

RESOLUTION NO. 178

AUTHORIZING THE CANCELLATION AND CHARGE BACK OF UNENFORCEABLE DELINQUENT REAL PROPERTY TAX LIENS ON VARIOUS PARCELS

Introduced: 5/12/14

By Audit and Finance Committee:

WHEREAS, The Commissioner of the Department of Management and Budget in his capacity as Enforcing Officer ("Enforcing Officer") has indicated he has been advised by the County Department of Law that the following delinquent real property tax liens ("delinquent tax liens") returned to the Albany County Tax District ("Tax District") for enforcement have been rendered permanently unenforceable by reason of an Order issued on March 26, 2012 by U.S. Bankruptcy Court in the Cibro Petroleum Products, Inc. bankruptcy proceeding:

<u>Parcel Address and Location</u>	<u>Tax Map No.</u>	<u>Tax Lien Year(s)</u>	<u>Amount Made Whole</u>
"Port of Albany" Albany Port District City of Albany	87.14-2-7	2007 School Tax lien	\$115,539.19
"Port Road" Albany Port District City of Albany	87.10-3-2	1996-2007 School 1996-2007 Property	\$291.87 \$540.60
"Rear 720-900 So Pearl Street" Albany Port District City of Albany	87.10-3-1	2007 School Tax lien 2007 Property Tax lien	\$1,179.73 \$636.09
"Port Road" Albany Port District Town of Bethlehem	87.03-3-2	1996-2007 School Tax 1996-2007 Property Tax	\$112,317.33 \$33,597.88

,and

WHEREAS, Under the circumstances, pursuant to Real Property Tax Law ("RPTL") Sec. 1140 (subd. 4): (1) the Tax District is required to direct the cancellation of said delinquent tax liens; (2) the Tax District is not required to credit or otherwise guarantee to any municipal corporation said delinquent tax liens to the extent they have been so cancelled; and, (3) upon their cancellation the Tax District may charge back to each municipal corporation made whole in connection with said

cancelled delinquent tax liens the amount received by or credited to it by the Tax District for said purpose, and

WHEREAS, The Enforcing Officer has further indicated that he has been advised by the Department of Law that the three year time limitation for use of the ordinary RPTL Sec. 554 "correction of errors" process to cancel and charge back said unenforceable delinquent tax liens on behalf of the Tax District has expired and therefore cannot be used by him for this purpose, and

WHEREAS, The Enforcing Officer has further indicated he has further been advised by the Department of Law that pursuant to Real Property Tax Law Sec. 1138 (subd. 6) the County Legislature in its capacity as the governing body of the Tax District is authorized to without time limitation cancel and charge back all amounts credited or guaranteed by the Tax District to any municipal corporation in connection with delinquent tax liens which been withdrawn from foreclosure by that body as being as a practical matter unenforceable, and

WHEREAS, The Tax District Enforcing Officer has pursuant to RPTL Sec. 1138 (subds. 1 (a), 2 and 6) duly issued and filed with the County Clerk and the Clerk of the County Legislature as governing body of the Tax District Certificates of Withdrawal of the parcels of real property subject of the abovesaid delinquent tax liens from the "In Rem" foreclosure proceedings brought against said parcels by the Tax District as having a legal impediment to their enforcement by reason of said Order in said bankruptcy proceeding, now, therefore be it

RESOLVED, By the Albany County Legislature that pursuant to RPTL Sec. 1140 (subds. 4 and RPTL Sec. 1138 (subd. 6 (b))) the abovesaid delinquent tax liens are hereby cancelled and the Enforcing Officer is hereby directed to issue within 10 business days after the adoption of this Resolution and file with the County Clerk Certificates of Cancellation of said delinquent tax liens, and, be it further

RESOLVED, That following the filing of said Certificates of Cancellation the Enforcing Officer is pursuant to RPTL Sec. 1140 (subds. 4 and RPTL Sec. 1138 (subd. 6 (b))) hereby authorized and directed to charge back to each municipal corporation made whole in connection with the said delinquent tax liens the amount received by or credited to it by the Tax District for said purpose, and, be it further

RESOLVED, That the Clerk of the County Legislature is hereby directed to file a copy of this Resolution with the Enforcing Officer and to forward certified copies thereof to the other appropriate County Officials.

Adopted by unanimous vote. 5/12/14