

Authorizing The Ulster County Commissioner of Finance To Assign Rights On A Parcel Of Property Previously Offered At Public Auction

The Budget & Finance Committee (Chairman Gerentine and Legislators Bernardo, Frey, Hansut, Harris, Maio, Maloney, Gregorius, Lomita, Provenzano and Sheeley) 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 has requested permission to accept a bid for a parcel of property (the "Parcel"), which was previously offered at public auction on April 21, 2010 (Parcel # 99), and

WHEREAS, the taxes due date back to 2007, and the Parcel, located in the Town of Wawarsing, is .50 of an acre in size, listed as a gas station, and identified as tax map number 76.13-7-13, and

WHEREAS, the Parcel was withdrawn from the most recent tax foreclosure, because it was determined that it could be a liability for the County to own, and

WHEREAS, a prospective purchaser now wishes to acquire the Parcel despite knowledge of its condition, and

WHEREAS, the County is owed \$10,458.03 for non-payment of taxes on the Parcel, and

WHEREAS, the prospective purchaser has bid \$2,500.00 for the Parcel, which falls within the upset price range as determined by the Real Property Tax Service Agency, and

WHEREAS, this action constitutes a Type II action under section 4.1.5 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List, which was adopted by Resolution No. 118 on April 20, 2010, and

WHEREAS, as per section 3 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, and

WHEREAS, the Budget and Finance Committee has met and reviewed said request with a majority of its members voting approval, now, therefore, be it

Resolution No. 157 June 15, 2010

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RESOLVED, that the Ulster County Legislature hereby consents to the reinstatement of the Parcel in the tax foreclosure proceeding and to its conveyance directly from the County Commissioner of Finance to the prospective purchaser, Asad Mufti, for \$2,500.00, and to the amendment of the judgment of foreclosure to include the Parcel and to authorize and direct its assignment by the Ulster County Commissioner of Finance, and, be it further

RESOLVED, that the Ulster County Commissioner of Finance is authorized to accept payment as follows:

<u>PREVIOUS OWNER</u>	<u>TOWN</u>	<u>BIDDER</u>	<u>BID AMOUNT</u>
Potari, Jozsef SBL#: 76.13-7-13 Parcel # 99 2010 Public Auction	Wawarsing	Asad Mufti 2 E. Croton Dr. Carmel, NY 10512	\$2,500.00

and, be it further

RESOLVED, that authorization to accept the bid of the prospective purchaser is conditioned upon the prospective purchaser 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 of whatsoever kind or nature arising out of, in connection with, or incident to the acceptance of his bid, the transfer of the Parcel, and/or the Parcel itself, and, be it further

RESOLVED, that the prospective purchaser shall agree in writing that he shall assume the defense of Ulster County and its officers and employees in all legal actions and proceedings and/or claim proceedings arising out of, in connection with, or incident to this transaction and shall pay all defense expenses, including reasonable attorney(s) fees, expert(s) fees, and costs 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, and, be it further

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RESOLVED, that upon receipt of such payment with respect to this Parcel and upon execution of the hold harmless agreement specified herein, the Chairman of the Ulster County Legislature is hereby authorized and directed to make, execute and deliver to said buyer making payment, a quitclaim deed assigning without recourse the interest of the County in the Parcel, which quitclaim deed shall contain the covenant that the County of Ulster shall in no event be or become liable for defects in title so conveyed for any cause whatsoever, and/or that no claim or demand of any nature shall ever be made against the County of Ulster arising from such sale, conveyance, or any proceedings leading thereto, and, be it further

RESOLVED, that this action constitutes a Type II action under section 4.1.5 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List, and, as per section 3 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,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 1
(NOES: Legislator Zimet)
(Absent: Legislators Belfiglio and Roberts)

FINANCIAL IMPACT:
NONE

UNPAID TAXES: \$10,458.03

0609

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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 15th day of June, 2010, 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 17th Day of June in the year Two Thousand and Ten.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Submitted to the County Executive this

17th Day of June, 2010.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Approved by the County Executive this

24th Day of June, 2010.

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