

**Authorizing The County Treasurer To Accept And/Or Reject Bids For Purchase And Refund On Parcels Of County Owned Property At The April 12, 2005 Public Auction**

The Ways and Means Committee (Chairman Lomita and Legislators Bartels, Berardi, Gregorius, Provenzano, Zimet, Cummings, Gerentine and Noonan) offers the following:

WHEREAS, the County Treasurer has requested permission to accept and reject bids from various individuals for parcels of County owned property as hereinafter described which were acquired by reason on non-payment of taxes at the April 12, 2005 Public Auction, and

WHEREAS, Mark Delacorte, has bid on certain real property acquired by the County by reason of non-payment of taxes in the Town of Lloyd, identified as SBL No. 79.2-2-1, and

WHEREAS, Mark Delacorte, the prospective buyer, has signed a document, dated January 16, 2006, setting forth his promise to grant the New York State Department of Environmental Conservation an option to purchase a portion of the premises herein, and

WHEREAS, the New York State Department of Environmental Conservation, in a letter dated February 24, 2006, from William Rudge, DEC Natural Resources Supervisor, to the Ulster County Treasurer, has indicated an interest in acquiring a portion of the premises from the prospective buyer, and

WHEREAS, while the County of Ulster is desirous of conveying this real property to the prospective buyer based upon the promises set forth in the above referenced statement of the prospective buyer and the letter of interest of the New York Department of Environmental Conservation, the County does not intend to nor will it be or become a party to any agreement between the prospective buyer and the New York State Department of Environmental Conservation now or in the future should the County accept the bid of the prospective buyer, and

WHEREAS, the Ulster County Legislature recognizes the unique value of this parcel and encourages the sale of this parcel at "fair market value" to the New York State Department of Environmental Conservation, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

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RESOLVED, that the Ulster County Treasurer is authorized to accept and/or reject payments as follows:

<u>TOWN</u>	<u>PARCEL</u>	<u>DEED TO</u>	<u>AMOUNT</u>	<u>STATUS</u>
Lloyd	17	Delacorte, Mark	\$93,400.00	Accept
SBL#: 79.2-2-1		172 New Salem		
Unpaid taxes: \$93,384.25		Kingston, NY 12401		

**Property accepted by the buyer pursuant to the terms outlined in the letter from the NYSDEC dated 2/24/06.**

FURTHER RESOLVED, that in accepting the bid herein, the County of Ulster does so solely pursuant to the powers vested in it under Real Property Law of the State of New York to transfer the property for non-payment of taxes to the bidder herein and shall not become a party to, nor shall it be required to enforce any agreement, option, promises, contract or understanding between the buyer and the New York State Department of Conservation or any other entity or individual, and

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

FURTHER RESOLVED, that the buyer shall further agree, in writing, that he shall assume the defense of Ulster County and its officers and employees in all legal actions and proceedings or claim proceedings arising out of, in connection with, or incident to this transaction and shall pay all defense expenses, including reasonable attorneys' fees, expert fees and costs incurred by Ulster County on account of such litigation 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

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FURTHER RESOLVED, that upon receipt of such payment with respect to these parcels 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 buyer making payment, a Quitclaim Deed conveying 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 any defects in title conveyed for any cause whatsoever, or that no claim or demand of any nature shall ever be made against the County of Ulster, arising from such sale or any proceedings leading thereto,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

FINANCIAL IMPACT:  
NONE

0415

**REFERRED BACK TO COMMITTEE**