

Authorizing The Ulster County Commissioner of Finance To Assign Rights On A Parcel Of Property Previously Offered At Public Auction – Department Of Finance

Referred To: The Ways and Means Committee (Chairman Gerentine and Legislators Gregorius, Harris, Maio, Maloney, Provenzano, and Rodriguez)

The Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald J. Gregorius offer the following:

WHEREAS, this Resolution has been submitted by the County Executive on behalf of the Department of Finance; and

WHEREAS, the Ulster County Commissioner of Finance has requested permission to accept a bid for a parcel of real property hereinafter described, and which has previously been offered at Public Auction (Parcel # 35, April 16, 2013 – the “Parcel”); and

WHEREAS, the taxes due date back to 2009, and the Parcel, located in the Town of Marbletown, is 51.4 acres in size, is classified as residential, and is identified as tax map number 60.4-1-32; and

WHEREAS, there may be environmental hazards present of the Parcel; and

WHEREAS, due to potential environmental hazards it could be a liability for the County to own the Parcel; and

WHEREAS, a prospective purchaser now wishes to acquire this Parcel despite knowledge of the conditions; and

WHEREAS, the County is owed \$43,072.05 for this Parcel by reason of non-payment of taxes; and

WHEREAS, the Parcel was withdrawn from the most recent tax foreclosure due to the potential liability the County would be exposed to if it owned the Parcel; and

WHEREAS, based upon the examination of the Ulster County Legislature, and pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA), it has been determined that the following transaction constitutes a Type II action as defined under 6 NYCRR 617.5(c) and (27) and does not require any determination or procedure under SEQRA; now, therefore, be it

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RESOLVED, that the Ulster County Legislature hereby consents to the reinstatement of the foregoing Parcel in the tax foreclosure proceeding and its conveyance directly from the Ulster County Commissioner of Finance to the prospective purchaser, Brooklyn 3 Trust, for \$145,000.00 and to the amendment of the judgment of foreclosure to include such Parcel, and authorize and direct such assignment by the Ulster County Commissioner of Finance; and, be it further

RESOLVED, that the Ulster County Commissioner of Finance is authorized to accept payment as follows:

<u>PREVIOUS OWNER</u>	<u>TOWN</u>	<u>BIDDER</u>	<u>BID AMOUNT</u>
Torres, Deborah S & Alfred SBL#: 60.4-1-32 Parcel #35, 2013 Public Auction	Marbletown	Brooklyn 3 Trust C/O Forest City Ratner Cos. Attn: John Cheng One Metrotech Center, 23 rd Fl. Brooklyn, NY 11201	\$145,000.00

and, be it further

RESOLVED, that authorization to accept the bid of the prospective purchaser herein is conditioned upon the prospective purchaser entering into an agreement whereby they shall hold harmless Ulster County, its officers, agents and employees, from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatsoever kind or nature arising out of, in connection with, or incident to the acceptance of their bid herein, the transfer of the subject real property herein, and/or the subject real property itself; and, be it further

RESOLVED, that the prospective purchasers shall further agree, in writing, that they shall assume the defense of Ulster County and its officers and employees in all legal actions and proceedings and/or claim proceedings arising out of, in connection with, or incident to this transaction and shall pay all defense expenses, including reasonable attorney(s) fees, expert(s) fees, and costs incurred by Ulster County on account of such litigation and/or claims, and shall satisfy any judgment rendered in connection therewith or pay or reimburse Ulster County's payment of any sums reasonable to settle such litigation costs; and, be it further

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RESOLVED, that upon receipt of such payment with respect to this Parcel and upon execution of said hold harmless agreement as specified herein, the Chairman of the Ulster County Legislature is authorized and directed to make, execute and deliver to said purchaser making payment, a Quitclaim deed assigning without recourse the interest of the County in said Parcel, which Quitclaim Deed shall contain the covenant that the County of Ulster shall in no event be or become liable for defects in title so conveyed for any cause whatsoever, and/or that no claim or demand of any nature shall ever be made against the County of Ulster, arising from such sale, conveyance, or any proceedings leading thereto,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Legislator Robert Parete arrived at 7:28 PM,
Legislator Mary Wawro arrived at 7:49 PM,
Legislator Harris left at 7:45 PM,
Legislator Briggs left at 8:30 PM,
Legislator Lopez left at 9:30 PM)

Passed Committee: Ways and Means on June 11, 2013

FINANCIAL IMPACT:
TOTAL UNPAID TAXES - \$ 43,072.05
TOTAL ACCEPTED BID - \$145,000.00

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 18th Day of June, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 20th Day of June in the year Two Thousand and Thirteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
20th Day of June, 2013.

Approved by the County Executive this
24th Day of June, 2013.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

|s| Michael P. Hein
Michael P. Hein, County Executive