County of Albany

Harold L. Joyce
Albany County Office Building
112 State Street - Albany, NY 12207



Meeting Agenda

Monday, March 11, 2024 6:00 PM

William J. Conboy II Legislative Chambers
Albany County Courthouse

Audit and Finance Committee

CURRENT BUSINESS:

1. AUTHORIZING THE RELEASE OF RIGHT OF REVERTER AND RE-ENTRY OF TITLE TO 43 MYRTLE AVENUE IN THE CITY OF ALBANY



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY OFFICE OF THE EXECUTIVE 112 STATE STREET ALBANY, NEW YORK 12207-2021 (518) 447-7040 - FAX (518) 447-5589 WWW.ALBANYCOUNTY.COM

MICHAEL P. MCLAUGHLIN, JR.
DEPUTY COUNTY EXECUTIVE

March, 4th, 2024

Honorable Joanne Cunningham Chair, Albany County Legislature 112 State St., Rm. 710 Albany, NY 12207

Dear Chairwoman Cunningham,

Legislative authorization is requested to release the Right of Reverter as stated in the deed enclosed as part of this submission for the property located at 43 Myrtle Avenue in the City of Albany.

If you have any questions regarding this request, I can make myself available at your earliest convenience.

Thank you for your consideration.

Sincerley,

Daniel P. McCoy

Albany County Executive

Daniel P. M = Coy

cc: Hon. Dennis Feeney, Majority Leader Hon. Frank Mauriello, Minority Leader Rebekah Kennedy, Majority Counsel Arnis Zilgme, Minority Counsel



County of Albany

Harold L. Joyce Albany County Office Building 112 State Street - Albany, NY 12207

Legislation Text

File #: TMP-5178, Version: 1				
REQUEST FOR LEGISLATIVE ACTION	ON			
Description (e.g., Contract Authoriz Requesting Legislative Action to autho	cation for Information Services): orize the Release of Right of Reverter at 43 Myrtle Avenue			
Date:	Patrick Curran			
Submitted By:	2/14/2024			
Department:	CEO			
Title:	Policy Analyst			
Phone:	518-447-5639			
Department Rep.				
Attending Meeting:	Click or tap here to enter text.			
Purpose of Request:				
☐ Adopting of Local Law				
☐ Amendment of Prior Legislation				
☐ Approval/Adoption of Plan/Procedu	re			
□ Bond Approval				
☐ Budget Amendment				
☐ Contract Authorization				
☐ Countywide Services				
☐ Environmental Impact/SEQR				
☐ Home Rule Request				
☐ Property Conveyance				
☑ Other: (state if not listed)	Release of reverter			
CONCERNING BUDGET AMENDME	NTS			
Increase/decrease category (choos ☐ Contractual ☐ Equipment ☐ Fringe ☐ Personnel	e all that apply):			

File #: TMP-5178, Version: 1					
☐ Personnel Non-Individual ☐ Revenue					
Increase Account/Line No.: Source of Funds: Title Change:	Click or tap here to enter text. Click or tap here to enter text. Click or tap here to enter text.				
CONCERNING CONTRACT AUTHORIZATIONS					
Type of Contract: ☐ Change Order/Contract Amendment ☐ Purchase (Equipment/Supplies) ☐ Lease (Equipment/Supplies) ☐ Requirements ☐ Professional Services ☐ Education/Training ☐ Grant ☐ Choose an item. ☐ Submission Date Deadline Click of Settlement of a Claim	or tap to enter a date.				
☐ Settlement of a Claim☐ Release of Liability☐ Other: (state if not listed)	Click or tap here to enter text.				
Contract Terms/Conditions:					
Party (Name/address): Click or tap here to enter text.					
Additional Parties (Names/addresses): Click or tap here to enter text.					
Amount/Raise Schedule/Fee: Scope of Services:	Click or tap here to enter text. Click or tap here to enter text.				
Bond Res. No.: Date of Adoption:	Click or tap here to enter text. Click or tap here to enter text.				
CONCERNING ALL REQUESTS					
Mandated Program/Service: If Mandated Cite Authority:	Yes □ No ☒ Click or tap here to enter text.				
Is there a Fiscal Impact: Anticipated in Current Budget:	Yes □ No ⊠ Yes □ No ⊠				

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File #: TMP-5178, Version: 1

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text. Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text. Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text. State: Click or tap here to enter text. County: Click or tap here to enter text. Local: Click or tap here to enter text.

Original Awarding Agency / Funder:

Click or tap here to enter text.

New York State Pass-Through Agency (if applicable):

Click or tap here to enter text.

Term

Term: (Start and end date)

Click or tap here to enter text.

Click or tap here to enter text.

Impact on Pending Litigation Yes □ No ☒

If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: 264

Date of Adoption: 07/11/2022

<u>Justification</u>: (state briefly why legislative action is requested)

Legislative action is requested to release the reverter located at 43 Myrtle Avenue in the City of Albany. As per this deed, conditions were set allowing the County to release the reverter upon the owner of this property indicating that the property was in good condition. The deed provided indicates that 41 and 43 Myrtle Avenue are both subject to the reverter. 41 Myrtle Avenue was merged into 43 Myrtle Avenue indicated by the image submitted.

Based on the information received, the County Executive's Office has qualified this as sufficient proof that the property is in good condition and is requesting legislative authority to release the reverter to the respective property owner.



DEPARTMENT OF MANGEMENT AND BUDGET

Property Review

PROPERTY INFORMATION

Municipality — City of Albany

Address of Properties -43 Myrtle Avenue

Tax Map Number-76.49-1-87

Property Descriptions- Two Family Residence

Owner Information

R	eh	ec	ca	G	eei
- 1	СЦ	EL	LO	u	CCI

CODE ENFORCEMENT INFORMATION

There are no outstanding violations-Verified through Albany Buildings - Citizen Self Portal 2/15/2024

DELINQUENT TAX INFORMATION

No delinquent taxes-Verified 1/29/2024

COUNTY FORECLOSURE INFORMATION

NA

Signed- 1

ANTHONY DILELLA

Property Manager

DATE---February 15, 2024



** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED REMOTE CSID DURATION PAGES STATUS 15182524623 490 9 Received

To: Page: 1 of 9 2024-01-17 16:43:47 GMT 15182524623 From: J Michael Boxley

FAX COVER SHEET

TO	
COMPANY	
FAXNUMBER	15184475564
FROM	J Michael Boxley
DATE	2024-01-17 16:43:13 GMT
RE	43 Myrtle Albany JMB Esq County Atty Reverter Release.pdf

COVER MESSAGE

Office of the County Attorney Eugenia Condon, County Attorney Harold L. Joyce Albany County Office Building 112 State Street, Room 600 Albany, NY 12207 Via: Fax (518) 447-5564

Hon. County Attorney:

Kindly the attached requesting County release of Reverter language concerning 1984 conveyance.

If you have any questions, please present. Copied hereto, Examining Counsel for Chicago Title.

Thank you for considering.

J. Michael Boxley, Esq.

mboxley@diversestrategiesgroup.com

1980 Western Ave, STE 1A3 Albany, NY 12203

518-461-4230 (Mobile) 1-518-252-4623 (e-Fax) Professional Profile https://diversestrategiesgroup.leapweb.us/

From: J Michael Boxley

To:

J. Michael Baxley, Esa.

1980 Western Ave., STER 1A3 Albany, New York 12203 518-461-4230 (M) 15182524623 (e-Eax)

January 17, 2024

Via Facsimile

Office of the County Attorney Eugenia Condon, County Attorney Harold L. Joyce Albany County Office Building 112 State Street, Room 600 Albany, NY 12207 Via: Fax (518) 447-5564

Re: Geer-Burden & Burden's sale to Bautista 43 Myrtle Ave, Albany, NY 12202

Dear County Attorney:

I am the Attorney for the Burden Family, Owners and Sellers of 43 Myrtle Ave., Albany New York. As referenced in the attached Reverter Deed, in 1984, the County of Albany conveyed the property to prior Owners, with the below reverenced reverter:

> That the party of the second part shall not transfer title to the premises herein for a period of not less than three years following the date of this instrument.

The Title Company's Attached Schedule A shows that the subject property was not conveyed to the Burden Family until 1994, well beyond the 3-year reverter timeframe. The Buyer's Title Company is requesting a Release of the Reverter—

Restriction and Right of Reverter in Deed Liber 2266 at page 464. A Release must be provided and Recorded per Reverter language.

On behalf of Sellers, we respectfully request the Release, for Title to record at the Closing. Thank you for considering.

Very truly yours,

Michael Boxley, Esq.

mboxley@diversestrategiesgroup.com

Rebecca Geer-Burden & Curtis Burden January 17, 2024

Page 2 of 2

JMB/jmb Encl.

CC: Block Longo LaMarca & Brezeinski

To:

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Page 2

second part for the purpose of rehabilitating said premises, whichever shall occur first.

Being Parcels #W-4-19-79 and #W-4-20-79 on List of Delinquent Taxes filed in the Albany County Clerk's Office May 30, 1980 in an action entitled. "In the Matter of Foreclosure of Tax Liens pursuant to Article Flevon, Title Three of the Heal Property Tax Law by County of Albany, New York duly brought in the County Court of Albany County, State of New York by the County of Albany for the foreclosure of certain tax liens on said May 30, 1980.

Said premises being included in deed executed by Robert A. Hammond, Director of Finance of the County of Albany, New York to County of Albany dated November 6, 1980 in Book 2196 of Deeds at Page 657.

Subject to a prorated share of the 1983 State, County and City Taxes payable January 1, 1984. Also subject to a prorated share of the 1983-34 School Tax payable September 1, 1981. Also subject to any street and sewer assessments unpaid or payable to the municipality in which the premises are situated. Also subject to any water and sewer charges unpaid or payable to the municipality in which the premises are situated.

Subject to casements, restrictions, covenants and conditions of record affecting said premises and to such state of facts as an accurate survey would disclose.

This conveyance is made pursuant to Resolution No. 76 of the County Legislature adopted March 12, 1984 authorizing conveyance at Public Auction of certain Darcels of real property acquired by the County of Albany as a result of completion of its In Rem Foreclosure Proceedings.



инт 2266 г. 465

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

To have and to hold the premises herein granted unto the part ica and part, their heirs and assign second part, and ussidur forever.

And the yarty of the first part covenants that it has not done or suffered anything whereby the said premises have been incumbered in any

Thied, That, in Compliance with Sec. 11 of the Lien Law, the grantor—with receive the consideration for this conveyance and will hold the right to receive such consideration as a trust find to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose,

In Winess Whereof, the party of the first part has caused its corporate seal to be hereunto uffixed, and these presents to be signed by its duly authorized officer this duy of spril Nineteen Hundred and Eighty-four

COUNTY OF ALBANY

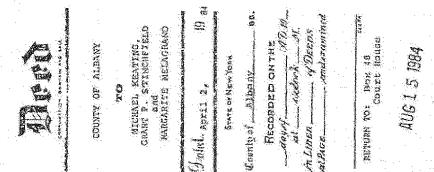
DIRECTOR OF FIGARCE

State of New York County of Albany - 1st before me personally come -) ss - Aincieca Humbred and Lighty-four

Cathy Brower Compors

to me personally known, who, bring by me duly sworn, did depose and say that 5 he resides in 18 Sturbridge Court, Voorhaesville, My that 8 he is the Director of Finance "Alberty Court the within Instrument: that 8 he is the conjunction described in, and which the world the within Instrument: thus he knows the seal of said corporation; that the seal affixed to said furtument is such corporation; and that it was so affixed by arder of the Bourd of Directors of said corporation; and that, she signed her name thereto by like order.

PROPERTY OF THE PARTY OF THE PA



To:



NATIONAL LEGAL SUPPLY INC

MINKE

April Mineteen flundered and Eighty-four COUNTY OF ALBANY Bettern

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day of

Sunicipal afearparation arganized under the laws of the State of New York

unta 2206 m. 464

of the City and County of Albany, State of New York, known, numbered and designated on the 1978 Assessment Roll of the City of Albany, County of Albany and State of New York as follows:

Ward 4. City of Albany, County of Albany, Alleged Owner: Freddie Lee Roung, described as follows: Street No. 41 Myrtle Ave., Lot No., Side - South between So. Swan and Dove St., bounded by lands now or formerly of: Korth - Bleecker Pl., South - Myrtle Ave., East - Gueller

Ward 4, City of Albany, County of Albany, Alleged Owner: Franklin Young, described as follows: Street No. 12 Myrtin Ave., Lot No., Side - North between Philip and Eagle Sts., bounded by Lands now or tormerly CI: North - Bleecker Pl., South - Myrtle Ave., East - Young, Wast - Language Dimensions West - Lemnon; Dimensions -.

SUBJECT, however, to the following conditions, covenants and restrictions, to which the party of the second part does hereby agree and which small run with the land and be binding on the party of the second past and his assigns, to wit:

That the party of the second part shall not transfer title to the premises herein conveyed for a period of not less than three years following the date of this instrument.

To have and to hold the premises herein granted unto the party of the second part, their beirs and assigns forever, upon the express condition that the party of the second part shall within eighteen (18) months of the date of this conveyance rehabilitate, or cause to be rehabilitated, to a condition satisfactory to the party of the first part, the premises herein conveyed and any and all structures situated thereon. In the event rehabilitation satisfactory to the party of the first part is not completed within said eighteen [12] months, then thereon. In the event rehabilitation satisfactory to the party of the first part is not completed within said eighteen (12) months, then title to eaid premises shall revert to the party of the first part, and the party of the first part may re-enter upon said premises and regain title thereto. The aforesaid reverter and right of re-entry shall terminate by the issuance of a release thereof by the party of the first part upon the issuance of a certification of compliance from the party of the first part indicating that the rehabilitation satisfactory to the party of the first part has been completed or upon the recording of a building and loan rehabilitation mortgage in satisfactory to toe party of the first part has been completed or upon the recording of a building and loan rehabilitation mortgage in an amount acceptable to the party of the first part from a gewernment at agency or accredited lending institution to the party of the .

With Jacidin const. Information - See Page 2)

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BLOCK, LONGO, LAMARCA & BRZEZINSKI as Examining Counsel for CHICAGO TITLE INSURANCE COMPANY

SCHEDULE A

Effective Date: December 22, 2023		Title No	: CT23-53228
Recertified Date:			
Recertified By:			e e e e e e e e e e e e e e e e e e e
Policy and/or Policies to be issued:			
ALTA Owners Policy (06/17/06)			\$250,000.00
Proposed Insured: Massiel Bautista			
ALTA Loan Policy (06/17/06)			\$241,250.00
Proposed Insured: United Mortgage Corp., its successappear.	sors and/or assigns as the	ir respective intere	ests may
The Estate or interest in the land described or referred to in t	his Certificate and covered h	ierein is:	5. 1∰
Fee Simple			
Rebecca R. Geer and Curtis E. Burden by virtue of a deed from the profice at c/o Michael Keating, dated November 1, 1994 and research in Liber 2521 at page 906. Rebecca R. Geer and Curtis E. Burden by virtue of a deed from Melagrano c/o Restoric Corp. dated November 1, 1994 and not 1994 in Liber 2521 at page 908.	ecorded in the Albany County om Michael Keating, Grant P	y Clerk's Office on N 2. Stinchfield and Ma	November 2,
Title Recertified in:		·	
The land referred to in this certificate is described as follows:			
	EGAL DESCRIPTION DULE A-		
Premises described in Schedule A are known as:		* .	
Address: 43 Myrtle Avenue, Albany, NY 12202 County: Albany		· .	
District: Section: 76.49	Block: 1	Lot(s): 87	
THIS REPORT IS NOT A TITLE INSURANCE POLICY! PLITHE REPORT MAY SET FORTH EXCLUSIONS UNDER T LIENS, DEFECTS AND ENCUMBRANCES AFFECTING TIT	HE TITLE INSURANCE PO	DLICY AND MAY N	OT LIST ALL

INFORMATION CAREFULLY.

For any title clearance questions on this report please call: 518.313.7111

CLOSING REQUIREMENTS

(Continued)

- NOTE: Searches have been run vs. the certified owner(s) herein and proposed purchaser(s) for judgments and federal tax liens. Returns, if any, appear herein.
- NOTE: Patriot searches have been run vs. certified owner(s) herein and proposed purchaser(s),
- NOTE: Bankruptcy searches have been run vs. the certified owner(s) herein and proposed purchaser(s). Returns,
 if any, appear herein.
- Company must be provided with a copy of Proposed Deed prior to closing.
- If seller is a non-resident of New York State, Form IT-2663 must be fully completed and provided at closing with any funds due.
- Restriction and Right of Reverter in Deed Liber 2266 at page 464. A Release must be provided and Recorded per Reverter language.
- 10. If the credit line mortgage recorded in Liber 6863 of Mortgages at page 173 is to be discharged, current final pay-off figures closing the account must be obtained together with the necessary consents from the mortgager to the mortgagee directing that said loan not be readvanced and is to be discharged of record. If applicable, all remaining checks from EQUITY CHECKING ACCOUNTS must be surrendered at closing.
- 11. The 2024 City Tax is currently due.

Please be advised that Fidelity National Title Group has implemented a rate calculator for your convenience to enable you to calculate your title insurance rates. The website can be access at www.nyrates.fntg.com.