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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 22, 2015

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

**RE: Sale of Tax Certificates
S.B.L. # 113.29-4-24, 83 Roland Street, Cheektowaga NY**

Dear Honorable Members:

Please find attached a resolution and accompanying memorandum approving the sale of Tax Certificates for S.B.L. # 113.29-4-24, 83 Roland Street, Cheektowaga, New York to the Buffalo Erie Niagara Land Improvement Corporation.

Should your Honorable Body require further information, I encourage you to contact the Department of Real Property Tax Services. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP
Enclosure

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Real Property Tax Services
Re: Sale of Tax Certificates - S.B.L. 113.29-4-24, 83 Roland Street, Cheektowaga NY
Date: May 22, 2015

SUMMARY

The Buffalo Erie Niagara Land Improvement Corporation wishes to acquire the tax certificates of S.B.L. 113.29-4-24, 83 Roland Street, Cheektowaga NY, in an effort to conduct its own foreclosure and acquire title to the subject property through the tax deed sale procedure established by the Erie County Tax Act.

FISCAL IMPLICATIONS

Positive. Through this process, it is expected that the parcel will be returned to the tax rolls.

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

Unpaid tax certificates, held by the County for 2008 through 2012 will be transferred for \$1.00 consideration to BENLIC. The County will no longer make the municipality whole for taxes which the County is unlikely to collect due to the condition of the property. The eventual return of the property to the tax rolls will bring actual tax revenue. Stabilizing distressed property may lead to sustained or increased property value on neighboring properties, thus strengthening the tax base.

The assignment will lead to an effort by the Buffalo Erie Niagara Land Improvement Corporation to conduct its own foreclosure and acquire title to the subject property through the tax deed sale procedure established by the Erie County Tax Act.

CONSEQUENCES OF NEGATIVE ACTION

The property's tax delinquencies will remain unpaid, the property will remain distressed, vacant and/or abandoned. The County would incur the costs of completing a foreclosure on the property. The County will continue to make the municipality whole on the municipal taxes levied on the property.

STEPS FOLLOWING APPROVAL

Upon payment of \$1.00 for the property's delinquent tax certificates for tax years 2008-2012, for S.B.L. # .29-4-24, 83 Roland St, Cheektowaga NY, the Director of Real Property Tax Services will execute and deliver an assignment of Erie County's tax sale certificates for said years. The Director of Real Property Tax Services will enter into an agreement with the Buffalo Erie
Comm. 11-E-17
Page 2 of 4

Niagara Land Improvement Corporation which outline the obligations of the Land bank and the expected repayment, if any, of the County taxes which were the basis for the tax certificates.

Following the foreclosure, the Buffalo Erie Niagara Land Improvement Corporation will acquire title pursuant to Article 16 of the New York Not-for-Profit Corporation Law. After which the Land Bank will cause to rehabilitate and/or sell the property pursuant to its property disposition guidelines. The Land bank shall reimburse the County such amounts in accordance with agreement consistent with the Property Tax and Maintenance/Foreclosure Cost Recapture Policy in place at the time of closing.

**A RESOLUTION SUBMITTED BY:
REAL PROPERTY TAX SERVICES**

RE: Sale of Tax Certificates - S.B.L. # 113.29-4-24, 83 Roland Street, Cheektowaga NY.

WHEREAS, real property known as S.B.L. # 113.29-4-24, 83 Roland Street, Cheektowaga NY has unpaid tax certificates held by the County of Erie; and

WHEREAS, the Buffalo Erie Niagara Land Improvement Corporation (hereinafter "BENLIC") wishes to acquire the tax certificates in an effort to conduct its own foreclosure and acquire title in the name of the Land Bank to the subject property through the tax lien foreclosure procedure established by the Erie County Tax Act; and

WHEREAS, it is the mission of the Buffalo Erie Niagara Land Improvement Corporation to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, real property known as: S.B.L. # 113.29-4-24, 83 Roland Street, Cheektowaga NY, is distressed, vacant, or abandoned, and is tax-delinquent.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to sell the tax certificates on S.B.L. # 113.29-4-24, 83 Roland Street, Cheektowaga NY for the years 2008 through 2012 to the Buffalo Erie Niagara Land Improvement Corporation for \$1.00 in accord with the provisions of the Erie County Tax Act; and be it further

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into an agreement with the Buffalo Erie Niagara Land Improvement Corporation which outline the obligations of BENLIC and the expected repayment, if any, of the County taxes which were the basis for the tax certificates consistent with Property Tax and Maintenance/Foreclosure Cost Recapture Policy in place at the time of closing; and be it further

RESOLVED, that, in the event that BENLIC is the successful bidder at the judicial foreclosure auction, pursuant to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes necessary to satisfy the requirements of Article 13 of the New York Real Property Actions and Proceedings Law and execute a Referee's Deed conveying the property to BENLIC; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Director of Real Property Tax Services, Budget Director and the Buffalo Erie Niagara Land Improvement Corporation.