

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR RATH**

RE: Foreclosure Sale of 1815 Eggert Road

WHEREAS, the premises at 1815 Eggert Road in the Town of Amherst was previously used as a dry cleaning business and a gasoline station; and

WHEREAS, because of the materials used in these businesses, there is evidence that the site is a Brownfield Site needing remediation; and

WHEREAS, the parcel has been abandoned for several years and property taxes have not been paid on the property since 2005; and

WHEREAS, the property could best serve the community by being put to productive use and returning to the tax rolls; and

WHEREAS, there may be some trepidation by Erie County to offer the parcel for sale at foreclosure, because it does not want to become liable for the cost of cleanup of the site or other possible legal liabilities; and

WHEREAS, New York State Environmental Conservation Law §56-0508 allows counties to petition the court for an order granting a taxing district temporary incidents of ownership for a parcel for the sole purposes of conducting an environmental restoration investigation project and securing funding to restore the property; and

WHEREAS, the law also protects the county from liability for damages, past, present and future, from any release of any hazardous material, substance or contaminant into the air, ground or water.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that representatives from the County Attorney's office and the Director of Real Property Tax Services attend an upcoming Finance & Management Committee meeting to discuss the necessary steps to foreclose upon 1815 Eggert Road, recover unpaid taxes and return the property to productive use; and be it further

RESOLVED, that copies of this resolution be forwarded to County Attorney Michael Siragusa and Director of Real Property Tax Services Joseph Maciejewski.

Fiscal Impact: None.