

Authorizing The Chairman Of The Ulster County Legislature To Convey A Confirmatory 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 Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Legislator James H. Delaune offers 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, by deed recorded on March 31, 1971, in the Office of the Ulster County Clerk in Liber 1256 of Deeds at Page 602, a 10 Acre parcel in the Town of New Paltz , bounded on the East by the Black Creek and on the West by lands of Liuni, was conveyed to Anthony Alessi; and

WHEREAS, by 1981, Anthony Alessi still owned 3.80 Acres remaining from the original 10 Acre parcel; and

WHEREAS, the 1981 Assessment Roll for the Town of New Paltz shows an entry for a 3.80 Acre parcel on Black Creek Road against the name, “Alessi, Anthony”, said parcel being further described as Section-Block-Lot (“SBL”) #079.001-03-37.000 (hereinafter referred to as the “Parcel”); said entry had no deed reference; and

WHEREAS, said 1981 Assessment Roll entry shows Anthony Alessi’s billing address as “c/o Joseph Alessi, N. Elting Cor Rd, Highland, NY 12528”; and

WHEREAS, said 1981 Assessment roll entry shows that the real property tax assessed against the Parcel was not paid; and

WHEREAS, the 1985 assessment roll for the Town of New Paltz shows an entry for a 3.80 Acre parcel with SBL #079.001-03-37.000, assessed to “Alessi, Joseph & Others” with deed reference as Liber 1187 of Deeds at page 699; this deed reference was in error since the reference is to a 1966 deed that preceded Anthony Alessi’s 1971 deed in the chain of title for the Parcel; and

WHEREAS, the 1985 Assessment Roll for the Town of New Paltz contains an incorrect entry for the Parcel, and at that time it was still owned by Anthony Alessi and the deed reference for conveyance to him was Liber 1256 of Deeds at Page 602; and

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WHEREAS, a search of the public land records of the Ulster County Clerk's Office does not show any conveyance of the Parcel by Anthony Alessi between 1971 and October 1985; and

WHEREAS, by deed dated October 1, 1985, and recorded in the Office of the Ulster County Clerk on October 10, 1985, in Liber 005 of Tax Deeds at Page 831, the County of Ulster (the "County") took title to the Parcel as part of its annual county tax foreclosure action; the basis of the foreclosure was unpaid real property taxes assessed against the Parcel from 1981 to 1985, and owed by Anthony Alessi in the total amount of \$1,307.50; and

WHEREAS, by Resolution 351 dated November 14, 1985, the Ulster County Legislature authorized the County to accept payment of \$1,307.50 and the Chairman to execute a Quitclaim Deed conveying the parcel to "Joseph Alessi & Others" upon the receipt thereof ; and

WHEREAS, there is no record that the tax lien of one thousand three hundred seven dollars and fifty cents (\$1,307.50) was ever paid; and

WHEREAS, there is indicia that Anthony Alessi may have received an executed Quitclaim Deed for the Parcel from the County; and

WHEREAS, despite due and diligent searching for a copy or some record of the Quitclaim Deed, the County can find no evidence that it was ever executed by the County or recorded in the Office of the Ulster County Clerk; and

WHEREAS, Ulster County has taken no action against the parcel since 1985 nor is there any evidence that it has any interest in the property since 1985; and

WHEREAS, there is indicia that a Quitclaim Deed conveying the parcel to Anthony Alessi was indeed executed and delivered to him; and

WHEREAS, there is no record of said Quitclaim Deed being recorded and the deed cannot be located, therefore it is now deemed "lost"; and

WHEREAS, the failure to record the Quitclaim Deed from the County to Anthony Alessi broke the chain of title to the Parcel and created a title defect that was passed along to future owners ; and

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WHEREAS, Anthony Alessi conveyed his interest in the Parcel to Albert Liuni and Rose K. Liuni by Quitclaim Deed, which was recorded on July 9th, 1986, in the Office of the Ulster County Clerk in Liber 1619 of Deeds at Page 149; and

WHEREAS, the successors in title of Albert and Rose K. Liuni are unable to convey clear title to the Parcel because there is no evidence that a deed conveying the Parcel from the County to Anthony Alessi was recorded in the Office of the Ulster County Clerk; and

WHEREAS, the County, on the condition that the outstanding real property taxes on the Parcel from 1981 to 1985 in the amount of one thousand three hundred seven dollars and fifty cents (\$1,307.50) be paid by or on behalf of Anthony Alessi, has agreed to issue a Confirmatory Quitclaim Deed to Anthony Alessi; 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 processed 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 Anthony Alessi in the interests of equity, fairness and good faith; and be it further

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

GRANTOR	GRANTEE	DEED TO
County of Ulster Tax Map Parcel # 79.001-03-37	Anthony Alessi	Anthony Alessi c/o John Wadlin, Esq. P.O. Box 3356 Kingston, New York 12402

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and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is authorized to make, execute and deliver to said party or his authorized representative, a Confirmatory Quitclaim Deed conveying the interest of the County in said Parcel, which Confirmatory Quitclaim 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, be it further

RESOLVED, that this conveyance is subject to the payment of the outstanding taxes due on the property in the amount of one thousand three hundred seven dollars and fifty cents (\$1,307.50) to the County; and it is further

RESOLVED, that such conveyance is subject to acceptance and execution by Anthony Alessi, or his authorized representative, of a conveyance and indemnification agreement, and it is further

RESOLVED, that Anthony Alessi, or his authorized representative, shall have 90 days from the date of this Resolution to pay the taxes owed in the amount of one thousand three hundred seven dollars and fifty cents (\$1,307.50) to the County, and to sign all necessary documents in order to record the Deed from the County with the Office of the Ulster County Clerk, or this Resolution shall become null, void and of no effect;

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Loughran)

Passed Committee: Ways and Means on December 13, 2016

FINANCIAL IMPACT:
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 20th Day of December in the year Two Thousand and Sixteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of December in the year Two Thousand and Sixteen.

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

Submitted to the County Executive this
22nd Day of December, 2016.

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

Approved by the County Executive this
28th Day of December, 2016.

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