May 31, 1968.

Sub 8, add, L 1957, ch 930, eff April 24, 1957.

Sub 9, add, L 1957, ch 930, eff April 24, 1957.

Sub 10, add, L 1957, ch 930, eff April 24, 1957.

Sub 10, par (a), formerly entire sub 10, so designated sub 10, par (a) and amd, L 1958, ch 831, eff April 18, 1958.

Sub 10, par (b), add, L 1958, ch 831, eff April 18, 1958.

Sub 11, add, L 1957, ch 930; amd, L 1962, ch 60, § 19, eff Feb 27, 1962.

NOTES:

Editor's Notes

See 1960 note under Article 6, Title 2.

Research References & Practice Aids:

63C Am Jur 2d, Public Lands §§ §§ 64-137

72 Am Jur 2d, States, Territories, and Dependencies § 66

FOOTNOTES:

[n1] The bracketed word has been inserted by the Publisher.



12 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1359 (2009)

§ 1359. Right of entry upon streets

The authority, with the consent of the city, the town superintendent of highways or the county superintendent of highways, as the case may be, or of the state department of transportation, if required, may enter upon streets, avenues, parkways, roads, highways, bridges or other public places for the construction of a project or part thereof or of an addition, betterment or extension to facilities or industrial projects. Whenever the authority has entered upon and damaged a street, avenue, parkway, road, highway, bridge or other public place, the authority shall restore the same to its former condition.

HISTORY: Formerly § 1834, add, L 1955, ch 202; amd, L 1957, ch 845, § 8; renumbered § 1359, L 1957, ch 914, § 6; amd, L 1968, ch 420, § 191, L 1994, ch 506, § 7, eff Aug 25, 1994.

Former § 1359, add, L 1939, ch 870; renumbered § 1659, L 1957, ch 914, § 16, eff April 24, 1957.

NOTES:

Research References & Practice Aids:

39 Am Jur 2d, Highways, Streets, and Bridges §§ 86-88



13 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1360 (2009)

§ 1360. Contracts; manner of letting

Where the expense of the construction of a project, or a part thereof, or an addition, betterment or extension to the port facilities or industrial projects, or the purchase of materials, supplies and equipment involves an expense exceeding two thousand dollars, the authority shall advertise for bids and shall award the contract to the lowest responsible bidder fully complying with the plans and specifications. Such advertisement shall be published once, not less than one week prior to the date fixed for the opening of bids, in one newspaper having a general circulation in the city of Oswego. The authority may make rules and regulations for the submission of bids and award of contract thereon and may provide in such rules and regulations that no performance, bond or undertaking need be furnished by the contractor for the purchase of materials, supplies and equipment in an amount not exceeding two thousand dollars. No contract shall be entered into for the construction of a project, or a part thereof, or for an addition, betterment or extension to the facilities or for the purchase of materials, supplies and equipment in an amount exceeding two thousand dollars unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the authority and in the amount fixed by the authority for the faithful performance of the contract. As to a contract entered into for the construction, the undertaking shall provide, among other things, that the person or corporation entering into such a contract will pay for all materials furnished and services rendered in the performance of the contract and that a person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation were named therein, provided the action is brought within one year after the time the cause of action accrued. In case of public emergency involving accident or other damage by which the port facilities, or any part thereof, shall become disabled, the authority may cause all necessary repairs thereto to be made without advertisement, bidding and the letting of a formal contract therefor.

HISTORY: Formerly § 1835, add, L 1955, ch 202; renumbered § 1360, L 1957, ch 914, § 6; amd, L 1994, ch 506, § 8, eff Aug 25, 1994.

Former § 1360, add, L 1939, ch 870; renumbered § 1660, L 1957, ch 914, § 16, eff April 24, 1957.

NOTES:

Research References & Practice Aids:

64 Am Jur 2d, Public Works and Contracts §§ 41, 52, 54



14 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1361 (2009)

§ 1361. Fiscal year

The fiscal year of the authority shall be determined by resolution of the authority.

HISTORY: Formerly § 1836, add, L 1955, ch 202; renumbered § 1361, L 1957, ch 914, § 6, eff April 24, 1957.
Former § 1361, add, L 1939, ch 870; renumbered § 1661, L 1957, ch 914, § 16, eff April 24, 1957.



15 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1362 (2009)

§ 1362. Special port development and improvement powers

1. The port of Oswego authority shall have power to make rules and regulations for the development, improvement, promotion, preservation and utilization of the port improvement district and project and for the payment and collection of fees, charges, rentals and other receipts from the port improvement project hereinafter referred to as "port revenue." Until such time as the state of New York is fully reimbursed by the authority for the total amount of money advanced by the state to the authority no rule, regulation, schedule or rate in relation to or governing port revenue shall become effective or controlling unless approved by the director of the budget of the state of New York.

2. All port revenue received by the authority shall be paid to the state comptroller as agent of the authority and deposited in a separate account or accounts to be known as the "port of Oswego fund." The moneys in such fund shall be available subject to the approval of the director of the budget of the state of New York for the payment of any and all costs and expenditures incurred in relation to the acquisition of property, construction, equipment, maintenance, repair and operation of the port improvement project. The moneys of the port of Oswego fund when made available shall be paid from such fund on the audit and warrant of the state comptroller on vouchers approved solely by the chairman of the authority or his duly designated officer.

3. All moneys in the port of Oswego fund in excess of the sum of three hundred fifty thousand dollars shall on the first day of each month be paid by the authority to the state comptroller provided, however, that effective March thirty-one, nineteen hundred seventy-eight, the director of the budget and the authority shall establish within the provisions of a written agreement between the authority and the director providing for the repayment to the state by the authority of state advances the maximum amount of moneys which the authority may retain in the port of Oswego fund. The comptroller is hereby authorized to receive from the authority such amounts as shall be paid to the comptroller pursuant to the provisions of this section and to credit all such amounts to the capital construction fund. Upon certification by the state comptroller that all moneys due the state have been paid in full, the remaining balance of such fund shall be available to such authority and may be used by such authority for any corporate purpose. The accounts of the authority shall be subject to examination by the state comptroller.

4. The comptroller of the state and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matter relating to its financial standing and fiscal affairs.

HISTORY: Formerly § 1837, add, L 1955, ch 202; amd, L 1957, ch 845, § 9; renumbered § 1362, L 1957, ch 914, § 6, eff April 24, 1957.

Former § 1362, add, L 1939, ch 870; renumbered § 1662, L 1957, ch 914, § 16, eff April 24, 1957.

Section heading, amd, L 1960, ch 917, § 8, eff April 1, 1960.

Sub 1, add, L 1960, ch 917, § 8, eff April 1, 1960.

Former sub 1, deleted, L 1960, ch 917, § 8, eff April 1, 1960.

Sub 2, add, L 1960, ch 917, § 8, eff April 1, 1960.

Former sub 2, deleted, L 1960, ch 917, § 8, eff April 1, 1960.

Sub 3, add, L 1960, ch 917, § 8; amd, L 1977, ch 460, § 29, eff July 21, 1977.

Former sub 3, add, L 1957, ch 845, § 9; redesignated sub 4, L 1960, ch 917, § 8, eff April 1, 1960.

Sub 4, formerly sub 3, add, L 1957, ch 845, § 9; redesignated sub 4, L 1960, ch 917, § 8, eff April 1, 1960.

NOTES:

Editor's Notes

See 1960 note under Article 6, Title 2.

Research References & Practice Aids:

2 Am Jur 2d, Administrative Law §§ 96, 284-292

63C Am Jur 2d, Public Funds § 10

63C Am Jur 2d, Public Officers and Employees §§ 305-325



16 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1363 (2009)

§ 1363. Bonds of the authority

1. The authority shall have power and is hereby authorized from time to time to issue negotiable bonds in conformity with applicable provisions of the uniform commercial code for any corporate purpose of the authority, including the paying, funding or refunding of any notes theretofore issued by the authority under the provisions of section one thousand eight hundred thirty-nine [n1]of this act. The authority shall have power from time to time to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose. Except as may be otherwise expressly provided by contract between the authority and the holders of its bonds, all bonds of the authority shall be general obligations payable out of any moneys or revenues of the authority, subject only to any agreements with the holders of particular bonds the payment of which is secured by a pledge of particular moneys or revenues.

2. Such bonds shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, not exceeding thirty years from their respective dates, bear interest at such rate or rates, payable annually or semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption prior to maturity, at par or a price, as such resolution or resolutions may provide. Such bonds may be sold, with or without advertisement, in such manner as the authority shall determine by resolution. If advertisement is made, a notice of sale shall be published at least once, not less than ten nor more than forty days before the date of sale, in a newspaper published and circulated in the city of Oswego and in a financial newspaper published and circulated in the city of New York and designated by the board. The notice shall call for the receipt of sealed bids and shall fix the date, time and place of sale. Bonds shall be sold at such price or prices as will yield to the purchasers income at a rate set forth in the resolution or resolutions to the maturity dates of said bonds, computed in accordance with standard tables of bond values.

3. Any resolutions authorizing the issuance of any bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized, as to:

NY CLS Pub A § 1363

a. Pledging all or any part of the gross or net revenues of the authority to secure the payment of the bonds, subject to such agreements with bondholders as may then exist;

b. The rentals, fees and other charges to be charged for the use of projects of the authority, and the amounts to be raised in each year thereby, and the use and disposition of revenues of the authority;

c. The setting aside of reserves or sinking funds and the regulation and disposition thereof;

d. The appointment of a bank or banks or trust company or trust companies as trustee or trustees for the custody and disposition of any moneys of the authority, including the proceeds of any bonds or other obligations and any revenues or income of the authority, and the execution of any trust agreements or indentures with such trustee or trustees with such provisions as may be deemed necessary or desirable in connection with the custody and disposition of such moneys of the authority and the rights and remedies of the holders of such bonds;

e. Limitations on the right of the authority to restrict and regulate the use of projects of the authority;

f. Limitations on the purpose to which the proceeds of the sale of any issue of bonds then or thereafter to be issued may be applied;

g. Limitations on the issuance of additional bonds, including the terms upon which additional bonds may be issued and secured.[:] [n2]

h. The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must give consent thereto, and the manner in which such consent may be given; and

i. Any other matters, of like or different character, which in any way affect the security or protection of the bonds.

4. Any pledge of revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made. The revenues or other moneys so pledged and thereafter received by the authority shall be immediately subject to the lien of such pledge without any physical delivery thereof or further act. The lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

5. Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability by reason of the issuance thereof, excepting solely for things willfully done or willfully omitted to be done with an intent to defraud.

6. The authority shall have power out of any funds available therefor to purchase any of its outstanding bonds at a price not more than the then redemption price of such bonds. All bonds so purchased shall be cancelled.

HISTORY: Formerly § 1838, add, L 1955, ch 202; renumbered § 1363, L 1957, ch 914, § 6, eff April 24, 1957.

Former § 1363, add, L 1939, ch 870; renumbered § 1663, L 1957, ch 914, § 16, eff April 24, 1957.

Sub 1, amd, L 1962, ch 552, § 62, L 1969, ch 972, § 56, eff May 26, 1969.

Sub 2, amd, L 1995, ch 485, § 2, eff Aug 2, 1995.

NOTES:

New York References:

Form of negotiable instruments; "draft"; "check"; "certificate of deposit"; "note", CLS *UCC* § 3-104

Investment securities, CLS *UCC* §§ 8-101 et seq

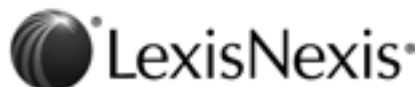
Research References & Practice Aids:

64 Am Jur 2d, Public Securities and Obligations §§ 74-88

FOOTNOTES:

[n1] Section 1839 renumbered as § 1364, L 1957, ch 914, § 6..

[n2] The bracketed punctuation has been inserted by the Publisher.



17 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1364 (2009)

§ 1364. Notes of the authority

The authority shall have power from time to time to issue its negotiable notes in conformity with applicable provisions of the uniform commercial code whenever the board shall determine that payment thereof can be made in full from any moneys or revenues which the authority expects to receive from any source. Such notes may, among other things, be issued to provide moneys to pay preliminary costs of surveys, plans or other matters relating to any proposed project. The authority may pledge such moneys or revenues (subject to any other pledge thereof) for the payment of the notes and may in addition secure the notes in the same manner and with the same effect as herein provided for bonds. Such notes may be renewed from time to time but such notes, including the renewals thereof, shall mature not later than three years from the date upon which such notes are issued. Such notes shall be issued in the same manner and subject to the same restrictions as to price and interest rate as bonds, except that the board may determine the manner in which such notes shall be sold. In case of default on its notes, or violation of any of the obligations of the authority to the noteholders, the noteholders shall have all the remedies provided herein for bondholders.

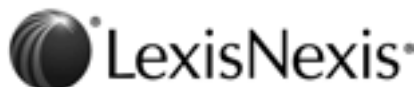
HISTORY: Formerly § 1839, add, L 1955, ch 202; renumbered § 1364, L 1957, ch 914, § 6; amd, L 1969, ch 972, § 57, eff May 26, 1969.

Former § 1364, add, L 1939, ch 870; renumbered § 1664, L 1957, ch 914, § 16, eff April 24, 1957.

NOTES:

New York References:

This section referred to (as § 1839) in § 1363



18 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1365 (2009)

§ 1365. Remedies of bondholders

1. In the event that the authority shall default in the payment of principal of or interest on any issue of the bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this title, or shall default in any agreement made with the holders of any issue of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county of Oswego and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purposes herein provided.

2. Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such bonds then outstanding shall, in his or its own name,

(a) by suit, action or special proceeding enforce all rights of the bondholders, including the right to require the authority to collect revenues adequate to carry out by any agreement as to, or pledge of, such revenues, and to require the authority to carry out any other agreements with the holders of such bonds and to perform its duties under this title;

(b) bring suit upon such bonds;

(c) by action or suit in equity, require the authority to account as if it were the trustee of an express trust for the holders of such bonds;

(d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds;

(e) declare all such bonds due and payable, and if all defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of such bonds then outstanding, to annul such declaration and its consequences.

3. The supreme court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders. The venue of any such suit, action or proceeding shall be laid in the county of Oswego.

4. Before declaring the principal of all such bonds due and payable, the trustee shall first give thirty days' notice in writing to the authority.

5. Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of the project the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the project and, subject to any pledge or agreement with bondholders, shall take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance and reconstruction of such part or parts of the project and proceed with the acquisition of any necessary real property in connection with the project that the authority has covenanted to construct, and with any construction which the authority is under obligation to do and to operate, maintain and reconstruct such part or parts of the project and collect and receive all revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of the authority under the direction of the court. In any suit, action or proceeding by the trustee, the fee, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from such project.

6. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercising of any functions specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights.

HISTORY: Formerly § 1840, add, L 1955, ch 202; renumbered § 1365, L 1957, ch 914, § 6, eff April 24, 1957.
Sub 2, par (a), amd, L 1962, ch 310, § 343, eff Sept 1, 1963.

NOTES:

Editor's Notes

See 1962 note under § 1006.

New York References:

Injunction, *CLS CPLR §§ 6301 et seq*

Appointment and powers of temporary receiver, *CLS CPLR § 6401*

Nature of proceeding, *CLS CPLR § 7801*

Research References & Practice Aids:

64 Am Jur 2d, Public Securities and Obligations §§ 407-429



19 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1366 (2009)

§ 1366. Exemption from taxation

It is hereby determined that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of Oswego and its environs, and is a public purpose, and the authority shall be regarded as performing a governmental function in the exercise of the powers conferred upon it by this act and shall be required to pay no taxes or assessments upon any of the properties acquired by the authority or under its jurisdiction, control or supervision, or upon its activities. Bonds or notes issued pursuant to this act, together with the income therefrom, as well as the property of the authority shall be exempt from taxation except for transfer and estate taxes.

HISTORY: Formerly § 1841, add, L 1955, ch 202; renumbered § 1366, L 1957, ch 914, § 6, eff April 24, 1957.

NOTES:

New York References:

Public authorities, *CLS Real P § 412*

Research References & Practice Aids:

64 Am Jur 2d, Public Securities and Obligations § 27

71 Am Jur 2d, State and Local Taxation §§ 267-282



20 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1367 (2009)

§ 1367. Agreement of state on authority rights

The state of New York does pledge to and with the bondholders that the state will not limit or alter the rights hereby vested in the authority to acquire, construct, maintain, reconstruct and operate a project or projects, to establish and collect rates, fees, rentals and other charges, and to fulfill the terms of agreements made with the bondholders, or in any way impair the rights and remedies of the bondholders until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with an action or proceeding by or on behalf of the bondholders are fully met and discharged. No provision of this title shall be deemed to limit the power of the legislature to authorize the state or a political subdivision thereof to acquire properties of the authority and pay the indebtedness thereof.

HISTORY: Formerly § 1842, add, L 1955, ch 202; renumbered § 1367, L 1957, ch 914, § 6, eff April 24, 1957.



21 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1368 (2009)

§ 1368. State, city and town not liable on bonds

The bonds and other obligations of the authority shall not be a debt of the state of New York, of the city or of the town, and neither the state, the city, nor the town shall be liable thereon, nor shall they be payable out of any funds other than those of the authority.

HISTORY: Formerly § 1843, add, L 1955, ch 202; amd, L 1957, ch 845, § 10; renumbered § 1368, L 1957, ch 914, § 6, eff April 24, 1957.



22 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1369 (2009)

§ 1369. Bond legal investments

The bonds of the authority are hereby made securities in which all public officers and bodies of the state of New York and all municipalities and municipal subdivisions thereof, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons, except as hereinafter provided, who are now, or may hereafter be, authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them, provided that, notwithstanding the provisions of any other general or special law to the contrary, the bonds shall not be eligible for the investment of funds, including capital, of trusts, estates or guardianships under the control of individual administrators, guardians, executors, trustees and other individual fiduciaries. The bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of the state of New York and all municipalities and municipal subdivisions thereof for any purpose for which the deposit of bonds or other obligations of the state is now, or may hereafter be, authorized.

HISTORY: Formerly § 1844, add, L 1955, ch 202; renumbered § 1369, L 1957, ch 914, § 6, eff April 24, 1957.

NOTES:

Research References & Practice Aids:

63C Am Jur 2d, Public Officers and Employees §§ 345-348



23 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1370 (2009)

§ 1370. No control by other boards or commissions

Except as herein otherwise expressly provided, the authority, in the issuance of its bonds or other obligations, and in the exercise of its powers provided in this act for the fixing, charging and collecting of fees, rentals, or other charges, shall not be subject to the jurisdiction, control or regulation of any commission, department, board, officer, or agency of the city, or of the state or any political subdivision thereof.

HISTORY: Formerly § 1845, add, L 1955, ch 202; amd, L 1957, ch 297, § 2; renumbered § 1370, L 1957, ch 914, § 6, eff April 24, 1957.

NOTES:

Editor's Notes

See 1960 note under Article 6, Title 2.



24 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1371 (2009)

§ 1371. Punishment for irregular demeanor of members or employees of authority

It shall be a misdemeanor for a member of the authority or an officer, agent, servant or employee employed by or appointed by the authority, to be in any way or manner interested, directly or indirectly, as principal, surety or otherwise, in a contract, the expense or consideration whereof is payable out of the funds of the authority.

HISTORY: Formerly § 1846, add, L 1955, ch 202; renumbered § 1371, L 1957, ch 914, § 6, eff April 24, 1957.

NOTES:

Research References & Practice Aids:

63C Am Jur 2d, Public Officers and Employees § 375

64 Am Jur 2d, Public Works and Contracts § 25



25 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1372 (2009)

§ 1372. Actions against authority

In any case founded upon a tort, except an action for wrongful death, a notice of claim shall be required as a condition precedent to the commencement of an action or special proceeding against the authority and the provisions of section fifty-e of the general municipal law shall apply. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

HISTORY: Formerly § 1847, add, L 1955, ch 202; renumbered § 1372, L 1957, ch 914, § 6; amd, L 1990, ch 804, § 33, eff Aug 24, 1990 (see 1990 note below).

NOTES:

Editor's Notes

Laws 1990, ch 804, § 126, eff Aug 24, 1990, provides as follows:

§ 126. This act shall take effect on the thirtieth day after it shall have become a law, and shall apply to actions accruing on or after such date.

Research References & Practice Aids:

1 Am Jur 2d, Actions § 73



26 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1373 (2009)

§ 1373. Separability

If any clause, sentence, paragraph, part or provision of this title shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional, ineffective or invalid, such judgment shall not affect, impair or invalidate the remainder of this title, but shall be confined in its operation to the clause, sentence, paragraph, part or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

HISTORY: Formerly § 1848, add, L 1955, ch 202; renumbered § 1373, L 1957, ch 914, § 6, eff April 24, 1957.

NOTES:

Research References & Practice Aids:

16A Am Jur 2d, Constitutional Law §§ 134-151

73 Am Jur 2d, Statutes § 268



27 of 27 DOCUMENTS

NEW YORK CONSOLIDATED LAW SERVICES
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group
All rights reserved

*** THIS SECTION IS CURRENT AS OF APRIL 7, 2009 ***
*** THROUGH RELEASED CH. 1 THROUGH 7, 9, 10 and 52 ***

PUBLIC AUTHORITIES LAW
ARTICLE 6. PORT AUTHORITIES
TITLE 2. PORT OF OSWEGO AUTHORITY

Go to the New York Code Archive Directory

NY CLS Pub A § 1374 (2009)

§ 1374. Effect of inconsistent provisions

Insofar as the provisions of this title are inconsistent with the provisions of any other law, general, special or local, the provisions of this title shall be controlling.

HISTORY: Formerly § 1849, add, L 1955, ch 202; renumbered § 1374, L 1957, ch 914, § 6, eff April 24, 1957.

NOTES:

Research References & Practice Aids:
73 Am Jur 2d, Statutes § 268