

SHAVASP HANESIAN

Attorney at Law

631 MAIN STREET
NIAGARA FALLS, NEW YORK 14301
TELEPHONE 282-6179
AREA CODE 716

July 27, 1990

H. William Feder
Legislator, 1st. District
739 Eighth Street
Niagara Falls, N.Y. 14301

Re: St. Sarkis Armenian Apostolic Church

Dear Mr. Feder:

I am enclosing herewith the City's proposal dated July 24, 1990, to the members of St. Sarkis and St. Hagop's.

Contrary to what you may have read in the newspapers, and as you can perceive, the proposal is not firm. The City can back out which puts all parties back into the **status quo ante**. Having left an escape door open for itself only means that St. Sarkis — and I would presume St. Hagop's too — reserves all rights to which a church is entitled under the United States and New York State Constitutions, the Eminent Domain Procedure Law, and other statutes made and provided for in such cases.

Moreover, please note that the proposal is a proposal only, about some of which we have grave reservations. The Mayor still can't seem to grasp that a principal demand of what he refers to as the Armenian Community has always been that the Armenian churches **not be treated differently than any other churches**. We don't want any preferential treatment. We don't want a lesser, invidious treatment either.

After the Parish Council, and the members have had an opportunity to examine this proposal at a regularly scheduled meeting, we will make a response. While I can't delineate that response now I can unequivocally state that it won't be an acceptance of the whole.

We want our church names added to those of St. Paul's, St. Peters, St. Mary's, and Holy Trinity without an asterisk indicating differential and discriminatory treatment.

Very truly yours,

Shavasp Hanesian
SHAVASP HANESIAN

SH/lah

Cc: St. Sarkis
Senator John Daly
Mayor O'Laughlin
Editorial Board, Niagara Gazette



City of Niagara Falls, New York

Office of the Mayor

MICHAEL C. O'LAUGHLIN
Mayor

July 24, 1990

Board of Directors
St. Sarkis Armenian Church
St. Hagops Armenian Church

Dear Members of St. Sarkis and St. Hagops:

Over the last several months, the City of Niagara Falls, in its effort to secure a location for the Mega Mall and the financial and employment benefits which would result, has had the opportunity to meet with representatives of both the St. Sarkis and St. Hagops churches. The following two conditions have been accepted by the City as non-negotiable by the Armenian community and serve as the basis for the attached proposal.

1. No portion of the Armenian land must be touched.
2. The Armenian Community has no interest in a buy out, as all land must stay in the possession of the Armenian community for religious purposes only.

The City also understands that if the churches are not disturbed, the congregations are willing to enhance the visual aspects of the property and are willing to support the development of the mall.

It must be understood that this proposal is not firm, but must be in place prior to further negotiations with other principal parties. Should the other third parties fail to participate, the City may be forced to re-evaluate its proposal to the Armenian churches for the overall good of the community.

Sincerely,

MICHAEL C. O'LAUGHLIN
Mayor

CITY OF NIAGARA FALLS PROPOSAL TO
ST. SARKIS AND ST. HAGOPS CHURCHES
RELATIVE TO THE MEGA MALL PROJECT AND
CONTINGENT UPON THIRD PARTY AGREEMENTS

1. The City shall
 - a. Agree to leave the property of both churches undisturbed by eminent domain actions.
 - b. Agree to provide both churches with reasonable parking and access in perpetuity so long as the property is used for primarily religious purposes.
2. St. Sarkis and St. Hagops shall
 - a. Agree to retain the respective ownerships and to use the properties only for religious purposes.
 - b. Agree that in the event that one or both of the properties shall not be used for primarily religious purposes, then the subject property or properties, shall be sold only to the City of Niagara Falls at a price of \$250,000 per property fixed at January 1, 1991, and escalated by a percentage equal to the consumer price index annually, until the time of sale.
 - c. Agree to enhance the esthetics of the properties to the maximum feasible degree.
 - d. Agree to define religious purpose as:
 1. All Christian worship services of the Armenian culture.
 2. All religious or cultural celebrations and observances of the Armenian culture and Christian beliefs.
 3. All educational or cultural programs related to the Armenian culture or Armenian Christian belief.
3. The City, St. Sarkis, and St. Hagops agree to have their respective legal counsels meet to construct a formal document setting forth this agreement in legally binding form after the City shall signal that the referenced third party agreements have been secured (respective liability questions will also be addressed).