

Authorizing Sale Of A Parcel Of Property Previously Offered At Public Auction – Department of Finance

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Bartels, Belfiglio, Briggs, Maio, Maloney, Richard Parete, and Rodriguez)

Chairman of the Ways and Means Committee, Richard A. Gerentine, offers 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 requested permission to accept a bid for a parcel of real property hereinafter described, and which had been previously been offered at Public Auction (Parcel # 35, April 16, 2013, hereinafter referred to as the “Parcel”); and

WHEREAS, the Parcel was withdrawn from the previous tax foreclosure proceeding in that the County was concerned at that time that there may be environmental hazards present in the Parcel; and

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

WHEREAS, pursuant to Resolution No. 163, dated June 18, 2013, the County Legislature authorized acceptance of the bid for said parcel and to accept payment as follows:

PREVIOUS OWNER	TOWN	BIDDER	AMOUNT
Torres, Deborah & Alfred SBL#: 60.4-1-32 Parcel #35, 2013 Public Auction	Marbletown	Brooklyn Trust C/O Forest City Ratner Cos. Attn: John Cheng One Metrotech Center, 23 rd Fl. Brooklyn, NY 11201	\$145,000

and,

WHEREAS, the County was owed \$43,072.05 for this parcel by reason of the not payment of taxes at the time of acceptance of the bid; and

WHEREAS, the Ulster County Legislature consented to reinstatement of the foregoing Parcel in the tax foreclosure proceeding; and

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WHEREAS, the Ulster County Commissioner of Finance subsequently filed a certificate reinstating the parcel to the foreclosure proceeding on May 7, 2013; and

WHEREAS, subsequent to the filing of the certificate reinstating the parcel to the foreclosure proceeding, the Ulster County Commissioner of Finance, pursuant to Article 11 of Real Property Tax Law caused notice of the foreclosure to be published in each of three consecutive weeks in a two month period in at least two designated newspapers, and further served personal notice of the foreclosure proceeding upon the owners and those other persons whose right, title and interest was a matter of public record; and

WHEREAS, no owner or person having any right, title or interest in or lien upon the property redeemed and answered the petition and notice of foreclosure; and

WHEREAS, as a result of this failure to redeem or answer, the County of Ulster may proceed for a judgment of foreclosure; and

WHEREAS, the Ulster County Commissioner of Finance, upon further review and inspection of the Parcel, has determined that the Parcel does not present an environmental hazard; and

WHEREAS, purchaser has deposited with the Ulster County Commissioner of Finance the sum of \$145,000; and

WHEREAS, based upon the examination of the Ulster County Legislature, and pursuant to the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted by the County in Resolution No. 118 on April 20, 2012, and as per Section 4.1.5 of that list, it has been determined that the following transaction does not pose a significant environmental impact and may and constitutes a Type II action in accordance with 6NYCRR, Part 617, of SEQRA, and does not require any determination or procedure under SEQRA; and

WHEREAS, the prospective purchaser has executed an agreement whereby it shall hold harmless the County of Ulster, its officers, agents and employees, from and against any and all suits, claims, actions, losses, costs, penalties and damages whatsoever arising out of, in connection with, or incident to the this transaction, and shall assume the defense of Ulster County and its officers and employees in all legal actions and proceedings arising out of this transaction and shall pay all defense expenses, including reasonable attorney(s) fees, expert(s) fees, and costs that may be

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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; now, therefore, be it

RESOLVED, that upon receipt of a Judgment of Foreclosure and the filing of same with County Clerk together with Notice of Entry, the Commissioner of Finance is authorized and directed to convey a deed into the County for such Parcel; and, it is further

RESOLVED, that the Commissioner of Finance is hereby directed to make, execute and cause to be recorded a quitclaim deed conveying to the buyer completed title to said Parcel in fee absolute, free and clear of all liens and encumbrances pursuant to Article 11 of Real Property Tax Law,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0

(Absent: Legislators Archer, Donaldson and
Fabiano)

Passed Committee: Ways and Means on February 12, 2014

FINANCIAL IMPACT:

\$145,000.00 – REVENUE – SALE OF REAL PROPERTY

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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 February, 2014, 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 February in the year Two Thousand and Fourteen.

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

Submitted to the County Executive this
20th Day of February, 2014.

Approved by the County Executive this
21st Day of February, 2014.

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

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