

Authorizing The Ulster County Commissioner Of Finance To Reject And Refund The Purchase Price On Two Parcels Of Property Previously Sold At Public Auction

Referred to: The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chairman of the Ways and Means Committee, John Gavaris, and Deputy Chair Kenneth J. Ronk, Jr. offer the following:

WHEREAS, this resolution has been submitted at the request of the Acting County Executive on behalf of the Department of Finance; and

WHEREAS, Pursuant to Resolution No. 332 of June 21, 2022, two properties in the Town of Wawarsing known as tax map number 74.2-1-55 and tax map number 74.2-1-57 (hereinafter, the “Subject Properties”) were approved to be sold and deeded to the successful bidder at auction, Levi Hecht (the “Bidder”) as follows:

PREVIOUS OWNER	TOWN	BIDDER	AMOUNT
Marrero, Juan & Okryun SBL#:74.2-1-55 Parcel # 233	Wawarsing	Hecht, Levi 28 Westwood Avenue Ellenville, NY 12428	\$300,100.00
Marrero, Juan & Okryun SBL#:74.2-1-57 Parcel # 234	Wawarsing	Hecht, Levi 28 Westwood Avenue Ellenville, NY 12428	\$82,600.00

and

WHEREAS, the total purchase price, including the deposit, buyer’s premium, and credit/debit card fee, was \$312,073.99 for tax map number 74.2-1-55, and \$85,895.74 for tax map number 74.2-1.57; and

WHEREAS, the County received a total payment in the amount of \$397,969.73 from the Bidder for the Subject Properties, which included the deposits, the buyer’s premiums, and credit/debit card fees (together, the “Purchase Price”); and

WHEREAS, on June 24, 2022, prior to issuing quitclaim deeds for the Subject Properties to the Bidder, the County received an Order to Show Cause, signed by Acting County Court Judge Sara W. McGinty, which ordered (1) the immediate stay of the transfer of the Subject Properties pending further Order of the Court, (2) that Ulster County and all other persons receiving notice be immediately temporarily restrained from selling, transferring, encumbering, conveying, or otherwise disposing

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of any interest in the Subject Properties, and (3) that Ulster County and all other persons receiving notice be immediately temporarily restrained from transferring or recording the deeds for the Subject Properties to a third-party pending resolution of the Order to Show Cause; and

WHEREAS, on October 12, 2022, the County received a letter from the Bidder requesting to be released from his bids for the Subject Properties, and for the Purchase Price to be refunded, due to the delay in the transfer of the deeds due to the ongoing litigation; and

WHEREAS, to date, no final decision has been rendered by the Court; now, therefore, be it

RESOLVED, that if the Court does not render a decision prior to the adoption of this resolution, then the Ulster County Commissioner of Finance is hereby directed to reject the bids for the Subject Properties and refund the Purchase Price to the Bidder; and, be it further

RESOLVED, if the Court decision is rendered in favor of Ulster County prior to the adoption of this resolution, then the Ulster County Commissioner of Finance shall not refund the Purchase Price to the Bidder but shall instead issue to the Bidder quitclaim deeds to the Subject Properties; and, be it further

RESOLVED, that the Chair of the Legislature and Ulster County Commissioner of Finance are hereby authorized and empowered to take such measures as required by law to refund the Purchase Price for the Subject Properties if the Court does not render its decision prior to the adoption of this resolution, or to issue quitclaim deeds conveying the County's interest in the Subject Properties to the Bidder if a Court decision is rendered in favor of Ulster County prior to the adoption of this resolution,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

Postponed in Committee: Ways and Means for one week on November 9, 2022

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Passed Committee: Ways and Means on November 15, 2022

FINANCIAL IMPACT:

\$397,969.73 - 2022 REFUND OF AUCTION SALE

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 15th Day of November in the year Two Thousand Twenty-Two, 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 18th Day of November in the year Two Thousand Twenty-Two.

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

Submitted to the County Executive this
18th Day of November 2022.

Approved by the Acting County Executive this
22nd Day of November 2022.

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

s/ Johanna Contreras
Johanna Contreras, Acting County Executive