

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

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

WHEREAS, the Ulster County Commissioner of Finance has requested permission to accept a bid for a parcel of property hereinafter described, and which has previously been offered at Public Auction (Parcel # 125, April 22, 2009 – the “Parcel”), and

WHEREAS, the taxes due date back to 2006, and the Parcel, located in the Town of Wawarsing, is 10.50 acres in size, is zoned residential, and is identified as tax map number 81.4-1-9, and

WHEREAS, the Parcel has environmental hazards due to an oil spill, and

WHEREAS, it is felt that the Parcel could be a liability for the County to own, and

WHEREAS, prospective purchasers now wish to acquire this Parcel despite knowledge of the condition, and

WHEREAS, the County is owed \$19,891.30, for this Parcel # 125 by reason of non-payment of taxes, and

WHEREAS, the Parcel was withdrawn from the most recent tax foreclosure since it was felt that it could be a liability for the County to own, and

WHEREAS, based upon the examination of the Ulster County Legislature, and pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA), it has been determined that the following transaction constitutes a Type II action as defined under 6 NYCRR 617.5(c)(20) and (27) and does not require any determination or procedure under SEQRA, and

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

RESOLVED, that the Ulster County Legislature hereby consents to the reinstatement of the foregoing Parcel in the tax foreclosure proceeding and to its conveyance directly from the Ulster County Commissioner of Finance to the prospective purchasers, Howard J. Pickell and Nordeen A. Pickell, for \$19,831.30,

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and, to the amendment of the judgment of foreclosure to include such Parcel, and to authorize and direct such assignment by the Ulster County Commissioner of Finance, and, it is further

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

<u>PREVIOUS OWNER</u>	<u>TOWN</u>	<u>BIDDER</u>	<u>BID AMOUNT</u>
Jackson, Keith & Lynda SBL#: 81.4-1-9 Parcel # 125 2009 Public Auction	Wawarsing	Pickell, Howard J. & Nordeen A.	\$19,891.30

and, it is further

RESOLVED, that authorization to accept the bid of the prospective purchasers herein is conditioned upon the prospective purchasers entering into an agreement whereby they 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 their bid herein, the transfer of the subject real property herein, and/or the subject real property itself, and, it is further

RESOLVED, that the prospective purchasers shall further agree, in writing, that they 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, it is further

RESOLVED, that upon receipt of such payment with respect to this Parcel and upon execution of said hold harmless agreement as specified herein, the Chairman of the Ulster County Legislature is hereby authorized and directed to make, execute and deliver to said purchasers making payment, a Quitclaim deed assigning without recourse 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

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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 moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 29 NOES: 0
(Absent: Legislators Aiello, Decker, Loughran
and Stoeckeler)

FINANCIAL IMPACT:
NONE
UNPAID TAXES: \$19,891.30

0702

STATE OF NEW YORK
ss:
COUNTY OF ULSTER

This is to certify that I, the undersigned Deputy 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 8th Day of July, 2009, 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 10th Day of July in the year Two Thousand and Nine.

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

Submitted to the County Executive this
10th Day of July, 2009.

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

Approved by the County Executive this
14th Day of July, 2009.

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