

Authorizing The Chairman Of The Ulster County Legislature To Convey A Correction Quitclaim Deed To A Party Who Purchased Real Property Which Was Formerly County-Owned Real Property – Department Of Finance, Division Of Real Property Tax Service

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, James Maloney, Joseph Maloney, and Petit)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chair Laura Petit offer the following:

WHEREAS, this Resolution has been submitted by the County Executive on behalf of the Department of Finance, Division of Real Property Tax Service; and

WHEREAS, the County of Ulster acquired title to a parcel by Tax Deed filed in the Office of the Ulster County Clerk on March 13, 2017, in Volume 6137 at Page 315, as Document Number 2017-00003853, said parcel being described as follows:

Parcel #: 118
Town: ROSENDALE
Assessed to: CURLEY DAWN
Current Owner: COUNTY OF ULSTER
SBL#: 071.001-0002-009.000-0000
Classification: 210
Location: 299 GRIST MILL RD
Acreage: 3.79
Front Foot: .00
Depth Foot: .00
Oldest Year of Tax: 2014; AND

WHEREAS, said parcel was subsequently bought back by the payment of SEVEN THOUSAND, ONE HUNDRED FIFTY-TWO and 00/100 (\$7,152.00) DOLLARS, for back taxes and an additional \$185.00 for recording fees, accepted from “The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2005-17”, having an office for the conduct of business at 7360 S. Kyrene Road, Tempe, Arizona 85283, being the former owner of the parcel by Referee’s Deed; and

WHEREAS, upon the buy back of said premises, the County of Ulster took steps to return the property to said purchaser, to wit: Resolution No. 221 of the year 2017, was adopted by the Ulster County Legislature on May 16, 2017, and approved and executed by the Ulster County Executive on May 23, 2017, approving the reconveyance of the parcel to “The Bank of New York Mellon”, and a Quitclaim Deed for the parcel was executed on June 14, 2017. Said deed was recorded on June 26, 2017, as document number 2017-00009048, in the Office of the Ulster County Clerk; and

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WHEREAS, “The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2005-17”, is now unable to convey the parcel because the County’s Quitclaim Deed incorrectly stated the Grantee’s name as “The Bank of New York Mellon”, creating a title defect that must be corrected by issuance of a Correction Deed; and

WHEREAS, under the above circumstances, it is necessary and appropriate for the County of Ulster to issue a Correction Deed for the subject parcel to “The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2005-17” as Grantee in order to correct the title defect created by the prior deed; and

WHEREAS, such Correction Deed shall be made, executed and delivered subject to the condition and covenant that the said County of Ulster shall in no event be or become liable for any defects in the title so conveyed for any cause whatsoever, or that no claim or demand of any nature shall ever be made against the said County of Ulster, arising from such sale or any proceedings leading thereto; and

WHEREAS, this conveyance constitutes a Type II action under section 2.26 of the County of Ulster’s State Environmental Quality Review Act (hereinafter referred to as “SEQRA”) Type II List that was adopted in Resolution No. 118 on April 20, 2010; and

WHEREAS, as per section 1 of the County’s Type II List, this action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of SEQRA; now therefore, be it

RESOLVED, that the Ulster County Legislature hereby finds and determines that the property described herein and which is intended to be conveyed herein is appropriate for conveyance to “The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2005-17”, in the interests of equity, fairness and good faith; and be it further

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RESOLVED, that the deed to the property be prepared as follows:

GRANTOR	GRANTEE	DEED TO BE RETURNED TO
County of Ulster Tax Map Parcel: #71.1-2-9	The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2005-17	The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2005-17 7360 S. Kyrene Road Tempe, Arizona 85283

and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized and directed to make, execute and deliver to said party or his/her/their authorized representative, a Correction Deed, and any other documents required, to convey the interest of the County in said Parcel, in a form as approved or modified by the County Attorney, which Correction Deed shall contain the covenant that the said County of Ulster shall in no event be or become liable for any defects in title conveyed for any cause whatsoever, and that no claim or demand of any nature shall ever be made against the County of Ulster arising from such sale, conveyance or the proceedings leading thereto,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:
NONE